

# Bedwas, Trethomas & Machen Community Council

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Clerk to the Council

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25<sup>th</sup> April 2018

**To All Councillors of Bedwas, Trethomas & Machen Community Council.**

You are summoned to attend the Annual meeting of BEDWAS, TRETTHOMAS & MACHEN COMMUNITY COUNCIL to be held in the Council Chamber, Bedwas on **THURSDAY** 3rd May 2018 at 6.30pm.

The usual Committee Meetings will follow directly afterwards.

Members and their partners are invited to join the new Chair of Council for refreshments following the meeting.

Yours sincerely



Jolene Dalton  
Clerk

## Annual Meeting 2018

### AGENDA

1. Apologies for absence.
2. To elect the Chairman of the Council for the year 2018 – 2019.
3. To elect the Vice-Chairman of the Council for the year 2018 – 2019.
4. To receive and approve the Standing Orders / Financial Regulations of the Community Council for the year 2018 - 2019.
5. To appoint the following Standing Committees of the Council for the year 2018 – 2019:
  - Finance Committee
  - Planning Committee
  - Police and Road Safety Committee
  - Land and Buildings Committee
  - Environment and Leisure Committee
6. To appoint the Chair and Vice- Chair of the following Standing Committees of the Council:
  - Finance Committee
  - Planning Committee
  - Police and Road Safety Committee
  - Land and Buildings Committee
  - Environment and Leisure Committee
7. **Terms of Reference**  
To approve the Terms of reference for the Finance, Planning and Environment and Leisure Committee, and consider if any amendments are needed to the Hall Maintenance Procedure.
8. **Grant Application Forms for 2018/19**  
  
To approve, subject to amendments the Grant Application Form for 2018/19
9. **Code of Conduct for 2018/19**  
  
To adopt the model code of conduct for 2018/19.
10. **Membership of One Voice Wales, Society of Local Clerks and the Joint Liaison Committee CCBC/ Community Councils**

To determine if the annual membership should be renewed for 2018-19

\*\*Members are reminded that Membership of One Voice Wales has not been included in the budget for 2018/19

**11. To appoint representatives of the Council to the following bodies:**

**One Voice Wales Association of Community and Town Councils**

2 representatives. \*depending on the decision taken at item 8

**Joint Liaison Committee C.C.B.C. / Community Councils**

2 representatives

**Police Liaison Committee**

1 representative + substitute

**Workmen's Hall Management Committee**

7 representatives

**Appointment of Press Officer**

To appoint a press officer for the municipal year 2018 - 2019

**Scrutiny Group**

5 members (three shall constitute a quorum)

**Employment Liaison Panel**

5 Representatives

**12. Dates of meetings**

To confirm the schedule of Council meetings for 2018-19 as  
7<sup>th</sup> June, 5<sup>th</sup> July, 6<sup>th</sup> September, 4<sup>th</sup> October, 1<sup>st</sup> November, 6<sup>th</sup> December,  
10<sup>th</sup> January, 7<sup>st</sup> February, 7<sup>th</sup> March, 4<sup>th</sup> April

**13. Chairman's Allowance 2018 – 2019**

To confirm the Chairman's Allowance for the year 2018 – 2019.

**14. Payments to Members of the Community Council**

To consider if payments, up to a maximum of £150 should be paid to all Members of BTM Community Council.

**15. Direct Debit or BACS payment**

To confirm that utility bills, cleaning costs, salary payments, HMRC and other bills can be made by the Clerk subject to a satisfactory invoice being presented.

**16. Bank Signatories 2018 – 2019**

To confirm the Community Council's Bank Signatories for the Municipal Year 2018 – 2019



# **BEDWAS, TRETTHOMAS AND MACHEN COMMUNITY COUNCIL**

## **STANDING ORDERS 2018/2019**

These Standing Orders are made by Bedwas, Trethomas and Machen Community Council (hereinafter referred to as "the Council") for the regulation of the Council's business, pursuant to Paragraph 42 of Schedule 12 of the Local Government Act 1972, and with respect to the making of contracts, in accordance with the terms of Section 135 of that Act. It is not to be construed that their effect derogates any statutory requirements or the effects of relevant case law.

The Standing Orders printed in a **bold** typeface below reflect a selection of the many relevant mandatory statutory requirements, and associated case law, applicable to Welsh Community and Town Councils and, as such, they are generally incapable of suspension by resolution. However, it should be understood that they do not comprehensively encompass all statutory provisions relating thereto.

### **MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- 1. In a year which is a year of ordinary elections of Community Councillors, the annual meeting of the Council shall be held on, or within 14 days after, the day on which its Councillors elected at that election take office (viz. on the fourth day thereafter). This means that the annual meeting is required to be held within 4 and 18 days after the date of the election, or as otherwise prescribed by law. In any other year the annual meeting shall be held on such day in May as the Council may determine. It shall be held at 6 p.m. or such hour as the Council may otherwise fix.**
- 2. The Council shall, in every year hold, in addition to the annual meeting, ten other ordinary meetings for the transaction of its business, such meetings being held at monthly intervals on the first Thursday of each month, excluding the month of August.**
- 3. An extraordinary meeting of the Council may be called at any time by the Chairman and, should he/she refuse to call such a meeting after a requisition for that purpose, signed by two members of the Council, has been presented to him/her, or if, without so refusing, he/she does not call an extraordinary meeting within seven days after such a requisition has been presented to him/her, any two members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the Council.**
- 4. A meeting of the Council, or a Committee or Sub-Committee thereof, shall be held at such place, either within or without its area, as the Council, Committee or Sub-Committee may respectively direct, but shall not be held**

**in premises licensed for the sale of intoxicating liquor unless no other suitable room is available either free of charge or at a reasonable cost. Generally, however, meetings of the Council and its Committees or Sub-Committees shall be held at Council's Offices at Bedwas.**

5. **Three clear days at least before a meeting of the Council or a Committee of the Council -**
  - (a) **notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and**
  - (b) **a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the Proper Officer of the Council, shall be left at or sent by post to the usual place of residence of every member of the Council. Otherwise than as referred to elsewhere in these Standing Orders, no decision shall be taken on any matter other than in respect of items of business specified on the summons.**
  
6. **Meetings of the Council and its Committees and Sub-Committees shall be held and conducted strictly in accordance with the requirements of law and these Standing Orders.**

#### **APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES**

7. The Council, for the purpose of discharging any of its functions or advising it on any matter relating thereto, may appoint one or more Committees comprising members of the Council and, if it so wishes, including persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
8. A Committee appointed in accordance with Standing Order 7 above for the purpose of discharging any of the Council's function or advising it on any matter relating thereto, unless the Council otherwise directs, may appoint one or more Sub-Committees comprising members of the Committee and persons who are not members thereof, but the latter shall not be permitted voting rights thereon and shall not be elected to preside thereat.
9. Unless the Council otherwise directs, any Committee appointed in accordance with Standing Order 7 above and any Sub-Committees appointed in accordance with Standing Order 8 above shall respectively appoint its own Chairman.
10. A Committee or Sub-Committee shall report back respectively to the Council or Committee appointing it on its decisions taken in accordance with any functional power delegated to it and/or recommendations/observations on any matter relevant to its terms of reference.

