



DEVIZES TOWN COUNCIL

You are summonsed to attend a meeting of the Devizes Town Council Committee at the following, place and date.

Date: 7th March 2024
Time: 7.00 pm
Venue: The Council Chamber, Town Hall, St John's Street, Devizes
Enquiries: Town Hall - Tel: 01380 723333

Councillors:	Bridewell	Britten	Brown
	Corbett	East	Gay
	Geddes	Giraud-Saunders	Greenwood
	Hopkins	Hoult	Hunter
	Nash	Oliver	Ormerod
	Pennington	Rose	Stevens
	Tanner	Wallis	Wooldridge

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the Meeting of the Council held on the 21st December 2023.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosures by a Councillor(s) and/or Officers in matters to be considered at this meeting in accordance with the provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

4. **TO RECEIVE ANNOUNCEMENTS AND COMMUNICATIONS.**
5. **TO ANSWER QUESTIONS (IF ANY) UNDER STANDING ORDER NO. 15.**
6. **MINUTES OF MEETINGS FOR INFORMATION**

Since the last meeting of the Council on 21st December 2023 the following Committees have taken place whose minutes have been approved as a correct record and signed by the appropriate committee chairman.

The minutes of these meetings have been previously circulated to all members.

COMMITTEE NAME	COMMITTEE DATE
Planning	9 th January 2024
Planning	23 rd January 2024
Planning	6 th February 2024
Planning	20 th February 2024
Planning	5 th March 2024
Community & Civic Resources	6 th February 2024
Recreation & Properties	23 rd January 2024
Recreation & Properties	5 th March 2024
Personnel	20 th February 2024

NOTE: Before dealing with the next item (No 7) the Council will wish to consider whether or not to suspend Standing Order No 5 (members to stand when speaking). If the Standing Order is to be suspended, it must be done by way of a proposition, duly seconded and carried.

7. **REPORT FOR DECISION – CHANGES TO COMMITTEE ARRANGEMENTS**

Recommendation

That the Council reviews and agrees the recommendations of the task group set up to overhaul committee arrangements for the Council's governance.

Purpose of the Report

To establish new committee arrangements for the Council's governance.

Background

The Council will be aware that a task group was set up in late 2023 to develop new committee governance arrangements for Council. In developing the new committee structure, in November 2023 a forward planning session was held to review the outline proposals and provide the group with feedback and any issues that needed further consideration.

It was clear from the forward planning session that the concept of developing a committee structure that would support a more focused approach to decision making and one that would encourage committees to develop their own forward plan would deliver a more strategic approach to how the Council plans its workload in the future. One area some members felt needed more work was the plan to bring the Planning committee in line with other committees and not have every Councillor sitting on it, as members felt this could reduce their ability to influence planning applications within their ward. The matter has now been considered further by the task group and they are making the following recommendation for changes to the Committee structure from May 2024.

Recommendation 1

The Council will establish the following committees starting in civic year 2024/25

Committee	Meeting Cycle	Members
Environment	8 weekly	7
Commercial	8 weekly	7
Community	8 weekly	7
Finance and Governance	Quarterly	7
Personnel	Quarterly	7
Planning	4 weekly	7

Recommendation 2

Committees will have the following responsibilities

Environment Committee

- Council Open Spaces, Parks, Allotments, Cemetery and floral displays,
- tree and woodland management
- Street Scene, including cleansing, street furniture and seasonal street decoration and layouts
- Non-commercial structures such as bus shelters and monuments

- Wider biodiversity initiatives
- Commercial Committee*
- Oversight of the Venues operation and buildings.
 - Oversight of the Market operations, Shambles and Market Place.
 - Public Toilets and Cafe services.
 - Commercial Properties.
 - Wider town promotion and regeneration initiatives.
- Community Committee*
- The Democratic Process, Governance and Policy Oversight
 - To responded to non-planning consultation requests
 - Civic Traditions and Mayoralty including Insignia and Plate
 - Community Engagement and Support, including Community Safety
 - Community Events, from Council Led and Wider Partnership Support including Twinning.
 - Community Grants
- Finance and Governance Committee*
- Financial Planning
 - Financial Oversight
 - Audit Responsibility
 - Budget Oversight
 - Governance and Policy Oversight
- Personnel Committee*
- Review of Staffing Policies
 - Senior Staff Disciplinary Matters and all Appeals
 - Staff performance oversight
- Planning Committee*
- General Planning Consultation
 - Neighbourhood Planning
 - Local and National Planning Policy Consultation
 - Planning Appeals
 - Highways matters

Recommendation 3

Committee Selection.

As the committees need to be politically balanced each group will be allocated seats based on the number of overall seats. Groups will put forward their nominations for final agreement. Independent Councillors will also be represented on each committee based on the number of seats held. Independent Councillors can choose to come together as a group for this purpose or decide to put themselves forward for a committee. Full Council will make the final selection where a committee may find itself over- or under-subscribed.

Membership of a committee is for the life of the Council but a committee member can agree through their group to swap, and a committee cannot unreasonably withhold that consent unless it impacts on the political balance. Each member will sit on two committees.

Recommendation 4

Matters relating specifically to the Planning committee

It is recognised that the changes to the working of the Planning committee will be the biggest departure from the current arrangements and the concerns of some members that they will not be able to comment on plans is acknowledged. To help allay these concerns, the following will be put in place:

- As with other committees, it will be for individual groups to put forward their nomination based on their allocation, or in the case of independent Councillors' self-nomination, therefore it is important that within the make-up of the committee every ward is represented and this needs to be considered as part of the selection process.
- All members will be able to speak at Planning committee meetings and put forward concerns or make comments, as they can do on any committee.
- Where an application is in conflict with planning guidance, be it the NPPF, local plan or neighbourhood plan, or where there is substantial local concern about an application, then any member can seek such an application be decided by the Full Council, provided sufficient legal notice is given. This meeting of the Full Council will be immediately before the normal scheduled Planning committee.

Recommendation 5

Chairmanship

- Planning Committee. The Chairman will take the position for a minimum of two years to improve continuity of the Council's planning approach. It will be expected that any Councillor being nominated for Vice Chairman will do so with a willingness to undertake Planning training to improve their knowledge.
- Other committees. Committees will select their own chairman and vice chairman however before a vote is taken each nominated chairman or vice chairman can have up to three

minutes to set out why they feel they are the most suitable person for the role. Whilst chairmen are chosen each year, Councillors can hold the role for multiple years. As committees are smaller, nominees will be able to second themselves, which will give greater opportunity for minority groups to put forward why they believe they have Councillors who would make a good chairman.

Recommendation 6

Members' attendance at meetings.

As with the current arrangements, all Councillors will be able to observe committee meetings that they are not members of, including staying for exempt items. Councillors attending meetings on this basis will also now have an automatic right to speak and it will not be at the Chairman's discretion, however where there is a repeat of previously made statements the Chairman can bring the statement to an end.

Recommendation 7

That the new committee arrangements will come into effect from the beginning of civic Year 2024/25.

Options Considered

The Council needs to decide if it accepts the recommendations as set out in the report, or if it wishes to amend.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

8. REPORT FOR DECISION – ANNUAL REVIEW OF STANDING ORDERS

Recommendation

That the Council reviews its current Standing Orders and decides if it wishes to make any further amendments before adopting them for the civic year 2024/25.

Purpose of the Report

To agree the rules under which the Council and its committees transact business.

Background

For clarity and consistency, the Council must adopt a set of rules under which it operates. These rules are called Standing Orders.

Within this agenda the committee will have considered changes the Council's committee structure and as such Standing order need to reflect how the Council chooses to govern itself, as Standing Orders set out rules relating to meetings of the Council and its committees, including voting and conduct and the duties and powers delegated to committees and officers.

