

Sandwich Town Council Annual Meeting of the Council



Agenda

Chair: Cllr J Franklin

Councillors: Councillors elected at the election held on 4th May 2023

Councillors are hereby summoned to attend the Annual Town Council Meeting (as required by Schedule 12 section 7 of the Local Government Act 1972) in the Council Chamber, Guildhall on Thursday 11th May 2023 at 19:00 to transact the business on the agenda below.

Gill Gray PSLCC, Interim Town Clerk

Date: 5th May 2023

1	Chair's opening remarks:	
2	Election of Mayor: To elect the Mayor for the ensuing Civic year	
3	Declaration of acceptance of office: To receive the Mayor's declaration of acceptance of office	
4	Election of Deputy Mayor: To elect the Deputy Mayor for the ensuing Civic year	
5	Declaration of acceptance of office: To receive the Deputy Mayor's declaration of acceptance of office	
6	Declarations of acceptance of office by Councillors: To receive and confirm all declarations of acceptance have been signed	
7	Apologies for absence received: To receive and note apologies	
8	Declarations of interest: (SO 5j i) To receive any declarations of disclosable pecuniary interests from Members in respect of business to be transacted on the agenda	
9	Minutes of the Full Council Meeting: (SO 5j ii and iv) To receive, adopt and sign the Minutes of the Ordinary Meeting of STC held on 24 th April 2023 and to consider any matters arising from those minutes not covered elsewhere in this agenda: Decision required	Attach 1
10	Minutes of the Planning Committee: (SO 5j iii) To receive the draft Minutes of the Planning Committee held on 19 th April 2023	Attach 2

11	<p>Public Participation: A 15-minute session is set aside for members of the public to make representations at the meeting in respect of the business on the agenda. Individual representations should not exceed three minutes. (Written notice of the desire to exercise the right to speak, together with the topic to be addressed, must be given to the interim Town Clerk prior to 16:00 on the Friday preceding the meeting)</p>	
12	<p>Review of terms of reference for Committees and Schedule of Delegations: (SO 5j v and vi) To receive and adopt the Terms of Reference for committees and schedule of delegations for the ensuing Civic year. To note that these will be reviewed by the Council at its meeting on 26th June 2023: Decision required</p>	Attach 3
13	<p>Appointment of members to Committees: (SO 5j vii) To appoint Members and Chairs to Committees for the ensuing civic year as follows:</p> <ul style="list-style-type: none"> • Finance and General Purposes committee – nine councillors including Mayor • Heritage and Townscape committee - nine councillors including Mayor • Planning committee - nine councillors • Monks Wall subcommittee - five councillors including Mayor <p>Decisions required</p>	Report to follow after consultation with newly elected councillors
14	<p>Appointment of any new Committees: (SO 5j viii) To note that no further Committees are proposed at this time, but the Interim Town Clerk will be making recommendations to the meeting on 22nd May 2023 in relation to Human Resources</p>	
15	<p>Review of Standing Orders and Financial Regulations: (SO 5j ix) To receive and adopt the Standing Orders and Financial Regulations for 2023/24. To note that these will be reviewed by the Council at its meeting on 26th June 2023: Decisions required</p>	Attach x 2 4 & 5
16	<p>Delegated Powers for Adhoc Expenditure There is a requirement for officer delegated powers for payments which are not covered by annual approval by the Town Council or by a minute reference number. The expenditure is usually required in cases of emergency purchases to ensure the Council business and the Guildhall are able to function. A report has been prepared by the RFO for your consideration: Decision required</p>	Attach 6
17	<p>Arrangements with other local authorities, not-for-profit organisations, and businesses: (SO 5j x) To note that a report is to be produced to the Council at its meeting on 26th June 2023</p>	
18	<p>Representation on outside bodies: (SO 5j xi) To elect members to serve on various statutory bodies and other outside organisations for the ensuing Civic year.</p>	Paper to follow after consultation with newly elected councillors
19	<p>General Power of Competence: (SO 5j xii)</p>	Attach 7

	To resolve that the Town Council having more than two thirds of its councillors elected on 4 th May 2023 and having a Qualified Town Clerk adopts the General Power of Competence: Decision required	
20	Inventory of land and other assets including buildings and office equipment: (SO 5j xiii) To note that a report is to be produced to the council at its meeting on 26 th June 2023	
21	Arrangements for insurance cover in respect of all insurable risks: (SO 5j xiv) To receive the insurance cover details in relation to: <ul style="list-style-type: none"> • Sandwich Town Council/STBF – Zurich for main insurance cover • Sandwich Town Council/STBF – Beazley for Art and Civic Insignia cover • Sandwich Town Council/STBF – BHIB for Cyber Security cover 	Attach 8
22	Subscriptions to other bodies: (SO 5j xv) To note that the 2023/24 subscription to Kent Association of Local Councils was authorised by the Town Council at its meeting on 24 April 2023 and a report on other subscriptions is to be produced to the council at its meeting on 26 th June 2023	
23	Complaints procedure: (SO 5j xvi) To receive and adopt the Complaints Procedure. To note that this was first adopted on 4 th March 2013, and it will be reviewed by the council at its meeting on 26 th June 2023: Decision required	Attach 9
24	Freedom of information and Data Protection: (SO 5j xvii) To note that the Town Council continues to adopt GDPR practices as required by statute throughout all its day-to-day business and provides information on Freedom of Information on the website	Attach 10
25	Press/Media: (SO 5j xviii) To note the procedure for communication with the media	Attach 11
26	Employment policies and procedures: (SO 5j xix) To note that the interim Town Clerk will be making recommendations to the meeting on 22 nd May 2023 in relation to HR including the employment policies and procedures	
27	Expenditure incurred under section 137 LGA 1972: (SO 5j xx) To note that a report is to be produced to the Council at its meeting on 26 th June 2023	
28	Meetings in period to next Annual Council meeting: (SO 5j xxi) To note and agree the schedule of meetings attached: Decision required	Attach 12
29	Date of next Full Council Meeting: Monday 22 nd May 2023	

Following the Annual Town Council Meeting the Mayor Making formal ceremony will take place in the Court Room.

**Minutes of the Ordinary Meeting of Sandwich Town Council
held in the Council Chamber on:
Monday 24th April 2023 at 19:00**



Chair: Cllr J Franklin
Councillors: D Carter, P Carter, D Friend, N Gray, K Heaven, D Marie,
M Moorhouse, M Pennington, H Sampson, D Sivrikaya, V Tomlins, C Wiles and
C Ungerson – Cllr S Chandler (KCC)

Officer: Gill Gray PSLCC Interim Town Clerk and eleven residents.

STC.04.23.1	<p>Chair's opening remarks: The Mayor welcomed Councillors and members of the public to the meeting and asked for one minutes silence to honour the late John Bragg. Cllr J Franklin reported on recent attendance to the English Heritage opening ceremony at Richborough Fort, attending the St Georges Day Parade with the scouts, and requested that any Cllrs that are not standing again for the re-election to please return their iPad to the Town Clerk office at the Guildhall.</p>	Action:
STC.04.23.2	<p>Apologies for absence received: Apologies were received and accepted from: Cllr P Graeme due to personal reasons and Cllr A Fox due to personal reasons. Cllr D Carter will join the meeting late.</p>	
STC.04.23.3	<p>Declarations of interest: The following declarations of interest were received: Cllr C Wiles declared an interest in Item 12 – as he is related to a person who works at the Sandwich Infant School Cllr H Sampson declared an interest in Item 12 – as he is a school governor for Sandwich Infant School.</p>	
STC.04.23.4	<p>Minutes of the Full Council Meeting: To approve the Minutes of the Ordinary Meeting of STC held on 27th March 2023 and to consider any matters arising from those minutes not covered elsewhere in this Agenda. Cllr Ungerson proposed an amendment which was read to Council. Cllr D Carter joined the meeting. It was moved by Cllr P Carter and seconded by Cllr D Friend and RESOLVED: that the minutes of the STC meeting held on 27th March be amended with the proposed addition from Cllr C Ungerson and be signed and approved as a true record of the meeting. Cllr M Moorhouse raised concerns on the following matters:</p> <ul style="list-style-type: none"> • Road sign for King Street – Interim Town Clerk to action and progress • Parking fees and the charging period • Precept increases by DDC. • Highways maintenance budget • Guildhall forecourt associated items 	
STC.04.23.5	<p>Payment Schedules:</p>	


	<p>5a Council received the mid-month payments for mid-April, totalling £64,453.70. RESOLUTION: The approval of the payments was deferred to the confidential matters section on the Agenda for STBF.</p> <p>5b Council received the schedule of payments for April, totalling £137,928.86. RESOLUTION: Schedule of payments were received and approved.</p> <p>5c Council confirmed nomination of Cllr Franklin and Cllr Sampson to authorise end of April payment schedules on Bankline. RESOLUTION: Authorised signatories were agreed and approved.</p>	
STC.04.23.6	<p>Public Participation: A 15-minute session is set aside for members of the public to make representations at the meeting in respect of the business on the agenda. Individual representations should not exceed 3 minutes. (Written notice of the desire to exercise the right to speak, together with the topic to be addressed, must be given to the Interim Town Clerk prior to 16:00 on the Friday preceding the meeting) None.</p>	
STC.04.23.7	<p>Report from our Dover District Councillor on matters relating to Sandwich. Cllr D Friend reported on the following matters:</p> <ul style="list-style-type: none"> • Housing Needs Survey that has recently completed • Update on Citizens Advice Bureau 	
STC.04.23.8	<p>Report from our Kent County Councillor on matters relating to Sandwich. Cllr S Chandler reported on the following matters:</p> <ul style="list-style-type: none"> • Recent school places family offer day and update on next stage of the process • Kent Volunteers initiative – Big Help Out • The Old School House update • Wayfarers update on planning applications 	
STC.04.23.9	<p>Updates from Councillors: To received and noted verbal updates from Councillors on meetings that they have attended as nominated representatives of the Council.</p> <p>Cllr H Sampson reported on progress with the Christmas lighting and invited individuals to get involved and volunteer to assist. Cllr D Marie reported on recent attendance to the St Georges Day Parade with the scouts.</p>	
STC.04.23.10	<p>Financial Information: 10a & b Council received the Sandwich Town Council statement of accounts as at 31st March 2023 (income and expenditure and budget) It was moved by Cllr P Carter and seconded by Cllr D Friend and RESOLVED: that the Council received the STC statement of accounts as at 31st March 2023 (income and expenditure and budget) – 2 Members abstained.</p>	
STC.04.23.11	<p>Proposed Schedule of Meetings for 2023/2024 Council received a report schedule for proposed dates for meetings until the end of December 2023. Members considered the dates and observed that some additions were needed.</p>	

	<p>It was moved by the Mayor Cllr J Franklin and seconded by Cllr D Friend and RESOLVED: that the proposed schedule of meetings for 2023/2024 was adopted with the movement of the STC/STBF meeting in August to avoid a bank holiday and some additional civic dates. One Member abstained.</p>	
STC.04.23.12	<p>School House, School Road, Sandwich Cllr C Wiles and Cllr H Sampson left the meeting. Council received a report and statement from the Sandwich Infant School Chair of Governors which was read by the Mayor. Members were concerned about the imminent disposal of the Old School House by KCC and wanted to support the Sandwich Infant School. Following a short debate, it was agreed that the Interim Town Clerk would write a letter to the Cabinet Member for Education and Skills to seek a withdrawal of the property from the auction at Clive Emson's on 4th May 2023.</p> <p>It was RESOLVED: that the Interim Town Clerk to write a letter on behalf of STC to the Cabinet Member for Education and Skills to request that the Old School House is withdrawn from auction on 4th May 2023. Furthermore, STC seeks to negotiate a rental proposal on behalf of Sandwich Infant School or explore other viable options.</p>	
STC.04.23.13	<p>Vehicle Crime and Anti-Social Behaviour Concerns Council received a report from Cllr M Moorhouse who raised concerns about the lack of police presence in the town including PCSO and the use of CCTV. Cllr M Moorhouse proposed that clarification is needed:</p> <ul style="list-style-type: none"> • To fully understand CSU role at DDC • Request audit of CCTV cameras in Sandwich • Liaise with Deal Town Council and explore a joint approach. • Neighbourhood Policing approach needs to be better understood. • A single point of contact would be beneficial. • A senior Police officer or representative from PCC to talk about crime prevention. <p>Cllr D Friend added that a pre meeting could be arranged for Members to hear about the CSU role at DDC, CCTV cameras and how it links to Kent Police. Cllr D Friend added the importance of the Community Warden role that KCC provides.</p> <p>It was RESOLVED: that the points raised by Cllr Moorhouse with the addition of a letter sent to the Police Crime Commissioner to seek assurances that a police presence is maintained in the town to be actioned by the Interim Town Clerk.</p>	
STC.04.23.14	<p>The Cinque Ports Mayor's Bowls Tournament 2023 Council received a report from the Mayor and Members were asked to note the dates for the event taking place at Folkestone Bowls Club. Members agreed that this will be for the new Mayor to consider after the elections.</p> <p>It was RESOLVED: to defer the decision to attend the event until the new Mayor is sworn in following the elections.</p>	
STC.04.23.15	<p>Kent and National Associations Membership Renewal 2023/2024</p>	

	<p>Council received a report for the renewal subscription details for the KALC and NALC membership for Sandwich Town Council. The invoice for both memberships amount to £1,606.70 excluding VAT.</p> <p>It was RESOLVED: that the renewal for the subscription for NALC and KALC is undertaken for STC at a cost of £1,606.70 for 2023/2024.</p>	
STC.04.23.16	<p>Annual Town Meeting</p> <p>Council received a report that following the postponement of the Annual Town Meeting on 21st March 2023 it is now proposed that the revised date for the ATM is Wednesday 24th May 2023.</p> <p>It was RESOLVED: that the date for the ATM is agreed and the meeting will take place at the Guildhall on Wednesday 24th May 2023.</p>	
STC.04.23.17	<p>Public Conveniences</p> <p>Council received a report from Cllr C Ungerson and officers about the proposal to reopen the toilets on Sandwich Quay on a trial for one month with free access. The pilot also includes extending the opening times of the Quay and Cattle Market public conveniences until 9pm on days when events are taking place locally in the town. Cllr D Friend proposed that the Shopwatch scheme was a powerful addition for safety and was cost effective.</p> <p>It was RESOLVED: to progress with the one-month trial for reopening the public conveniences on the Quay and include extending the opening hours until 9pm on days when events are taking place locally in the town. The Shopwatch scheme to be joined for a year at a cost of approximately £100.00.</p>	
STC.04.23.18	<p>Dover District Council Local Plan Update</p> <p>Members received an update on the DDC Local Plan 2040 as consultees; it is confirmed that the Plan has now been submitted to the Secretary of State of Levelling Up, Housing and Communities for an Independent Examination by the Planning Inspectorate. Further information on the Examination and the timetable for future hearings will be published in due course. Members noted the update</p>	
STC.04.23.19	<p>Monks Wall Nature Reserve</p> <p>Council received a report from the Warden at Monks Wall Nature Reserve and considered three quotations for contractors to undertake planned capital works at Monks Wall later this year.</p> <p>It was RESOLVED: that the contractor Montgomeries were selected to undertake the planned capital works at Monks Wall in the summer.</p>	
STC.04.23.20	<p>Confidential Matters:</p> <p>Under the Public Bodies (Admission to Meetings) Act 1960 (extended by s.100 of the Local Government Act 1972) the public may be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified against the item.</p> <p>1. Information relating to a particular employee, former employee, or applicant to become an employee of, or a particular officeholder, under the authority</p>	

