



Maghull Town Hall

Hall Lane, Maghull,

Merseyside L31 7BB

Telephone: 0151 526 3705

Facsimile: 0151 520 0253

E-mail: info@maghull-tc.gov.uk

Web Site: maghull-tc.gov.uk



To: The Mayor and Members of Maghull Town Council, Maghull Town Hall, Hall Lane, Maghull.

You are hereby summoned to attend the Annual Meeting of the Council which will be held in the Council Chamber, Maghull Town Hall on Wednesday 15th May 2024 at 6:30 PM or after Town Assembly whichever is the later to transact the business detailed below.

Note: DECLARATIONS OF INTEREST – If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Town Clerk at least 24 hours in advance of the meeting.

1 Election of Chair

Members are asked to elect a Chair for the municipal year 2024/25.

2 Election of Town Mayor

Members are asked to elect a Town Mayor for the municipal year 2024/25, the signing of the Declaration of Office and Investiture with the Badge of Office.

3 Appointment of Deputy Town Mayor

Members are asked to appoint a Deputy Town Mayor for the municipal year 2024/25 and Investiture with the Badge of Office.

4 Apologies For Absence

5 Declarations of Interest

6 Public Participation.

7 To Confirm the Minutes of the Last Meeting

To confirm the minutes of the meeting held on 29th January 2024 (Pages 1 - 3).

8 Council Vacancy - Co-option

Members to receive an update regarding the current vacancy

9 Review of Core Documents

Members are asked to approve the documents (Pages 4 - 62).

10 Committee Places

Members are asked for nominations for Council Committees and Working Groups for the forthcoming municipal year: (Pages 63 - 67)

P.T.O.

Committee

1. Finance and General Purposes – Chair and Vice Chair and representatives

Working Groups

1. Community and Heritage

2. Parks and Recreation

3. Youth

11 Appointment of Representatives on External Bodies

Members are asked to consider the appointments (Page 68).

12 Municipal Calendar 2023/24

Members are asked to agree dates of Town Council meetings – schedule attached (Page 69).

13 Chairman's Closing Comments

For noting only

14 Exclusion of the Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

15 Maghull Hub

To receive an update regarding the current SLA and Provider of advice services to the Advice Centre. (Pages 70 - 73)

16 Maghull Football Club Improvements

To receive an update regarding the current lease negotiations with Maghull Football Club and the progress made so far (Pages 74 - 77)



Miss A. McIntyre FSLCC
Town Clerk

Minutes of the Full Council Meeting Held Monday 29th January 2024 at 6:30 PM

Those present :

Mayor : Cllr K Hughes

Councillors : Cllr L Birchall, Cllr G Birchall, Cllr P Brougham, Cllr R Ferguson, Cllr T Hughes, Cllr D Leatherbarrow, Cllr R Mason, Cllr S May, Cllr B McCormack, Cllr P

Mccormack, Cllr C Parker, Cllr J Sayers

In attendance : Mr E Landor, Ms P Landor

Officers : P Dillon, S Lawrence, A Mc Intyre, K Spofforth, D Stephens

1 Apologies For Absence

Apologies have been received from Cllr J Desmond, Cllr P Darlington.

2 Declarations of Interest

All Cllrs declared a prejudicial interest in item 6 Budget 2024/25. Dispensation granted.

3 Public Participation.

None.

4 To Confirm the Minutes of the Last Meeting

RESOLVED that the minutes from Full Council on 6th December 2023 were approved as a correct record.

5 Planning Applications.

Members were informed of planning applications by Edward & Philippa Landor from Landor consulting. Members discussed the planning applications listed on the agenda.

Ref: DC/2023/01962. Application for approval of reserved matters relating to Parcels R1 and R2 of the submitted. Development Strategy Document (pursuant to hybrid planning permission DC/2017/01528 approved 12/10/2021) for the appearance, landscaping, layout and scale of 249 dwellings including details to address conditions 4, 39, 40 and 44 on permission DC/2017/01528.

Edward Landor informed members of the response letter. Members agreed send response and to add the question, Who will have responsibility of the maintenance of the (phase 4) sporting pitches?

RESOLVED that the reponses be sent by the Landors, and that the applications be noted.

6 Budget Report 2024/25

The Finance Officer provided a summary of the budget report. MTC was committed to making efficiency savings wherever they could as well as seeking to maximise additional income by using external funding to make up the gap between core business responsibilities and the burden on the tax payer.

Majority of members agreed to option one from the recommendations. With a reduction in the original Community Services budget, and a view to not replace the Gator utility vehicle for another 12 months, it was calculated that a rise in the Band D precept of £1.49 (an increase of 1.22%), would raise £855,299 in income, and be sufficient to cover all the proposed necessary works for 2024-25 to be undertaken. Roof works (above admin offices) to the value of £5,000 would be carried out, but 3 other roof areas would remain to be upgraded the following year.

RESOLVED that:-

- 1. Council agreed the level of precept to be requested for the financial year 2024-25;**
- 2. Council agreed the budget for the forthcoming financial year 2024-25;**
- 3. Council agreed the charging schedule and the fees/rent included in the budget for the financial year 2024-25;**
- 4. The report be noted.**

7 Community Interest Company

Members were informed Community interest companies (CICs) are limited companies that are set up to provide a community benefit or achieve a particular social purpose. It is suitable for social enterprises and 'not-for-profit' projects of all sizes operating in various sectors. To improve on funding opportunities available to support local projects it is proposed that Council supports the establishment of a Community Interest Company which would enable bids to a wider range of funders and open up opportunities that currently are denied. MTC is currently unable to bid for certain funding in its position as a precepting authority. This limits the ability of officers to access funding for significant projects that would benefit the community and work alongside services that the Council delivers.

All members agreed.

RESOLVED that:-

- 1. Council agreed to the establishment of a Community Interest Company;**
- 2. The report be noted.**

8 Political Balance Report

Members were informed due to the political nature of the make-up of the Council it is necessary to fill the Committee places based on the political balance of the Council.

RESOLVED that:-

- 1. The composition of the political groups in paragraph 1.1 be noted;**
- 2. All agreed the options for the Committees detailed at paragraph 2 be determined and constituted with the Terms of Reference and delegated powers as detailed in the Constitution;**
- 3. All agreed the number of seats on the various Committees for the 2023-24 Municipal Year;**
- 4. All agreed Council confirms the allocation of seats to the political groups and makes appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989;**
- 5. All agreed Council appoints a Chair and Vice-Chair of each of the various**

Committees for the 2023-24 Municipal Year;

6. All agreed Cllr Parker & Cllr Brougham agree the working groups;

7. The report be noted.

9 Chair's Closing Comments

The Mayor thanked members for attending and informed the parents of Matthew lock are keen to have subway renamed in Matthews memory. Awaiting any details from Sefton Council.