Attached to this agenda [[Doc 8/1-43](#)] is a tracked change draft of Standing Orders agreed on the 12th October 2023; however, the principal changes are as follows;

- SO 17 setting out the new committee structure.
- SO 19 committee selection process.
- SO 20 committee selection decision and length of term.
- SO 21 arrangements for members wishing to change committee.
- SO 24 quorum.
- *The use of digital meetings has been removed*
- SO 33-36 Scrutiny task and Project groups
- SO 38 election of Chairman and Vice Chairman
- SO 39 speaking at meetings
- SO 88-91 remit of the Planning committee
- SO 91-93 remit of other committees

Financial Regulation including accounting regulations, procedures for seeking tenders & quotations, the setting of estimates, banking arrangements and insurance are unchanged for this review.

Options Considered

To decide if the Council wishes to adopt the rules relating to meetings as set out in the amended Devizes Town Council's Standing Orders.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any Finance and Resource implication for the Council associated with this decision

Legal Implications and Legislative Powers

The Council will be considering this matter under its power of General Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Not transacting business under an agreed set of Standing Orders could give rise to a challenge of a decision at a later stage.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

9. REPORT FOR DECISION – AGREEMENT OF CIVIC CALENDAR

Recommendation

That the Council agrees the calendar for 2024/25.

Purpose of the Report

To review and agree the civic calendar for the Council year 2024/25.

Background

In line with the new committee structure, the task group has also looked at meeting frequency and dates. Officers have used the information to compile the civic calendar for 2024/25 which is attached at [\[Doc 9/1-4\]](#).

The pattern of civic events is very much in line with previous years. There are historic meeting weeks where there are no meetings. In these cases, for the avoidance of confusion, the dates for these weeks are shown but with no activity, however they may be used for gatherings such as forward planning sessions.

Options Considered

The committee is asked to agree the civic calendar as drafted.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

10. REPORT FOR DECISION – SELECTION OF DEPUTY MAYOR NOMINATION FOR THE CIVIC YEAR 2024/2025

Recommendation

The Council is asked to agree the Council's nomination for the Deputy Mayor for the coming Civic year 2024/2025.

Purpose of the Report

For the Council to agree if it wishes to nominate a Deputy Mayor for the Civic year 2024/2025 and if so, who it wishes to put forward the nomination.

Background

Traditionally the Council uses the March meeting to nominate a Councillor for the office of Deputy Mayor for the forthcoming year.

Whilst the appointment of Deputy Mayor cannot be made until the first meeting of the new civic year, which will be at Mayor Making on 16th May 2024, it is not uncommon for the outgoing Council to make a nomination. Whilst it can only be seen as a preference on behalf of

Council, it will provide both the nominated Councillor and the Council some clarity around the preparation for the new civic year.

Options Considered

The Council needs to decide if it wishes to nominate a Councillor as Deputy Mayor for the Civic Year 2024/2025.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence.

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

11. REPORT FOR DECISION – APPOINTMENT OF INTERNAL AUDITOR – R HOPKINS ACCOUNTANCY AND TAXATION SERVICES LTD

Recommendation

The Committee is requested to agree to Officers' recommendation that, the Council re-appoints R Hopkins Accountancy and Taxation Services Ltd through its principal practitioner Mr Richard Hopkins, to undertake the Council's quarterly internal audits.

Purpose of the Report

To appoint R Hopkins Accountancy and Taxation Services Ltd as internal auditors for the 2024/25 financial year.

Background

At the end of each financial quarter, financial work and processes are scrutinised by a Council-appointed internal auditor.

The internal auditor needs to confirm the internal control objectives:

- Appropriate accounting records have been properly kept throughout the year.
- The body's financial regulations have been met, invoices supported payments and expenditure were approved and VAT was appropriately accounted for.
- The body has assessed the significant risks in achieving its objectives and reviewed the adequacy of arrangements to manage these.
- The annual taxation or levy or funding requirement resulting from an adequate budgetary process: progress against the budget was regularly monitored: and reserves were appropriate.
- Expected income was fully received, based on current prices, properly recorded and promptly banked; and VAT was appropriately accounted for.
- Receipts properly supported petty cash payments, expenditure was approved and VAT appropriately accounted for.
- Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.
- Asset and investment registers were complete and accurate and properly maintained.
- Periodic and year-end bank account reconciliations were properly carried out.
- Accounting statements prepared during the year were prepared on the correct basis (receipts and payments/income and expenditure), agree with the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.

Regulation 6 of the Accounts and Audit Regulations 2003 imposes a duty on local Councils to 'maintain an adequate and effective system of internal control of its accounting records and of its system of internal

control in accordance with the proper practices in relation to internal control'.

Options Considered

The Council needs to decide if it wishes to agree this recommendation.

Implications & Risks

Financial and Resource Implications

Budget provision has been made to meet the cost of internal auditing.

Legal Implications and Legislative Powers

The Accounts and Audit Regulations 2003 impose a duty of internal control.

Environmental Implications

Officers are not aware of any environmental implications associated with this decision.

Risk Assessment

Officers are not aware of any risk associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

12. TO PASS THE FOLLOWING SEALING RESOLUTION

THAT the Common Seal of the Council be affixed to or the Town Clerk do sign on behalf of the Council where appropriate any Orders, Deeds or Documents necessary to give effect to any of the matters and recommendations contained in the reports received and adopted at this meeting or other decisions of the Council thereat.

13. QUESTION TIME

A short time is allowed at the discretion of the Town Mayor for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

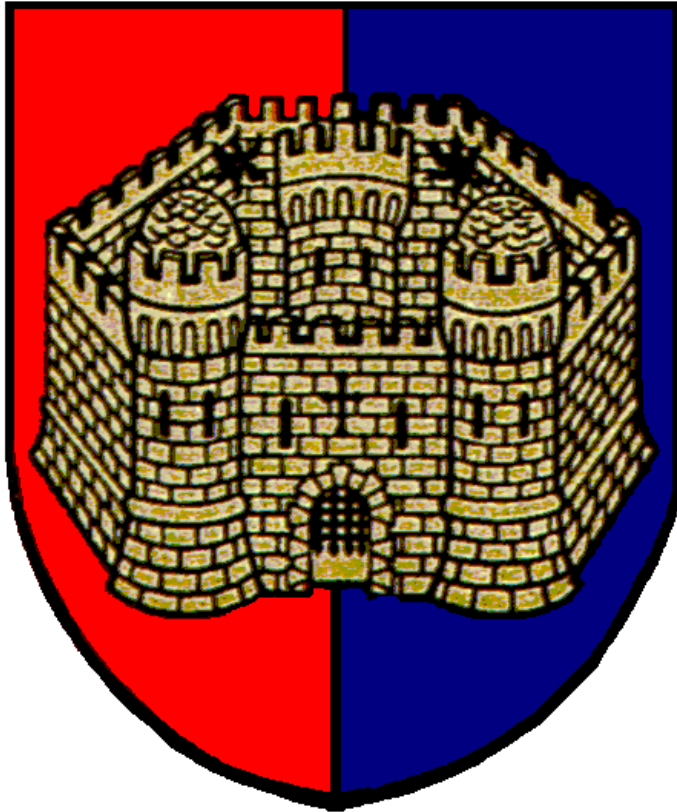
14. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions addressed to the Chairman concerning the administration, function or responsibilities of the Council or upon a matter, which was the subject of debate at the meeting.

A person may also be permitted to make a statement or address the Council upon a matter of concern to that person which is relevant to local government, or to the Council's administration or upon a subject, which may be of general interest to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Town Clerk



**Devizes Town Council
Constitution,
Standing Orders & Financial
Regulations**

Reviews and Agreed 9 June 2022
Review March 2024

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Commented [SF1]: See amendments

Commented [SF2]: See Amendments

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The following Standing Orders recognise the importance of the National Code of Local Government Conduct. The Council, its Committees, Sub-committees and Members must observe the Code at all times.