	It was RESOLVED: that the item be moved to the end of the STBF Agenda when the confidential matters can all be considered together.	
STC.04.23.21	Date of next Full Council Meeting: 22nd May 2023	

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Minutes of Sandwich Town Council Planning Committee Meeting held in the Council Chamber on: Wednesday 19th April 2023		
<p>Chair: Cllr C Wiles Councillors: P Carter, J Franklin, M Moorhouse and M Pennington Co-optee Members: Mr J Hennessy, Mrs J Summerhayes and Nikky Warden (Voluntary Tree Warden) Observer: Dover District Councillor – Cllr Friend and 1 resident Officer: Gill Gray – Interim Town Clerk</p>		
P.04.23.1	Chair's opening remarks: Welcomed attendees and Interim Town Clerk.	
P.04.23.2	Apologies for absence received: Apologies were received from: Cllr Graeme due to vacation, Nikky Warden due to personal reasons, Cllr Heaven due to work commitment. Cllr Marie was absent.	
P.04.23.3	Declarations of interest: There were no declarations of disclosable pecuniary interests from Members in respect of business to be transacted on the agenda.	
P.04.23.4	Minutes of the Planning Committee: It was moved by Cllr Carter and seconded by Cllr Moorhouse and RESOLVED: that the Minutes of the Planning Committee held on Wednesday 15 th March 2023 were noted. There were no matters arising from the minutes.	
P.04.23.5	Public Participation: There were no requests to speak received.	
P.04.23.6	Planning Applications: Application plans and papers can be viewed via the Dover District Council website. a) Ref: 23/00365 Location: Sir Roger Manwoods School, Manwood Road, Sandwich, CT13 9JX Proposal: Variation of condition 2 (approved plans) to vary sports pitch design of planning permission 21/01314 (Section 73) Construction of a sports pitch, erection of a two-storey pavilion, new vehicle access, additional 20no. car parking spaces, fencing, lighting, drainage and ancillary works It was moved by Cllr Carter and seconded by Cllr Moorhouse and RESOLVED: that the Town Council comments: RECOMMENDATION: Strongly support this planning application. b) Ref: 23/00388	

Location: Sir Roger Manwoods School, Manwood Road, Sandwich, CT13 9JX
Proposal: The creation of a footpath alongside school playing fields

It was moved by Cllr Carter and seconded by Cllr Pennington and RESOLVED: that the Town Council comments:

RECOMMENDATION: Support this planning application and added that tree reports should be taken into consideration.

c) Ref: 23/00449

Location: The Market Place Surgery, Cattle Market, Sandwich, CT13 9ET

Proposal: Variation of Condition 2 (operational times) to allow amendments of planning permission DOV/17/01427 (application under Section 73) for the installation of a heat recovery unit with acoustic enclosure to rear elevation (amended plans)

It was moved by Cllr Carter and seconded by Cllr Moorhouse and RESOLVED: that the Town Council comments:

RECOMMENDATION: Strongly support this planning application

d) Applications for comment as a third party as not formal consultees

Ref: 22/01158 and 22/00245

Location: Betteshanger Country Park, Sandwich Road, Sholden

Proposal: Erection of a surfing lagoon and pools, hub building (to include café/restaurant/bar lounge, shop, hiring and changing facilities and multi-use space), 15 overnight holiday pods, learning hive, yoga studio, fitness/health and wellbeing facilities, bike/pumptrack and associated roads, paths, car and cycle parking, together with landscaping and necessary access works and associated site infrastructure. (Re-consultation: additional/revised information including: re-positioned holiday lodge; revised parking arrangement; updated ecological appraisal; updated flood risk assessment & drainage strategy; habitat regulations assessment information; transport response; and visitor management and turtle dove strategy.)

Erection of a 120-bed hotel (C1) building with associated spa facilities, gym, restaurant/bar, access, landscaping and parking. (Re-consultation: additional/revised information including: revised parking arrangement; updated ecological appraisal; updated flood risk assessment & drainage strategy; habitat regulations assessment information; transport response; and visitor management and turtle dove strategy.) (amended scheme)

The planning application reference 22/00245 relates to a scoping opinion for a proposed solar farm which has been

	<p>decided and was therefore not debated at this meeting. The Town Council will seek to discuss any future planning application that may be submitted for this site in the future.</p> <p>It was moved by Cllr Wiles and seconded by Cllr Carter and RESOLVED: that the Town Council comments: No comment in relation to 22/01158.</p> <p>It was moved by Cllr Moorhouse and seconded by Cllr Carter and RESOLVED: that the Town Council contacts the residents who attended the STC meeting on 27th March 2023 and spoke about the proposal for the Betteshanger Country Park.</p>	
P.04.23.7	<p>Planning Decisions: The most recent new Planning Decisions taken by Dover District Council were received and noted.</p> <p>It was moved by Cllr Carter and seconded by Cllr Moorhouse and RESOLVED: that the planning decisions were received and noted.</p>	
P.04.23.8	<p>Street Furniture Applications: To receive and consider any applications made to DDC in relation to a Street Furniture Consent Application under the Local Government (miscellaneous provisions) Act 1982.</p> <p>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>STREET FURNITURE CONSENT</p> <p>DOVER DISTRICT COUNCIL in pursuance of the provisions of the Highways Act 1980, Section 115</p> <p>HEREBY GIVES NOTICE THAT AN APPLICATION TO PLACE TABLES & CHAIRS ON THE HIGHWAY AT THE LOCATION DETAILED BELOW HAS BEEN RECEIVED.</p> <p>Furniture: 3 tables and 6 chairs Timings: 09:00 to 23:00 Monday to Sunday Location: Toll Bridge, 7 Fishermans Wharf, Sandwich, CT13 9RU</p> <p>It was moved by Cllr Carter and seconded by Cllr Moorhouse and RESOLVED: that the Town Council comments: The street furniture application be supported with the caveat that the two person per table rule is observed and enforced to keep the walkway clear for pedestrians.</p>	
P.04.23.9	<p>Licensing: To consider any licensing notices and issues received from Dover District Council.</p> <p>No new applications have been received.</p>	
P.04.23.10	<p>Enforcement: To consider any enforcement notices and issues received from Dover District Council.</p> <p>Members considered the marina that has been installed at the old port of Richborough; a piece of correspondence was received from Cllr Gray.</p>	
P.04.23.11	<p>Correspondence: To receive and consider correspondence relating to planning matters, including notification of appeals against refusal of Planning Applications.</p> <p>A written report was received from Cllr Gray which Cllr Wiles read at the meeting, the report related to the new marina at Richborough</p>	

	<p>Quay and advised that the company establishing the pontoon berths are in contact with Dover District Council planning department. Cllr Gray added that the company will also be approaching Marine Management Organisation to seek advice on licensing, and they have secured all necessary permissions form the Sandwich Port and Haven Commission. The report was noted.</p>	
P.04.23.12	<p>Verbal update from our Dover District Councillor on matters relating to planning.</p> <p>Cllr Friend reported on a couple of enforcement issues, the access to the former Kumor Nursery, Dover Road, Sandwich and reported that a walnut tree on the same site has now had a TPO successfully added to protect the tree.</p> <p>Cllr Friend added that a further application has now been received in relation to the Wayfarers site which seeks to upgrade the internal areas providing assisted living accommodation.</p>	
P.04.23.13	<p>Meeting closed at 19.10 hours.</p> <p>Date of next Planning Committee Meeting: TBC</p>	

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Sandwich Town Council Policies and Procedures



Document Name	Terms of Reference for Committees and Schedule of Delegations
Document Reference	
Date of last review	July 2022
Date adopted & minute reference	53.11.22
Date of next review	July 2023 and annually thereafter
Supporting Documentation	Standing Orders

Aims and Objectives:

To implement a more effective committee structure and outline the responsibilities of three Standing Committees, the Personnel Sub-Group, and the Monks Wall Sub-committee. This structure is intended to facilitate constructive debate, supported by effective chairing, and allow all councillors to be involved in more focussed decision making. This document should be read alongside the Council's revised Standing Orders, due to be considered by Council on 28.11.2022.

The Council has three standing committees, plus a Personnel Sub-Group and a Monks Wall Sub-committee, with responsibilities as follows:

Finance and General Purposes Committee – responsible for all internal matters, including the oversight of all physical assets, finances, and human resources.

Heritage and Townscape Committee – responsible for external matters, outward facing to the public and dealing with heritage and townscape, environment, tourism and business development.

Planning Committee – to carry out the Council's functions as a legal consultee on all strategic and reactive planning matters, and to consider all related planning matters.

Personnel Sub-Group – to be responsible for line management of the Chief Executive.

Monks Wall Sub-Committee – responsible for all matters relating to the management and improvement of Monks Wall nature reserve.

1. Sandwich Town Council Terms of Reference

1.1 Preamble: Sandwich Town Council is a legally constituted Parish Council and an historic Cinque Port town. Under section 245 of the Local Government Act of 1972, it is entitled to use the description of Town Council and for its Chair and Vice-Chair to be known as Mayor and Deputy Mayor respectively.

Throughout this document and its Appendix "The Council" refers to the 16 elected councillors of Sandwich Town Council meeting as a governing body.

The Council is solely responsible for the following specific functions, and these cannot be delegated to any committee or individual:

1. The power to set the precept and raise loans.
2. The power to incur capital expenditure not specifically included in the Council's approved estimates of expenditure.
3. To create a governance and committee structure, including Terms of Reference and Standing Orders for the Council and any committees.
4. To set the schedule of dates for Council and committee meetings.
5. To agree an annual budget and to monitor the budget at each meeting, considering statements of income and expenditure and taking appropriate action to deal with any over or under-spending.
6. To agree the Council's financial regulations and review these annually in January.
7. To ensure adequate and effective internal and external controls are in place.
8. To maintain the asset register and have overall responsibility for the prudent management of all assets owned by the Council, striking a fair balance between best value for the Council taxpayer and the needs of the wider community.
9. To appoint members to committees, including co-optees, and to elect the chairs of committees.
10. To create and review annually a schedule of delegation to committees, committee chairs and officers.
11. To agree the Council's business plan and mission statement
12. To appoint or dismiss the Chief Executive.
13. To agree the staffing structure of the Council, including job titles, salaries and other terms and conditions of employment.
14. To appoint representatives to outside bodies.
15. To decide upon annual subscriptions.
16. To approve the end of year Accounts and Annual Governance and Accountability Return (AGAR).

The Council will be supported by three standing committees, plus a Personnel Sub-Group and a Monks Wall Sub-Committee. The committees will report to and be accountable to the Council for all their actions and decisions.

- 1) Finance and General Purposes Committee
- 2) Heritage and Townscape Committee
- 3) Planning Committee
- 4) Personnel Sub-Group
- 5) Monks Wall Sub-Committee

The three standing committees and Monks Wall Nature Reserve Sub-Committee will have delegated powers as set out in the terms of reference below. The schedule of meetings for Council and committees for each calendar year will be agreed at the June Council meeting.

The quorum for any Council meeting is 6 councillors. No meeting can proceed unless it is quorate.

The rules governing the conduct of Council meetings and related matters are contained in the standing orders, as amended.

From time to time the Council may choose to create time-limited working groups to deal with a particular topic or project. The remit of these working groups will be agreed by the Council,

together with their terms of reference. Working groups will comprise a majority of councillors but will also include a minority of officers and/or persons with a particular expertise. The Council will decide whether the working group should report directly to Council or to a standing committee. Working Group meetings will not be open to the public but notes of the meetings will be made available.

Any councillor, including non-members of a committee, can propose a motion at a committee, but only councillor members of the committee can vote on the motion.

The matters delegated to each Committee are set out in paragraph 1.1 of this Terms of Reference and cannot be delegated to any committee, Chair or Officer and can only be decided by the full council.

2. Duties of the Mayor and Deputy Mayor

The Mayor and Deputy Mayor will be elected at the annual Mayor making meeting of the Town Council in May.¹ The Mayor will have the following duties with the Deputy Mayor deputising as required.

- To Chair all meetings of the Council.
- To be the civic figurehead for the town.
- To attend ceremonial events on behalf of Sandwich Town Council.

3. Management of the Chief Executive

A personnel group of four councillors acting with the authority of, and accountable to, the Finance and General Purposes Committee and to the Council, as appropriate, will be the de-facto line manager for the Chief Executive. The personnel group will meet as and when required and will comprise the Mayor and the chairs of the three standing committees. (This personnel group cannot deal with those matters listed under 1.1 above where the Council will retain responsibility but will be empowered to deal with all other personnel issues, making recommendations to the Finance and General Purposes Committee or the Council as appropriate.)

The personnel group will pass responsibility for day-to-day supervision and support of the Chief Executive to the Chair of the Finance and General Purposes Committee, who, with other members of the personnel group will also carry out an annual appraisal. This will consider performance criteria and achievements for the previous financial year and set targets for the following financial year.

The Chief Executive will line-manage other staff and set their targets and performance objectives in line with the Council's overall objectives as set out in the Mission Statement and Business Plan, reporting to the Finance and General Purposes Committee on current issues, including appraisals, disciplinary action, and other staffing matters. The Chief Executive will be assisted by the Chair of the Finance and General Purposes Committee in carrying out annual appraisals and dealing with any grievance or disciplinary issues as appropriate.

Each year, the Council will establish an appeals panel of three councillors who will be required to deal with any staff appeals on grievance or disciplinary issues. The members of the personnel sub-group cannot be members of the appeal panel.

¹ The Local Government Act of 1972 Sch 12 Clause 7 (1) requires a Council to hold an annual meeting in May (within 14 days of an election in an election year, at which the first item of business is to be the election of a Mayor (Chair).