## **ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE CHAIRMAN**

- 11. A Chairman shall, at the Council's annual meeting, be elected from among its members and, unless he/she resigns or becomes disqualified, shall continue in office until his/her successor becomes entitled to act as such (i.e. following his/her successor's election to that office at the next annual meeting of the Council or being elected to fill any casual vacancy for Chairman that may occur sooner).**
- 12. The Chairman shall, at the annual meeting at which he/she is elected or re-elected (or at the meeting at which he/she is elected if filling a casual vacancy in that office), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or of its Proper Officer, and deliver to the Council, a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales and, if he/she fails to do so, his/her office of Chairman shall thereupon become vacant. If present at any meeting of the Council, the Chairman shall preside thereat.**
- 13. The person presiding at the time of election of Chairman shall be disqualified from being a candidate for re-election to that office if he/she continues so to preside. Therefore, a person presiding who is a candidate for election thereto, (e.g. an outgoing Chairman wishing to be re-elected) shall be required to vacate the chair and leave the meeting prior to his/her name being formally proposed as a candidate.**
- 14. In the case of an equality of votes in the election of Chairman, the person presiding at the meeting shall give a casting vote in addition to any other vote he/she may have.**
- 15. A Vice-Chairman shall be appointed annually by the Council from among its members and, should such an appointment be made, shall hold office until immediately after the election of a Chairman at the next annual meeting of the Council, unless he/she should resign or become disqualified beforehand. In the absence of the Chairman at a meeting of the Council, the Vice-Chairman shall preside thereat but in the absence of both Chairman and Vice-Chairman such Councillor as the members of the Council present shall choose, shall preside.**
- 16. The Chairman, Vice-Chairman or Councillor presiding at a meeting of the Council, or a Committee or Sub-Committee thereof, shall be empowered to exercise all the powers and duties of the office of Chairman in relation to the conduct of the meeting, including the right to exercise a second or casting vote, but shall not purport to exercise any of the functional executive powers or responsibilities of, or on behalf of, the Council.**

## **DECLARATION OF ACCEPTANCE OF OFFICE OF COMMUNITY COUNCILLOR**

17. **A person elected or re-elected to the office of Community Councillor shall, before or at the first meeting of the Council after his/her election (or in the case of co-option to that office, at the meeting at which he/she is so co-opted), or if the Council at that meeting so permits, before or at a later meeting fixed by the Council, make in the presence of a member of the Council or the Proper Officer of the Council and deliver to the Council a declaration of acceptance of office in a form prescribed by an Order made by the National Assembly for Wales (incorporating an undertaking by the declarant that, in performing his/her functions, he/she will observe the Council's Code of Conduct for the time being adopted), and if he/she fails to do so his/her office as Community Councillor shall thereupon become vacant.**

## **AGENDAS FOR MEETINGS OF THE COUNCIL AND COMMITTEES AND ORDER OF BUSINESS**

18. Except as otherwise provided by these Standing Orders or by statute, no item of business or motion shall be included in the agenda for a meeting of the Council, or any of its Committees, or discussed thereat, unless it has been placed upon the agenda by the Clerk or by a Member of the Council, subject in the latter case to notice thereof being given to the Clerk in writing not later than seven clear days prior to the date of the meeting. The Clerk shall place upon the agenda for any such meeting all items of business or motions where notice is given as aforesaid.
19. A copy of the agenda shall be sent, for information, to the relevant County Borough Councillors for the area of the Council.
20. Subject to any relevant statutory requirement, and to provisions contained elsewhere in these Standing Orders, including for varying the order of business, the business of any meeting of the Council (other than its annual meeting) shall be transacted in the following order: -
  - (a) To elect a member to preside in the absence of the Chairman and Vice-Chairman .
  - (b) To receive any apology for absence from the meeting of any Councillor and consider acceptance, or otherwise, of the reason, if any, given for such absence.
  - (c) The Member presiding to sign the minutes of the previous meeting.
  - (d) To receive disclosures of personal interest and the nature thereof, in accordance with the requirements of the Council's adopted members' Code of Conduct.
  - (e) To examine and, where possible, determine any outstanding minutes.
  - (f) To receive reports of Committees and Sub-Committees appointed by the Council.
  - (g) To receive listed communications and, where appropriate, make decisions thereon.
  - (h) To consider items of business placed upon the agenda by the Clerk and (subject to requisite notice being given in accordance with the requirement of



Standing Order 18 above), items of business placed thereon by members of the Council, in such order as the Clerk may deem to be most appropriate.

- (i) To consider and approve accounts for payment.
- (j) To determine or confirm the date of the next ordinary meeting of the Council.

21. At the annual meeting of the Council, in addition, the following business shall also be transacted in the following order: -

- (a) Election of Chairman
- (b) Appointment of Vice-Chairman
- (c) Appointment or re-appointment of any standing Committees, Sub-Committees and Working Groups.
- (d) Appointment or re-appointment of Members to serve on outside bodies.
- (e) Consideration of making grants to voluntary organisations.
- (f) Delegation or renewal thereof of functional power to the Clerk and/or Responsible Financial Officer to act in respect of urgent business arising between meetings of the Council (in consultation with the Chairman and Vice-Chairman )
- (g) Fixing the Chairman's allowance .
- (h) (At an annual meeting immediately following an ordinary election), co-option of members to fill any vacancies remaining unfilled by there being insufficient candidates.

22. Without prejudice to the prescribed order of business, as set out in Standing Orders 20 and 21 above, the business to be transacted at any meeting of the Council may be preceded by supplementary generic items in respect of which no decisions thereat shall be taken but, in appropriate circumstances, may be placed upon the agenda of a later meeting of the Council or a Committee or Sub-Committee thereof for consideration or referred for submission of a report or reports, such items being restricted to: -

- (a) consideration of matters raised at or before the meeting by members of the public present (where it is the policy of the Council to invite such public participation);
- (b) making announcements; and
- (c) receiving reports from members on their attendance at meetings of outside bodies in respect of which they have been appointed to serve thereon as the Council's representatives.

### **NOTICES OF MOTION**

23. Except as provided under Standing Order 28 below, each notice of motion shall be in writing, signed by the member or members of the Council giving the notice, and delivered to the Clerk in accordance with the requirements of Standing Order 18 above. The Clerk shall thereupon date, number in order in which it is received, and enter it in a book, which shall be open to the inspection of every member of the Council.

24. The Clerk shall insert in the summons (agenda) for every meeting of the Council all notices of motion duly given in the order in which they have been received, unless the member giving such notice has, when giving it, intimated in writing that he/she

proposes to move it at some later meeting or subsequently has withdrawn it in writing.

25. If a motion, notice of which is thus specified in the summons (agenda), be not moved, it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
26. Motions for which notice has been duly given, the subject matter of which comes within the delegations or terms of reference of any Committee or Sub-Committee of the Council shall, upon being moved, stand referred without discussion to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine, for consideration and report to the next available meeting of the Council, except that the Council, if it considers it convenient and conducive to the despatch of business, may allow such motion to be dealt with at the meeting at which it is moved.
27. Every notice of motion shall be relevant to some question over which the Council has power, or which affects the Community

### **MOTIONS THAT MAY BE MOVED WITHOUT NOTICE**

28. The following motions may be moved without notice: -
  - (a) To appoint a Chairman to preside at the meeting in the absence of the Chairman and Vice-Chairman
  - (b) In relation to the accuracy of the minutes of the previous meeting.
  - (c) To change the order of business.
  - (d) To proceed to the next business.
  - (e) To close or adjourn the debate on any particular item of business.
  - (f) To refer a matter to a Committee, Sub-Committee or Working Group.
  - (g) To appoint a Committee or Working Group and/or Members to serve thereon.
  - (h) To receive and/or adopt a report.
  - (i) To withdraw a motion.
  - (j) To amend a motion.
  - (k) To exclude the public and press in appropriate circumstances.
  - (l) To adjourn the meeting in the event of disorderly conduct.
  - (m) To suspend the requirements of any Standing Order, except where, by so doing, statutory requirements (i.e. those printed in **bold** print herein) would be purported not to apply.
  - (n) To adjourn the meeting.
  - (o) That the question be now put.
  - (p) In relation to any item of business appearing on the agenda of a meeting.

### **QUESTIONS**

29. A member may ask the Chairman or the Clerk any question relating to the functions or business of the Council, subject to seven clear days written notice thereof being given to the Clerk. Each such question shall be put and answered without discussion and the person to whom the question is put shall only decline to answer that question where it is in the public interest so to do.