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Review March 2024

Standing Orders which are featured in italics are statutory and cannot be varied or suspended

CONSTITUTION

Title and Area

The Council shall be called Devizes Town Council and operate in the area specified in S.I.1973 No 1110 Local Government (Successor Parishes) Order 1973 as amended by S.I. 2009 No 531 The County of Wiltshire (Electoral Changes) Order 2009 as further amended by The Wiltshire Council (Reorganisation of Community Governance) Order 2016

Functions

The functions of the Council shall be:

- a) To exercise such powers and duties as are laid upon it by statute
- b) To exercise such powers and duties as are laid upon it by delegation from Wiltshire Council
- c) To maintain and improve, where possible, the character of the town for residents and visitors
- d) To promote and encourage improvements to the town's environment
- e) To support the delivery of accessible health and fitness facilities for the community
- f) To provide high quality, cost effective services that support the Council's Mission
- g) To ensure our public services are equally accessible to everyone in the community
- h) To provide a focus for the cultural and civic traditions which contribute to the unique identity of Devizes

Constitution

The Council shall consist of:
21 Members elected by the electors of the Parish of Devizes

For the purposes of the elections referred above the area of the Council shall be divided into four wards, each electing Members as specified below

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East Ward	7 Members
North Ward	6 Members
South Ward	6 Members
Roundway Ward	2 Members

All Councillors shall retire together in every ordinary year of election on the fourth day after the ordinary day of election. The newly elected Councillors shall come into office on the day on which their predecessors retire.



Part 1

RULES RELATING TO MEETINGS OF THE COUNCIL

1. *The Statutory Annual Meeting of the Council shall be held:*
 - (a) *In a year which is an election year, the Statutory Annual meeting shall be held on or within fourteen days following the day on which councillors take office*
 - (b) *In any other year the Statutory Annual Meeting shall be held on such day in May as the Council may determine.*
2. *The three other statutory meetings shall be held in accordance with the Calendar of Meetings approved by the Council from time to time.*
3. Extraordinary meetings of the Council may be called:
 - (a) by the Town Mayor at any time
 - (b) upon signed requisition by two members, to the Town Mayor and stating the business to be transacted.
4. Meetings of the Council shall normally be held on Thursday commencing at 7pm in the Council Chamber, Town Hall, St John's Street, Devizes, but may be rearranged by prior notice of the Town Clerk having first consulted with the Town Mayor.
5. Members shall stand when speaking unless permitted by the Presiding Chairman to sit on account of infirmity (To be suspended for digital meetings)

Chairman

- 6 The Town Mayor shall preside at the meeting of the Council
7. In the absence of the Town Mayor, the Deputy Town Mayor or in their absence, *the person elected to preside at the meeting shall exercise all the powers and duties of the Town Mayor in relation to the conduct of the meeting.*

Quorum

8. *The Quorum for meetings of the Council shall be one third of the whole number of members of the Council.*
9. If, during any meeting of the Council, the Mayor, after counting the number of members present, declares that there is not a quorum, the meeting shall stand adjourned and any business not transacted at the



Part 1

meeting shall be transacted at the next meeting or on such day as the Mayor may fix.

Order of Business

10. *At each Annual Meeting the first business shall be:*
 - (a) *to elect a Town Mayor;*
 - (b) *to receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.*
 - (c) *In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations*
 - (d) *to decide when any declarations of acceptance of office which have not been received as provided by law shall be received*
 - (e) *to elect a Deputy Town Mayor*
11. *At every meeting of the Council other than the Annual Meeting, the first business shall be to appoint a Chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of office (if any) as are required by law to be made, or if not then reviewed to decide when they shall be received.*
12. After the first business has been completed, the order of business shall be as follows:
 - (a) *After consideration, to approve the signature of the Minutes, by the presiding Chairman, as a correct record.*
 - (b) *to deal with business expressly required by statute to be done*
 - (c) *to receive the Mayor's announcements*
 - (d) *to answer any questions which have been submitted by Members in writing having given four days notice.*
 - (e) *to dispose of any business remaining under the last meeting*
 - (f) *to receive, for information, minutes of Committees*
 - (g) *to consider matters referred by Committees*
 - (h) *to consider motions in the order in which they have been notified*



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- (i) to consider other matters specified in the summons (including reports and recommendations from Officers of the Council)
- (k) to authorise the sealing of documents
- (l) to invite questions from Members which may either be answered at the Meeting or referred to a Committee, but are not the subject of further debate Every question shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Town.

Questions

13. *A short time is allowed at the discretion of the Chairman for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.*

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk.

14. Subject to points (a) and (b) of Standing Order 12 not being displaced, the order of business at a meeting may, with the permission of the Town Mayor be varied on the grounds of urgency or convenience.

Notice Of Motions

15. (a) Notice of every motion (other than a motion moved without notice under Standing Order 61) shall be given in writing, signed by the member or members of the Council giving the notice, and delivered to the Town Clerk at least seven clear days before the next Council meeting
- (b) The Town Clerk shall date and number each motion in the order in which it was received and enter it in a book, which shall be open to the inspection of every member of the Council.
- (c) The Town Clerk shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing when giving it that s/he proposed to move it at some later meeting, or has since withdrawn it in writing.



Part 1

(d) Any motion thus set out in the summons which is not moved either by a member who gave notice thereof or by some other member on his/her behalf shall, unless postponed by consent of the Council be treated as withdrawn and shall not be moved without fresh notice



Part 1

(e) If the subject matter of any motion to Council of which notice has been duly given comes within the province of any Committee or Committees, it shall, upon being moved and seconded stand referred without discussion to such Committee as the Council may determine, for decision. In the event of urgency the Town Mayor may allow the motion to be dealt with at the meeting at which it was moved

(f) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Town.

Seniority of Councillors

16. For the purposes of all council and civic business, seniority of councillors will be calculated on the following basis –
- (a) Seniority is calculated on the basis of years and months service accrued
 - (b) split service is counted as consecutive for the purposes of calculating years of service.
 - (c) Where two, or more members have the same level of service but one is split and the other consecutive, then consecutive service ranks the higher.
 - (d) Where two, or more members have the same level of service seniority is alphabetical by surname.



Part 2

RULES RELATING TO COMMITTEES

Constitution of Standing Committees

17. The Council shall appoint the following Committees which shall be the Standing Committees of the Council and shall consist of the number of members as indicated

<u>Committee</u>	<u>Number of Members</u>
Planning and Highways Committee	7
Environment	7
Finance and Governance	7
Commercial Committee	7
Community Committee	7
Personnel Committee	7

18. The Council may, at any time, dissolve a committee or alter its membership

Appointment to Committees

19. Each group will be allocated seats based on their percentage of overall seats. Groups will put forward their nominations for final agreement. Independent councillors' will also be represented on each committee based on the number of seats held. Independent councillors can choose to come together as a group for this purpose or decide to put themselves forward for a committee. Where a committee may find itself over or under subscribed Full Council will make the final decision. Each member will sit on two committees.
20. The selection of members to committee will be made by the Full Council at the beginning of the New Council and members will remain on that committee for the duration of the council unless a member makes a request through standing order 21
21. Members wishing to apply to change committee membership must do so through their political grouping, unless they sit as an independent or have a single member group. The group will then request an internal committee group change at any Full Council meeting, where there will



Part 2

be a standard agenda item. Independents or single group members will apply directly to full council, with notification given to the Town Clerk at least 14 days before the meeting.

All members will be appointed to two committees in addition to Full Council.

22. As far as is practicable, appointments to Committees will be made proportionate to the political make-up of the Council

Quorum

24. The quorum for meetings of Committees shall be a minimum of 4 members in attendance.

Decision Making Powers of Committees

25. Committees are empowered to make decisions in accordance with the 'Duties and Powers of Council, Committees and Sub-Committees contained at Part 4
26. Matters may be referred to full Council for decision in the event of a majority vote of Committee Members present.

Order of Business

27. At its first meeting, the first business of every Committee and Sub-committee shall be to elect a Chairman and a Vice Chairman who shall hold office until the next Annual Meeting of the Council.
28. At every meeting other than the first meeting, the first business shall be to elect a Chairman for the meeting if the Chairman and Vice Chairman are absent
29. After the first business has been completed, the order of business shall be as set out in the agenda.
No item of business shall be considered unless it is included in the agenda or by reason of special circumstance. It shall be specified in the minutes that the Chairman is of the opinion that the item should be considered at the meeting as a matter of urgency

Meetings



Part 2

30. Meetings of the Committees of the Council shall be held in accordance with the calendar of meetings approved by the Council from time to time
31. Extraordinary meetings of a Committee may be called by the Chairman of that Committee or Town Clerk at any time. The summons to an Extraordinary meeting shall set out the business to be considered and no other business shall be transacted at that meeting
32. Agendas and supporting papers for all meetings of Committees will be sent to all Members of the Council.