10 Exclusion of the Press and Public

RESOLVED that the press and public be excluded due to confidential nature of the item under discussion.

11 Civic Awards

Members agreed 2024 Civic awards.

CHAIR

MAGHULL TOWN COUNCIL



**MAGHULL
TOWN
COUNCIL**

CONSTITUTION

May 2024

<u>INDEX</u>	<u>PAGE NO.</u>
MEETINGS	3
ORDINARY COUNCIL MEETINGS	7
PETITIONS	9
PUBLIC OPEN FORUM	10
PROPER OFFICER	12
MOTIONS REQUIRING WRITTEN NOTICE	14
MOTIONS NOT REQUIRING WRITTEN NOTICE	15
RULES OF DEBATE	16
CODE OF CONDUCT	20
QUESTIONS	20
MINUTES	21
DISORDERLY CONDUCT	21
RECISSION OF PREVIOUS RESOLUTIONS	22
VOTING ON APPOINTMENTS	22
EXPENDITURE	22
EXECUTION AND SEALING OF LEGAL DEEDS	23
COMMITTEES	23
SUB-COMMITTEES	25
EXTRAORDINARY MEETINGS	25
ADVISORY COMMITTEES	26
ACCOUNTS AND FINANCIAL STATEMENTS	26
ESTIMATES/PRECEPTS	26
CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS	27

INSPECTION OF DOCUMENTS	27
UNAUTHORISED ACTIVITIES	28
CONFIDENTIAL BUSINESS	28
POWER TO PROMOTE WELL-BEING	28
MATTERS AFFECTING COUNCIL EMPLOYEES	29
FREEDOM OF INFORMATION ACT 2000	29
LIAISON WITH SEFTON MBC	30
FINANCIAL MATTERS	30
ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT	32
VARIATION, REVOCATION AND SUSPENSION OF CONSTITUTION	32
CONSTITUTION TO BE GIVEN TO COUNCILLORS	32
MEDIA	32

The following **Constitution** shall apply to the Town Council, its committees and sub-committees insofar as they are applicable.

1 MEETINGS

Key

- Mandatory for full Council meetings ●
- Mandatory for committee meetings ●
- Mandatory for sub-committee meetings ●

- a) **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**

- b) **At least 3 clear days notice of Council meetings must be given to Councillors and the public. When calculating the 3 clear days, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

- c) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.**

- d) Subject to Constitution 1(c) above, at the start of each Meeting of the Council and its Committees there shall be a period of time allowed for members of the public to make representations, ask or answer questions and give evidence in respect of any matter within the competence of the Council or that Committee. Similarly members of the public may present petitions, and speak thereto, provided that the petition has been signed by persons from at least ten households within the Maghull Town Council area.

- e) The period of time which is at the Chair's discretion shall not exceed 15 minutes.
- f) Subject to Constitution 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- g) In accordance with Constitution 1(f) above, the Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- h) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- i) At all meetings of the Council, the Chair may, with the consent of the meeting, adjourn the meeting for a specified time to allow members of the public to address the meeting in relation to the business transacted at the meeting and to allow a more informal discussion to take place.
- j) Any person speaking at a meeting shall address comments to the Chair. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair may at any time permit an individual to remain seated when speaking.
- k) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- l) If a member of the public interrupts the proceedings of any Meeting, the presiding Chair may, after warning, order that the person be removed from

the Council Chamber.

- ● m) **In accordance with Constitution 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- n) **Subject to this Constitution which indicates otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**
- o) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- ●
● p) **Subject to Constitution 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- ●
● q) **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote. (*See also Constitution 2 (h) and (i) below.*)**
- r) **Voting on any question shall be by a show of hands, or, if at least two Members so request, by signed ballot. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**
- ●
● s) **The minutes of a meeting shall record the names of Councillors**

present and apologies for absence. The minutes of a meeting shall be a reflection of the meeting.

t) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

•
•
•
u) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**

•
•
•
v) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also *Constitution 9 and 10 below.*)**

•
w) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

•
•
•
x) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.**

2 ORDINARY COUNCIL MEETINGS

(See also Constitution 1 above).

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.**
- b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- c) **Ordinary Meetings of the Council shall be held at the Town Hall, Hall Lane, Maghull every sixth Wednesday commencing 6.30 p.m. or at such other place and such time as the Council shall determine.**
- d) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e) **The election of the Chair, who shall be the Town Mayor and Vice-Chair, who shall be the Deputy Town Mayor, of the Council shall be the first business completed at the annual meeting of the Council.**
- f) **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
The Mayor is normally appointed for only one year.
- g) **The Vice-Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h) **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current**

Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

- i) In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**

- j) Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i) In an election year, delivery by Councillors of their declarations of acceptance of office.

 - ii) Confirmation of the accuracy of the minutes of the last meeting of the Council.

 - iii) Receipt of nominations to existing committees.

 - iv) Appointment of the Leader and Deputy Leader of the Council (to be appointed from the majority political group)

 - v) Confirmation of the terms of reference for the Leader and Deputy Leader of the Council

 - vi) Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.

 - vii) Review of representation on or work with external bodies and arrangements for reporting back.

 - viii) Review and adoption of appropriate Constitution and financial regulations.

- ix) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- x) In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xi) Review of inventory of land and assets including buildings and office equipment.
- xii) Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii) Review of the Council's and/or employees' memberships of other bodies.
- xiv) Establishing or reviewing the Council's complaints procedure.
- xv) Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi) Establishing or reviewing the Council's policy for dealing with the press/media.
- xvii) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3. PETITIONS

- a) Petitions may be received at (ordinary) meetings of the Town Council provided that the petition is received by the Town Clerk of the Council no later than eight days before the day of the meeting and is signed by at least ten electors within the township.

- b) Petitions may only be about a matter for which the Town Council has a responsibility.
- c) Petitions will not be received by the Town Council which are a furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government.
- d) A petition will not be received by the Town Council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Town Council in the last six months.
- e) One signatory of the petition may speak to the Town Council meeting for no more than five minutes.
- f) No discussion shall take place on the petition. A member may move (for example) that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted upon without discussion.
- g) No more than two petitions will be received at a meeting.

4 PUBLIC OPEN FORUM

- a) Members of the public may ask questions of the Chairman at ordinary meetings of the Town Council. A maximum period of 15 minutes will be available for questions by the public at each ordinary meeting of the Town Council.
- b) A question from a precept paying resident may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk of the Council no later than eight days before the day of the Town Council ordinary meeting. Each question must give the name and address of the questioner.