## **RULES OF DEBATE**

30. No discussion shall take place upon the minutes, except upon their accuracy. Corrections to the minutes shall be made upon the signing thereof. Proposed corrections thereto shall be submitted to the Clerk in writing prior to the meeting at which the minutes are to be signed.
31. Members shall direct their speeches only to the subject currently under discussion and address the Chairman.
32. In the event of two or more members requiring to speak, the Chairman shall determine the order of speaking.
33. A motion or amendment to a motion, other than in relation to an item of business included on the agenda, shall not be discussed unless it has been formally moved and seconded and, in the case of a motion, unless the required notice thereof has been given in accordance with Standing Order 23 above or is as referred to in Standing Order 28 above.
34. An amendment to a motion shall be only: -
  - (a) to leave out words;
  - (b) to leave out words and insert or add others;
  - (c) to insert or add words,but such omission or insertion of words shall not have the effect of introducing a new proposal into or of negative the motion before the Council.
35. If an amendment be rejected, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
36. The mover of a resolution shall have a right to reply immediately before the motion is put to the vote. Should an amendment be moved, the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A Member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
37. A member may raise a point of order or make a personal explanation but a personal explanation shall be confined to some material part of a former speech by him/her at the same meeting which may have been misunderstood and he/she shall be entitled to be heard forthwith but the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion. Whenever the Chairman rises during a debate, all other members of the Council shall be silent.
38. A motion or amendment may be withdrawn by the mover (with the concurrence of the seconder) and the consent of the Council, which shall be signified without discussion, and it shall not be competent for any member to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

39. When a motion is under debate no other motion shall be moved except the following:-
- (a) To amend the motion.
  - (b) To postpone consideration of the motion.
  - (c) To adjourn the meeting.
  - (d) To adjourn the debate.
  - (e) To proceed to the next business.
  - (f) That the question be now put.
  - (g) That a member be not further heard.
  - (h) That a member leave the meeting.
  - (i) That the subject of debate be referred back to a Committee or Sub-Committee.
  - (j) To exclude the public and press.
40. Without prejudice to the terms of these Standing Orders, or the statutory right of any Member to require the taking of a formal ballot on any matter to be determined by the Council, it shall be in order for decisions to be taken by the Council, or a Committee or Sub-Committee thereof, on the basis of consensus or tacit agreement.

#### **RESCISIONS OF RESOLUTIONS**

41. No motion to rescind any resolution which has been passed within the preceding six months, nor any motion or amendment to the same effect as one which has been negatived within the preceding six months, shall be in order unless the notice thereof shall have been given and specified in the summons to the meeting and the notice shall bear, in addition to the name of the member who proposed the motion, the names of three other members; and when any such motion has been disposed of by the Council it shall not be competent for any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions which are moved by the Chairman or other member of a Committee or Sub-Committee of the Council in pursuance of a recommendation of such Committee or Sub-Committee.

#### **QUORUM**

42. **No business of the Council shall be transacted at a meeting of the Council unless at least one-third of the whole number of members of the Council are present at the meeting but in no case shall the quorum be less than three. A quorum in relation to meetings of this Council shall, therefore, be at least 4 Councillors. Where, however, more than one-third of the members of the Council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members thereof, the quorum of the Council shall be determined by reference to the number of members of the Council remaining qualified instead of by reference to the whole number of members of the Council. So long as there shall be a quorum present at a meeting, it shall be in order for a decision to be taken on, say, a single voter, if nobody votes against. The fact that other Councillors present may**

**be unable to vote, on account of having a personal interest in any particular matter for consideration, shall not affect the situation, the law making no reference to a quorum being calculated by reference only to the number of members entitled to vote.**

43. Should a quorum not be present at a meeting of the Council or should the number of members present fall below that of a quorum, the business not transacted at the meeting shall be transacted at the next ordinary meeting of the Council or at an extraordinary meeting thereof summoned for the purpose of considering it.
44. The quorum of any Committee or Sub-Committee of the Council shall comprise at least 4 members.

### **VOTING**

45. **All questions coming or arising before the Council and its Committees and Sub-Committees shall be decided by a majority of the members present and voting thereon at a properly convened meeting of the Council. The method of voting shall be by show of hands (or, alternatively, by secret ballot where the Council, Committee or Sub-Committee, as the case may be, so decide. However, on the requisition of any member of the Council, the voting on any question shall be recorded so as to show whether each member present and voting did give his/her vote for or against that question. A member shall be entitled to have his/her name recorded in the minutes as voting against a specific matter or as abstaining from voting thereon.**
46. In the event of there being an equality of votes and the member presiding at a meeting of the Council or a Committee or Sub-Committee declining to give a second or casting vote, the relevant motion or amendment thereto shall fall to the ground and the Council, Committee or Sub-Committee, as the case may be, shall proceed to the next item of business; **other than in respect of the election of a Chairman , where the person presiding is required by law to exercise a casting vote.**
47. **In respect of voting where more than two persons have been nominated for a single vacancy (e.g. in respect of an appointment to fill a casual member vacancy, appointment to serve on an outside body or appointment of staff etc.) the successful candidate shall receive an absolute majority vote of those members present and voting, the name of the person having the least number of votes being struck off the list and one or more fresh votes taken until a majority of votes is given in favour of one person.**

### **DISORDERLY CONDUCT**

48. No member shall, at a meeting of the Council or a Committee or Sub-Committee thereof, persistently disregard the ruling of the person presiding thereat, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
49. If, in the opinion of the person presiding thereat, a member has breached the requirements of Standing Order 48 above, any member may move that the member

in question be no longer heard. That motion shall thereupon be put forthwith and without discussion.

50. In the event of such a motion being carried and the Member in question persists in breaching the requirements of Standing Order number 48, the person presiding may suspend the meeting or take such further steps as may reasonably be deemed to be necessary or expedient.

#### **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

51. Canvassing of members, directly or indirectly, for any appointment to be made by the Council shall disqualify the candidate for such appointment and the Clerk shall make known to every candidate for such an appointment the terms of this Standing Order.
52. A member shall not solicit for any person any Council appointment or recommend any person for such appointment or for promotion. The requirements of this Standing Order shall not, however, prevent a member providing a written reference as to a candidate's ability, experience or character for submission to the Council with an application for appointment. Additionally, the terms of this Standing Order shall apply to tenders and quotations as if those persons submitting tenders or quotations were candidates for an appointment.

#### **PUBLIC ACCESS TO MEETINGS, INFORMATION, CONFIDENTIAL BUSINESS AND INSPECTION OF DOCUMENTS**

53. **Any meeting of the Council or of its Committee(s) shall be open to the public. However, the Council or Committee, as the case may be, may by resolution exclude the public and press (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reason stated in the resolution and arising from the nature of that business or of the proceedings, and where such a resolution is passed, the meeting shall not be required to be open to the public during the proceedings to which the resolution applies. The Council or Committee may treat the need to receive or consider recommendations or advice from sources other than members, its Committees or Sub-Committees, as the case may be, as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purpose of the recommendations or advice. While any such meeting is open to the public, the Council or Committee, as the case may be, shall not have power to exclude members of the public therefrom and duly accredited representative of newspapers attending for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report and, unless the meeting is held in premises not belonging to the Council or not on the telephone, for telephoning the report at their own expense. The provision of this Standing Order shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.**

54. This Council shall also adhere to the principles of openness in relation to public access to its meetings and documents, as referred to in Section 100A to K etc. of the Local Government Act 1972 (as inserted therein by the Local Government (Access to Information) Act 1985), as if it were a principal council (i.e. a Welsh County or County Borough Council), insofar as it is possible and practicable so to do in relation to the functions of the Council, particularly in relation to admission of the public to meetings of Sub-Committees and to public access to agendas, reports, minutes and background papers. **The Council shall also strictly comply with and adhere to any present or future requirements affecting it contained in the Freedom of Information Act 2000 and Statutory Instruments made thereunder.**
55. Notwithstanding the principles of openness in the Council's dealings, as referred to in Standing Order 54 above, no member shall disclose to any person not a member of the Council any business declared to be confidential by the Council.
56. A member shall, but only for the purpose of undertaking his/her functions, duties and responsibilities as a Councillor, be entitled to inspect any document in the possession of the Council and, where practicable, shall on request be supplied with a copy thereof for that purpose.