Appointment of Scrutiny Groups and Project Task Groups

33. Each Committee will have a scrutiny group attached to it to deal with matters outside formal committee meetings.

Only agreed tasks set out by the Council, with a narrow ongoing focus will be permitted as Standing Working Groups. Examples are set out below;-

- Agenda Planning
- Project Development
- Financial Planning
- Project Scrutiny
- Financial Scrutiny
- Operational Scrutiny

Standing Working Groups have no decision-making powers or budget, they can only make recommendations to their parent committee. Standing Working Groups can only consider matters under the remit of their parent committee.

34. Appointment to Scrutiny groups will be made by the parent committee with a minimum of six members, a minimum of three members being appointed from the parent committee and a maximum of 3 members from other committees.
35. Project task groups can be appointed at any time by committees to deal with single items where a clear outcome is needed. In setting up a Project Task Group the committee must clearly set out the role of the task group, and a time from which to report back. Project task groups



Part 2

can meet no more than three times before reporting back to the parent committee and it will be for the parent committee to agree an extension of time past the three meetings.

Project Task Groups have no decision-making powers or budget, they can only make recommendations to their parent committee.

36. Appointment to Project task groups will be made by the parent committee with, a minimum of 2 members being appointed from the parent committee and a maximum of 3 members from other committees. The task group can itself appoint up to 2 experts from outside the council to assist with informing debate. Where the committee feels it would be beneficial to have wider community participation it can agree this provided it sets out the justification.

First meeting of all committees

37. The first meeting of all committees will be convened at the first convenient date where the first item of business will be the election of chairman and vice chairman,

Election of Chairman to Committees

38. The Mayor will sit in the chair to conduct the election of chairman to all committees and, if not a member of the committee, has no vote except a casting vote in the event of a tied vote. Any member of the committee can nominate another member as chairman or vice chairman, but the nominee is permitted to second themselves. Should there be more than one nomination for Chairman or Vice Chairman, nominee will have up to three minutes to explain what skills they have to chair the meeting.

Presence of Non Members of Committees at Committee Meetings

39. Any Member of the Council shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any Committee of which s/he is not a member and may, will have an automatic right to speak but not vote on a specific matter or matters under consideration.



Part 3

RULES APPLYING TO BOTH COUNCIL AND COMMITTEES

Voting

40. Voting shall be by show of hands.
- (a) *If a member so requires the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it or abstained. Any such request must be made prior to the vote being taken.*
- (b) Following a vote, a member may request that his/her individual vote or abstention is recorded
41. (a) *Subject to (b) and (c) below, the Committee Chairman may give an original vote on any matter put to the vote and in the case of an equality of votes may give a casting vote even if s/he gave no original vote;*
- (b) *If the person presiding at the Annual Meeting would have ceased to be a Member of the council but for the statutory provisions which preserve membership of the Mayor and Deputy Mayor until the end of their term of Office s/he may not give an original vote in an election for Mayor;*
- (c) *The person presiding must give a casting vote whenever there is an equality of votes in an election of Mayor*

Voting on Appointments

42. Where more than two persons have been nominated for any position to be filled by the Council or Committees and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

Rules of Debate

43. These rules of debate are applicable to meetings of the Council, Committees and Sub-committees.
44. No discussion shall take place upon the Minutes except upon their accuracy. Corrections if any, to the Minutes shall be made by resolution and must be initialled by the Chairman



Part 3

45. A motion or amendment shall not be discussed unless it has been proposed and seconded and it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
46. The mover of a motion shall have a right to reply immediately before the motion is put to the vote. If an amendment is proposed, the mover of the amendment shall be similarly entitled to reply. A member exercising a right to reply shall not introduce a new matter.
47. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.
48. A member may, with the consent of the seconder, move amendments to their own motion.
49. A member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
50. A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
51. The speech of a member moving a motion shall not exceed five minutes and all other speeches shall not exceed five minutes, except by consent of the Chairman.
52. An amendment shall be either:
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add words
53. An amendment shall not have the effect of negating the motion before the Council.
54. If an amendment is carried, the resolution, as amended shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
55. A further amendment shall not be moved until the Council has disposed of every amendment previously moved.



Part 3

56. The mover of a resolution or an amendment shall have a right of reply not exceeding five minutes
57. A member, other than the mover of a resolution, shall not, without leave of the Chairman speak more than once on any resolution (except to move an amendment or further amendment, or on a point of order or in personal explanation or to move the closure)
58. A member may make a point of order or personal explanation. A personal explanation shall be confined to some material part of a former speech that they have made which may have been misunderstood.
59. A motion or amendment may be withdrawn by the proposer with the consent of the Chairman, which shall be signified without discussion and no member may speak upon it after permission has been asked for its withdrawal, unless such permission has been refused.
60. When the motion is under debate, no other motion shall be moved except the following:
 - (a) to amend the motion
 - (b) to proceed to the next business
 - (c) to adjourn the debate
 - (d) that the question be now put
 - (e) that a member (named) be not further heard
 - (f) that a member (named) do leave the meeting
 - (g) that the motion be referred to a Committee or to Council (as appropriate)
 - (h) to exclude the public and press
 - (i) to adjourn the meeting

Closure

61. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council does now adjourn”. If such a motion is seconded and if the Committee Chairman is of the opinion that the question before the Council has been debated sufficiently they shall forthwith put the motion.



Part 3

62. If the motion “that the question be now put” is carried, he/she shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after the right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

Disorderly Conduct

63. (a) No member shall at a meeting persistently disregard the ruling of the Presiding Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Presiding Chairman, a member has broken the provision of paragraph (a) of this Order, the Presiding Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Presiding Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Motion Moved Without Notice

64. Motions dealing with the following matters may be moved without notice:
- (a) To appoint a Chairman of the meeting
 - (b) To correct or approve the minutes
 - (c) To alter the order of business
 - (d) The referral of a matter to Council or to Committee
 - (e) Appointment to a Committee
 - (f) To proceed to the next business
 - (g) To close or adjourn the debate
 - (h) Not to adjourn
 - (i) That the question now be put
 - (j) To adopt a report
 - (k) To amend a resolution
 - (l) To authorise the sealing of documents
 - (m) To give leave to withdraw a resolution or an amendment
 - (n) To extend the time limit for speeches
 - (o) To suspend Standing Orders in accordance with Standing Order No 89
 - (p) To exclude the Public under Standing Order 75



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- (q) To silence or eject a Member named for misconduct
- (r) To invite a Member having an interest in the subject matter under debate to remain
- (s) To give consent of the Council where such consent is required by these Standing Orders

Rescission of Previous Resolution

65. (a) No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice of Motion bears the names of at least six members of the Council
- (b) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months
- (c) This Standing Order shall not, however, apply to motions moved in pursuance of a recommendation of a Committee

Discussions and Motions Affecting Employees of the Council

66. If at a meeting, there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Committee has decided whether or not the public shall be excluded.

Admission of the Public and Press to Meetings

67. *The Public and the Press shall be admitted to all meetings of the Council and its Committees, which may however temporarily exclude the Public by means of the following resolution:*
68. "That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw.
68. *The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.*

Confidential Business



Part 3

70. No member shall disclose to any person who is not a member of the Council, any business declared to be confidential by the Council, the Committee or the Sub-committee as the case may be.
71. The contents of any document or report which may be circulated to any member or members of the Council and which is marked "exempt" shall not be disclosed to any other person or persons.