- c) At any one meeting, no person may submit more than one question and no more than two questions may be asked on behalf of one organisation or community group.

- d) The Chairman of the Town Council will reject a question if it:
 - (i) Is not about a matter for which the Town Council has responsibility
 - (ii) Is defamatory, frivolous or offensive.
 - (iii) Is substantially the same issue as a question which has been put at a meeting of the Town Council in the past six months.
 - (iv) Aims solely at furthering the personal interests of an individual.
 - (v) Discloses or requires the disclosure of confidential or exempt information.
 - (vi) Relates to a matter where there is an ongoing investigation or appeals to the courts, a tribunal, government or any statutory organisations.
 - (vii) Relates to the conduct of Town Council employees.

- e) The Town Council's minutes will record all questions received. Upon receipt of a question, the Town Clerk of the Council will immediately send a copy of the question to the Chairman. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

- f) Questions by members of the public will be dealt with in the order in which they were received, except that the Chairman may group questions together if he/she considers that this would be conducive to the conduct of the meeting.

- g) The Chairman will invite the questioner to put the question and the Chairman will respond to the question. If a questioner who has submitted a written question is unable to be present, the question will not be asked. The questioner may request that the Town Clerk of the Council to ask the question on their behalf.

- h) The questioner will be posted a copy of the written response following the meeting. Any question which cannot be dealt with during the Public Open Forum, either because of lack of time or because of the non-attendance of the questioner will also be posted a written response following the meeting.
- i) No discussion or debate will take place on any question.

5 PROPER OFFICER

- a) The Council's Proper Officer shall either be:-
 - i) The Town Clerk or
 - ii) Nominated Officer
- b) The Council's Proper Officer shall do the following:
 - i) **Serve on Councillors by delivery, post or e-mail at their residences or email addresses, a signed summons confirming the time, venue and the agenda of a meeting of the Council and/or meeting of a Committee or Sub-Committee at least 3 working days before the meeting.** Paper copies of all agendas and reports will be made available for all Councillors at the meeting.
 - ii) **Give public notice of the time, date and venue and agenda at least 3 clear working days before a meeting of the Councillor a meeting of a Committee or a Sub-Committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
 - iii) Subject to Constitution 6(a) to (e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least 10 days before the meeting confirming their withdrawal of it.

- iv) **Convene a meeting of full Council for the election of a new Chair of the Council occasioned by a casual vacancy in the office, in accordance with [5 (b) i] or [5 (b) ii] above.**
- v) Make available for inspection the minutes of the meetings.
- vi) **Receive and retain copies of byelaws made by the Council as well as other Local Authorities.**
- vii) **Receive and retain declaration of acceptance of office from Councillors.**
- viii) Retain a copy of every Councillor's register of interests (pecuniary or otherwise), and any changes to it and keep copies of the same for inspection.
- ix) Keep proper records required before and after meetings.
- x) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi) Manage the organisation, storage and access to information held by the Council in paper and/or electronic form.
- xii) Arrange for legal deeds to be signed by two Councillors and witnesses (See also Constitution 16 (a) & (b).)
- xiii) Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv) For every planning application notified to the Council, record the date on which it was received, the reference number and the place to which it refers as soon as it is received.

- xv) Refer every major planning application received to Council. Details of plans shall be available to Councillors and the public at the Council's offices during normal opening hours.
- xvi) Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xvii) Action or undertake activity or responsibilities instructed by resolution or contained in Constitution.

6 MOTIONS REQUIRING WRITTEN NOTICE

- a) In accordance with Constitution 5 (b) (iii) above, no motion may be moved at a meeting unless the business to which it relates has been put on the Agenda by the Town Clerk (or nominated Officer) or the mover has given written notice of its wording to the Council's Proper Officer at least 10 working days before the next meeting.
- b) The Proper Officer may, before including a motion in the agenda received in accordance with Constitution 6 (a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c) If the Proper Officer considers the wording of a motion received in accordance with Constitution 6 (a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 10 working days before the meeting.
- d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair of the forthcoming meeting, or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

- e) Having consulted the Chair or Councillors pursuant to Standing Order 6 (d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f) Notice of every motion received in accordance with the Council's Constitution shall be dated and numbered in the order received and shall be filed and the file shall be open to inspection by all Councillors.
- g) Every motion rejected in accordance with the Council's Constitution shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a file for that purpose, which shall be open to inspection by all Councillors.
- h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- i) Subject to Constitution 5 (b) (iii) above, a motion included in the agenda not moved by the Councillor who tabled it, may be treated as withdrawn.

7 MOTIONS NOT REQUIRING WRITTEN NOTICE

- a) Motions in respect of the following matters may be moved without written notice.
 - i) To appoint a person to preside at a meeting.
 - ii) To approve the absences of Councillors.
 - iii) To approve the accuracy of the minutes of the previous meeting.
 - iv) To correct an inaccuracy in the minutes of the previous meeting.
 - v) To dispose of business, if any, remaining from the last meeting.
 - vi) To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii) To proceed to the next business on the agenda.
 - viii) To close or adjourn debate.
 - ix) To refer by formal delegation a matter to a committee or a sub-committee or an employee.

- x) To appoint a committee or sub-committee or any Councillors thereto.
 - xi) To receive nominations to a committee or sub-committee.
 - xii) To dissolve a committee or sub-committee.
 - xiii) To note the minutes of a meeting of a committee or sub-committee.
 - xiv) To consider a report and/or recommendations made by a committee or a sub-committee.
 - xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi) To authorise legal deeds to be signed by two Councillors and witnessed (See Constitution 16 (a) and (b) below.
 - xvii) To authorise the payment of monies.
 - xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix) To give leave to withdraw a resolution or amendment.
 - xx) To extend the time limit for speeches.
 - xxi) To exclude the press and public for all or part of a meeting.
 - xxii) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxiii) To give the consent of the Council if such consent is required by Constitution.
 - xxiv) To suspend any provision of the Constitution except those which are mandatory by law ((in bold type)**
 - xxv) To adjourn the meeting.
 - xxvi) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvii) To answer questions from Councillors.
 - xxviii) To consider otherwise than in Committee a question affecting an employee of the Council (see Constitution 26).
- b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee

provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

8 RULES OF DEBATE

- a) Councillors shall address the presiding Chair.
- b) A Councillor shall indicate that they wish to speak by raising a hand and Councillors shall be heard in the order in which they indicated. If two or more Councillors indicate at once, the presiding Chair shall call upon one of them to speak before the other.
- c) Whenever the presiding Chair speaks during a debate all other Councillors shall be silent.
- d) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless the proper notice has already been given, it shall, if required by the Presiding Chair, be reduced to writing and handed to them before it is further discussed or put to the Meeting.
- e) A Councillor when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.
- f) A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point or order.
- g) No speech by a mover of a motion shall exceed 5 minutes by consent of the Council and no other speech shall exceed 3 minutes except with such consent.
- h) A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- i) Any amendment to a motion shall be either:
 - i) To leave out words.
 - ii) To add words.
 - iii) To leave out words and add other words.