#### **APPOINTMENT OF STAFF**

57. The Council shall/may appoint such officers and other employees as it thinks necessary, including a Clerk, for the proper discharge of its functions. **The terms of appointment or conditions of employment of every such officer or other employee shall be deemed to incorporate the Code of Conduct set out in the Schedule to the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001.**
58. **The Council shall appoint a Responsible Financial Officer** (who will also be its Clerk, **with prescribed duties and responsibilities, to undertake its functions under Section 151 of the Local Government Act 1972 and Regulation 4 of the Accounts and Audit Regulations 1996.**
59. **The Council shall appoint a completely independent internal auditor to undertake the functions prescribed under Regulation 5 of the Accounts and Audit Regulations 1996 and Codes of Audit Practice drawn up in relation thereto by the Audit Commission** and shall give its consideration to any recommendations or observations made by him/her from time to time.
60. **Every appointment of a person to a paid office or employment under the Council shall be made on merit, subject to any relevant statutory exceptions to that requirement and, in order to avoid any possible accusation of bias, employees of the Council shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**

## **CONTRACTS**

61. **Where it is intended to enter into a contract exceeding £1,000 but not exceeding (£10,000) in value or amount for the supply of goods or materials or for the execution of works, the Council's Responsible Financial Officer shall give at least e.g. three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.**
62. **Subject to the requirements of Standing Order number 63 below, where the value of the intended contract exceeds (£10,000) in value or amount, similar notice shall be given in addition in such newspapers circulating in the district as the Council shall direct.**
63. **Where, in the opinion of the Council, the goods, materials or work are of a specialist nature, as an alternative to the requirements of Standing Order 62 above, tenders may be invited from at least three contractors, selected by the Council, specialising in the type of work etc. comprising the contract in question.**
64. **The notice, or invitation to submit a tender, for a contract exceeding (£10,000) in value or amount shall state the general nature of the intended contract and state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person in the ordinary course of post.**
65. **Tenders/quotations received shall be opened by the Responsible Financial Officer, or other person to whom tenders are required to be addressed, in the presence of the Council or Committee/Sub-Committee/Officer to which/whom the power to award the contract may have been delegated.**
66. **The Council is not bound to accept the lowest tender.**
67. **Should no tenders be received or should all the tenders be identical, the Council etc. may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.**
68. **A notice/invitation to tender issued in accordance with the requirements of Standing Orders numbers 61, 62, 63 and 64 above shall contain a statement of the effect of Standing Order number 52 in relation to tenders and quotations.**
62. **No member of the Council shall, in the name of the Council, issue orders, or transmit instructions or directions, unless such orders etc. are specifically authorised by the Council or in accordance with powers properly delegated to a Committee, Sub-Committee or Officer and the requirements of these Standing Orders and the Council's Financial Regulations shall be strictly adhered to in respect thereof.**

## **EXECUTION OF DOCUMENTS**



70. **All relevant documents (e.g. those relating to land transactions etc.) shall be executed under the common seal of the Council (or, should the Council not have a seal, signified by an instrument signed and sealed by two members of the Council, who shall be appointed thereby for that purpose, upon formal authority being given thereto by resolution of the Council.**

#### **PROPER OFFICER**

71. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council, in the following cases that officer shall be its Clerk : -
- (a) To receive and witness declarations of acceptance of office.
  - (b) To receive and retain plans and documents.
  - (c) To sign notices or other documents on behalf of the Council.
  - (d) To receive copies of byelaws made by the relevant County or County Borough Council.
  - (e) To certify copies of byelaws made by the Community Council.
  - (f) To sign summonses to attend meetings of the Council and its Committees/Sub-Committees.

In any other case, the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

#### **EXPENDITURE AND FINANCIAL MANAGEMENT**

72. **The terms and requirements of the Council's approved Financial Regulation shall be adhered to in relation to any decisions relating to expenditure** and the Council shall receive and give due consideration to any recommendations or observations made by its Internal Auditor in relation to the financial management of its affairs.

#### **MEMBERS' AND OFFICERS' CODES OF CONDUCT**

73. **Councillors shall conduct themselves in accordance with the prescribed principles governing their conduct, as referred to in Section 49(2) of the Local Government Act 2000 and the Conduct of Members (Principles)(Wales) Order 2001, namely, selflessness, honesty, integrity and propriety, duty to uphold the law, stewardship, objectivity in decision-making, equality and respect, openness, accountability and leadership.**
74. **Councillors shall, in conducting the business of the Council, undertaking the role of member thereof to which they were elected or appointed, and acting as a representative of the Council, observe and adhere to its Code of Conduct adopted in accordance with the requirements of Section 51 of the 2000 Act, incorporating any model Code issued by the National Assembly for Wales under Section 50(2) thereof.**

75. **Where a Councillor acts as a representative of the Council on another body, that member shall, when acting in that capacity, comply with the Code unless it conflicts with any legal obligations arising as a consequence of service on that body.**
76. **Councillors shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others. They must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.**
77. **Councillors shall not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so, and shall not prevent any person from gaining access to information to which that person is entitled by law.**
78. **Councillors shall not in their official capacity, or otherwise, commit a criminal offence or cause one to be committed or behave in a manner which could be reasonably regarded as bringing the office of Councillor or the Council into disrepute and shall report to the Local Commissioner for Local Administration in Wales and to the appropriate Monitoring Officer (viz. the officer appointed as such by the County or County Borough Council within whose area the Council is situated) any conduct by another member of the Council which they believe involves, or is likely to involve, a failure to comply with the Code but, in relation to this requirement, must not make vexatious or malicious complaints against other persons. They shall also report any conduct by another person which they believe involves, or is likely to involve, criminal behaviour.**
79. **A Councillor (other than a member who is the subject of an investigation by the Monitoring Officer) shall comply with any requirement made by the Monitoring Officer in connection with an investigation.**
80. **Councillors shall not, in their official capacity, or otherwise, use their position improperly to confer on or secure for any person, and in particular their family, friends or those with whom they have a close personal association, an advantage or disadvantage or to secure an advantage for themselves. They shall, when (corporately) using or authorising the use by another Councillor of the resources of the Council, do so prudently and in accordance with the law and the Council's requirements and they shall ensure that the resources of the Council are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.**
81. **Councillors, when reaching decisions, shall do so on the basis of the merits of the circumstances involved and in the public interest, having regard to any relevant advice provided by the Council's officers, in particular its Responsible Financial Officer, the Monitoring Officer and its legal officer who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council where the legal consequences of action**

**or failure to act by the Council might have important repercussions; and shall give reasons for decisions in accordance with the Council's requirements.**

- 82. Councillors shall observe the law and the Council's rules governing the claiming of expenses and allowances in connection with their duties as Councillors and shall avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Council), material benefits or services for themselves or any person with whom the Councillor is living that would, or might reasonably appear to, place him/her under an improper obligation.**
- 83. Councillors shall, in all matters, consider whether they have a personal interest, and whether the Code requires them to disclose that interest.**
- 84. A Councillor has a personal interest in a matter if he/she anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage: -**
  - (a) the Councillor, one of his/her family or a friend, or any person with whom he/she has a close personal association, or**
  - (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management to a greater extent than other council tax payers, ratepayers or inhabitants of the Council's area.**
- 85. Councillors shall regard themselves as having a personal interest in a matter to the extent that it relates to: -**
  - (a) another relevant authority of which they are a member;**
  - (b) a body in which they hold a position of general control or management; or**
  - (c) a body to which they have been appointed or nominated by the Council as a representative.**
- 86. Councillors shall also regard themselves as having a personal interest in a matter to the extent that it relates to: -**
  - (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;**
  - (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;**
  - (c) any person, other than a relevant authority (i.e. a County Council, County Borough Council, Fire Authority or a National Park Authority), who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;**
  - (d) any corporate body which has a place of business or land in the Council's area, where the Councillor has a beneficial interest in a class of securities of that body which exceeds £25,000 in value (based upon original cost) or one hundredth of the total issued share capital of that body (whichever is the lower);**

- (e) any contract for goods, services or works made between the Council and the Councillor, a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within those referred to in (d) above;
- (f) any land in which the Councillor or a member of the Councillor's family has a beneficial interest and which is in the area of the Council;
- (g) any land of which the landlord is the Council and the tenant is a firm in which the Councillor is a partner, a company of which the Councillor is a director, or a body falling within (d) above;
- (h) any land in the Council's area in which the Councillor has a licence (alone or jointly with others) to occupy for a month or longer; and
- (i) any visit outside the United Kingdom for which the Council has paid or will pay.