Inspection of Documents

72. (a) All Minutes and documents kept by the Council and by any Committee shall be open for the inspection by any member of the Council for any purpose of his/her duty, but not otherwise.
- (b) The Minutes shall be open to inspection by any local government elector of the Town without charge unless they refer to business conducted in the absence of the public

Unauthorised Activities

73. No member of the Council shall in the name of or on behalf of the Council
- (a) inspect any land or premises which the Council has a right or duty to inspect, or
- (b) issue orders, instructions or directions
- unless authorised to do so by the Council or the relevant Committee or Sub-committee

Declaration of Interests

74. If any member has an interest, within the meaning of the Code of Conduct as adopted by the council in accordance with the Localism Act 2011, in a matter to be decided, it must be declared at a meeting
- Members who have a Disclosable Pecuniary Interest may, prior to the commencement of debate and discussion on the matter, make representations to the meeting to the extent that a member of the public would be allowed, and must leave the room prior to the commencement of such debate and discussion and during voting on the matter in question
75. The Town Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the



Part 3

council of any interest in a contract, and the book shall be open during the reasonable hours of the day for the inspection of any member.

760. If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without further notice. Where relationship to a member is disclosed the Standing Orders on Interests shall apply

Canvassing of and Recommendations By Members

77. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
78. Standing Orders Nos 85 & 86 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Sealing of Documents

79. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution of the Council or Committee or is a requirement of the Council's activities
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the Town Clerk (or delegated senior officer in his/her absence)

Variation, Revocation and Suspension of Standing Orders

80. Any part of the Standing Orders except those printed in italics may be suspended during the current meeting by resolution in relation to any specific item of business.



Part 3

- 81 A resolution permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Council.

Liaison with Wiltshire Councillors

82. A notice of meeting shall be sent together with an invitation to attend to the Wiltshire Councillors for the division.
- 83.. Unless the Council otherwise orders, a copy of each letter ordered to be sent to Wiltshire Council shall be transmitted to the Wiltshire Councillor for the division.

Notice of Non Attendance at Meetings

- 84 attendance at meetings should be notified to the Town Hall by 5pm latest on the day of the meeting.
85. No apologies will be recorded if, otherwise than in the event of an unavoidable emergency, if notification has not been made

Public Participation

86. At all meetings of the Council or its Standing Committees there will be a short period allowed for questions from the Public. A question may be answered orally or in writing (which shall be circulated to all members of the Council) but shall not be the subject of further debate.



Part 4

DUTIES AND POWERS OF COUNCIL AND COMMITTEES

Council

87. The following matters shall be reserved for decision by the Council itself
- (a) Precepting a rate
 - (b) Borrowing Money
 - (c) Making, amending or revoking Standing Orders, Financial Regulations or Duties and Powers and proper Office provisions
 - (d) Making, amending or revoking Bye Laws
 - (e) Making of Orders under any statutory powers
 - (f) Important matters of principle or policy which have been referred directly by committees or officers
 - (g) Prosecution or defence in a court of law

88 **Remit of Planning and Highways Committee (7Members)**

The Planning Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Planning Committee can delegate the committee chairman, in conjunction with the Town Clerk planning decisions. The Planning Panel is empowered to incur expenditure where it has an allocated budget provision.

- Consultation on individual planning applications
- Planning Appeals
- Neighbourhood Planning
- Planning Consultation (Structure Plan, Local Plan, etc)
- Highway and traffic matters

89 **Membership of the Planning and Highways Committee**

As with other committees, it will be for individual groups to put forward their nomination based on their allocation, or in the case of independent councillors' self-nomination, therefore it is important that within the make-up of the committee every ward is represented and this needs to be considered as part of the selection process.



Part 4

90 Right to Speak at Planning & Highways Committee

All members will be able to speak at planning committee meetings and put forward concerns or make comments as they can do on any committee.

91 Calling in of Planning Applications

Where any council believes that the matters within a plan conflict with planning guidance, be it the NPPF, local plan or neighbourhood plan, or where there is substantial local concern about an application, The Chairman of the committee must agree that the application is "Called In" to a special meeting of the Council, held immediately before the next scheduled planning committee, so that there can be a full council debate and decision.

92 Environment Committee (7 Members)

The Environment Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Planning Panel is empowered to incur expenditure where it has an allocated budget provision

- Council Open Spaces, Parks, Allotments, Cemetery and Floral Displays
- Tree and Woodland Management
- Street Scene, including cleansing, Street Furniture and seasonal Street Decoration and layouts
- Non-commercial structures such as bus shelters and monuments
- Wider Biodiversity initiatives
- Wider sustainability initiatives

93 Finance and Governance Committee (7 members)

The Finance and Governance Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Finance and Governance Committee is empowered to incur expenditure where it has an allocated budget provision

- Financial Planning
- Financial Oversight
- Audit Responsibility
- Budget Oversight



Part 4

- Governance and Policy Oversight
- Legal Services

94 Commercial Committee (7 members)

The Commercial Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Commercial Committee is empowered to incur expenditure where it has an allocated budget provision.

- Oversight of the Venues Operation and buildings.
- Oversight of the Market Operations, Shambles and Market Place.
- Public Toilets and Cafe Services.
- Commercial Properties.
- Wider town promotion and regeneration initiatives.

95 Community Committee (7 members)

The Community Committee shall be empowered to exercise and perform on behalf of the Council, all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Community Committee is empowered to incur expenditure where it has an allocated budget provision.

- To responded to non-planning consultation requests
- Civic Traditions, Civic Events and Mayoralty including Insignia and Plate
- Community Engagement and Support, including Community Safety
- Community Events, from Council Led and Wider Partnership Support including Twinning.
- Community Grants
- The appointment of Members to Outside Bodies,
- Communication & website
- Christmas Lights

96 Remit of Personnel Committee (7 Members)

The Personnel Committee shall be empowered to exercise and perform on behalf of the Council all powers and duties of the Council in relation to the matters listed below, which is not exhaustive. The Community Committee is empowered to incur expenditure where it has an allocated budget provision.

- Review and development of staffing policies
- Appointment of senior leadership team



Part 4

- Staff performance oversight
- Work Force Strategy & Structure
- Senior Staff Disciplinary and appeal process
- Matters relating to appeal hearing for less senior staff
- Office Arrangements and Requirements

Remit of Cabinet Committee (7 Full Members 14 Deputies)

97. During times of national, regional or local emergency, the Council may suspend the normal committee structure and appoint a Cabinet Committee for a term of not more than six months, which is empowered to exercise and perform all powers and duties of the Council, with the exception of those matters listed below:

- (a) Precepting a rate
- (b) Borrowing money
- (c) Making, amending or revoking bye laws
- (d) Making of Orders under any statutory powers
- (e) Prosecution or defence in a court of law.

The Full Members of the Cabinet can appoint Deputies in the event that they are unable to attend through illness or self-confinement. The Cabinet Committee can delegate any of its powers to a sub-committee. The Cabinet Committee is empowered to incur expenditure where there is an allocated budget or make extraordinary payment if in the interests of the Council and community of Devises. The committee will meet every three weeks.

At any time after the Committee has been appointed, it can determine that its emergency function is no longer necessary and request that Full Council reinstates the normal committee structure.

PROPER OFFICER

98. Where a Statute, Regulation or Order confers functions or duties on the Proper Officer of the Council in the following cases it shall be the Town Clerk or in his/her absence, an officer who is responsible for deputising for the post of Town Clerk.

- (a) To receive declarations of acceptance of office



Part 4

- (b) to receive and record notices disclosing pecuniary interests
- (c) to receive and retain plans and documents
- (d) to sign Notices of other documents on behalf of the Council
- (e) to receive Bye Laws made by a Unitary Council
- (f) to receive copies of Bye Laws made by the Council
- (g) to sign summonses to attend meetings of the Council and Committees
- (h) Recruitment (unless it was regarding the Town Clerk or at senior leadership team level.
- (i) Manage staffing levels within the pre-set budgets with the Personnel Committee being advised of any changes.
- (i) In any other case the Proper Officer shall be the person nominated by the Council and in default of nomination, the Town Clerk

DELEGATION TO OFFICERS

99. The Town Clerk shall be empowered to exercise and perform on behalf of and in the name of, and without further reference to the appropriate Committee of the Council all powers and duties of the Council in relation to the following as described.
- a) The day to day administration of services and routine inspection and control
 - b) Staffing Matters
 - I. the day to day supervision of all employees and the maintenance of staff discipline including taking appropriate disciplinary action in accordance with the disciplinary procedure.
 - II. The maintenance and periodic review of contracts of employment and job descriptions for all employees and other records as may be required from time to time.