4. Finance and General Purposes Committee

The committee shall consist of nine councillors including the Mayor, making a total of nine members with voting rights. The Mayor will be deputy chair of the committee. There will be up to three co-optees, being people with a particular knowledge or expertise that will be of benefit to the Committee's operation. The co-optees will be chosen or invited to join the Committee at the June Council meeting each year.

Meetings will be held in accordance with the schedule agreed at the June Council meeting.

Membership of the committee will be decided at the June Council meeting.

Should any casual vacancies arise during the year the Council will decide upon any new appointment.

The chair of the committee will be elected at the June Council meeting.

Voting at the committee will be by show of voting cards of the councillors present, or if two members request, by a signed ballot. The clerk to the meeting will count the votes so cast.

The chair will have an ordinary vote at each meeting, but in the event of an equality of votes the chair will have the casting vote.

In the absence of the chair at any meeting a temporary chair will be elected by the other members of the committee to chair that meeting only.

The quorum is five councillors who are members of the committee with voting rights. In the absence of a quorum the meeting will end, and no business can be transacted. Business will be deferred to the next meeting, or to an extraordinary meeting if required.

Councillors who are not members of the committee can attend but cannot vote. They can speak on an item with the permission of the chair.

4.1 Overall remit of the Finance and General Purposes Committee

To oversee the Council's internal management and administration. To manage all the financial and human resources, and all the physical assets of the Town Council, in a prudent and diligent manner, acting in the best interests of the community of Sandwich, at all times, and in accordance with the Council's objectives. Specific duties, powers and responsibilities include:

1. To set a budget and precept for recommendation to Council.
2. To review annually, in January and February of each year, the Council's staffing resources, along with the staffing structure, pay and conditions and terms of employment and to make recommendations to Council relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils and the National Association of Local Councils.
3. To oversee staff recruitment and retention processes and procedures, including staff training and annual appraisals, providing regular reports to Council on actions taken.
4. To confirm any recommendation to suspend or dismiss a member of staff, other than the Chief Executive where this decision is reserved to the Council.
5. To oversee any capital works carried out by the Council.
6. To draw up and oversee a schedule of delegations to committees, officers and councillors for approval by the Council.
7. To ensure all insurance policies are in place and that best value is obtained.

8. To negotiate any borrowings on the best possible terms and to recommend accordingly to Council.
9. To have ultimate responsibility for all Health and Safety Matters including staff welfare.
10. To review annually the Council's financial regulations and make recommendations to Council on any changes.
11. To oversee the production of the Annual Report and other publications.
12. To ensure the efficient management of the town's allotments at Black Lane and Sandown Road.
13. To ensure effective IT services are procured and provided at best value to the Council.
14. To oversee effective communication with the public, so that decisions are communicated speedily and effectively by means of the website, and by social and other media.
15. To oversee the timely distribution of agendas, minutes and other relevant documents, in accordance with legal requirements.
16. To facilitate recording and live-streaming of all council meetings, ensuring that meetings are accessible to the public by all means available.
17. To have oversight of Council-run markets.

5. Heritage and Townscape Committee

The Committee shall consist of nine councillors including the Mayor, making a total of nine members with voting rights. The Mayor will be deputy chair of the committee. There will be up to three co-optees, being people with a particular knowledge or expertise that will be of benefit to the Committee's operation. The co-optees will be chosen or invited to join the Committee at the June Council meeting each year.

Meetings will be held in accordance with the schedule agreed at the June Council meeting.

Membership of the committee will be decided at the June Council meeting.

Should any casual vacancies arise during the year the Council will decide upon any new appointment.

The chair of the committee will be elected at the June Council meeting.

Voting at the committee will be by show of voting cards of the councillors present, or if two members request, by a signed ballot. The clerk to the meeting will count the votes so cast.

The chair will have an ordinary vote at each meeting.

In the absence of the chair at any meeting a temporary chair will be elected by the other members of the committee to chair that meeting only.

The quorum is five councillors who are members of the committee with voting rights. In the absence of a quorum the meeting will end, and no business can be transacted. Business will be deferred to the next meeting, or to an extraordinary meeting if required.

Councillors who are not members of the committee can attend but cannot vote. They can speak on an item with the permission of the chair.

5.1 Overall remit of the Heritage and Townscape Committee

- To protect existing heritage assets and direct future growth and development in the town.
- To protect and improve the town's built and green environment, helping to make the town safe, sustainable and amenable.

- To promote the prosperity of the town in general by forging effective alliances and improvement plans with businesses, the Chamber of Commerce, or its successor body, and other statutory agencies.

5.2 Specific powers and duties

5.2.1 General

- If appropriate, to make recommendations to the Council on revenue or capital expenditure over and above Council's approved budget.
- To recommend that representations be made to the appropriate authorities on car parks and car parking charges, public transport within Sandwich, rail services and air transport that might affect the town.
- To promote the provision of new or expanded leisure and visitor facilities where there is clear need and demand.
- To consider mobility issues within the town including the safety of roads and pavements, dropped kerbs, cycle provisions, and pedestrian and cyclist safety.
- To recommend that representations be made on all other matters that impact upon the quality of life in the town – in particular, health services, housing, community care, emergency services, transport, utilities, telecommunications, emergency planning and community safety.
- To manage the public conveniences leased by the Council.

5.2.2 Tourism, Heritage and business support

- To promote and support the appropriate marketing of the town to tourists and other visitors.
- To have oversight of the Visitor Information Centre for the benefit of residents and visitors, receiving regular reports on visitor numbers, strategies, policies and plans.
- To consider working with businesses and the Chamber of Commerce, or its successor body, to develop a business plan for the town that will maximise the opportunities for business prosperity, in balance with the wider needs and amenity of the town for residents and visitors.
- To recommend that representations be made to the appropriate authorities in respect of tourism strategies for the District and County where those strategies have an impact on the management of tourism within the town.
- To have oversight of the non-Council run markets and other events within the town.

5.2.3 Environment

- To manage, protect and enhance the town's built and green environment, by direct action where it falls within the Council's powers and duties, or making representations otherwise to the appropriate authorities.
- To recommend that representations be made to the appropriate authorities on the Council's Climate emergency and Fair-trade status.
- To recommend that representations be made to the appropriate authorities on any other environment matters that impact upon the amenity and beauty of the town.
- To ensure effective management of the Monks Wall nature reserve and seek regular reports from the Warden and the management team.

6. Planning Committee

The membership of the Planning Committee will comprise of nine councillors with voting rights and up to three non-voting co-optees nominated by the Town Team and the History Society,

plus Sandwich's voluntary Tree Warden. The Sandwich Ward District Councillor will be invited to attend as an observer and to provide District Council updates. The Mayor will be deputy chair of the Committee.

The quorum will be five members of the committee with voting rights. In the absence of a quorum the meeting will end, and no business can be transacted. Business will be deferred to the next meeting, or to an extraordinary meeting if required.

Meetings will be held in accordance with the schedule agreed at the June Council meeting.

Membership of the committee will be decided at the June Council meeting.

Should any casual vacancies arise during the year the Council will decide upon any new appointment.

The chair of the committee will be elected at the June Council meeting.

Voting at the committee will be by show of voting cards of the councillors present, or if two members request, by a signed ballot. The clerk to the meeting will count the votes so cast.

The chair will have an ordinary vote at each meeting, but in the event of an equality of votes the chair will have a casting vote.

In the absence of the chair at any meeting a temporary chair will be elected by the other members of the committee to chair that meeting only.

Councillors who are not members of the committee can attend but cannot vote. They can speak on an item with the permission of the chair.

6.1 Overall remit

The Planning Committee's overall remit will be to act as the Council's legal consultee in respect of planning and licensing applications, notifying Dover District Council and other planning bodies of the Council's view on specific applications. The specific powers and delegated responsibilities of the Committee are set out below:

- To consider and review all strategic planning issues, including the District Local Plan and national planning policies, insofar as they impact upon Sandwich and its setting.
- To act as statutory consultee on all planning applications and to protect, promote and enhance the heritage, urban fabric and green spaces of the town.
- To respond to planning applications within the relevant timescale, setting out the Council's views on each application.
- To make representations in respect of appeals against the refusal of planning permission.
- To make representations in respect of enforcement action or breaches of planning regulations.
- To make representations regarding street naming, tree work applications, highways matters, the maintenance of litter bins, street cleaning, public shelters, bus shelters, street furniture, waste recycling and other related matters.
- To make representations on mobility issues within the town including the safety of roads and pavements, dropped kerbs, cycle provisions, and pedestrian and cyclist safety.
- To make representations to the appropriate Planning Authority in respect of all other planning matters not referred to above.

In certain cases, for example, in respect of larger applications or applications that have the potential to cause serious detriment to the town's setting or character, the Council will, where time permits, "call in" the application for consideration in order that all councillors can make an informed decision.

6.2 Neighbourhood planning

- To consider the need for a Neighbourhood Plan for the town, as a measure that will help to protect the town's heritage and direct any required development to suitable sites.
- If a Neighbourhood Plan is put in place, to keep a watching brief on progress and to contribute in the best interests of the town.

7. Monks Wall Sub-Committee

The Sub-Committee shall consist of five councillors with voting rights. There will be up to four co-optees, being people with a particular knowledge or expertise that will be of benefit to the committee's operation. The co-optees will be chosen or invited to join the Committee at the June Council meeting each year.

The Mayor will chair the Sub-Committee.

Meetings will be held in accordance with the schedule agreed at the June Council meeting.

Membership of the Sub-Committee will be decided at the June Council meeting.

Should any casual vacancies arise during the year the Council will decide upon any new appointment.

The chair of the Sub-Committee will be elected at the June Council meeting.

Voting at the Sub-Committee will be by show of voting cards of the councillors present, or if two members request, by a signed ballot. The clerk to the meeting will count the votes so cast.

The chair will have an ordinary vote at the meeting, but in the event of an equality of votes the chair will have a casting vote.

In the absence of the chair at any meeting a temporary chair will be elected by the other members of the Sub-Committee to chair that meeting only.

The quorum is three councillors who are members of the committee with voting rights. In the absence of a quorum the meeting will end, and no business can be transacted. Business will be deferred to the next meeting, or to an extraordinary meeting if required.

Councillors who are not members of the Sub-Committee can attend but cannot vote. They can speak on an item with the permission of the chair.

7.1 Overall remit of the Monks Wall Sub-Committee

- To be a Sub-Committee of the Heritage and Townscape Committee and to report to that Committee on any management or other issues affecting the reserve unless the matter is urgent and can only be reported to the Council.
- To oversee and manage Monks Wall Nature Reserve and to make recommendations in respect of management and improvements.
- To receive regular reports from the Warden in respect of the Reserve.

- To ensure that the Reserve is open to the public and serves the needs of the people of Sandwich and surrounding areas.
- To promote the reserve to the people of Sandwich and beyond.

8. Confidentiality

Sandwich Town Council is committed to openness, transparency and integrity. Councillors have signed up to the Nolan principles and the Kent Code of Conduct. In this spirit, wherever possible, meetings will be fully open to the public. Where items are deemed to be confidential a resolution must be proposed and approved to exclude the press and public, and the legal reasons for doing so must be clearly stated and agreed. This provision does not apply to the Personnel Sub-Group whose meetings will discuss confidential matters.

9. Agendas

Before being issued, all agendas will be drawn up in consultation with the relevant Chair. The Chair of each committee, with the Chief Executive and relevant staff, will ensure that agendas are well structured, that each item is relevant, is linked to the Business Plan, and is not a matter that can be delegated to committees, chairs or officers, and that the final agenda reflects the wishes and interests of all councillors wherever possible.

10. Reports and policy documents

Reports to Council and committees should be written in a plain style, that is intelligible and succinct. Reports should include an introduction, background and historical information where relevant, and should set out the impact and implications of any proposed course of action. Reports should include page numbers. Recommendations should be clear and unambiguous and should follow SMART principles - Specific, Measurable, Achievable, Realistic and Timely. The author of reports should be clearly identified.

Whenever new or revised Terms of Reference, Financial Regulations, Policies, the Schedule of Delegations, Business Plans, Mission statements or other important documents (to be decided by the Council) are agreed by the Council they will be dated and signed by the Mayor and the Deputy Mayor. The signed documents should then be posted on the Council's website and retained in a viewable ledger in date order.

11. Schedule of delegated powers

In order to promote the smooth running of the Town Council certain functions will be delegated to Committees, the Mayor, Committee Chairs, the Personnel Sub-Group, Sub-Committees, the Proper Officer and the Responsible Financial Officer, in accordance with the Local Government Act 1972 section 101. The Town Council therefore employs a Schedule of Delegated powers that will be reviewed annually.

This schedule of Delegations authorises the Proper Officer and Responsible Financial Officer, Standing Committees, the Personnel Sub-Group and the Monks Wall Sub-Committee of the Council to act with delegated authority in the specific circumstances detailed below.

Sandwich Town Council Schedule of Delegations

11.1. Proper Officer

- a) The Chief Executive is designated and authorised to act as Proper Officer of the Council for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of Proper Office, and is specifically authorised to:

1. Receive declarations of acceptance of office.
2. Receive and record notices disclosing personal and prejudicial interests.
3. Receive and retain plans and documents.
4. Sign notices or other documents on behalf of the Council.
5. Receive copies of by-laws made by the District or County Council.
6. Certify copies of by-laws made by the Council.
7. Sign summonses to attend meetings of the Council.

b) In addition, the Chief Executive has delegated authority to undertake the following matters on behalf of the Council:

1. Day to day administration of services, together with routine inspection and control.
2. Day to day supervision and control of all staff employed by the Council.
3. Authorisation of routine expenditure within the agreed budget.
4. Emergency expenditure of up to £2,000 outside the agreed budget.
5. To take any proceedings or other steps to enforce and recover any debt owing.
6. To institute, defend and appear in any legal proceedings authorised by the Council.
7. 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 residents of Sandwich).
8. To alter the date or time of a Council/committee meeting but, before doing so, shall consult with The Mayor or the relevant Chair about the need for the change and about convenient alternative dates and times.
9. To decide the arrangements for the closure of the Council offices in the Christmas/ New Year period, subject to consultation with The Mayor.
10. Under the direction of the Council and the Finance & General Purposes Committee (F&GP) to manage on a day to day basis the Council's facilities and assets.

c) The Chief Executive is given delegated authority to manage the Council staff in accordance with the Council's policies and procedures including:

1. The employment of temporary employees within agreed budgets.
2. The employment of replacement employees within agreed budgets.
3. The employment of other permanent employees in consultation with the F&GP Committee within agreed budgets.
4. Control of staff performance and discipline.
5. Monitoring, management and reporting of regular or sustained staff absence.
6. Payment of expenses and allowances in accordance with the Council's agreed policies.
7. To present to the F&GP Committee recommendations for employees' increments in accordance with the Council's staff appraisal system.
8. The delegated powers granted to the Facilities Manager to incur expenditure up to £1,000 on a single item.