87. Councillors shall additionally regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any: -

- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
- (c) trade union(s) or professional association;
- (d) company, industrial and provident society or other organisation which has charitable objects.

Councillors may, however, regard themselves as not having a personal interest in a matter to the extent that it relates to the functions of the Council in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 (Attendance, financial loss, travelling and subsistence allowances and allowances for attending conferences and meetings).

88. A Councillor who has a personal interest in a matter specified in Standing Order 85 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that Councillor may speak but shall not vote on the matter unless granted a dispensation by the relevant Standards Committee (of the County or County Borough Council within whose area the Community is situated).

89. A Councillor who has a personal interest in a matter specified in Standing Orders 86 and 87 above and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that Councillor shall withdraw from consideration of the matter unless granted a dispensation by the relevant Standards Committee (of the County or County Borough Council within whose area the

**Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.**

- 90. A Councillor who has a personal interest in a matter which is not specified in Standing Orders 85, 86, or 87 above (but including those referred to in Standing Order 84 above) and who attends a meeting of the Council, or a Committee or Sub-Committee thereof, at which the matter is discussed, shall disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the Councillor's ability to act purely on the merits of the case and in the public interest if that Councillor were to take part in the discussion of that matter, the Councillor shall also withdraw from consideration of the matter at that meeting unless granted a dispensation by the relevant Standards Committee (of the County or County Borough Council within whose area the Community is situated) which shall not consider granting a dispensation unless the Councillor has previously notified the Monitoring Officer of that interest, in accordance with the terms of Standing Order 91 below, together with relevant details.**
- 91. Councillors shall register any disclosed interests in the Register of Interests established and maintained by the appropriate Monitoring Officer. They shall exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it, seeking advice thereon from the Monitoring Officer and having regard to any advice from the Standards Committee. Councillors shall notify the Monitoring Officer of any change to the interests registered within one month of their occurrence.**
- 92. Other than any gift accepted by a Councillor on behalf of the Council, a Councillor shall notify the Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the Councillor, or to the Councillor's knowledge any person with whom the Councillor is living, from any company, organisation or person and relating to or arising out of their position as a Councillor, where the value of the item or benefit exceeds the amount of (£25).**
- 93. Employees of the Council are expected to observe the terms of the relevant Code of Conduct issued by the National Assembly for Wales under Section 82(2) of the Local Government Act 2000 and the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001. This includes that the public is entitled to expect the highest standards of conduct from the Council's employees, their role being to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they shall act with integrity, honesty, impartiality and objectivity.**
- 94. Such employees serve the whole of the Council and are accountable to, and owe a duty to the Council. They shall act in accordance with the principles**

**set out in the Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.**

95. **The Council's employees shall follow every lawfully expressed policy of the Council and shall not allow their own personal or political opinions to interfere with their work.**
96. **Mutual respect between employees and Councillors is essential to good local government, and working relationships should be kept on a professional basis. Employees should deal with the public, Councillors and any other employees sympathetically, efficiently, and without bias.**
97. **Employees shall comply with policies relating to equality issues, as agreed by the Council, in addition to the requirements of the law.**
98. **Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner, and shall not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.**
99. **Whilst employees' private lives are their own concern, they shall not allow their private interests to conflict with their public duty. They shall not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they shall comply with: -**
  - (a) **any rules of the Council on the registration and declaration by employees of financial and non-financial interests,**
  - (b) **any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from relationship with the Council. Employees shall not accept benefits from a third party unless authorised to do so by the Council.**
100. **In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the employees' Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with any confidential reporting procedure of the Council, or any other procedure designed for this purpose.**
101. **Openness in the dissemination of information and decision-making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and, therefore, not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Community Councillor, employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in the Code shall be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.**

102. **Employees involved in the recruitment and appointment of staff shall ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees shall not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.**
103. **Where a Monitoring Officer is undertaking an investigation in accordance with Regulations made under Section 73(1) of the Local Government Act 2000, an employee shall comply with any requirement made by the Monitoring Officer in connection with such an investigation.**

#### **WELSH LANGUAGE SCHEMES AND USE OF WELSH LANGUAGE**

104. **Councillors, Officers and any other employees, shall adhere to the requirements of any Welsh Language Scheme or revised Scheme made by the Council under the Welsh Language Act 1993 and approved by the Welsh Language Board.**
105. The Council shall conduct the business at its meetings in the English language.

#### **HUMAN RIGHTS**

106. **So far as it is possible, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the rights and fundamental freedoms referred to in the European Convention on Human Rights set out in the Human Rights Act 1998 and it is, therefore, generally unlawful for a public authority to act in a way which is incompatible with a Convention right. This Council shall, therefore, have regard to human rights principles when making decisions affecting people's rights.**

#### **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

107. Subject to statutory requirements, any one or more of these Standing Orders, excepting those printed in **bold** typeface, may be suspended by resolution of the Council, in relation to any specific item of business, subject to the vote thereon being carried by at least two-thirds of the members present and voting on the motion. A Committee or Sub-Committee thereof may similarly by resolution suspend any one or more of these Standing Orders in relation to any specific item of business in respect of which it exercises properly delegated functional powers, subject as aforesaid. Suspension shall only be for the duration of the meeting at which the resolution is passed.
108. Any motion to add to, vary or revoke these Standing Orders shall, when moved and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

**STANDING ORDERS TO BE GIVEN TO MEMBERS AND OFFICERS**

109. A copy of these Standing Orders shall be given to each member of the Council by the Clerk upon delivery to him/her of the member's Declaration of Acceptance of Office. A copy thereof shall also be given by the Clerk to any Officer or other employee upon his/her appointment.
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# **BEDWAS, TRETTHOMAS & MACHEN COMMUNITY COUNCIL**

## **FINANCIAL REGULATIONS 2018/19**

### **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. 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 financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. [The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.] The RFO, acting under the policy direction of the council, shall administer the council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in Local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

### **2. ANNUAL ESTIMATES (BUDGET)**

- 2.1 [Each Committee (if any) shall formulate and submit proposals to the council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of November each year.]
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- 2.3 The council shall review the budget not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall

issue the precept to the billing authority and shall supply each member with a copy of the approved budget.

- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

### **3 BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. 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.
- 3.3 The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.
- 3.4 The Clerk may incur expenditure on behalf of the council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £200. The Clerk shall report the action to the council as soon as practicable thereafter.
- 3.5 The Chair of the Land and Buildings Committee and the Clerk may incur expenditure on behalf of the council which is necessary to carry out any repair, replacement or other work too the Council Offices or the Bedwas Workmen's Hall which is of such urgency that it must be done at once, whether or not there is a budgetary provision for the expenditure, subject to a limit of £250. The Clerk and Chair of Land and Buildings committee shall report the action to Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.6 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

### **4. ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall complete the annual financial statements of the council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the council.
- 4.3 The RFO shall complete the Accounts of the council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit

Commission) and shall submit the Annual Return for approval and authorisation by the council within the timescales set by the Accounts and Audit Regulations.

4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the council shall, if the RFO or Internal Auditor requires, make available such documents of the council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the council, shall report to council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.

4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.

4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

## **5. BANKING ARRANGEMENTS AND CHEQUES**

5.1 The council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the council. They shall be regularly reviewed for efficiency.

5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to council. If the schedule is in order it shall be authorised by a resolution of the council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.

5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of council.

5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

## **6 PAYMENT OF ACCOUNTS**

6.1 All payments shall be effected by cheque or other order drawn on the council's bankers.

6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.

- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4 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, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.
- 6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.