Part 4

- III. To fulfil, as necessary, the requirements of the grievance procedure
 - IV. To ensure a Safety Manual and safety procedures are maintained in compliance with the health and Safety at Work Act 1974 and take such action as to ensure its implementation
 - V. To decide upon requests from staff for compassionate leave
 - VI. To appoint temporary staff as considered necessary
- c) To exercise such powers and duties as laid down in the Financial Regulations

FINANCIAL REGULATIONS

104. Section 151 of the Local Government Act 1972, together with Section 73 of the Local Government Act, 1985 and Section 114(1) of the Local Government Finance Act, 1988 requires that every local authority shall make arrangements for the proper administration of their financial affairs, and shall secure that one of their officers has responsibility for the administration of those affairs. The accounting, financial administration and financial control system of the Council shall be the specific responsibility of an officer - the Town Clerk - who shall maintain the integrity of the financial administration and control system.

Control - Regulation

105. The Community and Civic Resources Committee shall be responsible to the Council for the regulation and control of all the finances of the Council.
106. The Town Clerk of the Council shall, for the purposes of Section 151 of the Local Government Act 1972, as supplemented by Section 73 of the Local Government Act 1985 and Section 114(1) of the Local Government Finance Act, 1988, be responsible, under the general direction of the Community and Civic Resources Committee, for the proper administration of the Council's financial affairs.

Accounting

107. All accounts and accounting records of the Council shall be compiled by the Town Clerk or under his/her direction.

Audit

- The Town Clerk shall arrange for the adequate and effective system of internal audit of the accounting, financial control systems and other operations of the Council by a independent and competent person, to be undertaken on a quarterly basis whereby all of the council's finance & governance responsibilities are reviewed over the course of the year.
108. The Town Clerk, or his/her authorised representative, shall in pursuance of these duties, have authority to:-
- (a) enter at all reasonable times on any Council premises or land;
 - (b) have access to all records, documents and correspondence;
 - (c) require and receive such explanation as are necessary concerning any matter under examination; and

- (d) require any employee of the Council to produce cash, stores or any other Council property under their control.
109. The Town Clerk will be required to operate an internal audit service in accordance with the principles developed and recommendations made from time to time by the Auditing Practices Board.

Irregularities

110. Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Authority, the officer discovering the event (or any officer or member aware that the following procedures had not been effected) shall immediately report it to the Town Clerk, who shall take such steps as he/she considers necessary by way of investigation and report, and shall notify the Town Mayor and the Chair of the Community and Civic Resources Committee of the situation.

Insurances

111. The Town Clerk shall affect all insurance cover and negotiate all claims in consultation with other officers where necessary.
112. Officers shall give prompt notification to the Town Clerk of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
113. Officers shall notify the Town Clerk of any loss, liability or damage or any event likely to lead to a claim, and the police shall be informed unless otherwise decided.
114. All employees of the Council who have access or handle cash shall be included within in a suitable fidelity guarantee insurance.
115. The Town Clerk shall annually, or at such other period as may be considered necessary, review all insurances in consultation with other Officers.
116. The Town Clerk shall ensure that all contractors have adequate employer and third party liability insurance before contracts are carried out on behalf of the Council and recorded in a register.

Capital Expenditure

117. Upon the approval by the Council of a programme of capital expenditure the Town Clerk shall be authorised:-

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- (a) to submit a scheme to the appropriate spending committee and shall incorporate a statement, showing estimated cost and the probable initial and ultimate revenue charge as well as the method of financing recommended.
 - (b) to take steps to enable land required for the purposes of the programme to be acquired in due time; and
119. Where a capital scheme is likely to exceed the approved budget by more than £2,500 it will be the responsibility of Town Clerk to seek a virement, or if necessary, a supplementary estimate from the appropriate Committee or Council.
119. If, during the progress of the scheme, it becomes apparent that the original tender sum is likely to be materially varied, either up or down, the Town Clerk shall report the facts immediately to the appropriate committee, as part of the normal project progress procedure.
120. In order that the Council can react to changed circumstances in a timely manner the Council's Management Team shall monitor progress on capital schemes with a view to recommending the course of action appropriate both in respect of Regulation 34 and in the event of changes in the timescale during which capital works are likely to be carried out.

Contracts

COMPLIANCE WITH STANDING ORDERS AND EUROPEAN (EU) DIRECTIVES ETC

121. Every contract made by the Council or by a committee, sub-committee, or officer acting on their behalf shall comply with the relevant legislation being in force in the United Kingdom and, except as hereinafter provided, within these Financial Regulations.
122. (a) It shall be a condition of any contract between the Council and any person, not being an officer of the Council, who is required to supervise a contract on their behalf that, in relation to such contract, s/he shall comply with the requirements of the Council's Standing Orders and Financial Regulations as if s/he were an officer of the Council.
- (b) On occasions, particularly when the Council is contractually bound as an agent on behalf of some other statutory body, it will be necessary for the standing orders and rules and regulations of that body to have precedence over these standing orders in order that the Council may carry out its obligations to/on behalf of that body.
- (c) Exemption from any of the following provisions of these Financial Regulations may be made by direction of the Council or a

committee or sub-committee duly authorised in that behalf where they are satisfied that the exemption is justified in special circumstances.

(d) A record of any exemption made shall, be minuted in the minutes of the appropriate committee or Council.

Tenders & Quotations

123. For the purposes of these Financial Regulations the term "Quotation" refers to any invitation to contract not exceeding £49,999 and the term "Tender" refers to any invitation to contract exceeding £49,999.
124. Where the estimated value or amount of the contract for goods, services or materials does not exceed £4,999 the contract may be let at the discretion of the Town Clerk. In making arrangements for the supply of such goods, services or materials, the Town Clerk shall endeavour to ensure that the cost is competitive.

Invitation to and Acceptance of Quotations

125. (a) Where the estimated value or amount of a proposed contact exceeds £4,999, but does not exceed £49,999 quotations shall be invited from a minimum of four suppliers/contractors.
- (b) Provided that at least two quotations are received by the date and time stipulated, the Town Clerk in conjunction with the Chair of the spending Committee concerned shall have power to accept an appropriate quotation.
- (c) Where officers, in conjunction with the Chair of the spending Committee concerned do not accept the lowest quotation a written report will be submitted on the circumstances to the next meeting of the appropriate committee. Acceptance must be in writing and supported by a copy of the appropriate quotation document setting out terms and conditions, where applicable.
- (d) This Financial Regulation does not apply in respect of the appointment of consultants which is provided for in Financial Regulation 128
126. (a) Where an invitation for a quotation is made, every invitation shall state that no quotation will be received unless it is enclosed in a plain sealed envelope which shall bear the work 'Quotation' followed by the subject to which it relates but no other name or mark indicating the sender.
- (b) The quotations shall be kept in the custody of the Town Clerk or such other authorised officer until the time and date specified for their opening.

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- (c) No quotation received after the time and date specified in the invitation shall be accepted or considered under any circumstances.
127. (a) Quotations received under Financial Regulation 113 shall be opened at one time and only in the presence of the Town Clerk and an appropriate officer.
- (b) All quotations received shall be recorded in a register, which shall be kept available for inspection during normal office hours. All persons present at the opening shall sign the Register.
- (c) Quotations shall only be accepted by the Council, or by a committee or sub-committee or by an officer duly authorised in that behalf.

Invitation to and Acceptance of Tenders

128. Where the estimated value or amount of the contract exceeds £49,999, or less if deemed appropriate by the relevant spending Committee, public notice shall be given:
- (a) in at least one local newspaper, and
- (b) in at least one newspaper or journal circulating among such persons or bodies who undertake such contracts,
129. At least 14 days' public notice shall be given and the notice shall express the nature and purpose of the contract and/or state where further details may be obtained, invite tenders for its execution and state the last date and time when tenders will be received.
130. (a) Where an invitation to tender is made, every invitation shall state that no tender will be received unless it is enclosed in a plain sealed envelope which shall bear the word 'Tender' followed by the subject to which it relates but no other name or mark indicating the sender.
- (b) The tenders shall be kept in the custody of the Town Clerk or such other authorised officer until the time and date specified for their opening.
- (c) No tender received after the time and date specified in the invitation shall be accepted or considered under any circumstances.
131. (a) Tenders received under Financial Regulation 116 shall be opened at one time and only in the presence of a Member (or Members) of the Council, the Town Clerk and an appropriate officer.
- (b) All tenders received shall be recorded in a register which shall be kept available for inspection during normal office hours. All persons present at the opening shall sign the Register.