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

11.2. Responsible Financial Officer

The Responsible Financial Officer to the Council shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

11.3. Council

The Council is solely responsible for the following functions, and these cannot be delegated.

17. The power to set the precept and raise loans.
18. The power to incur capital expenditure not specifically included in the Council's approved estimates of expenditure.
19. To create a governance and committee structure, including Terms of Reference and Standing Orders for the Council and any committees.
20. To set the schedule of dates for Council and committee meetings.
21. To agree an annual budget and to monitor the budget at each meeting, considering statements of income and expenditure and taking appropriate action to deal with any over or under-spending.
22. To agree the Council's financial regulations and review these annually.
23. To ensure adequate and effective internal and external controls are in place.
24. To maintain the asset register and have overall responsibility for the prudent management of all assets owned by the Council, striking a fair balance between best value for the Council taxpayer and the needs of the wider community.
25. To appoint members to committees, including co-optees, and to elect the chairs of committees.
26. To create and review annually a schedule of delegation to committees, committee chairs and officers.
27. To agree the Council's business plan and mission statement
28. To appoint or dismiss the Chief Executive.
29. To agree the staffing structure of the Council, including job titles, salaries and other terms and conditions of employment.
30. To appoint representatives to outside bodies.
31. To decide upon annual subscriptions.
32. To approve the end of year Accounts and Annual Governance and Accountability Return (AGAR).

11.4. Committees – General Provisions

1. Members will be advised by the Chief Executive whether or not a particular item under discussion is within the committee's delegated powers. The minutes will then record the decision as "agreed upon".
2. If the matter is not within the committee's delegated powers, then the minutes will show the decision as "Recommended", and the matter will be brought to the Council's particular attention by the Chair of the committee at the next meeting of the Council. This item can be discussed in full by the Council. Where a committee Chair is unsure whether or not any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer the matter to the Council. A delegated power does not always need to be exercised.
3. A committee may refer matters on which it has delegated authority to the Council for a final decision if it so wishes.

11.5. Standing Committees

The Council has three standing committees:

- Finance & General Purposes Committee
- Heritage and Townscape Committee
- Planning Committee

In addition the Council has a Monks Wall Sub-Committee and a Personnel Sub-Group.

The three Standing Committees, the Monks Wall Sub-Committee and the Personnel Sub-Group shall have delegated powers as set out in their terms of reference. The Proper Officer acting on behalf of the Monks Wall Sub-Committee shall have delegated powers to spend up to £5,000 from their budget in the event of an emergency and to report such expenditure to the Heritage and Townscape Committee and the Council as appropriate. The Proper Officer acting on behalf of the Personnel Sub-Group shall have delegated powers to spend up to £2,000 to deal with any urgent personnel matters.

The Planning Committee has delegated powers in respect of the Town Council's responsibilities as a statutory consultee on planning matters. All those applications/cases where the Planning Committee has made representations will be reported to the next available meeting of the Council.

11.6. Urgent Matters

1. In the event of any matter arising which requires an urgent decision, the Chief Executive shall consult the Mayor and the Chair of the Finance & General Purposes Committee and, with the agreement of those members in writing, shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration. These decisions will then be reported to the next available Council meeting by the Mayor and the Chair of F & GP Committee.
2. Before exercising the delegated powers so granted, the Chief Executive and those members consulted shall consider whether the matter is of sufficient interest to justify the summoning of a special meeting of the appropriate committee and, where a meeting is so summoned, the meeting convened shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
3. Before exercising the delegated powers so granted the committee concerned shall consider whether the matter is of sufficient importance to justify recommending to the Mayor that a special meeting of the Council should be called in accordance with Standing Order 6a.
4. Any action taken under this provision must be recorded in writing and made available for inspection by any member of the Council. Full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meetings of the Committee concerned and of the Council.

11.7. Delegation – Limitation

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

11.8. Review

The Schedule of Delegations shall be reviewed within the Terms of Reference for Committees in January 2023 and annually thereafter.

Sandwich Town Council Policies and Procedures



Document Name	Standing Orders
Document Reference	
Date of last review	September 2022
Date adopted & minute reference	52.11.22
Date of next review	July 2023 and annually thereafter
Supporting Documentation	NALC MODEL STANDING ORDERS AS AMENDED 2018 (UPDATED 2022)

Aims and Objectives:

These Standing Orders are the written rules of Sandwich Town Council and are essential to regulate the proceedings of meetings and the conduct of the Council generally. They incorporate the statutory Standing Orders applying to all Parish and Town Councils – shown in **Bold Text** throughout – as well as additional clauses that, taken together, will enable and promote the following:

1. Smooth running of meetings.
2. Clarity on the role of the Chair of the Council (The Mayor), the Vice-chair and Committee Chairs.
3. Information management, including minutes and accessible information under relevant law
4. Appropriate engagement with the community in meetings.
5. Rules of the Proper Officer.

Throughout this document "The Council" refers to the sixteen elected and (where applicable) co-opted councillors meeting as a corporate body. The structure of the Council is as set out in the Terms of Reference as agreed at Council on the 25th July 2022 and updated thereafter.

These Standing Orders do not include financial regulations, which are published as a separate document. The Standing Orders not highlighted in bold are not statutory, but are designed to help Sandwich Town Council operate effectively.

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1. RULES OF DEBATE AT MEETING

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to his/her/their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this

expedient, but each amendment shall be voted upon separately.

- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor.
 - ii. to move or speak on another amendment if the motion has been amended since he/she/they last spoke.
 - iii. to make a point of order.
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair of the meeting and his/her/their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion.
 - ii. to proceed to the next business.
 - iii. to adjourn the debate.
 - iv. to put the motion to a vote.
 - v. to ask a person to be no longer heard or to leave the meeting.
 - vi. to refer a motion to a committee or sub-committee for consideration.
 - vii. to exclude the public and press.
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her/their right of reply.
- t Excluding motions moved under Standing Order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under Standing Order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings •
Committee meetings •
Sub-Committee meetings
Personnel Sub-Group

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion. These reasons shall quote the relevant piece of legislation.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The total period of time designated for public participation at a meeting in accordance with Standing Order 3(e) shall not exceed fifteen minutes unless directed by the chair of the meeting.
- g Subject to Standing Order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with Standing Order 3(e), a question shall not require a response

at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given following the meeting.

- i A person shall either stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort) OR: A person shall raise his/her/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 of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to Standing Order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. Public involvement is central in the promotion of democratic government – access to meetings is a right for all members of our community, both in terms of physical access to the meeting itself, and wider accessibility of Council proceedings. Standing Order 7 sets out the arrangements for public access to meetings.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a Full Council meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he/she/they gave an original vote.**

See Standing Orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- s **Unless Standing Orders provide otherwise, voting on a question shall be by voting cards of the councillors present, or if two members request, by a 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 his/her/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.**

- t The minutes of a meeting shall include an accurate record that summarises the key points of any discussion and will include the following:
 - i. the time and place of the meeting.
 - ii. the names of councillors who are present and the names of councillors who are absent.
 - iii. interests that have been declared by councillors and non-councillors with voting rights.
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights.
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered.
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**

- v **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 six members of the Council with voting rights.**

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

- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting, or to an Extraordinary, meeting if required.**

- x A meeting shall not exceed a period of 3 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may recommend the appointment of a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council will be supported by three standing committees, namely a Finance & General Purposes Committee, a Heritage & Townscape Committee, and a Planning Committee, plus a Personnel Sub-group and a Monks Wall Sub-committee.
- e The committees will report to and be accountable to the Council for all their actions and decisions. The matters delegated to each of the three standing committees, the Monks Wall Sub-committee and the Personnel Sub-group are set out in their Terms of Reference, agreed by Council on the 25th July 2022 and updated thereafter. These Terms of Reference (which should be read in conjunction with these standing orders) also set out, in Section 1, those matters that cannot be delegated to any committee, sub-committee, sub-group, councillor or officer.
- f The membership of the Finance and General Purposes Committee, the Heritage and Townscape Committee and the Planning Committee shall each comprise nine councillors and 3 non-council co-optees (who have no votes). In addition, the Planning Committee will include one of Dover District Council's representatives for Sandwich as an adviser but without voting rights.
- g The Personnel Sub-group shall comprise the Chair of the Finance and General Purposes Committee, the Chair of the Heritage and Townscape Committee, the Chair of the Planning Committee and the current Mayor.
- h The Monks Wall Sub-Committee shall comprise five councillors and up to four co-optees and will have overall responsibility for the management and improvement of the reserve.
- i The Council may choose to create time-limited working groups to deal with a particular topic or project, whose terms of reference and members shall be determined by the committee.
- j Normally working groups will be time limited to six months. However, the Working Groups Terms of Reference, agreed by Council in September 2022, state that where an issue is agreed to be long term the related working group can also have a longer-term life.
- k With regard to the three Standing Committees, the Personnel Sub-group and the Monks Wall Sub-Committee the Council shall:
- shall determine their terms of reference.
 - determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council.
 - shall permit the three standing committees to determine their schedule of meetings.
 - shall, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of members of such a committee.
 - may, subject to Standing Orders 4(b) and (c), appoint a substitute member to a committee whose role is to replace the ordinary members at a meeting of a committee, should a casual vacancy

arise, or if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend.

- at the annual meeting in May appoint members of the three standing committees and elect their Chairs
- permit the relevant standing committee to appoint a temporary Chair of a newly created, time-limited working group.
- determine the place, notice requirements and quorum for standing committees, which shall be no less than 5.
- determine if the public may participate at a meeting of a standing committee.
- determine if the public and press are permitted to attend meetings of the standing committees and also the advance public notice requirements required for the meetings.
- determine if the public may participate at a meeting of standing committees that they are permitted to attend; and
- dissolve a committee or working group.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm. Sandwich Town Council has determined that Council meetings will take place at 7pm and Standing Committee meetings at 6:30pm**
- 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 decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the new Chair and Vice-Chair of the Council.**
- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of**

the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:

- i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date.**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council.
- iii. Receipt of the minutes of the last meeting of a committee.
- iv. Consideration of the recommendations made by standing committees.
- v. Review of delegation arrangements to standing committees, staff and other local authorities.
- vi. Review of the terms of reference for committees.
- vii. Appointment of members to existing standing committees.
- viii. Appointment of any new committees in accordance with standing order 4.
- ix. Review and adoption of appropriate Standing Orders and financial regulations.
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back.
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future.
- xiii. Review of inventory of land and other assets including buildings and office equipment.
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks.
- xv. Review of the Council's and/or staff subscriptions to other bodies.
- xvi. Review of the Council's complaints procedure.
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*).
- xviii. Review of the Council's policy for dealing with the press/media.
- xix. Review of the Council's employment policies and procedures.
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the

next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within 7 days of having been requested in writing to do so by 2 councillors, any 2 councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The Chair of the three standing committees and the Chair of any Sub-Committee, may also convene an extraordinary meeting of the respective committee at any time.
- d If the chair of a standing committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, any 2 members of the committee may convene an extraordinary meeting of the standing committee.

7. PUBLIC INVOLVEMENT IN MEETINGS

Public involvement is central to the promotion of democratic government—access to meetings is a right for all members of our community, both in terms of physical access to the meeting itself, and wider accessibility of Council proceedings.

All meetings (other than meetings of the Personnel Sub-group) 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 all or part of a meeting shall be by resolution which shall give reasons for the public's exclusion.

At the Proper Officer's discretion, individual members of the public shall be provided with the opportunity to speak for not more than 3 minutes each on a subject which is relevant to the agenda of that meeting at the time indicated in the agenda or as determined by the Proper Officer, including Committee meetings, subject to;

- A request being made to the Clerk of that meeting to speak, including the subject of the question or statement being made (which may be via email in advance, or ahead of the published start time of that meeting);
- The Chair of the meeting granting a request to speak, if made at the meeting;
- Disclosure of any relevant interest they have in relation to the matter they wish to discuss (for example, membership of an interest group, proximity to a proposed development or similar);
- The total time allocated to public questions and statements will not exceed 15 minutes except at the discretion of the Chair of the meeting.

Where it is apparent that multiple individuals wish to speak on the same subject, and taking account of differing views, the Chair may request that a spokesperson be selected by those speakers to represent them, rather than allow all individuals to speak.

At the absolute and considered discretion of the Chair, members of the public judged to have a particular expertise or knowledge that will add to the quality of decision-making may be invited to speak during an agenda item.

With respect to meetings organised by the Council for the specific purpose of public engagement, outside of standard meetings, these Standing Orders will apply only in so far as is required to meet statutory

requirements.

8. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a committee.
- b When a motion moved pursuant to Standing Order 7(a) has been disposed of, no similar motion may be moved for a further six months.

9. VOTING ON APPOINTMENTS

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

10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled, and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting. The Proper Officer, in consultation with the Chair or convenor of the meeting, may only reject a correctly submitted motion on the basis of:
 - Its lack of clarity or legibility
 - Its irrelevance to the Terms of Reference of the meeting
 - Its unlawful or improper subject or wording
- c Motions received shall be recorded and numbered in the order that they are received, and this information should be open to the public.
- d Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - b To appoint a person to chair the meeting
 - c to correct an inaccuracy in the draft minutes of a meeting.
 - d to move to a vote.

- e to defer consideration of a motion.
- f to refer a motion to a particular standing committee.
- g to appoint a person to preside at a meeting.
- h to change the order of business on the agenda.
- i to proceed to the next business on the agenda.
- j to require a written report.
- k to appoint a committee or working group and their members.
- l to extend the time limits for speaking.
- m to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest.
- n to not hear further from a councillor or a member of the public.
- o to exclude a councillor or member of the public for disorderly conduct.
- p to temporarily suspend, adjourn or close the meeting.
- q to suspend a particular standing order (unless it reflects mandatory statutory or legal requirement.)

12. MANAGEMENT OF INFORMATION

See also Standing Order 20.

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

13. DRAFT MINUTES

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

- a The draft minutes of a meeting will be sent to the Chair of that meeting within seven days of the meeting. Any comments or amendments made by the

Chair should be included in the draft minutes for that meeting. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution, and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate. The minutes, together with the agenda and report pack for that meeting (unless items are confidential) shall then be published on the Council's website within seven full days of the meeting.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/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 in respect of were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e **If the Council's gross annual income or expenditure (whichever is**
 - **higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

14. CODE OF CONDUCT AND DISPENSATIONS

See also Standing order 3(u).