## **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 salaries shall be as agreed by council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

## **8 LOANS AND INVESTMENTS**

- 8.1 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.
- 8.2 The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the council shall be in the name of the council.
- 8.4 All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **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 annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5 All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

## **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 (I) below.

## **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 these regulations shall 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 solicitors, accountants, surveyors and planning consultants;

- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
  - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
  - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding [£50,000] 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 shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) 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.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (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) If less than three tenders are received for contracts above [£50,000] or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 61, 63 and 64. *[check consistency]*
- (i) When it is to enter into a contract less than [£50,000] 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 [£1,000] and above [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- (j) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

## **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 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 of properties owned by the council. The RFO shall ensure a record is maintained of all properties owned 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 property shall be 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 £50.*
- 14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

### **15 INSURANCE**

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2 The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3 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.
- 15.4 All appropriate employees of the council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council.

### **16 CHARITIES**

- 16.1 Where the council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in

accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.]

**17 RISK MANAGEMENT**

- 17.1 The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2 When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

**18 REVISION OF FINANCIAL REGULATIONS**

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



# **Bedwas, Trethomas & Machen Community Council**

## **Terms of Reference of Sub Committees 2018/19**

### **General**

#### **1. Membership and Chairing of all Sub-Committees**

The membership of all sub committees and its Chair and Vice Chair will be determined by the Council

#### **2. Voting and Quorums**

All members of sub committees can vote (subject to whether they hold a personal or prejudicial interest in the item being discussed). Where necessary the Chair will have a second or casting vote if there is an equality of votes on any issues, although all attempts must be made to avoid this.

#### **3. Minutes and Meetings**

Minutes of the meetings will record those present, the date and any decisions, action points or recommendations. Minutes will be circulated to all Councillors with the agenda for the meeting.

#### **4. Employee Panel**

An Employee Panel will be established which will comprise of Chair of Council, plus 2 other Councillors.

The functions of the Panel will be to exercise on behalf of the Council its powers relating to:-

- Performance Reviews, annual appraisals, Investors in People
- Matters concerning working conditions, staff welfare, sickness and grievance procedures, disputes and consultations with employees and their representatives.
- Matters relating to safety at work, risk assessments, and safety policies.
- The reporting of sickness absence
- All other routing Human Resource matters within the general policies of the Council
- To undertake the annual review of staffing and pay structure.

- The Panel will undertake initial work relating to recruitment, rates of remunerations, termination of service, education, training, conditions of service, career development, but the final decisions will be passed to Council with a recommendation from the Panel.

## **5. Complaints panel and Complaints Appeal Panel**

In the event of the Community Council receiving a complaint from a member of the public a Complaints Panel will be summoned to meet. Membership of the Panel will consist of 3 Members to be determined by the Chair of Council and the Clerk depending on the nature of the complaint.

Where appropriate this will include the Chair of the relevant Committee with the addition of two others.

The Complaints Panel will carry out in function in accordance with the Council's Complaint's Policy.

A Complaint's appeal Panel will to summoned to meet when required to hear appeals against the decision of the Complaint's Panel.

The membership of the Appeal Panel will consist of three members who did not sit on the original Complaint's panel, and will be determined by the Chair of Council and the Clerk. Where appropriate this will include the Vice-Chair of the relevant Committee (if the Chair sat on the original Complaint's panel) plus two others.

The Complaint's Panel and the Complaints Appeal Panel cannot hear complaints regarding the Members Code of Conduct. These must be referred to the Public Services Ombudsman for Wales.

## **6. Terms of Reference of the Planning Committee**

To consider and respond to all planning applications in matter relating to control and development within the boundary of the Community Council.

To consider and respond to the Planning Authority in matters relating to statutory structure and local plans.

To consider and respond to the relevant body in respect of highway matters.

To consider and respond to the relevant body in respect of listed buildings.

To consider and respond to the relevant body in respect of conservation orders and environmental matters.

To consider and respond to the relevant body in respect of all other planning issues which do not fall under the remit of any other Sub-Committee.

#### **7. Terms of Reference of the Environmental & Leisure Committee**

To discuss and approve the organisation of the following Council events:

- Christmas events
- Christmas pantomime
- Christmas Carol Concert
- Awards Events
- Remembrance Day Services
- MacMillan Coffee Morning
- Other Community Events that the committee wish to organise

To consider and approve the contract for the installation of Christmas lighting

To consider and approve the purchase of all Christmas Trees and Christmas lighting.

#### **8. Terms of Reference of the Finance Committee**

To determine the financial resources required by the Community Council to enable it to fulfil any statutory obligations and provide services for the well-being of its community namely:

- Preparing the annual budget and making recommendations to Council for the precept requirement.
- Approving budgets to other committees where appropriate
- Deciding upon borrowing requirements, establishing reserve funds and investments and overseeing the Council's banking system.

To monitor the effectiveness and adequacy of the system of internal financial control by:

- Ensuring Financial Standing Orders are being followed
- Ensuring an effective Internal Audit I operations on receipt of the annual report
- Monitoring income and expenditure with the annual budget.
- Ensuring that accounts are being properly maintained and are up to date with best practice.
- Authorising the write off of bad debts and other items in accordance with approved financial regulations.

- Ensuring bank reconciliations are undertaken regularly.
- Ensuring compliance with financial instructions.

To approve financial transactions of both receipts and payments.

To identify and manage business risks which may prevent the Council achieving its aims and objectives

To ensure the Council has necessary insurance cover.

To determine applications for financial assistance and financial contributions to outside bodies and local organisations.

To deal with financial issues not otherwise within the Terms of Reference of any other committees.

## **BEDWAS WORKINGMEN'S HALL**

### **PROCEDURE FOR DEALING WITH BUILDING, MAINTENANCE AND EMERGENCY WORKS**

This procedure outlines the arrangements for dealing with planned building, general maintenance and emergency maintenance works at the Workmens' Hall. It covers the notification of works when identified as necessary, the engagement of contracts and the payment of invoices relating to such works

Planned/ Enhanced Building works are those which are enhancing or altering the fabric in some way and not general maintenance of the building.

General Maintenance works are sensible and practical repairs on a like for like basis for the continuance of preservation, protection, repair to and upkeep of the property

Emergency Maintenance works are those which are necessary to be carried out by skilled operatives to repair areas of the building structure/fabric which would otherwise lead to the closure of the building to all public or constitute a health and safety risk which cannot otherwise be mitigated.

#### **Notification and Classification of Works**

All requirements for works should be notified to the Bedwas Trethomas and Machen Community Council Office. If the maintenance is deemed to be an emergency and has to be looked at outside of the Council Office working hours of the office then the Chair of Land and Building Committee should be contacted in the first instance.

The Chair of Land and Buildings Committee should then contact all members of the Workmen's Hall Maintenance Panel to advise that emergency work has been requested and get at least one other members agreement that they constitute emergency works.

#### **Workmen's Hall Maintenance Panel**

A panel will be constituted for the review and management of works at the Hall. This will include

- Chair of the Council
- Chair of the Land and Buildings Committee
- Chair of the Finance Committee
- A Councillor independent / not volunteering with the Workmen's Hall
- Community Council Clerk

### **Planned / Enhanced Building Works**

These types of works may arise as a result of an improvement program or where monies have been set aside for a specific development in the Hall. In these cases a works description should be submitted by email to [btmcouncil@btconnect.co.com](mailto:btmcouncil@btconnect.co.com). On receipt of this information the Office will circulate the BTM Councillors for information and will make arrangements for obtaining the relevant quotations for the work to be carried out.

All quotations for work will be submitted directly to the Council Offices by the Contractor as specified in the section 'Submission of Quotations' below.

Where access to the building is necessary to view the works by contractors to provide a quotation, the contact details a nominated volunteer will be provided for them to make arrangements directly.

The quotations once received will be compiled into a short report containing the relevant information.

Where the total cost of the work to be carried out is £1,500 or less the report will be circulated to the Workmen's Hall Panel by email for a decision to be taken on the appropriate contractor to which the work should be awarded. Following the decision and award of the work a report will be compiled and taken to the next available BTM Community Council meeting for information only.