- j) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

- k) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

- l) Subject to Constitution 8(k) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.

- m) Pursuant to Constitution 8(k) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.

- n) If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.

- o) If an amendment is carried, the original 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.

- p) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.

- q) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

- r) Subject to Constitution 8(p) and (q) above, a Councillor may not speak further

in respect of any one motion except to move an amendment or further amendment, speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation, or to move a closure.

- s) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the irregularity in the meeting they are concerned by. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.
- t) A point of order, or the admissibility of a personal explanation shall be decided by the Chair and their decision shall be final.
- u) With the consent of the meeting, a motion or amendment may be withdrawn by the proposer. No Councillor may speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- v) Subject to Constitution 8 (r) above, when a Councillor's motion is under debate no other motion shall be moved except:
 - i) To amend the motion.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate to an agreed date.
 - iv) To put the motion to a vote.
 - v) To ask a person to be silent or for them to leave the meeting.
 - vi) To refer a motion to a committee or sub-committee for consideration.
 - vii) To exclude the public and press.
 - viii) To adjourn the meeting.
 - ix) To suspend any provision of the Constitution, except those which are mandatory (**In bold type**).

- w) In respect of Constitution 8(v)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

9 CODE OF CONDUCT

- a) **All Councillors shall observe the code of conduct adopted by the Council.**
- b) All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) It is a criminal offence for a member to participate and vote at a meeting on a matter which he / she is deemed to have a disclosable pecuniary interest. If a member is unsure as to whether they hold a disclosable pecuniary interest in a matter they should first seek advice from the Town Clerk well in advance of the meeting. If they feel they have a disclosable pecuniary interest then the Council will have to approve a dispensation prior to participating in the item at the meeting. Details of the dispensation will be recorded in the minutes.
- d) Where a member has a disclosable pecuniary interest in a matter he / she will leave the room whilst the matter is being discussed unless they have been given a dispensation as per 9(c).

10 QUESTIONS

- a) A Councillor may seek an answer concerning any business of the Council provided 3 clear days of notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall

only be asked during the part of the meeting set aside for such questions.

- c) Every question shall be put and answered without discussion.

11 MINUTES

- a) If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Constitution 6(a)(iv) above.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”

- e) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting will be destroyed.

12 DISORDERLY CONDUCT

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

- b) If, in the opinion of the Chair, there has been a breach of Constitution 12(a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c) If a resolution made in accordance with Constitution 12(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

13 RESCISSION OF PREVIOUS RESOLUTIONS

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least nine Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to Constitution 13(a) above has been disposed of, no similar motion may be moved within a further 6 months.

14 VOTING ON APPOINTMENTS

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

15 EXPENDITURE

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

- b) The Council's financial regulations shall be reviewed once a year.
- c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

16 EXECUTION AND SEALING OF LEGAL DEEDS

See also Constitution 7(a) (xvi) above

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) **In accordance with a resolution made under Constitution 16(a) above, the Leader and the Deputy Leader or approved delegate of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

17 COMMITTEES

(See also Constitution 1 above).

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i) Shall determine their terms of reference.
 - 1. May permit committees, Task and Finish Committees and Working Parties to determine the dates of their meetings.
 - 2. Shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee, Task and Finish Committee or Working Party (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting.

3. May in accordance with Constitution, dissolve a committee, Task and Finish Committee or Working Party at any time.
- b) A Committee shall have delegated powers, which may be to conclude the matter referred to it or may be to progress matters to a specified point where a report to Council is required. A Committee may make decisions that are binding on the Council as empowered by its remit.
 - c) A Working Party may co-opt others to help progress business to a point where a report is brought to Council for decision. A Working Party cannot make decisions that are binding upon the Council.
 - d) Unless Council has named the Chair, every Committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair.
 - e) The Constitution on rules of debate (except those parts relating to speaking more than once) shall apply to Committee and Sub-committee meetings.
 - f) Members of committees wishing to submit items for inclusion on the Agenda shall consult the Chair of the Committee concerned who will instruct the Town Clerk accordingly at least 14 clear days before the next meeting of the committee.
 - g) Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
 - h) Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.
 - i) **Standing Committees:** The role of Maghull Town Council's standing committees are as follows:
 - i) **Finance and General Purpose:** To have such delegated power as

Council may decide and to provide the monitoring role in relation to all Council finances and have the role of raising the profile of internal control, risk management and financial reporting issues as well as consideration of issues raised by internal and external auditors. In relation to corporate governance provides a scrutiny role as well as an ability to call in decisions from other Committees of the Council.

- ii) **Personnel Sub Committee:** To be a sub-committee of Finance and General Purposes Committee and to have such delegated power as Council may decide and provide the role concerned with the Council's Staff, which will include, staff structure, conditions of employment, appointments, training needs, performance appraisals etc.

For reasons of staff confidentiality, these meetings are not open to members of the public.

18 SUB-COMMITTEES

(See also Constitution 1 above)

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.

19 EXTRAORDINARY MEETINGS

(See also Constitution 1 above)

- a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested, in writing, to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the**

two Councillors.

- c) The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d) If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested in writing to do so by 2 members of the committee (or sub-committee), those 2 members may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 members.

20 ADVISORY COMMITTEES

(See also Constitution 1 above)

- a) The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.
- b) Advisory committees and any sub-committees may consist wholly of persons who are non-Councillors.

21 ACCOUNTS AND FINANCIAL STATEMENTS

- a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b) The Responsible Financial Officer shall supply to each Finance and General Purposes Committee a list of Council receipts and payments during the previous period for scrutiny. The minutes from this bi-monthly Committee will then be ratified at full Council. The Council's Annual Statement of Accounts (which is subject to external audit), including the annual governance statement shall be presented to Council for formal approval before 30th June.

22 ESTIMATES/PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December. These estimates will be reported to the Finance and General Purposes Committee and ratified at Full Council.