- a All councillors are bound by the Seven Principles of Public Life, which are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Councillor shall observe the Code of Conduct adopted by the Council.
- b Unless they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c Unless they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest, if so required by the Council's Code of Conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer or by a meeting of the Council or standing committee for which the dispensation is required and that

decision is final.

- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates.
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote.
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought, and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to Standing Orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required, or at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with Standing Order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business.**
 - ii. granting the dispensation is in the interests of persons living in the Council's area, or**
 - iii. it is otherwise appropriate to grant a dispensation.**
- i. Councillors may receive relevant circulated information and material before any meeting as part of the open process of reaching an informed recommendation, but this comes during the meeting where the decision is made after councillors reflect on information and enter full discussion/debate. Councillors must not make up their minds or take a position in advance of meetings and must be Open to persuasion and enter the recommendation process with 'clean hands.'

15. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Council.
- b Where the notification in Standing Order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with Standing Order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement.
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.

- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

16. PROPER OFFICER

- a The Proper Officer shall be either (i) the Chief Executive or (ii) another staff member nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

- b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council or standing committees:**

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, and on the Council's website and public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to Standing Order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 2 days before the meeting confirming his/her/their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office.**
- iv. **facilitate inspection of the minute book by local government electors.**
- v. **receive and retain copies of byelaws made by other local authorities.**
- vi. hold acceptance of office forms from councillors.
- vii. hold a copy of every councillor's register of interests.
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures.
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one).
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980).
- xii. arrange for legal deeds to be executed.

(see also Standing Order 23)

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations.
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
- xv. refer a planning application received by the Council to the Chair, or in his/her/their absence, the Vice-Chair of the Council, or one of the Chairs of the standing committees, within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or standing committee.
- xvi. manage access to information about the Council via the publication scheme, and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also Standing Order 23).

17. RESPONSIBLE FINANCIAL OFFICER

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

18. ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved, and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) at least each quarter, but monthly if possible.
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date.
 - iii. the balances held at the end of the quarter being reported, toinclude a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information, and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and

approval.

- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed annual governance and accountability return shall be presented to all councillors and approved according to the guidelines issued by the external auditor.

19. FINANCIAL CONTROLS AND PROCUREMENT

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

committee or sub-committee with delegated responsibility.

- e. Neither the Council, nor a standing committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

20. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the relevant standing committee or Council is subject to Standing Order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Finance and General Purposes Committee or the chair of Council, of absence occasioned by illness or other reason and that person shall report such absence at the next meeting of the standing committee or Council.
- c The chair of the Finance and General Purposes, supported by the chairs of The Council, Heritage and Townscape Committee and Planning Committee, shall together comprise a Personnel group, and will conduct a review of the performance and annual appraisal of the work of the Chief Executive Officer. The review and appraisal shall be reported in writing and is subject to approval by resolution of the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Chief Executive Officer shall be supported by the chair of the Finance and General Purposes Committee, in respect of an informal or formal grievance matter, and this matter may be reported back and progressed by the Personnel group. Each year the Council will establish an appeals panel of three councillors who cannot be chairs of the three standing committees or the Council, to deal with any staff appeals on grievance or disciplinary matters.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the chair or vice-chair of the Council, chair of the Finance and General Purposes Committee or any member of the Personnel group, this shall be communicated to another member of the Personnel group by the Chief Executive Officer acting on their behalf, which shall be reported back and progressed by the Personnel group.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance, or disciplinary matters.
- g In accordance with Standing Order 11(a), persons with line management responsibilities shall have access to staff records referred to in Standing Order 19(f).

21. RESPONSIBILITIES TO PROVIDE INFORMATION

See also Standing Order 21.

- a. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

- b. **If gross annual income or expenditure (whichever is the higher) exceeds £200,000, the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also Standing Order 11.

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

23. RELATIONS WITH THE PRESS/MEDIA

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

24. EXECUTION AND SEALING OF LEGAL DEEDS

See also Standing Orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to Standing Order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

25. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors of the District and County Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillors representing the area of the Council.

26. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

27. STANDING ORDERS GENERALLY

- a. All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with Standing Order 9.
- c. The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor as soon as possible.
- d. The decision of the chair of a meeting as to the application of Standing Orders at the meeting shall be final.

**SANDWICH TOWN COUNCIL
FINANCIAL REGULATIONS**

These Financial Regulations were adopted by the Council at its Meeting held on 30th January 2023.

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.
- 1.9. In the absence of the Responsible Finance Officer (RFO) all responsibility falls to the Chief Executive.
- 1.10. The RFO;
 - acts under the policy direction of the Council;

- administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.
- 1.11. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- 1.12. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the Council; and
 - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.13. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.

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

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

shall be a matter for the full Council only.

1.15. In addition the Council must:

- determine and keep under regular review all Council bank accounts;
- approve any single commitment in excess of £250 (£1,000 emergency); and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Chief Executive / Personnel Sub-Group.

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

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 1.17. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 1.18. The Chair shall verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.
- 1.19. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 1.20. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 1.21. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 1.22. The internal auditor shall:
 - be competent and independent of the financial operations of the Council;
 - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the Council.
- 1.23. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the Council;
 - initiate or approve accounting transactions; or
 - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 1.24. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

- 1.25. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 1.26. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

2. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 2.1. Each committee with an allocated budget (if any) shall review its one-year budget forecast. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Finance Committee not later than the end of October each year including any proposals for revising the forecast.
- 2.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the [relevant committee and the] Council.
- 2.3. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 2.4. The approved annual budget shall form the basis of financial control for the ensuing year.

3. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 3.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over £250 (£1,000 emergency); or
 - the Chief Executive, in conjunction with Chair of Council or Chair of the appropriate committee, for any items below £250 (£1,000 emergency).

Such authority is to be evidenced by a minute.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 3.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 3.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year without prior approval of the Council.
- 3.4. The salary budgets are to be reviewed at least annually- for the following financial year and such review shall be evidenced by a minute number.
- 3.5. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 3.6. In cases of extreme risk to the delivery of Council services, the Chief Executive or Facilities Manager may authorise revenue expenditure on behalf of the Council which in the relevant officer's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The relevant officer shall report such action to the chair as soon as possible and to the Council as soon as practicable thereafter.
- 3.7. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 3.8. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 3.9. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter. A variances report shall be given to the Finance Committee on a quarterly basis.
- 3.10. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

4. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 4.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. Our nominated bank will make appropriate checks on new signatories.
- 4.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved schedule shall be signed by two councillors. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 4.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 4.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting.
- 4.5. The Chief Executive and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Chief Executive and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee];
 - b) An expenditure item authorised (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee]; or
 - c) fund transfers within the Councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee].
- 4.6. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

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

5. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 5.1. The Council will make safe and efficient arrangements for the making of its payments.
- 5.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Chief Executive shall give instruction that a payment shall be made.
- 5.3. If possible, payment for items shall be made by internet banking transfer (BACS). Cheques may be used if online transfer is not possible. Evidence must be retained showing which members approved the payment.
- 5.4. Payments drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by two members of Council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 5.5. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 5.6. Where internet banking arrangements are made with any bank, the RFO (or in their absence, the Chief Executive) shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 5.7. All online banking user details, PIN numbers, smart cards and readers shall be kept in the council safe unless being used.
- 5.8. All payments shall be verified on the online system by two authorised signatories as soon as possible after the Town Council meeting at which they have been agreed on the payment schedule. This would normally take place the day following these meetings. These two signatories should be agreed during the meeting.
- 5.9. Access to any internet banking accounts will be directly to the access page (which may be saved under 'favourites'), and not through a search engine or email link. Remembered or saved password facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 5.10. Changes to account details for suppliers, which are used for internet banking, may be made on a hard or email copy notification by the and should be directed to the RFO. A programme of regular checks of standing order data with suppliers will be followed.

- 5.11. Any Debit Card issued for use will be specifically restricted to the RFO (or in her absence the Chief Executive) and will also be restricted to a single transaction maximum value of £1,000 unless authorised by council in writing before any order is placed. Personal credit or debit cards of members of staff shall not be used under any circumstances.
- 5.12. All payments made by Debit Card shall be entered as items on the next payment schedule, for signed approval by two Councillors, as with all other payments.
- 5.13. If for the Debit Card application, the Chief Executive and RFO are added as signatories, this shall only be for the purpose of using the Debit Card.
- 5.14. The approval of the use of BACS shall be renewed by resolution of the Council at least every two years.
- 5.15. If cheque payments are made, in order to indicate agreement of the details shown on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 5.16. Orders for payment should not normally be presented for authorisation other than at Council (including immediately before or after such a meeting). Any authorisation by delegated officers obtained away from such meetings shall be reported to the Council at the next convenient meeting.
- 5.17. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 5.18. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 5.19. If thought appropriate by the Council, payment for certain items may be made by CHAPS, provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. The approval of the use of CHAPS shall be made as the provision is required.
- 5.20. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site on the cloud backup.
- 5.21. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

- 5.22. Any payments made in cash by the Chief Executive, RFO or other officers (for example for postage or minor stationery items) shall be refunded as soon as possible using petty cash or BACS transfer on production of a receipt.
- 5.23. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.
- a) The RFO shall maintain a petty cash float of up to £100 for the purpose of defraying operational and other expenses. Receipts for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 4.2 above.

6. PAYMENT OF SALARIES

- 6.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 6.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 6.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council or relevant committee.
- 6.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any Councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

- 6.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 6.6. An effective system of personal performance management should be maintained for the senior officers.
- 6.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 6.8. Before employing interim staff, the Council must consider a full business case.

7. LOANS AND INVESTMENTS

- 7.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 7.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 7.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chair of the Council at the same time as one is issued to the RFO.
- 7.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 7.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 7.6. All investments of money under the control of the Council shall be in the name of the Council.
- 7.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 7.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 4 (Authorisation of payments) and Regulation 5 (Instructions for payments).

8. INCOME

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

- 8.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 8.3. The Council will review all fees and charges at least annually, following a report of the Chief Executive
- 8.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 8.5. All sums received on behalf of the Council shall be banked as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 8.6. The origin of each receipt shall be entered on the paying-in slip.
- 8.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 8.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 8.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that, where possible, more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 8.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Trustee of the charity meeting separately from any Council meeting (see also Regulation 16 below).

9. ORDERS FOR WORK, GOODS AND SERVICES

- 9.1. An official order or letter / email 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.
- 9.2. Order books shall be controlled by the RFO.
- 9.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 10.1 h below.
- 9.4. A member may not issue an official order or make any contract on behalf of the Council.

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

10. CONTRACTS

- 10.1. Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations and no exceptions shall be made, otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Chief Executive and RFO shall act after consultation with the Chair and Vice Chair of Council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations¹.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Chief Executive shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state

¹ The Regulations require Councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

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

that tenders can be sent by email or post and must be addressed to the Chief Executive or RFO.

- e. All tenders can be opened on receipt by the Chief Executive in the presence of the RFO or the Facilities Manager.
- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders,³ [No. 18. Financial Controls and Procurement] and shall refer to the terms of the Bribery Act 2010.
- g. When it is necessary to enter into a contract of above £3,000 but less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall obtain 3 quotations (priced descriptions of the proposed supply). Where the value is below £3,000 and above £250 the RFO shall *strive* to obtain 3 estimates unless directed to do so by the Council. Otherwise, Regulation 9.3 above shall apply.
- h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- i. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

11. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

- 11.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO or Chief Executive upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 11.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 11.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Chief Executive to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

12. STORES AND EQUIPMENT

³ Based on NALC's model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

- 12.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 12.2. 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.
- 12.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 12.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

13. ASSETS, PROPERTIES AND ESTATES

- 13.1. The Chief Executive shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Chief Executive shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 13.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5. Subject only to the limit set in Regulation 13.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.
- 13.6. The Chief Executive and RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14. INSURANCE

- 14.1. Following the annual risk assessment (per Regulation 16), the Chief Executive and RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 14.2. The Chief Executive and RFO shall update insurances to cover all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 14.4. The Chief Executive or RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 14.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, or duly delegated committee.

15. CHARITIES

- 15.1. Where the Council is sole managing Council of a charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable Councils 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 RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

16. RISK MANAGEMENT

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

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

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

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

* * *

Report to Councillors and Members of: Sandwich Town Council

Meeting scheduled for 11th May 2023

Report from: Responsible Finance Officer

Date: 5th May 2023

Subject: Spending Powers

Classification: Not Confidential

Purpose of report:

To ask Councillors for approval to transfer spending powers to either the interim Town Clerk or the Museum Co-ordinator to ensure continuity of service.

Content:

Officer spending powers are required for payments which are not covered by annual approval by the Town Council, or by a minute reference number. This is to enable urgent purchases to be made which are required to keep Council business and the Guildhall running.

Previously officers have been given powers of expenditure to purchase items covered by powers listed on Appendix 1 of the Financial Regulations for Sandwich Town Council (and Sandwich Toll Bridge Fund), which is attached to this report.

Please note I have highlighted in yellow where Officer titles need to be reviewed in Appendix 1.

In the absence of the PA to the CEO who has now left the Council, spending powers relating to Sandwich Town Council and Sandwich Toll Bridge Fund need to be reviewed immediately.

Recommendations:

Councillors are asked to choose from the following options:

- 1. Spending powers are moved from the PA to the CEO, to the Interim Town Clerk.**
- 2. Spending powers are moved from the PA to the CEO, to the Museum Co-ordinator.**

(Spending powers relating to the Museum and Archives can remain with the Museum Co-ordinator)

**SANDWICH TOWN COUNCIL FINANCIAL REGULATIONS
APPENDIX 1**

(Also to be adopted by Sandwich Toll Bridge Fund regarding items relating to the Charity)

Additional Regulations under BUDGETARY CONTROL AND AUTHORITY TO SPEND (Discharge of functions by an officer of the authority S101 1972 LGA).

Updated by Resolution of Town Council Meeting on 30th January 2023

Approved by the Trustee of Sandwich Toll Bridge Fund on 30th January 2023

Sandwich Town Council Financial Regulations, Section 3.1, delegates power to the **Chief Executive** to incur expenditure on behalf of the Council for the following **statutory provisions up to £1,000.00**

In the absence of the Chief Executive, delegated power should be given to the PA to the CEO.