Where the total cost of the work is in excess of £1,500 the report will be circulated to the next BTM Community Council meeting for consideration and decision.

Where work is not awarded to the lowest price contractor a record of the reason for this must be recorded.

### **General Works**

For general works, a works description (including a photo) should be submitted by email to [btmcouncil@btconnect.co.com](mailto:btmcouncil@btconnect.co.com). On receipt of this information the Office will circulate the BTM Councillors for information and will make arrangements for obtaining the relevant quotations for the work to be carried out. The contractors approached for the emergency works should be selected from those on the approved list unless identified as specialist skills required.

All quotations for work will be submitted directly to the Council Offices by the Contractor as specified in the section 'Submission of Quotations' below.

Where access to the building is necessary to view the works by contractors to provide a quotation, the contact details for a nominated volunteer will be provided for them to make arrangements directly.

The quotations once received will be compiled into a short report containing the relevant information.

Where the works are small scale remedial works and expected to be under £300, one quotation can be sought from the approved list of contractors.

Where the total cost of the work to be carried out is above £300 but £1,500 or less, three quotations should be sought from the approved list of contractors and the report will be circulated to the Workmen's Hall Panel by email for a decision to be taken on the appropriate contractor to which the work should be awarded. Following the decision and award of the work a report will be compiled and taken to the next available BTM Community Council meeting for information only.

Where the total cost of the work is in excess of £1,500 the report will be circulated to the next BTM Community Council meeting for consideration and decision.

Where work is not awarded to the lowest price contractor a record of the reason for this must be recorded.

### **Emergency Works**

Where emergency works are notified to the Office / Councillor directly that information should be circulated in the form of an email to all parties on the Workmen's Hall Panel. Where emergency works are requested there should be a clear statement identifying why they are believed to be emergency works and why the Hall would need to be closed to the public / be breaching Health and Safety or other legislation.

Where the panel agree via email that the works are classed as emergency then the responsibility for arranging those works with the relevant contractor will sit with the Chair of the Land and Buildings Committee or another designated Councillor in their absence. The contractors approached for the emergency works should be selected from those on the approved list unless identified as specialist skills required.

Once a contractor has been engaged and a quotation provided for the works this should be communicated to the Panel via the most appropriate method i.e. phone or email. Where agreement is obtained from the Panel then go ahead can be given for the emergency works to be carried out and completed.

The Chair of Land and Buildings or another designated Councillor should communicate the arrangements made via email to the Panel. The Clerk will then

circulate this to all Council members for information and put on the agenda for the next Council meeting.

### **Timescales for Provision of Quotations**

Appropriate timescales for providing a quotation will be given when engaging contractors to consider works. Normal timescale for general maintenance would be considered to be two weeks giving sufficient time for the contractor to visit the site and price the work and submit the quotation. This may vary on the scale on the work but will definitely vary for emergency works and planned/enhancement works.

### **Total Contract Value**

The Total Contract Value is calculated as the whole of the value or estimated value of the Contract as the total amount payable including any additional options, lots, renewals and/or extensions.

Where there are different options submitted to 'make good' any repair issues at the Hall all quotes should be considered on a like for like basis and the option / solution accepted should be that which provides best value and suitably meets the requirement for addressing the repair required.

### **Approved List of General Maintenance Contractors**

The Community Council will maintain an approved list of general maintenance contractors who will can be approached to provide a quotation for general maintenance works.

The list will be sub divided into the following categories

- a) General Maintenance i.e. painting, decoration, carpentry etc
- b) Electrical Works
- c) Gas / Plumbing Works
- d) Building and Structural Works

### **Inclusion on the List**

Companies are invited to apply for inclusion on the list at any time and indicate for which of the above categories they would be interested to be approached.

The invitation for inclusion on these lists will be managed by the Council Offices through direct communication with local businesses and social media.



### **Selection of Contractors**

For low value works expected to be under £300 the next contractor on the list should be contacted to undertake the works.

For works expected to be above £300 three contractors should be selected to apply for work. This will be on the basis of selection of the next two contractors on the list and will always include the successful supplier from the previous job in the relevant category of works.

### **Removal of Contractors**

Any individual on the list approached and who does not provide two quotations following request will be removed from the list automatically.

### **Specialist Works**

Where specialist works are required to be undertaken for areas not included within general maintenance the Community Council Clerk will identify and source appropriate contractors from which to seek quotations.

Where contracts exist for the maintenance of items such as fire and security systems the in situ supplier will be approached in the first instance for the provision of a quotation to repair any associated equipment should it fall outside of the contract provision.

### **Insufficient Quotes**

When obtaining quotes from contractors for planned and general works they should be asked to confirm if they intend to quote for the works. If they advise at this point they are not able to provide a quote for any reason, the reason should be recorded and the next contractor on the list approached.

If at the point of opening the quotations, only two contractors have supplied a quotation the comparison between the two can progress and a contractor be considered. If however only one contractor has supplied a quotation, the other companies should be contacted to find out the reason for non provision and further quotations from the next companies on the list should be obtained.

### **Quotation Receipt and Opening**

All quotations for any work will be submitted to a dedicated email to [.....@btconnect.com](mailto:.....@btconnect.com) in line with the arrangements, date and time supplied by the

Council Clerk. No quotations will be opened or viewed on this email account prior to this date. Any quotations received by any other method will not be considered.

A general acknowledgement will be received by the individual submitting the quotation to confirm that the quotation has been received and to advise that they should not be submitting any queries to this email account as they will not be opened until after the closing date for the quotation.

Quotations received after the stated date and time shall not be accepted under any circumstances.

A pre arranged date and time for the opening of the quotations will be notified to Councillors should they wish to attend.

When opening the quotation there will be a minimum of a clerk and another officer/ councillor in attendance.

All quotations received by the deadline will be opened in that session.

### **Conflicts of interest**

All Councillors involved in the engagement of works must declare any conflicts of interests relating to the activity where they, or their spouse or civil partner, or person with whom they are living as husband and wife or civil partner, have a vested interest that could conflict.

Where a conflict of interest exists the Clerk shall ensure that appropriate and sufficient mitigation(s) are put in place to ensure that such conflicts do not compromise the outcome of the quotation / tender exercise

The Clerk shall maintain a record of all declarations of interest and mitigations in a procurement exercise as notified by Councillors



# Bedwas, Trethomas & Machen Community Council

Council Offices, Bedwas, Caerphilly CF83 8YB

Tel: (029) 2088 5734 E-mail: [btmcouncil@btconnect.com](mailto:btmcouncil@btconnect.com)

Clerk to the Council – Jolene Dalton

## APPLICATION FOR FINANCIAL ASSISTANCE 2018/19

The Council's preference is to support grant applications which have a particular impact within or benefit for the communities of Bedwas, Trethomas and Machen areas. The Council is unable to make grants to individuals or companies.

### APPLYING ORGANISATION / CLUB

|                              |  |
|------------------------------|--|
| Name of Organisation or Club |  |
| Name of Contact Person       |  |
| Role within the Organisation |  |
| Address of Contact Person    |  |
| Email Address                |  |
| Contact Telephone Number     |  |

### APPLICATION DETAILS

|  |  |
|--|--|
| 1. Amount of Grant Applied For   |  |
| 2. Please give a full explanation as to what the grant will be used for.<br><b>Please attach quotations if necessary to support your request</b> |  |
| 3. How will this grant contribute towards the aims / purpose of your organisation/club?  |  |

4. Please provide information on the financial position of your organisation/club and summarise the expenditure and income which you have to meet as an organisation/club  
**Please attach to your application a current bank statement or statement of accounts for your organisation**

Statement Date : \_\_\_\_\_

Account Balance £ \_\_\_\_\_

| INCOME | £ | EXPENDITURE | £ |
|--------|---|-------------|---|
|        |   |             |   |

5. Have you applied to or secured any other funding to assist with this particular expenditure ? If so please advise who and how much ?

6. Have you previously sought funding from the Community Council? If yes, please advise when this was and for what purpose.