(c) Tenders shall only be accepted by the Council, or by a committee or sub-committee or by an officer duly authorised in that behalf.

(d) The relevant spending Committee shall be authorised to accept any tender. If the lowest tender is not accepted a report explaining the circumstances will be submitted to the Council.

Register of Contracts

132. *A register of all contracts of a value in excess of £4,999 placed by the Council shall be kept and maintained under the direction of the Town Clerk. The register shall for each contract, specify the name of the contractor, the works to be executed or the goods to be supplied and the contract value. The register shall be open to inspection by any member of the Council.*

Contract Conditions

133. Every contract shall be in writing and:-

Whilst tenders may be sought from companies which have previously been unknown to the Council where the work is of a specialist nature, for smaller work companies from an approved register should be used.

The register should be regularly updated and reviewed.

(a) if it does not exceed £49,999 shall be signed by the Town Clerk on behalf of the Council (or by someone duly authorised to sign on their behalf).

(b) if it exceeds £49,999 in value, be signed (or sealed as the case may be) by Town Mayor and the Town Clerk (or by someone duly authorised to sign on their behalf)

(c) specify the goods materials or services to be supplied and the work to be executed; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties; and

(d) Where the Town Clerk or spending committee considers it necessary, due to the nature of the contract or any other particular circumstances provide for the payment of liquidation damages by the contractor where he/she fails to complete the contract within the time specified.

134. (a) Where the Town Clerk or the spending Committee considers it necessary due to the nature of the contract or any other particular circumstances, shall there be a requirement for the contractor to enter into a bond for its due performance, or into such other arrangements as

may be approved by the Town Clerk, in the sum of 10% of the contract amount. This must be identified in advance and stated in the tender documents.

(b) In cases where a bond is required, the tender documents shall make reference to this, but it be stated in the documentation that, if the contractor has not produced the required form of bond prior to the date set for commencement of the work, then 10% of the contract sum will be deducted from the first or, if this is not sufficient, from subsequent interim payments.

(c) Where the Town Clerk or the spending Committee considers it necessary due to the nature of the contract or any other particular circumstances, there will be a provision for the Council to make a retention of 10% for an agreed period to ensure the satisfactory completion of the contract.

Special Equipment or Services Etc

135. Financial Regulations 113, 116 and 117 shall not apply in respect of the supply of specialist equipment or the carrying out of specialist works which can, in the opinion of Town Clerk, be obtained only from a limited number of suppliers or contractors or where the price of the equipment works supplied/carried out are wholly controlled by trade organisations or government order etc and no reasonably satisfactory alternative is available. Town Clerk shall, in every such case, certify that the goods or services required are of such a specialist nature. Contracts of a specialist nature, which are deemed not to be subject to tender or quotations, will be reported to the relevant committee.

British Standards

136. Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standards Specification or Code of Practice.

Cancellation of Contract

137. There shall be inserted in every written contract a clause empowering the council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relating to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or

disfavour to any person in relation to the contract or any other person employed by him or acting on his/her behalf (whether with or without the knowledge of the contractor), or if in relation to any contract with the Council, have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972.

Appointment of Consultants

138. (a) tenders for consultancy work be invited only from the membership list of the appropriate professional body and not from public advertisement. Having consulted the membership list of the relevant professional body, preference should be given to firms in the locality. Where no professional body exists qualifications, experience and evidence of work undertaken must be sought to establish credibility.
- (b) the full terms of the appointment should be made known to tenderers at the time tenders are invited;
- (c) in appropriate cases, tenders should be sought on an annual or longer
- (d) term basis, with a maximum of five years at any one time, but discretion on the length of the contract within the maximum should be left to the Town Clerk in conjunction with the Chair of the appropriate Spending Committee or Council.
- (e) the Town Clerk should be empowered to appoint consultants for preliminary advice (e.g. for project feasibility studies) without the delay and expense of tendering, subject to there being appropriate provision within the approved capital estimates.

Management of Contracts

139. Payments to contractors on account of contracts shall be made only on a certificate issued by the qualified professional advisor (where such has been engaged by the Council) or by the Town Clerk in conjunction with the Chair of the spending Committee.
140. Subject to the provisions of the contract in each case every extra or variation shall be authorised in writing by Town Clerk in conjunction with the Chair of the spending Committee.
141. Any such variation, the estimated additional cost of which exceeds 5%, shall be reported to the appropriate spending committee as soon as practicable.

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142. The final certificate of completion of any contract shall not be issued until the appropriate officer, private architect, engineer or consultant has produced a detailed statement of account, and all relevant documents if required.
143. Claims for contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Council's legal advisors for consideration of the authority's legal liability and, where necessary, Chair of the appropriate spending Committee for financial consideration before a settlement is reached.
144. Where the completion of a contract is delayed by more than one-sixth of the original contract period, it shall be the duty of the Supervising Officer or professional technical advisor concerned to report the delay, and the reasons therefore to the appropriate committee.
145. Where completion of a contract is delayed after the completion or extended completion date and the contract so provides, it shall be the duty of the supervising officer to certify under the contract whether, and if so how much, should be deducted as liquidated and ascertained damages, and to notify the Town Clerk and Chair of the spending Committee accordingly, or on failing to do so report the same to the appropriate committee.

Annual Estimates

146. The Council shall consider the estimates of all committees together with such summaries, statements, reports and recommendations in relation thereto as they may consider desirable for the information of the Council. The Council will decide the rate to be levied for the ensuing year.
147. The Council's approval of the estimates shall be deemed approval for the incurring by the appropriate committee of expenditure on each of the items detailed therein.
148. It shall be the duty of the Administration & Finance Manager to report any anticipated or actual over-spending or shortfall in income to the Town Clerk so that the appropriate steps can be taken to correct the situation.
149. Expenditure or income in excess of £2,500 allocated in the estimates for particular purposes shall only be diverted to other purposes with the agreement of the appropriate Committee or Council.
150. The Town Clerk shall furnish the Community and Civic Resources Committee with periodical statements of receipts and payments under each head of approved estimate and such other relevant information as is available.

Annual Reports

151. The Council shall produce annual reports on the affairs of the Authority in respect of each financial year, which shall include such information as is prescribed by statute or relevant codes of practices as follows:-

Statement of Accounts
(Code of Practice on Local Authority Accounting in Great Britain).

152. The Statement of Accounts shall be published by the 30th June following the year ending 31st March, and shall be considered by the Council at its meeting before that date.

Control of Expenditure – Orders for Work & Goods

153. The Administration & Finance Manager shall be responsible for the purchase and issue of all order books.
154. A list of officers authorised to sign orders will be approved by the Town Clerk.
155. All orders for goods or work shall be issued under terms agreed by the Town Clerk and expenditure must be within the legal powers and duties of the Council. Authorised officers shall ensure that verbal orders are kept to the minimum and are confirmed by written orders the same day.

Stocks and Stores and Inventories

156. The Town Clerk and other department managers shall be responsible for the custody and physical control of the stocks and stores of the Council.
157. Every officer shall supply the Administration & Finance Manager with stores records as may be required for the accounting, costing and financial records of the Council.
158. Inventories of all plant, equipment, furniture shall be maintained in respect of each establishment of the Council and departmental manager shall ensure that such inventories are kept up-to-date and that an annual check of all items on the inventory is maintained.
159. Sales of surplus and obsolete stores, furniture and equipment shall be authorised by the Town Clerk. For items with an estimated value of £500 or less, the sale price will be determined by the Town Clerk. For items with an estimated value of more than £500 by competitive tender, the extent and mechanism for which will be decided by the Town Clerk in conjunction with the Chair of the relevant Committee.