Expenditure	Statutory Provision
Maintenance and running costs of the Black Lane & Sandown Road Allotments	Small Holdings and Allotments Act 1908, Section 26
Maintenance and running costs of the Bulwarks and Poulders Play Areas	Open Spaces Act 1906, Sections 9 & 10; Local Government (Miscellaneous Provisions) Act 1976, Section 19
Maintenance of the bus shelter	Local Government (Misc. Provision) Act 1953, Section 4; Parish Councils Act 1957 Section 1
Repairs to the war memorial	War Memorials (Local Authorities' Powers) Act 1923, Section 1, as extended by LGA 1948, Section 133
Incidental Expenses, such as stationary, office equipment, legal publications etc.	LGA 1972 Section 111 Subsidiary powers
Tourism: Power to contribute to the encouragement of tourism	Local Government Act 1972, Section 144
Maintenance and running costs of the Monks Wall Nature Reserve	Open Spaces Act 1906, Sections 9 & 10
Maintenance and running costs of the Quay and Cattle Market Public Conveniences	Public Health Act 1936, Section 87
Newsletters: Power to provide information relating to matters affecting Local Government	Local Government Act 1972, Section 142
Publicise functions: Power to publicise council and local authority functions	Local Government Act 1982, Section 142
Entertainment and the Arts: Provision of entertainment and support of the arts	Local Government Act 1972, Section 145
Power to provide and equip premises for use of clubs having athletic, social or educational objectives (for use in relation to the Drill Hall).	Local Government (Miscellaneous Provisions Act 1976, Section 19

Sandwich Town Council Financial Regulations, Section 3.6, delegates power to the Chief Executive to incur expenditure, up to £1,000, when it is necessary to carry out repair or replacement, or other works, which are of such extreme urgency that they must be done at once. However, in relation to the property listed below, the Chief Executive will consult with the Chairman and the Deputy Chairman and, if deemed to be an emergency, the Chief Executive will authorise such works up to a cost of £1,000.

In the absence of the Chief Executive, delegated power should be given to the PA to the CEO.

Expenditure	Statutory Provision
Repairs to the Curfew Bell	LGA1972, Section 145
Repairs to Boatman's Hill Chapel	LGA 1972, Section 215
Fixtures and fittings of the office	LGA 1972 Section 111 Subsidiary powers
Repair works at the public conveniences	Public Health Act 1936, Section 87
Repair work at the Drill Hall / Fishergate	Local Government (Miscellaneous Provisions) Act 1976, Section 19

The Chief Executive may incur expenditure on behalf of the Council for the following statutory provisions up to £2,000.00

In the absence of the Chief Executive, delegated power should be given to the PA to the CEO.

Expenditure	Statutory Provision
IT / Social Media	LGA 1972 Section 111 Subsidiary powers
Maintenance and running costs of the Monks Wall Nature Reserve	Open Spaces Act 1906, Sections 9 & 10
Fixture and Fittings of the Guildhall	LGA 1972 Section 133

The Facilities Manager to be delegated a spending power of up to £1,000 for use in relation to the Guildhall Maintenance budget and Public Conveniences Budget, and budgets for Boatman's Hill Chapel and Fishergate.

In the absence of the Facilities Manager, delegated power should be given to the Caretaker on duty.

In the absence of the Chief Executive, delegated power for expenditure up to £1,000 per item relating to the Museum and Archives should be given to the Museum Co-Ordinator.

Additions to Section 10, CONTRACTS:

- Chief Executive, in conjunction with the RFO / Facilities Manager, to approve and execute all new utility and office contracts (e.g. gas, electricity, photocopier, internet) within the approved budget.
- Chief Executive, in conjunction with the RFO / Facilities Manager, to approve and execute all new maintenance contracts (e.g. the Guildhall lift, CCTV) within the approved budget.
- Chief Executive to re-authorise and execute renewals of contracts / licences (e.g. grazing licence at Monks Wall Nature Reserve).

(In the absence of the Chief Executive and the Facilities Manager, delegated power should be given to the PA to the CEO, in conjunction with the RFO / Caretaker on Duty)

Additional Regulation under BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS (Sandwich Town Council Financial Regulations, Section 4.2):

- Two payment schedules should take place, the mid-month one containing only payments which are within officers delegated powers.

Additional Regulation under PAYMENT OF SALARIES (Sandwich Town Council Financial Regulations, Section 6)

- The Chief Executive will be given delegated power to full-fill staffing requirements within the agreed budget – i.e. delegated authority to recruit to seasonal vacancies, deal with items of annual leave / paternity leave etc, complaints and disciplinaries **(in consultation with the Personnel Group)**.

(In the absence of the Chief Executive, delegated power should be given to the Personnel Group).

- Dismissals must be a decision of Full Council.

Report to Councillors and Members of: Sandwich Town Council**Meeting scheduled for 11th May 2023****Report from: Interim Town Clerk****Date: 4th May 2023****Subject: General Power of Competence****Classification: Not Confidential****Purpose of report:**

To consider adopting the General Power of Competence for Sandwich Town Council.

Content:**Introduction**

1. STC has not previously resolved to exercise the GPC.
2. The background to the GPC and relevant extracts from the legislation are attached to this note.
3. Without the GPC there are limits on the powers STC can exercise which may well be a significant restriction, particularly in STC's ability to make best use of the Maddox bequest.
4. KALC have been consulted on our position. They say that this is not an area on which they can give definitive advice. It is for STC to take a view on its eligibility for GPC although KALC can provide (and have provided) background advisory information from NALC and SLCC.
5. This material has been used in producing this note.

GPC eligibility – on appointment of permanent Town Clerk

6. STC will appoint a permanent Town Clerk in due course. The appointment process will ensure that the person appointed is suitably qualified and has completed the relevant training.
7. With an appropriate Town Clerk and with a contested election on 4 May 2023, STC will satisfy the conditions for GPC eligibility. On passing a resolution at a subsequent Full Council meeting STC will immediately be able to make use of the GPC.
8. The eligibility of STC for the GPC will continue until the Annual Council meeting in May 2027 when it will expire unless STC formally resolves that it satisfies the conditions.

GPC eligibility – now

9. The position on the appointment of a permanent Town Clerk is clear. Currently the interim Town Clerk is suitably qualified and has completed the relevant training and both before and after the election on 4 May 2023 STC meets the electoral condition. So STC already satisfies the eligibility requirements.
10. The SLCC advisory material on GPC (relevant extract at D below) includes a view that a council "cannot employ a clerk on a short-term contract specifically for using the power" which casts doubt on our current eligibility given the interim nature of the appointment of our clerk.
11. While there is nothing in the legislation to this effect, it appears that SLCC conclude that an arrangement which is within the wording of law but outside the legislative intent could be challenged (although it is not quite clear how).
12. In relation to STC, the current clerk is qualified, and the council intends to appoint a permanent qualified clerk so the condition will be met over the long term. It is clear the current clerk has not been appointed to deal with an unusual short-term project.

13. The conclusion is that STC fits within both the wording of the law and the legislative intent for eligibility and would be able to resolve that it satisfies the conditions for eligibility now and so make use of the GPC.
14. This would be subject to the risk that SLCC advice could be interpreted as requiring a permanent clerk before eligibility can be confirmed and encourage a legal challenge. However, this risk seems remote and, given the wording of the legislation, it is difficult to see how any such claim could be brought.

Recommendations:

15. That STC resolves, at the Annual Council meeting on 11 May 2023, that it satisfies the relevant conditions and so is eligible to exercise the general power of competence under section 8 of the Localism Act 2011.
16. It is acknowledged that there is a very small risk that this could be challenged because of the SLCC advice because of the interim nature of the current clerk although it is far from clear how any such challenge could be brought.

Background and legislation

Background to General Power of Competence (GPC)

- A. Local councils do not automatically have power to spend money. Where there is a specific statutory power to incur expenditure on activities (and that is quite a wide scope) or where there is no such power there is a broader power to spend but only to limited annual amount (£9.93 per elector for 2023/24).
- B. Since 2012, local councils with a suitably qualified clerk and with most of the councillors elected, have been able to resolve to make use of the GPC providing a broader power to incur expenditure without needing to check there is a specific statutory power.
- C. STC have not previously resolved to make use of the GPC. Without it STC may be limited in its scope of actions and this may particularly affect the ability to make proper use of the Maddox bequest.

Extract from SLCC advisory material on GPC

- D. Since GPC can be used for most of the activities of the council rather than for unusual one-off projects, the council cannot employ a clerk on a short-term contract specifically for using the power.

If the council loses its qualified clerk or has insufficient elected councillors, then it must record its ineligibility at the next 'relevant' annual meeting of the council (after the ordinary election). If it has already started an activity under GPC for which there is no other specific power, it remains eligible for the purpose of completing that activity, but it can't start anything new under the power until it is in a position to make the formal decision that it meets the criteria.

The council must go back to identifying whether it has a specific power to act and use the restricted s137 if there is no appropriate specific power. When entering into a contract under GPC, a council should be cautious if the contract lasts beyond the next annual meeting when the council might no longer be eligible to use GPC. There is a risk of legal action if the council ends the contract unexpectedly. It is wise to seek legal advice when setting up the contract.

Legislation (relevant extracts)

- E. **Localism Act 2011**
 - Chapter 1
 - General Powers of Authorities
 - 1. *Local authority's general power of competence*
(1) A local authority has power to do anything that individuals generally may do
 -
 - 8. *Interpretation*
(1) In this Chapter
"the general power" means the power conferred by section 1(1)
"local authority" means
...
(f) an eligible parish council

Mrs Karen Palmer
Sandwich Town Council and Sandwich Tollbridge Fund
Guildhall
Cattle Market
Sandwich
Kent
CT13 9AH

Select for Local Councils Policy Schedule

This insurance policy, which meets your demands and needs, has been based on the latest information obtained from you. The Policy, the Policy Schedule, any Certificates of Insurance and Endorsements form one document and should be read together. This Schedule replaces any previous Schedule.

Policy Number	YLL-272003-6943
Insured	Sandwich Town Council and Sandwich Tollbridge Fund
Business	Parish / Town Council
Period of Insurance	
From	01 st April 2023
To	31 st March 2024
and any other period for which cover has been agreed.	
Renewal Premium	£ 19,157.04
Premiums are inclusive of Insurance Premium Tax and/or VAT as appropriate.	
Schedule Number	110171976
Long term agreement active until	01 st April 2024
Preparation Date	20 th March 2023
Prepared by	Mr Jonathan Meiseles
Policy Form Reference	MLAACF07

Policy Cover Declaration:

You, the Insured, are not aware of any known losses or events that could give rise to a claim, or circumstances that would be prejudicial to us, the Insurer, should the basis of cover on the below given insurance product (s) be changed.

This is important information, please read it carefully and check that the facts given about you are correct and that we have included all the covers that you require. We are unable to give you advice so it is your responsibility to check the cover is correct for your organisation.

Important information

Taking reasonable care

We require that you take reasonable care in managing your activities. Where appropriate this requires you to do the following:

- Keep written risk assessments for your key activities
- Keep written records of your staff and volunteer training. For example, manual handling training, or for use of tools and machinery
- Abide by any rules, guidelines or advice that is given to you by any relevant authority, such as a Local Authority, or the Health and Safety Executive

We want you to be confident about your insurance and understand what is required of you. Please contact us if you have any questions relating to the above.

Lines of Cover applying

Part A – Material Damage

Table Headings

Contents (a)	Furniture, fixtures, fittings and tenants improvements
Contents (b)	Other contents and consumable stock not specified below including printed books and unused stationery
Contents (c)	Computer equipment, other office equipment and sports equipment
Contents (d)	Televisions, audio-visual and photographic equipment (excluding videos), beer, wine, spirits, tools and gardening equipment
Contents (e)	Tobacco
Contents (f)	Camcorders, videos and gaming machines
Contents (g)	Civic Regalia

Sums Insured

Premises Address	Buildings Sum Insured	Loss of Rent	Contents (a)	Contents (b)	Contents (c)	Contents (d)	Contents (e)	Contents (f)	Contents (g)
1. Fishergate The Quay, Address, Fishergate, The Quay, Sandwich, Kent, CT13 9EN	£1,131,387.00	£11,700.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
2. White Windmill, Address, White Windmill, Ash Road, Sandwich, Kent, CT13 9JB	£1,411,783.36	N/A	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
3. Mill House, Address, The Mill House, Ash Road, Sandwich, Kent, CT13 9JB	£305,561.14	N/A	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
4. Chapel Boatmans Hill Cemetery, Address, Chapel Boatmans Hill Cemetery, Woodnesborough Road, Sandwich, Kent, CT13 0AB	£216,120.22	N/A	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
5. St Peters Hall High Street, Address, St Peters Hall, High Street, Sandwich, Kent, CT13 9EB	£1,171,137.22	£22,500.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
6. Guidhall Cattle Market, Address,	£20,904,000.00	N/A	£347,782.22	£13,911.29	£14,829.18	£2,348.59	£0.00	£0.00	£0.00

Guildhall, Cattle Market, Sandwich, Kent, CT13 9AH									
7. Quay Conveniences, Address, Public Conveniences, Sandwich, Kent, CT13 9EN	£217,373.64	N/A	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
8. Empire Cinema, Address, Empire Cinema, Delf Street, Sandwich, Kent, CT13 9HD	£3,001,256.05	£7,000.00	£0.00	£0.00	£0.00	£62,600.81	£0.00	£0.00	£0.00
9. Address, Drill Hall, The Quay, Sandwich, Kent, CT13 9EN	£1,327,583.21	£60,000.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00

For Premises: 1, 2, 3, 4, 5, 6, 7, 8

Insured Perils applicable to Material Damage : 1-13, 15 & 16

For Premises: 9

Insured Perils applicable to Material Damage: 1-16

Excesses Applicable to Premises 1, 2, 3, 4, 5, 6, 7, 8 & 9

The following Excesses apply to each and every loss arising in respect of each and every separate premises:

Accidental Damage	£100
Theft	£100
Riot civil commotion and Malicious Persons	£250
Storm or Flood	£250
Escape of Water	£250
Falling Trees or Branches	£250
Subsidence	£1,000

Operative Endorsements: 1, 2, 3, 5, 6, 7, 8 & 9 (please refer to the Endorsement section of the policy wording)

Part B – Business Interruption

Premises Address	Additional Expenditure	Indemnity Period (Months)	Loss of Data	Indemnity Period (Months)	Loss of Gross Revenue	Indemnity Period (Months)
Fishergate, The Quay, Sandwich, Kent, CT13 9EN	N/A		N/A		N/A	
St Peters Hall, High Street, Sandwich, Kent, CT13 9EB	N/A		N/A		N/A	
Guildhall, Cattle Market, Sandwich, Kent, CT13 9AH	£60,000	36	N/A		£144,000	36
Empire Cinema, Delf Street, Sandwich, Kent, CT13 9HD	N/A		N/A		N/A	
Drill Hall, The Quay, Sandwich, Kent, CT13 9EN	N/A		N/A		N/A	

For Premises: 1, 2, 3, 4, 5, 6, 7, 8

Insured Perils applicable to Business Interruption : 1-13, 15 & 16

For Premises: 9

Insured Perils applicable to Business Interruption: 1-16

Operative Endorsements:

None

Part C – All Risks

Table Headings

Contents (a)	Furniture, fixtures, fittings and tenants improvements
Contents (b)	Other Contents and consumable stock not specified below including printed books and unused stationery
Contents (c)	Computer Equipment, other office equipment and sports equipment
Contents (d)	Televisions, audio-visual and photographic equipment (excluding videos), beer, wine, spirits, tools and gardening equipment
Contents (e)	Tobacco
Contents (f)	Camcorders, videos and gaming machines
Contents (g)	Civic Regalia

Additional Items:

Where no premises address is shown, the item is not based at one location and cover is provided anywhere within the territorial limits.