23 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, either as a Councillor or Officer shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Constitution to every candidate.
- b) A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) This Constitution shall apply to tenders as if the person making the tender were a candidate for an appointment.

24 INSPECTION OF DOCUMENTS

- a) Subject to Constitution to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.
- b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

- c) Except for those items considered in closed session under Constitution 1c all minutes of Council or Committee meetings shall be available to interested members of the public.

25 UNAUTHORISED ACTIVITIES

- a) Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i) Inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii) Issue orders, instructions or directions.

26 CONFIDENTIAL BUSINESS

- a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A Councillor in breach of the provisions of Constitution 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

27 POWER OF GENERAL COMPETENCE

- a) **Before exercising the power of general competence, a meeting of the Town Council shall have passed a resolution to confirm that it has satisfied the prescribed statutory criteria required to qualify as an eligible town council.**
- b) **The Town Council's period of eligibility begins on the date that the resolution was made and expires on the day before the Annual General Meeting of the Town Council that takes place in a year of ordinary elections.**
- c) **After the expiry of its preceding period of eligibility, the Town Council continues to be an eligible council solely for the purpose of completing**

any activity undertaken in the exercise of the power of general competence which was not completed before the expiry of the Town Council's preceding period of eligibility referred to above.

28 MATTERS AFFECTING COUNCIL EMPLOYEES

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Committee (as the case may be) has decided whether or not the press and public shall be excluded pursuant to Constitution 1 (c) above.
- b) Performance appraisals for all Council employees will be carried out in accordance with the Council's policy.
- c) Disciplinary and grievance matters shall be handled in accordance with the Council's policy.
- d) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- e) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- f) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- g) Only persons with line management responsibilities shall have access to employee records referred to in Constitution 26 (d) and (e) above, if so justified.
- h) Access and means of access by keys and/or computer passwords to records of employment referred to in Constitution 26 (d) and (e) above shall be provided only to the Town Clerk and/or the Chair of the Personnel Committee.

29 FREEDOM OF INFORMATION ACT 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

30 LIAISON WITH SEFTON MBC

- a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to Councillors of Sefton MBC representing Maghull's electoral wards once this has been resolved by Council to do so.
- b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to Sefton MBC, it shall be sent to the Councillor representing the relevant electoral ward(s) within the Council.

31 FINANCIAL MATTERS

- a) The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i) The accounting records and systems of internal control.
 - ii) The assessment and management of financial risks faced by the Council.
 - iii) The work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually.
 - iv) The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payment.
 - v) Procurement policies (subject to Constitution 32(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £ £25,000.

- b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £ £25,000 shall be procured on the basis of a formal tender as summarised in Constitution 32(c) below.**
- c) Any formal tender process shall comprise the following steps:
- i) A public notice (if required) of intention to place a contract to be placed in a local newspaper. Otherwise, a list of potential suppliers is drawn from the Council's preferred suppliers list.
 - ii) A specification of the goods, materials, services and the execution of works shall be drawn up and where deemed necessary a full survey carried out prior to any specification
 - iii) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time. A minimum of three tenders to be sought.
 - iv) Tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council.
 - v) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e) **Any proposed contract with an estimated value exceeding £164,176 (or such other value as may be prescribed from time to time by regulation) must, unless exempt from the specified, be procured and publicised in accordance with Part 2 of the Public Contracts Regulations 2015 (which implements the Public Contracts Directive of the European Union) or successor.**

32 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) All allegations of breaches of the Code of Conduct will be forwarded to the Monitoring Officer to investigate and deal with the complaint.

33 VARIATION, REVOCATION AND SUSPENSION OF CONSTITUTION

- a) Any or every part of the Constitution, except those which are mandatory (**in bold type**) by law, may be suspended by resolution in relation to any specific item of business but the reason **MUST** be documented.
- b) A motion to add to or vary or revoke one or more of the Council's Constitution, not mandatory by law, shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

34 CONSTITUTION TO BE GIVEN TO COUNCILLORS

- a) The Proper Officer shall provide a copy of the Council's Constitution to a Councillor upon delivery of their declaration of acceptance of office.
- b) The Chair's decision as to the application of Constitution at meetings shall be final.
- c) A Councillor's failure to observe Constitution more than 3 times in one meeting may result in them being excluded from the meeting in accordance with Constitution.

35 MEDIA

- a) Any member of the public may take photographs, film and audio record the proceedings of any open meeting of the Council or its Committees. If the Council or one of its Committees resolves to exclude the press and public

from the meeting, then all recording or use of photographic equipment will cease.



MAGHULL TOWN COUNCIL

FINANCIAL REGULATIONS

Date Revised	Review Date
May 2024	

MAGHULL TOWN COUNCIL FINANCIAL REGULATIONS

Contents

1. General.....	3
2. Risk management and internal control.....	4
3. Accounts and audit.....	4
4. Budget and precept.....	6
5. Procurement.....	7
6. Banking and payments	9
7. Electronic payments.....	9
8. Cheque payments	11
9. Payment cards	11
10. Petty Cash	11
11. Payment of salaries and allowances	11
12. Loans and investments.....	12
13. Income.....	12
14. Payments under contracts for building or other construction works.....	13
15. Stores and equipment.....	13
16. Assets, properties and estates	13
17. Insurance	14
18. Charities	14
19. Suspension and revision of Financial Regulations.....	14
Appendix 1 - Tender process	16

These Financial Regulations were adopted by the council at its meeting held on 15th May 2024

1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
 - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
 - "Approve" refers to an online action, allowing an electronic transaction to take place.
 - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
 - 'Proper practices' means those set out in *The Practitioners' Guide*
 - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
 - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The RFO;
 - acts under the policy direction of the council.
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and control systems;
 - ensures the accounting control systems are observed;
 - ensures the accounting records are kept up to date;
 - seeks economy, efficiency and effectiveness in the use of council resources; and
 - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**
 - **setting the final budget or the precept (council tax requirement);**

- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £5,000; and

2. Risk management and internal control

2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The Clerk, with the RFO, shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3. *When considering any new activity, the Clerk, with the RFO, shall prepare a draft risk assessment including risk management proposals for consideration by the council.*

2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

2.5. **The accounting control systems determined by the RFO must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

2.6. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. Accounts and audit

3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.

- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
 - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
- is competent and independent of the financial operations of the council;
 - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of the council
- 3.9. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions;
 - provide financial, legal or other advice including in relation to any future transactions; or

- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

- 4.1. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with the Local Government Finance Act 1992 or succeeding legislation.**
- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council or relevant committee. The RFO will inform committees of any salary implications before they consider their draft their budgets.
- 4.3. No later than December each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments/income and expenditure for the following financial year, taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.
- 4.5. Each committee (if any) shall review its draft budget and submit any proposed amendments to the council not later than the end of January each year.
- 4.6. The draft budget forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the finance committee and a recommendation made to the council.
- 4.7. Having considered the proposed budget and forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.
- 4.8. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government**

Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.

- 4.9. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.3. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation (“the Legislation”), must be followed in respect of the tendering, award and notification of that contract.**
- 5.4. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.5. For contracts estimated to exceed £25,000 including VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the council OR advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.
- 5.6. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**
- 5.7. For contracts greater than £5,000 excluding VAT the Clerk, or RFO, shall seek at least 3 fixed-price quotes;
- 5.8. where the value is between £500 and £5,000 excluding VAT, the Clerk, or RFO shall try to obtain 3 estimates, which might include evidence of online prices, or recent prices from regular suppliers.
- 5.9. For smaller purchases, the clerk shall seek to achieve value for money.

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

5.10. Contracts must not be split into smaller lots to avoid compliance with these rules.

5.11. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.12. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council. Avoidance of competition is not a valid reason.

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

5.14. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- The Clerk, under delegated authority, for any items below £1,000 excluding VAT.
- the Clerk, in consultation with the Chair of the Council {or Chair of the appropriate committee}, for any items below £3,000 excluding VAT.
- {a duly delegated committee of the council for all items of expenditure within their delegated budgets for items under [£5,000] excluding VAT}
- {in respect of grants, a duly authorised committee within any limits set by council and in accordance with any policy statement agreed by the council.}
- the council for all items over £5,000;

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

5.15. No individual member, or informal group of members may issue an official order, unless instructed to do so in advance by a resolution of the council, or make any contract on behalf of the council.

5.16. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council, except in an emergency.

5.17. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £5,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

5.18. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds

are available and that where a loan is required, Government borrowing approval has been obtained first.

5.19. 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, along with evidence of receipt of goods.

5.20. Any ordering system can be misused and access to them shall be controlled by the RFO.

6. Banking and payments

6.1. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.

6.2. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.

6.3. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.

6.4. All payments shall be made by BACS, in accordance with a resolution of the council, unless the council resolves to use a different payment method.

6.5. *The Clerk and RFO shall have delegated authority to authorise payments {only} in the following circumstances:*

- i. {any payments of up to [£500] excluding VAT, within an agreed budget}.*
- ii. payments of up to [£2,000] excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.*
- iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 {or to comply with contractual terms}, where the due date for payment is before the next scheduled meeting of [the council], where the [Clerk and RFO] certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council {or finance committee}.*
- iv. Fund transfers within the councils banking arrangements up to the sum of [£10,000], provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee].*

7. Electronic payments

7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council

shall identify a number of officers who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.

- 7.2. All authorised signatories shall have access to view the council's bank accounts online.
- 7.3. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.4. The Service Administrator, or other signatory, shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent to one other authorised signatory.
- 7.5. In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.
- 7.6. Two authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained online, showing which members approved the payment.
- 7.8. With the approval of the Service Administrator in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members.
- 7.9. Payment may be made by BACS or CHAPS by resolution of [the council] provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.10. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by two authorised users, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
- 7.11. Account details for suppliers may only be changed upon written notification by the supplier verified by two of the Clerk, the RFO and an authorised officer. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 7.12. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

7.13. Remembered password facilities, other than secure password stores requiring separate identity verification, should not be used on any computer used for council banking.

8. Cheque payments

8.1. Cheques or orders for payment in accordance in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk.

8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.

8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

8.4. Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council or committee meeting. Any signatures obtained away from council meetings shall be reported to the council or Finance Committee at the next convenient meeting.

9. Payment cards

9.1. Any Debit Card issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £500, unless authorised by council or finance committee in writing before any order is placed.

9.2. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk, RFO, and relevant officer, any balance shall be paid in full each month.

9.3. Personal credit or debit cards of members or staff shall not be used except for expenses of up to £250 including VAT, incurred in accordance with council policy.

10. Petty Cash

10.1. 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.

11. Payment of salaries and allowances

11.1. As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.

11.2. Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.

11.3. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council or Personnel Committee.

- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the accounting software.
- 11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

12. Loans and investments

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the Finance & General Purposes Committee, following a written report on the value for money of the proposed transaction.
- 12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 12.4. All investment of money under the control of the council shall be in the name of the council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 12.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

13. Income

- 13.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the council.

- 13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the Finance & General Purposes Committee by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 13.6. The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.
- 13.7. Where significant sums of cash are regularly received by the council, the RFO shall ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.
- 13.8. Any income that is the property of the Mayor's Charity Fund shall be paid into the charitable bank account. Instructions for the payment of funds due from the charitable fund to the council (to meet expenditure already incurred by the authority) will be given by the Mayor separately from any council meeting.

14. Payments under contracts for building or other construction works

- 14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk or Amenities Manager to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 10% or more, or likely to exceed the budget available.

15. Stores and equipment

- 15.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 15.2. 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.
- 15.3. Stocks should be kept at the minimum levels consistent with operational requirements.
- 15.4. The RFO shall be responsible for periodic checks of stocks and stores, at least annually.

16. Assets, properties and estates

16.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their 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.

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

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £5000. In each case a written report shall be provided to council with a full business case.

17. Insurance

17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.

17.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the Finance & General Purposes Committee at the next available meeting. The Clerk shall negotiate all claims on the council's insurers.

17.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

18. Charities

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

19. Suspension and revision of Financial Regulations

- 19.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 19.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 19.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

- 1) Any 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.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, 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. 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.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.



**MAGHULL
TOWN
COUNCIL**

Scheme of Delegation
May 2024

1. Introduction

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.
- 1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.
- 1.6 The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other Officers within the Council.

2. Powers Reserved To Council

Membership: All Councillors

Quorum: One third of the total membership.

Matters to be resolved only by Council

- Issuing the precept
- The Power to raise loans
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £500 per item (unless incurred already under Financial Regulations 3)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending the Council's Core Documents (Constitution, Financial Regulations and Scheme of Delegation)
- Setting the number of Committees, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees and Sub-Committees.

- Setting the dates of routine meetings of the Council and its Committees.
- Filling of Member vacancies occurring on any Committee or Council
- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of and dismissing the Town Clerk.
- All policy issues in relation to the Neighbourhood Plan and Major Planning Applications
- All other matters which must, by law, be reserved to the full Council.