Security

160. The Town Clerk and departmental managers are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control.
161. The Administration & Finance Manager is responsible for maintaining a register of all keys issued.

Payment of Accounts

162. The normal method of payment of money due from the Council, apart from petty cash and other payments from imprest accounts, shall be by cheque, Standing Order, Direct Debit or BACS drawn on the Council's banking account.
163. Payments drawn on the Council's banking accounts shall be authorised by two councillors of Devizes Town Council. and an authorised officer. Where payments are made by variable Direct Debit, the instructions are to be signed by two members and an authorised officer.
164. If thought appropriate by the Town Clerk or another senior officer, payments can be made for certain items via an internet banking transfer to the value of £250 per single transaction, provided evidence is retained showing which officer approved the payment. For payments greater than £250 authorisation must be given by two members.
165. (a) If thought appropriate by the Town Clerk or another senior officer, payments can be made for items via an internet banking transfer to the value of £250 per single transaction, provided evidence is retained showing which officer approved the payment. For payments greater than £250 authorisation must be given by two members.
166. (b) A credit card will be held in the name of Devizes Town Council and will be under the control of the Town Clerk. Single transactions will be restricted to £500 unless authorised by 2 members. The monthly balance on the Credit card will be settled at the end of each month.
167. Before certifying an account for payment, the Administration & Finance Manager shall, have satisfied him/herself that:-
 - (a) the work, goods, or service to which the account relates have been received, carried out, examined and approved.
 - (b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.

- (c) the relevant expenditure has been properly incurred, is within the relevant estimate provision.
 - (d) the account has not been previously passed for payment and is a proper liability of the Council.
 - (e) The VAT regulations have been complied with
168. Schedules of payments made, will be presented to the Community and Civic Resources Committee for information.

Salaries & Wages

169. The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees of the Council shall be made or under arrangements approved and controlled by the Town Clerk, complying with all relevant regulations in respect of PAYE and NI.
170. Each Manager shall notify the Administration & Finance Manager as soon as possible and in the form prescribed, of all matters affecting the payment of such emoluments, and in particular, absences from duty for sickness or other reason, and any overtime or duty payments.
171. Appointments of all employees shall be made in accordance with the approved establishments, grades and rates of pay.

Travelling, Subsistence, Attendance and Financial Loss Allowance

172. All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, signed by the Claimant and certified by the appropriate manager.
173. Payments to members, including co-opted members of the Council or its committees who are entitled to claim travelling or other allowances will be made upon receipt of the claim. All claims for a financial year are to be submitted within one month of 31st March.
174. Officers' claims submitted more than six months after the expenses were incurred will be paid only with the express approval of the Town Clerk.

Control of Income

175. The collection of all money due to the Council shall be under the supervision of the Town Clerk.

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176. Where cash is received in payment of any debt an official receipt must be given at the time of payment to the payer.
177. Personal cheques shall not be cashed out of the money held on behalf of the Council.
178. Sums due to the Council not exceeding £150.00 shall not be written off in the books of account without the approval of the Town Clerk. Sums in excess of £150.00 shall not be written off without the approval of the appropriate Committee of the Council.

Estates

179. The Administration & Finance Manager will maintain a schedule of all properties owned by the Council, purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
180. The Town Clerk shall have the custody of all title deeds under secure arrangements.

Banking Arrangements

181. The Council's banking services shall be subject to competitive tendering procedures on a regular basis, with a maximum contract term of five years.
182. All arrangements with the Council's bankers shall be made by or under arrangements approved by the Administration & Finance Manager in conjunction with the Town Clerk, who shall be authorised to operate such banking accounts, as they may consider necessary.
183. All new cheques books shall be ordered only on the authority of Town Clerk or Administration & Finance Manager, who shall make proper arrangements for their safe custody.
184. The Council will maintain a £20 cash float. All cash received must be banked weekly or if more than £2000 is held on the premises.
185. Officers will prepare a monthly reconciliation of the Council's bank accounts which will be reviewed by the Administration & Finance Manager

DEVIZES TOWN COUNCIL CIVIC CALENDAR 2024-25

**DRAFT SCHEDULE OF FULL COUNCIL AND OTHER SIGNIFICANT MEETINGS
MAY 2024 TO MAY 2025**

16 MAY 2024	MAYOR MAKING
21 MAY 2024	PLANNING COMMITTEE ENVIRONMENT COMMITTEE
25 MAY 2024	COUNCIL ROADSHOW
04 JUNE 2024	COUNCILLORS' SURGERY COMMERCIAL COMMITTEE FINANCE & AUDIT COMMITTEE
13 JUNE 2024	FULL COUNCIL (agree year end accounts)
18 JUNE 2024	PLANNING COMMITTEE COMMUNITY COMMITTEE
20 JUNE 2024	CEMETERY FAMILY HISTORY DAY
23 JUNE 2024	MAYOR'S INAUGURAL CHURCH SERVICE
02 JULY 2024	
16 JULY 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE ENVIRONMENT COMMITTEE
30 JULY 2024	COMMERCIAL COMMITTEE PERSONNEL COMMITTEE
13 AUG 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE COMMUNITY COMMITTEE
27 AUG 2024	
31 AUG 2024	COUNCIL ROADSHOW
03 SEPT 2024	MERCHANT NAVY DAY
10 SEPT 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE ENVIRONMENT COMMITTEE

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24 SEPT 2024	COMMERCIAL COMMITTEE FINANCE & AUDIT COMMITTEE
08 OCT 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE COMMUNITY COMMITTEE
17 OCT 2024	FULL COUNCIL (Budget options)
22 OCT 2024	PLANNING COMMITTEE FINANCE & AUDIT COMMITTEE
05 NOV 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE ENVIRONMENT COMMITTEE
09 NOV 2024	COUNCIL ROADSHOW
10 NOV 2024	REMEMBRANCE SUNDAY
19 NOV 2024	COMMERCIAL COMMITTEE PERSONNEL COMMITTEE
22 NOV 2024	CHRISTMAS LIGHTS SWITCH-ON
03 DEC 2024	COUNCILLORS' SURGERY PLANNING COMMITTEE COMMUNITY COMMITTEE
05 DEC 2024	CAROL CONCERT
17 DEC 2024	
19 DEC 2024	FULL COUNCIL MEETING (Setting of Budget & Precept, agree Mayor Elect)
24 DEC 2024	STATUTORY DAY Office closed
25 DEC 2024	BANK HOLIDAY) Office closed
26 DEC 2024	BANK HOLIDAY) Office closed
27 DEC 2024) Office open
30 DEC 2024) Office open
31 DEC 2024	STATUTORY DAY Office closed
01 JAN 2025	BANK HOLIDAY Office closed
02 JAN 2025	Office open
07 JAN 2025	COUNCILLORS' SURGERY PLANNING COMMITTEE ENVIRONMENT COMMITTEE
21 JAN 2025	COMMERCIAL COMMITTEE

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	FINANCE & AUDIT COMMITTEE
04 FEB 2025	COUNCILLORS' SURGERY PLANNING COMMITTEE COMMUNITY COMMITTEE
08 FEB 2025	COUNCIL ROADSHOW
18 FEB 2025	
04 MAR 2025	PLANNING COMMITTEE ENVIRONMENT COMMITTEE
13 MAR 2025	FULL COUNCIL (agree Deputy Mayor Nomination)
18 MAR 2025	COUNCILLOR'S SURGERY COMMERCIAL COMMITTEE PERSONNEL COMMITTEE
01 APR 2025	COUNCILLORS' SURGERY PLANNING COMMITTEE COMMUNITY COMMITTEE
10 APR 2025	ANNUAL TOWN'S MEETING & CIVIC AWARDS
15 APR 2025	
29 APR 2025	PLANNING COMMITTEE ENVIRONMENT COMMITTEE
13 MAY 2025	COUNCILLORS' SURGERY COMMERCIAL COMMITTEE
15 MAY 2025	MAYOR MAKING

Notes:

Full Council meetings commence at 7pm.

Committee meetings commence at 7pm, with any other Committees following on immediately.

Council Surgery meetings commence at 6pm. [Two Members must be present.](#)

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