Item Description	Sum Insured	Excess
2 x Nature hides	£4,983.26	£100
Tools & Equipment	£2,086.69	£100
Bus Shelter	£6,955.66	£100
8 Laptops	£5,533.82	£100
Telephone Kiosks at the Quay, Cattle Market and Near Sandwich Arms	£19,096.20	£100
21 Ipads	£6,260.21	£100
Guildhall PA System	£1,114.58	£100

The excess stated applies to each and every loss.

Operative Endorsements: 1, 2, 3 & 7 (please refer to the Endorsement section of the policy wording)

Part D – Money

	Limit any one loss
1. Loss of Non-Negotiable Money in the situations specified in items 2(a), 2(b), 2(c)(i) and 2(c)(ii):	£250,000
2. Loss of other Money:	
(a) in transit in the custody of any Member or Employee or in transit by registered post (limit £250), or in a Bank Night Safe	£5,000
(b) in the private residence of any Member or Employee	£250
(c) in the premises	
(i) in the custody of or under the actual supervision of any Member or Employee	£5,000
(ii) in locked safes or strongrooms	£5,000
(iii) in locked receptacles other than safes or strongrooms	£250

Excess: £50 each and every loss

Personal Accident Assault Limits: Stated in Section 3(c) of the policy wording

Operative Endorsements:

1. In respect of **Section 1 – Special Definitions**, the definition of Person Insured is extended to include any person between the ages of 16 and 90.

Part E – Public Liability**Limit of Indemnity:** £15,000,000**Excess:** £100 each and every claim in respect of Section 2(d)(ii)**Operative Endorsements:**

1. Environmental Clean Up Costs. The following Special Definitions are added to Section 1:

Clean Up Costs

- a) Testing for or monitoring of Pollution or Contamination
- b) the costs of Remediation required by any Enforcing Authority to a standard reasonably achievable by the methods available at the time that such Remediation commences.

Remediation

Remedying the effects of Pollution or Contamination including primary, complementary and compensatory actions as specified in the Environmental Damage (Prevention and Remediation) Regulations 2009.

Enforcing Authority

Any government or statutory authority or body implementing or enforcing environmental protection legislation within the territorial limits.

Cover

With effect from 01 July 2009 or the inception of the policy if later, the insurer will indemnify the insured in respect of all sums including statutory debts that the insured is legally liable to pay in respect of Clean Up Costs arising from environmental damage caused by Pollution or Contamination where such liability arises under an environmental directive, statute or statutory instrument.

Provided always that:

- a) liability arises from Pollution or Contamination caused by a sudden, identifiable, unintended and unexpected incident which takes place in its entirety at a specific time and place during the Period of Insurance. All Pollution or Contamination which arises out of one incident shall be deemed to have occurred at the same time such incident takes place
- b) the insurer's liability under this Extension shall not exceed £1,000,000 for any one occurrence and in the aggregate in any one Period of Insurance and will be the maximum the insurer will pay inclusive all costs and expenses. This limit will form part of and not be in addition to the Limit of Indemnity stated in the Schedule
- c) immediate loss prevention or salvage action is taken and the appropriate authorities are notified

Exclusions

The insurer shall be under no liability:

1. in respect of Clean up Costs for **damage** to the **Insured's** land, premises, watercourse or body of water whether owned, leased, hired, tenanted or otherwise in the **insured's** care, custody or control
2. for **damage** connected with pre-existing contaminated property
3. for **damage** caused by a succession of several events where such individual event would not warrant immediate action
4. in respect of removal of any risk of an adverse effect on human health on the **Insured's** land, premises, watercourse or body of water whether owned, leased, hired, tenanted or otherwise in the **insured's** care, custody or control
5. in respect of costs in achieving an improvement or alteration in the condition of the land, atmosphere or any watercourse or body of water beyond that required under any relevant and applicable law or statutory enactment at the time Remediation commences
6. in respect of costs for prevention of imminent threat of environmental damage where such costs are incurred without there being Pollution or Contamination caused by a sudden, identifiable, unintended and unexpected incident
7. for **damage** resulting from an alteration to subterranean stores of groundwater or to flow patterns
8. in respect of costs for the reinstatement or reintroduction of flora or fauna
9. for **damage** caused deliberately or intentionally by the **insured** or where they have knowingly deviated from environmental protection rulings or where the **insured** has knowingly omitted to inspect, maintain or perform necessary repairs to plant or machinery for which they are responsible
10. in respect of fines or penalties of any kind
11. for **damage** caused by the ownership or operation on behalf of the **insured** of any mining operations or storage, treatment or disposal of waste or waste products other than caused by composting, purification or pre-treatment of waste water
12. for **damage** which is covered by a more specific insurance policy
13. for **damage** caused by persons aware of the defectiveness or harmfulness of products they have placed on the market or works or other services they have performed
14. for **damage** caused by disease in animals belonging to or kept or sold by the **insured**.

Part F – Hirers' Liability

Limit of Indemnity: £2,000,000

Excess: £100 each and every claim for damage to the premises or contents caused other than by fire or explosion

Operative Endorsements

None

Part G – Employers Liability

Limit of Indemnity: £10,000,000

Operative Endorsements:

None

Part H – Libel and Slander

Sum Insured

£500,000

Excess: 10% each and every claim or £1,000 whichever is the lower

Operative Endorsements

None

Part K – Inspection Contract

Service: Inspections of each item of Plant described in the Plant Specification under Contract Number EI-272003-6947.

Part L – Plant Protection

Cover: As described in the Plant Specification by means of cover codes as defined in Section 12 in respect of each item of plant

	Limits of Indemnity
Section 2(a) Insured Damage to Plant	£500,000
Section 2(b) Own Surrounding Property Damage	£500,000
Excess: £100 each and every loss	

Part N – Fidelity Guarantee

Persons Guaranteed:	Sum Guaranteed
All members and employees	£5,000,000

Excess: £100 each and every loss

Part O – Personal Accident

Cover is limited to £500,000 any one person and £2,000,000 any one incident.

Persons Insured:

Employees

Capital	5.00 times annual earnings
Weekly	1.00 times weekly earnings
Cover	Sections 2 and 3 – Accident and Assault Cover

Volunteers

Capital Sum	£50,000.00
Weekly Sum	£200.00
Cover	Sections 2 and 3 – Accident and Assault Cover

Directors/Councillors

Capital Sum	£50,000.00
Weekly Sum	£200.00
Cover	Sections 2 and 3 – Accident and Assault Cover

Operative Endorsement:

1) Special Condition 4 of Section 5 is inoperative provided always that the insurer will not make any payment of any benefit or in respect of any expense or loss arising from any Person Insured who has attained the age of 90 years unless such expense or loss arises during the period of insurance during which the Person Insured attains the age of 90

Part P – Legal Expenses**Section:**

3. Employment Disputes and Compensation Awards	Operative
4. Legal Defence	Operative
5. Property Protection and Bodily Injury	Operative
6. Tax Protection	Operative
7. Contract Disputes - £5,000 Limit	Operative
8. Statutory Licence Protection	Operative
Limit of Indemnity:	£200,000

Operative Endorsements

The following is also operative: Debt Recovery

Insured Incident

The insurer will negotiate for the insured's legal rights including enforcement of judgment to recover money and interest due from the sale or provision of goods or of services, provided always that:

- a) the amount of the debt exceeds £250 (incl VAT)
- b) the claim under this Part is made within 90 days of the money becoming due and payable
- c) the insurer has the right to select the method of enforcement, or to forego enforcing judgment if the insurer is not satisfied that there are, or will be, sufficient assets available to satisfy judgment.

Exceptions

We will not provide indemnity in respect of or arising from or relating to:

- a) any debt arising from an agreement entered into prior to the inception date of the indemnity provided by this section if the debt is due within the first 90 days of the indemnity provided by this section
- b) the recovery of money and interest due from another party where the other party intimates that a defence exists
- c) any claim relating to:
 - i) any settlement payable under an insurance policy
 - ii) any lease, licence or tenancy of land or buildings
 - iii) any motor vehicle owned by, or hired or leased to you other than agreements relating to the sale of motor vehicles where you are engaged in the business of selling motor vehicles
- d) any dispute which arises out of the purchase, hire, sale or provision of computer hardware, software, systems or services.

General Notes

1. Fair presentation of the risk

You must make a fair presentation of the risk to us at inception, renewal and variation of your policy. This means that we must be told about all facts and circumstances which may be material to the risks covered by the policy and that you must not make a misrepresentation to us about any material facts. As part of your duty of fair presentation, you must ensure that the information detailed within the schedule is correct and complete. A material fact is one which would influence the acceptance or assessment of the risk. If you have any doubt about facts considered material, it is in your interests to disclose them to us.

Failure to make a fair presentation of the risk could result in the policy either being avoided, written on different terms or a higher premium being charged, depending on the circumstances surrounding the failure to present the risk fairly.

This policy is compliant with the principles of the Insurance Act 2015 law reforms. It also incorporates an 'opt out' which has the aim to promote good customer outcomes. We have opted-out of the 'proportionate reduction of claim remedy' available to insurers under the Insurance Act 2015. This means that in cases of non-disclosure or misrepresentation which are neither deliberate nor reckless, if we would have charged an additional premium had we known the relevant facts, we will charge that premium and pay any claims in full rather than reducing claims payments in proportion to the amount of premium that would have been charged.

We believe that our 'additional premium approach' should, in most situations, be more favourable to our customers when compared to the proportionate reduction of claim remedy. Our additional premium approach does not affect our right to apply the other remedies available under the Act for non-disclosure or misrepresentation.

2. Cancellation

All insurance policies run for a fixed period of time. The Insured can terminate an insurance contract verbally or in writing at any time by calling 0800 917 9531 or emailing Customers.team@uk.zurich.com. Zurich may cancel the policy by giving 30 days' notice in writing. In such an event the insured will be entitled to a return of premium in respect of the unexpired portion of the period of insurance.

If you cancel your policy before the start date, you will be entitled to a full refund of premium. If you cancel within 14 days of the start date, you will be entitled to a full refund of premium, providing no claim has been made. After 14 days, if no claim has been made, we may offer a full or partial refund, depending on the time the policy was on risk and the circumstances at the time of the cancellation request. Please note, a cancellation charge of £50 may be applied.

3. Bonus and fee structure

Employees and businesses who carry out work for ZIC UK are remunerated in various different ways for selling insurance contracts. Employees receive a basic salary and also receive a bonus based on a number of factors, including the achievement of sales and quality targets. Businesses which work for the insurer on an outsourced basis receive a fee and also additional payments based on a number of factors, including the achievement of sales and quality targets.

Claims contact information

If you need advice on a claim, it is important that you speak to the appropriate specialist. Claims specialists are available to discuss your cover and advise you on how to make a claim. Their contact details are:

Type of Claim	Claims team	Claims contact details		
Buildings, contents including "All Risks" Items	Property Claims	Tel:	0800 028 0336	
Business interruption		Email:	farnboroughpropertyclaims@uk.zurich.com	
Money		Address:	Zurich Municipal Property Claims, Zurich Financial Services, PO Box 3303, Interface Business Park, Swindon, SN4 8WF	
Works in progress				
Public liability	Liability Claims	Tel:	0800 876 6984	
Employers liability		Email:	fnlc@uk.zurich.com (new claims)	
Personal assault under Money		Address:	Zurich Municipal Casualty Claims, Zurich House, 1 Gladiator Way, Farnborough, Hampshire, GU14 6GB (DX 140850, Farnborough 4)	
Personal accident				zmflc@uk.zurich.com (subsequent correspondence)
Financial and administrative liability				
Professional negligence				
Hirers liability				
Fidelity guarantee				
Libel and slander				
Engineering insurance				
Engineering – Deterioration of stock				
Business travel				
Motor	Motor Claims	Tel:	0800 916 8872 (new motor claims) 0800 232 1913 (customer damage)	
		Email:	zmmotorclaimsoffice@uk.zurich.com	
		Address:	Zurich Municipal Motor Claims, PO Box 3322, Interface Business Park, Swindon, SN4 8XW	
Legal Expenses	DAS Legal Claims	Tel:	0117 934 2116 (Switchboard)	

General claims procedure

This is a description of the general claims procedure you will need to follow:

1. Contact the relevant claims office, to notify the claim
2. If necessary, a claim form will be sent out to you for completion, or you will be asked to send details in writing
3. In the event of uncertainty, please call the relevant office for guidance.
4. Out of hours/Emergency Property losses - please contact 0800 028 0336
5. Track open claims on-line at: <https://www.zurich.co.uk/municipal/existing-customers>

DAS Head and Registered Office:

DAS Legal Expenses Insurance Company Limited | DAS House | Quay Side | Temple Back | Bristol | BS1 6NH
Registered in England and Wales | Company Number 103274 Website: www.das.co.uk
DAS Legal Expenses Insurance Company Limited is authorised by the Prudential Regulation Authority
and regulated by the Financial Conduct Authority (FRN202106) and the Prudential Regulation Authority.

DAS Law Limited Head and Registered Office:

DAS Law Limited | North Quay | Temple Back | Bristol | BS1 6FL
Registered in England and Wales | Company Number 5417859 Website: www.daslaw.co.uk
DAS Law Limited is authorised and regulated by the Solicitors Regulation Authority (registered number 423113).

Zurich Municipal is a trading name of Zurich Insurance Company Ltd. A public limited company incorporated in Switzerland. Registered in the Canton of Zurich, No. CHE-105.833.114, registered offices at Mythenquai 2, 8002 Zurich. UK Branch registered in England and Wales no BR000105. UK Branch Head Office: The Zurich Centre, 3000 Parkway, Whiteley, Fareham, Hampshire PO15 7JZ.