3. Delegation to Committees

POWERS AND DUTIES OF STANDING COMMITTEES

3.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

3.2 The acts and proceedings of a Committee shall:

(a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;

(b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;

(c) in all respects be subject to the provisions of the Council's Constitution and Financial Regulations except as otherwise determined by the Council.

3.3 Committees are authorised to establish sub-committees and working groups, and to appoint advisers as and when they deem necessary to assist in their work subject to adherence at all times with the Council's Constitution and to clear terms of reference being established at the outset.

3.4 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

3.5 Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

3.6 In accordance with Constitution provision 13 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months.

4. Finance & General Purposes Committee

Membership: 9 Councillors plus Mayor (ex officio)

Quorum: 4 Councillors.

Matters to be resolved by Finance & General Purposes Committee

- (a) The making of recommendations in respect of items (a) to (j) of the matters to be dealt with solely by the Town Council;
- (b) Dealing with all matters relating to the general day-to-day corporate governance and financial administration of the Council, including issues relating to GDPR, transparency and freedom of information;
- (c) Dealing with matters specifically referred by the Town Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;
- (d) Dealing with the Terms and Conditions of Service and superannuation of the Town Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any Local Conditions of Service;
- (e) To propose, monitor and review such projects as the Committee considers necessary to achieve the Council's long term aims and objectives.
- (f) To monitor and review the management of the Councils assets and financial health and to assist in this to receive at each meeting up-to-date bank reconciliation statements, schedules of payments made and income received in the previous period, and updates from the Responsible Finance Officer on the budget to date on a cost centre basis.
- (g) To advise the Council generally as to its financial and economic policies and as to the allocation and control of its financial resources.
- (h) To ensure that satisfactory arrangements are in place across the Council to promote economy, efficiency and effectiveness, including in matters relating to procurement;
- (i) To regularly monitor and review the Council's Risk Register and Risk Policy and to oversee corporate risk management.
- (j) To be lead committee for all aspects relating to internal and external audit, including issues relating to audit appointments and fees, letters of representation, issues of risk management and internal control, annual reports

and management responses, and to advise Council as necessary on matters related thereto.

- (k) Monitoring the Council's complaints procedure
- (l) To oversee the Council's policy on fraud and irregularity, including being notified of any action taken under that policy, and to ensure that all significant losses have been properly investigated and that the internal and external auditors have been informed;
- (m) To receive quarterly reports from the Responsible Finance Officer on the Council's governance arrangements including arrangements for the conduct of reviews of the effectiveness of the Town Council.
- (n) To scrutinise the workings of Maghull Advisory and Community Enterprise, the Council's trading company (if required).

5. DELEGATION TO CHAIRMEN GENERALLY

- (i) To cancel or postpone a meeting owing to lack of business or in an emergency.
- (ii) To have discretion to include any item of an urgent nature under "Any Other Urgent Business" on the relevant Committee Agenda.

6. LEADER OF THE COUNCIL

The Leader of the majority group on the Town Council at any time will assume the position of Leader of the Council and, *for the purposes of democratic legitimacy will be subject to formal appointment at the Annual Town Council meeting.* (S)he will have the following approved powers:-

- (a) The Chairing of all meetings of the Chairmen's Group;
- (b) To act as the liaison between the majority group of the Council and the Town Clerk in indicating the priorities and programmes of the Group for inclusion in Council business and their likely reaction to new policies for projects;
- (c) To be the first port of call for the Town Clerk when an issue arises that requires a political or policy response from the Council and the issue does not

naturally fall within the terms of reference of any of the Programme Committees, and

(d) In discussion with Members of the opposition group(s) to propose Council appointments to outside bodies.

7. Grievance and Disciplinary Panel

- 7.1 Council has granted the necessary delegated decision-making powers to the Grievance and Disciplinary Panel in relation to staff grievance and disciplinary issues.
- 7.2 The Panel shall entirely consist of Councillors and shall number three.
- 7.3 Meetings will be called on an ad hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
- 7.4 A minute taker will be present throughout the proceedings.
- 7.5 The Panel will follow the procedure set out in the Town Council's Grievance and Disciplinary Procedures.

8. Appeals Panel

- 8.1 Council has granted the necessary delegated decision-making powers to the Appeals Panel in relation any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance.
- 8.2 Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
- 8.3 The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made.
- 8.4 The Town Clerk will call the meeting and notice will be given to the employee.
- 8.5 A minute taker will be present throughout the proceedings.
- 8.6 The Panel will follow the procedure set out in the Town Council's Disciplinary Procedure.

9. Delegation to Officers

9.1 Town Clerk (Proper Officer)

- 9.1.1 The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

9.1.2 Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Town Clerk acting in the name of the Town Clerk
- such authorisation not being prohibited by statute.

9.2 General Matters

9.2.1 The Town Clerk is authorised: -

- To sign on behalf of the Council any document necessary to give effect to any decision of the Council;
- Managing the Council's public relations activities including social media
- To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections
- To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
- To institute, defend and appear in any legal proceedings authorised by the Council;
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Maghull);
- The Chairman will instruct the Proper Officer to alter the date or time of a Council /committee meeting,
- To decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Leader of the Council;
- To manage the Council's facilities and assets, including parks, open spaces, amenity areas, Town Hall and other buildings and assets.
- To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
- To deal with requests from Members for secretarial or administrative support in connection with their duties
- To implement national pay awards and conditions of service
- Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- To act as the Council's Proper Officer as per section 281 Local Government Act 1972.

9.3 Financial Matters

The Town Clerk is authorised as follows: -

- a. To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
- b. Authorisation of expenditure on works up to a maximum £5,000
- c. To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget
- d. To use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
- e. To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
 - 1) the cost not exceeding the amount of the approved budget;
 - 2) the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
 - 3) all the requirements of the Council's Financial Regulations being complied with.
- f. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- g. To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.
- h. Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).
- i. To dispose of assets of a value up to £5,000, subject to the requirements of the Council's Financial Regulations.

9.4 Staffing Matters

9.4.1 The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including: -

- a. The appointment of senior officer interviews will be carried out by a panel of two members from the personnel (or other relevant) committee and the Town Clerk;
- b. All other appointments to be recruited by the Town Clerk or relevant senior manager;
- c. The employment of temporary employees;
- d. Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Personnel Committee and approved by Council.
- e. Payment of expenses and allowances in accordance with the Council's scheme;
- f. Dismissing members of staff;

- g. To present to the Personnel Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

9.5 Property Matters

- 9.5.1 The Town Clerk is given authority to manage the land and property of the Council including: -
 - a. Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
 - b. The granting or refusal of the Council's consent under the terms of any lease;
 - c. Variations of restrictive covenants of a routine nature;
 - d. Recommending to Council on the granting of easements, wayleaves and licenses over Council land;
 - e. Initiating legal action or proceedings against unauthorised encampments on Council land.