7. How will this grant help your organisation to support people who live in, work in, visit and or use the facilities in the BTM Area. (Please be as clear as you can in responding to this question, and include an indication of numbers if this is relevant)

8. Please detail any further information in support of your application. (You are welcome to append leaflets or other documents that may assist the Council in understanding your answers to the above questions)

9. Please list individually and include all donations / grants received

**We certify that the details give above, or attached, are correct.**

**To be Included :      Copy of Current Bank Statement**

**Most recent Statement of Accounts**

**Quotations relevant to the Project (If applicable)**

**Other Information in Support of the Grant (if applicable)**

**FAILURE TO PROVIDE THIS  
INFORMATION WILL  
RESULT IN THE CLAIM  
BEING DELAYED AND  
MAYBE REJECTED**

|  |
|--|
|  |
|  |
|  |
|  |

|          |          |
|----------|----------|
| Signed   | Signed   |
| Position | Position |
| Date     | Date     |

Applications are considered by the Council on a monthly basis. Successful applicants will receive grants 4+ weeks after the awarding Council meeting by cheque made payable to the approved name of the Club / Organisation.

Please return your application form by post to: Jolene Dalton, Clerk to BTM Community Council, Council Offices, Newport Road, Bedwas, Caerphilly, CF83 8YB



## **Bedwas, Trethomas & Machen Community Council May 2018**

### **ADOPTION OF A REVISED CODE OF CONDUCT FOR ELECTED & COOPTED MEMBERS**

On 27th January, 2016 the Minister for Public Services signed the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 ("the Order"), which came into force on 1st April, 2016. The Order amends the Model Code of Conduct for Local government Members set out in the Local Authorities (Model Code of Conduct) (Wales) Order 2008 which are summarised as follows:

- The Local Government (Democracy) (Wales) Act 2013 transferred responsibility for maintaining the register of interests of Members of Community Councils from the monitoring officer of the principal Local Authority for the rear to the "proper officer" of each community council, with effect from 1st May, 2015. A number of consequential amendments are made to the Model Code to reflect this change, so that in relation to a community council, a reference to a monitoring officer is replaced with reference to the proper officer of the community council. Paragraph 15 of the Model Code, dealing with the register of member's interests is amended to clarify that any interest disclosed for the first time must be entered in the register. This is not a change of policy but clarifies the original intention. The exemption for community councillors from the requirement to register certain financial and other interests upfront is maintained.
- The obligation on a member to report a potential breach of the Code of Conduct by another member to the Public Services Ombudsman for Wales is omitted from the code.
- A paragraph in Personal Interests has been removed from the Code to overcome unintended difficulties in the practical application of participation in business relating to constituency interests. A member participating in the consideration of a ward matter is nonetheless under an obligation to act objectively and in the wider public interest.

Council is recommended to:

- (i) note the amendments made to the Code of Conduct.
- (ii) resolve to formally adopt the revised Code of Conduct for Elected and Co-opted Members

## **PART 1 Interpretation**

1. In this code:-

“co-opted member”, (“aelod cyfetholedig”), in relation to a relevant authority, means a person who is not a member of the authority but who:-

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represented the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (“cyfarfod”) means any meeting:-

(a) of the relevant authority;

(b) of any executive or board of the authority;

(c) of any committee, sub-committee, joint committee, joint sub-committee of the relevant authority or of any such committee, sub-committee or joint subcommittee of any executive or board of the authority; or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political groups) Regulations 1990.

And includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (“Aelod”) includes, unless the context requires otherwise, a co-opted member; “registered society” means a society other than a society registered as a credit union which is –

(a) a registered society within the meaning given by Section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969

“register of members’ interests” (“cofrestr o fuddinannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act 2000;

“relevant authority” (“awdurdod perthnasol”) means –

(a) a county council; (b) a county borough council; (c) a community council; (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue



Services Act 2004 or a scheme to which section 4 of that Act applies; (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (“chi”) means you as a member or co-opted member of a relevant authority; and “your authority” (“eich ardurddod”) means the relevant authority of which you are a member or co-opted member.

2. In relation to a community council –

(a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **PART 2 General Provisions**

2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct –

(a) whenever you conduct the business, or are present at a meeting of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraph 6(1)(a) and 7. (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve –

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) On any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must –

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not –

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.(1) You must –

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not –

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage.
- (b) use, or authorise others to use, the resources of your authority –
  - (i) Imprudently;
  - (ii) In breach of your authority's requirements;
  - (iii) Unlawfully
  - (iv) Other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) Improperly for political purposes; or
  - (vi) Improperly for private purposes.

8. You must –

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by –
  - (i) the authority's head of paid service;

- (ii) The authority's chief finance officer;
- (iii) The authority's monitoring officer;
- (iv) The authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority –

9. You must –

- (a) Observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) Avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### **Part 3 Interests**

#### **Personal Interests**

10.(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if –

- (a) It relates to, or is likely to affect - (i) any employment or business carried on by you; (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director. (iii) any person, other than your authority who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member. (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body; (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above; (vi) any land in which you have a beneficial interest and which is in the area of your authority; (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above; (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any – (aa) public authority or body exercising functions of a public nature; (bb) company, registered society, charity, or body directed to charitable purposes; (cc) body whose principal purposes include the influence of public opinion or policy; (dd)

trade union or professional association; or (ee) private club, society or association operating within your authority's area in which you have membership or hold a position of general control or management.

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

(c) a decision upon it might reasonably be regarded as affecting – (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association; (ii) any employment or business carried on by persons as described in 10(2)(c)(i); (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors; (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c) (vi) hold a position of general control or management,

to a greater extent than the majority of (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

#### **Disclosure of Personal Interests**

11.(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make – (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer or in relation to a

community council your authority's Proper Officer from time to time but, as a minimum containing

(a) details of the personal interest; (b) details of the business to which the personal interest relates; and (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code. Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### **Prejudicial Interests**

12.(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business –

(a) relates to – (i) another relevant authority of which you are also a member; (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management; (iii) a body to which you have been elected, appointed or nominated by your authority; (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor; your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to – (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease; (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends; (iii) the functions of your authority in respect of statutory

sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority; (iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or any allowance or payment under section 100 of the Local Government Act 2000. (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989; (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### **Overview & Scrutiny Committees**

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or a sub-committee of such a committee) where –

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees and
- (b) at the time the decision was made or action was taken, you were a member of the executive board, committee, sub-committee, joint committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

#### **Participation In Relation To Disclosed Interests**

14.(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee –

- (a) withdraw from the room, chamber or place where a meeting considering the business is being held - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further Participation In Relation To Disclosed Interests 14.(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee – (a) withdraw from the room, chamber or place where a meeting considering the business is being held – (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or (ii) in any other case, whenever it becomes apparent that that

business is being considered at that meeting; (b) not exercise executive or board functions in relation to that business; (c) not seek to influence a decision about that business; (d) not make any written representations (whether by letter, facsimile or some form of electronic communication) in relation to that business; and (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if – (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or (b) you have the benefit of a dispensation provided that you –

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing –

(aa) details of the prejudicial interest; (bb) details of the business to which the prejudicial interest relates; (cc) details of and the date on which the dispensation was granted; and (dd) your signature

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

#### **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

##### **Registration of Personal Interests, Financial and Other Interests, Memberships and Management Positions**

15(1) Subject to sub-paragraph (3), you must within 28 days of –

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later); register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

(3) Sub-paragraph (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

15(1) Subject to sub-paragraph (4), you must, within 28 days of – (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or (b) your election or appointment to office (if that is later). register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer. (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer. Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) you must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.



### **Sensitive Information**

16.(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances, which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer or in relation to a community council your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

17. You must within twenty eight days of the date of receipt notify the monitoring officer or in relation to a community council to your authority's proper officer of the existence and nature of any gifts, hospitality, material benefits or advantage received or offered to you and declined where the value of the item or benefit exceeds £25.00 or such other value as the Authority may from time to time determine. This rule applies equally to any gift accepted by the member on behalf of the authority.