9.6 Urgency

- 9.6.1 The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Leader of the Council and the Chair of any relevant committee are to be consulted before such action is taken.

May 2024

Report to: Annual Council
Date of Meeting: 15th May 2024
Agenda Item Number 10
Subject: Committee Places and Working Groups 2024-25
Report of: Town Clerk
Exempt / Confidential No
Report:

Summary

Members need to make arrangements for the consideration of items following decision making requirements within the Council’s governance system. The preferred system is by a combination of Committees and Working Groups.

Maghull Town Council Priority	Yes/No
1. A Sustainable and Greener Maghull	Yes
2. High Quality, Accessible, Biodiverse Green Spaces and Parks	Yes
3. An Excellent Offer for the Youth of Maghull	Yes
4. A Great place to Live, Work and Visit	Yes
5. Statutory Requirement	Yes

Recommendation(s)

- 1. Members agree the arrangements as outlined in the report for the Committees and Working Groups for the municipal year 2024-25;**
- 2. To note the report.**

Reasons for Recommendation(s)

The Council must make arrangements for the governance of the Council which is based on decisions being made at Full Council and through the Committee system. The proposed system, as outlined in the report, promotes consultative working on an informal basis in the first instance via Councillor led interactions with officers rather than items for inclusion on the agenda being proposed by Officers in the first instance.

Alternative Options Considered and Rejected

The Council can remain with the status quo. However, this has led to some Members feeling excluded from the decision-making process and unable to feed into the Council’s work programme.

What will it cost and how will it be financed?

(A) Revenue

The budget for the Council has already been agreed for the forthcoming financial year and no further changes are expected.

(B) Capital

None anticipated.

Implications of Recommendations:

Financial Implications	Within current Council budgets
Resource Implications	Officer time for proposed projects outside of those already anticipated.
Legal Implications	LGA 1972
Equality & Diversity Implications	None

Implementation Date for Decision

Immediately following the Council decision.

Appendices

None

Background Papers

None

Contact Officer	Angela McIntyre
Telephone Number	0151 526 3705
Email Address	angelamcintyre@maghull-tc.gov.uk

1. Background

The Council has previously adopted a Committee system of delegated decision making to action its work programme.

The Council has 3 Committees and 1 Sub Committee. These are Amenities, Community Services and Finance and General Purposes Committees with the Personnel Committee being a Sub Committee of F&GP. Each Committee had 10 members, based on political balance, and the Mayor of Maghull is an ex officio member, able to attend if they so wish.

The Council runs an informal Chairmen's Group, of the Chairs of the Committees, which meets on an ad hoc basis.

It has been suggested that this system is exclusionary as not all members are aware of the working of the Committees and do not get a chance to influence/decide matters which may be of interest if they are not a committee member.

2. Proposals

In order to improve Councillor participation in the decision making process in the early stages, it is proposed a system of Working Groups be created which would feed into formal Council agenda items based on their recommendations.

It is proposed to have three broad Working Groups, supported by Lead Members for particular projects to be agreed on an ad hoc basis. The Groups would be Community and Heritage, Parks and Recreation and Youth. The Groups would work under the following Terms of Reference:-

- The Working Groups would be made up of 8 core members as agreed at Annual Council;
- The Groups would be determined as per the political balance of the Council;
- The Groups would not hold a budget and could not make decisions. Budget and project decisions would be agreed at Full Council;
- Additional members could be appointed which could be either other Councillors or non Councillors;
- Officers would attend the meetings to take minutes and discuss the recommendations to Council;
- Attendance does not count towards the 6 month attendance rule for Councillors;
- Meetings would be arranged at a mutual convenience to both members and officers and would be held on Council property;
- Agendas and minutes would be produced for the Groups as per the Council's schedule;
- Meetings would not be open to the public;
- Informal/ad hoc meetings of the Groups off site of Council property would not be permitted;
- Recommendations/reports to Council would be produced by officers being mindful of the Council's agenda protocol.

Recommendation(s):-

- 1. Members agree the arrangements as outlined in the report for the Committees and Working Groups for the municipal year 2024-25;**
- 2. To note the report.**

APPOINTMENTS TO COMMITTEES 2024

Committee (Lab 8 Ind 2)	
Finance & General Purposes (10)	
Quorum: 4 Cllrs	
Chair:	
Vice Chair:	
Mayor Maghull Town Council	
Member	
Working Group	
Community & Heritage (8) (Lab 7 Ind 1)	
Quorum: 3 Cllrs	
Chair	
Vice Chair	
Mayor Maghull Town Council	
Member	
Parks and Recreation (8) (Lab 7 Ind 1)	
Quorum: 3 Cllrs	
Chair	
Vice Chair	
Mayor Maghull Town Council	
Member	
Member	
Member	

Member	
Member	
Youth (8) (Lab 7 Ind 1)	
Chair	
Vice Chair	
Mayor Maghull Town Council	
Member	

APPOINTMENT OF REPRESENTATIVES ON EXTERNAL ORGANISATIONS

External Organisation	Number of representatives	Representative
Sefton Rights of Way Liaison Group	1	
Maghull In Bloom	1	
Maghull Parish Hall	1	
Merseyside Association of Local Councils (MALC)	1	
Parish Representative – Sefton Standards Sub Committee (Investigations)	1	

Municipal Calendar 2024-2025

Date	Meeting	Date	Meeting
2024		2025	
15 th May	Full Council (Annual Council)	20 th December – 6 th January	Christmas Holidays
27 th May – 31 st May	Half Term		
		15 th January	Finance & General Purposes (Budget)
19 th June	Full Council	29 th January	Full Council (Budget Council)
11 th July	Finance & General Purposes	17 th – 21 st February	Half Term
31 st July	Full Council		
		12 th March	Full Council
23 rd July – 2 nd September	Summer Holidays	26 th March	Finance & General Purposes
11 th September	Full Council	4 th April – 22 nd April	Easter Holidays
23 rd October	Full Council	16 th April	Personnel Sub Committee
		23 rd April	Town Assembly/Full Council
28 th Oct – 1 st Nov	Half Term		
4 th December	Full Council	21 st May	Full Council (Annual Council)
11 th December	Personnel Sub Committee		

Please note: All meetings will take place on a Wednesday and start at 6.30 pm in the Council Chamber at Maghull Town Hall.