Zurich Insurance Company Ltd is authorised and regulated in Switzerland by the Swiss Financial Market Supervisory Authority FINMA. Authorised by the Prudential Regulation Authority. Subject to regulation by the Financial Conduct Authority and limited regulation by the Prudential Regulation Authority. Details about the extent of our regulation by the Prudential Regulation Authority are available from us on request. Our firm reference number is 959113.

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ART IN BUSINESS PREMISES INSURANCE

To be read in conjunction with the Wording

INSURER: Beazley Group Subscribing to Binder
B079921KI026530

POLICY NUMBER: BEAZ270323A

INSURED: Sandwich Town Council &/or Sandwich Toll Bridge Fund.

NAMED
LOCATIONS: Location 1 Guildhall, Cattle Market, Sandwich. CT13 9AH

PERIOD: Inception Date 12.00 Hours GMT 27th March 2023
to
Expiry Date 12.00 Hours GMT 27th March 2024

SUMS INSURED
AND LIMITS
OF LIABILITY **Section 1: Art**
A: Whilst at:
Locations 1: Total Sum Insured: GBP1,345,590 any one event

Deductible: GBP 500 any one event

ADDITIONAL CONDITIONS:

The policy is extended to cover the Civic Insignia – (chains of office and the like as per 2017 D J Jutson Valuation £100,000) anywhere in Great Britain, Northern Ireland, The Isle of Man and the Channel Islands.

ANNUAL PREMIUM:	GBP2,960.02
INSURANCE	
PREMIUM TAX:	GBP 236.80
UNDERWRITING	
FEE:	GBP 355.20
TOTAL	
PREMIUM:	GBP3,552.02

Date 27th March 2023

Connoisseur Underwriting
Bespoke, flexible and above all, affordable insurance



Policy Schedule

POLICY REFERENCE:	7489902
BINDING AUTHORITY REFERENCE:	B1179I268022000
THE POLICYHOLDER:	Sandwich Town Council & Sandwich Tollbridge Fund
PRINCIPAL ADDRESS:	Sandwich Town Council Guildhall Cattle Market Sandwich CT13 9AH
THE INSURER:	Underwritten by certain underwriters at Lloyd's'
BUSINESS:	Council
BROKER:	BHIB Limited
PERIOD OF INSURANCE:	FROM: 05 October 2022 TO: 04 October 2023 Both days inclusive Local Standard Time at the Policyholder's Principal Address stated above in this Schedule
LIMIT OF LIABILITY:	Limit of Indemnity: £250,000 This is the maximum amount in the aggregate that the policy will pay including Defence Costs , irrespective of the number of Claims, Losses, Business Interruption Losses or Cyber Events giving rise to an indemnity under this policy Sub-Limit of Liability: £25,000 Funds Transfer Fraud and Theft of Funds Held in Escrow
RETENTION:	Retention each and every Cyber Event: £1,000 Save that:- In respect of cover under Clause 1.2 the Waiting Period is 8 hours per Business Interruption Event . The Retention above will apply to each and every Business Interruption Event once the Waiting Period has been satisfied. In respect of cover under Clause 1.3 the Retention is NIL
PREMIUM:	£267.85
INSURANCE PREMIUM TAX:	£32.14
TOTAL:	£299.99
POLICY WORDING:	OSR: Cyber Plus v2021.2
RETROACTIVE DATE:	Unlimited
LAW AND JURISDICTION:	This agreement is governed by the law of England and Wales and is subject to the jurisdiction of the courts of England and Wales
TERRITORY:	Worldwide
SEAT OF ARBITRATION:	England and Wales
INCIDENT REPOSE PROVIDER (NOTIFICATION OF CLAIMS):	Crawford & Company – 0800 376 6216

ENDORSEMENTS:

Please refer to the endorsement library contained within the policy wording for the full text of the endorsement were only the title is shown.

001: AMENDED GENERAL DEFINITION 2.2

AMENDED GENERAL DEFINITION 2.2

It is hereby noted and agreed that General Definition 2.2 is deleted and replaced with the following:

Business Interruption Loss means the **Insured's** reasonable expenses necessary to maintain the operation, functionality or services of the **Insured's** business, as direct result of a **Business Interruption Event** but only:

- (i) after the expiration of the **Waiting Period**, and
- (ii) until the date on which the **Insured's** business is restored to the same or equivalent condition, functionality and service that existed prior to the loss, however not exceeding 180 days from the date on which the outage, interruption or degradation commenced, such 180 day period not to be limited by the expiration of **Period of Insurance**;

Business Interruption Loss shall also include costs and expenses incurred to avoid mitigate the effects of a system outage or network interruption or degradation of the network, preserve evidence and/or substantiate the Insured's loss.

CL370: INSTITUTE RADIOACTIVE CONTAMINATION, CHEMICAL, BIOLOGICAL, BIO-CHEMICAL AND ELECTROMAGNETIC WEAPONS EXCLUSION CLAUSE

FTF: FUNDS TRANSFER FRAUD/THEFT OF THIRD PARTY FUNDS ENDORSEMENT

The above policy (in this endorsement, the **Policy**) is amended as follows. Words in bold have the meanings defined in the above **Policy**, as amended by this endorsement.

SCHEDULE

The following provisions are inserted to the **Policy** Schedule:

FUNDS TRANSFER FRAUD / THEFT OF THIRD PARTY FUNDS COVER

Inception Date of coverage applicable to Funds Transfer Fraud Event cover and Third Party Funds Theft Event cover granted under this endorsement:	05 October 2021
Retention each and every Fund Transfer Fraud and/or Third Party Funds Theft Event:	£500
Maximum aggregate sum the Insurer will pay in respect of any and all Funds Transfer Fraud(s) and / or Third Party Funds Theft Event(s) under the Policy:	£25,000

The aggregate sum set out above shall be part of and not in addition to the **Limit of Liability** set out in the **Policy** Schedule.

1. INSURANCE COVER

NEW COVERS

The following provisions are inserted into the **Policy**:

*In consideration of the payment of or agreement to pay the premium by the **Policyholder** on behalf of the **Insured**, the **Insurer** will pay, or where specified, reimburse the **Insured**, in excess of the applicable **Retention**, up to the maximum aggregate sum above, for:*

- 1.5 any loss of funds or assets of the **Insured**, which: (i) occurs on or after the above Inception Date; (ii) is notified to the **Insurer** during the **Period of Insurance** in compliance with the **Policy** terms; and (iii) is the sole and direct result of a **Funds Transfer Fraud Event**.
- 1.6 any Loss arising from any Claim against the **Insured** by any **Third Party** which (i) occurs on or after the above Inception Date, (ii) is notified to the **Insurer** during the **Period of Insurance** in compliance with the **Policy** terms; and (iii) is the sole and direct result of a **Third Party Funds Theft Event**.

2. GENERAL DEFINITIONS

The definition of **Claim** at clause 2.3 is deleted and replaced by the following definition:

Claim means any written demand, civil, criminal, judicial, administrative, regulatory or arbitral proceeding against the **Insured** seeking compensation or other legal remedy or penalty as a result of a **Data Liability Event, Media Liability Event, Network Security Event**.

Funds Transfer Fraud Event or Third Party Funds Theft Event.

NEW DEFINITIONS

The following definitions are inserted into the **Policy**:

"Funds Transfer Fraud Event means the commission by any **Third Party**:

- i. via **Unauthorised Access** leading to any unauthorised electronic transfer of the **Insured's** funds or other financial assets from the **Insured's** computer system or network due to the fraudulent manipulation of electronic documentation which is stored on the **Insured's** computer system;
- ii. of theft of funds or other financial assets from the **Insured's** bank account by electronic means, if the bank is unable to restore the **Insured** to the exact same financial position they were in prior to the **Funds Transfer Fraud Event** taking place
- iii. of theft of money or other financial assets from the **Insured's** corporate credit cards by electronic means; and / or
- iv. of any phishing, vishing or other social engineering attack against the **Insured** that results in the unauthorised transfer of **Insured's** funds or other financial assets to a **Third Party**

Optimum Speciality Risks is a trading name of Independent Broking Solutions Limited and is authorised and regulated by the Financial Conduct Authority (FCA) under company number 312026 Registered Office: Unit 2 Kildegaard Business Park, Easthorpe Road, Easthorpe, Colchester, Essex, CO5 9HE. Registered in England and Wales No: 616849

Third Party means any legal entity or natural person who is not an **Insured**.

Third Party Funds Theft Event means the theft of money or other financial assets belonging to a **Third Party** for which the **Insured** is legally liable as a result of **Unauthorised Access** into the **Insured's** computer system.

3. EXCLUSIONS

Exclusion 3.13 of the **Policy** is deleted and replaced with the following exclusion:

The Insurer shall not be liable to make any payment or provide any benefit or service in respect of any Claim or Loss:

- arising out of the electronic transfer of any funds, monies or goods belonging to the **Insured**, or for which the **Insured** is legally responsible, except for a **Fund Transfer Fraud Event** or **Third Party Funds Theft Event**.

NEW EXCLUSIONS

The following exclusions are inserted into the **Policy**:

The Insurer shall not be liable to make any payment or provide any benefit or service in respect of any Claim or Loss:

- for any **Loss** or other financial losses in any way directly or indirectly connected with cryptocurrencies are excluded from the cover provided under the "FUNDS TRANSFER FRAUD / THEFT OF THIRD FUNDS PARTY" endorsement in respect of any **Funds Transfer Fraud Event** or **Third Party Funds Theft Event**.
- for any **Loss** or other financial losses caused by any **Funds Transfer Fraud Event** or **Third Party Funds Theft Event** where such event is perpetrated by, or with the knowledge or collusion of, any director, partner or employee of the **Insured**.

All other terms and conditions of the **Policy** remain unchanged

LMA3100: SANCTION LIMITATION AND EXCLUSION CLAUSE

LSW1001: SEVERAL LIABILITY NOTICE INSURANCE

NMA464: WAR AND CIVIL WAR EXCLUSION CLAUSE

TELEPHONE HACKING NEW: TELEPHONE HACKING ENDORSEMENT

The above policy is amended as follows. Words in bold have the meanings defined in the **Policy**.

SCHEDULE

The following provisions are inserted into the **Policy** Schedule:

TELEPHONE HACKING COVER

Inception date applicable to any Telephone Hacking Event:	05 October 2021
Retention each and every Telephone Hacking Event:	£1,000
Maximum aggregate sum the Insurer will pay in respect of any and all Telephone Hacking Events:	£250,000

The aggregate sum set out above shall be part of and not in addition to the **Limit of Liability** set out in the **Policy** Schedule.

1. INSURANCE COVER

NEW COVER

The following provision is inserted into the **Policy**:

In consideration of the payment of or agreement to pay the premium by the Policyholder on behalf of the Insured, the Insurer will pay, or where specified, reimburse the Insured, in excess of the applicable Retention, up to the maximum aggregate sum above, for:

- 1.7 any **Loss** arising from a **Claim** against the **Insured** made by a **Telcom Provider** which (i) occurs on or after the above **Inception Date**, (ii) is notified to the **Insurer** during the **Period of Insurance** in compliance with the **Policy** terms; (iii) and is the sole and direct result of a **Telephone Hacking Event**.

2. GENERAL DEFINITIONS

The definition of **Claim** at clause 2.3 is amended by including the following at the end of the definition:

Claim means any written demand, civil, criminal, judicial, administrative, regulatory or arbitral proceeding against the **Insured** seeking compensation or other legal remedy or penalty as a result of a **Data Liability Event**, **Media Liability Event**, **Network Security Event**

or **Telephone Hacking Event** (where that written demand, civil, criminal, judicial, administrative, regulatory or arbitral proceeding is made by a **Telcom Provider**).

NEW DEFINITIONS

The following definitions are inserted into the **Policy**:

Telcom Provider means any telephone or communications service provider with whom the **Insured** has a written contract for the provision of telephony or communication services.

Telephone Hacking Event means any **Unauthorised Access** to the **Insured's** internal digital telephony infrastructure.

All other terms and conditions of the **Policy** remain unchanged.

TERRITORIAL RESTRICT 0704: TERRITORIAL RESTRICTION ENDORSEMENT (07/04/2022)

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Registered in England and Wales No: 616849

In consideration of the premium charged, it is hereby understood and agreed that this policy is amended as follows:

Notwithstanding anything to the contrary in this policy, or any appendix or endorsement added to this policy, there shall be no coverage afforded or benefit provided by this policy for any:

- i. entity organized or incorporated pursuant to local law of the **Specified Area**, or headquartered in a **Specified Area**;
- ii. natural person during such time such natural person is located in a **Specified Area**;
- iii. part of a claim, action, suit or proceeding brought or maintained in a **Specified Area**;
- iv. loss of, theft of, damage to, loss of use of, encryption of, interruption to the operations or availability of, or destruction of any part property (tangible or intangible) located in a **Specified Area**, including, but not limited to, any computer system, data, digital assets, money or securities located in a **Specified Area**.

For purposes of this endorsement, "**Specified Area**" means:


- a. The Republic of Belarus; or
- b. The Russian Federation as recognized by the United Nations (or their territories, including territorial waters, or protectorates where they have legal control; legal control shall mean where recognized by the United Nations).

Where there is any conflict between the terms of this endorsement and the terms of the policy, the terms of this endorsement shall apply, subject at all times to the application of any Sanctions clause.

If any provision of this endorsement is or at any time becomes to any extent invalid, illegal or unenforceable under any enactment or rule of law, such provision will, to that extent, be deemed not to form part of this endorsement but the validity, legality and enforceability of the remainder of this endorsement will not be affected.

All other terms, conditions and exclusions remain unchanged.

Signed by and on behalf of Optimum Speciality Risks:



Freddy Knight
Optimum Speciality Risks
150 Minories,
London,
EC3N 1LS

Optimum Speciality Risk acts as agent of the Insurer in performing its duties under the Binding Authority, including binding cover and collecting premiums.

Optimum Speciality Risk is a trading name of Independent Broking Solutions Limited and is authorised and regulated by the Financial Conduct Authority (FCA) under company number 312026 Registered Office: Unit 2 Kildegaard Business Park, Easthorpe Road, Easthorpe, Colchester, Essex, CO5 9HE. Registered in England and Wales No: 616849

Lloyd's is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. Registered Office: One Lime Street, London, EC3M 7HA.

Sandwich Town Council

Complaints Procedure Adopted on 04/03/2013

1. Sandwich Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to
 - a. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - b. complaints against councillors. Complaints against councillors are covered by the Kent Code of Conduct for Members adopted by the Council on 25 June 2012 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer at Dover District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Dover District Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on the matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with the Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, your complaint will be acknowledged within 48 hours.


7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Mayor of Sandwich Town Council who will report your complaint to the Council.
8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Mayor will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred the full Council and, usually within eight weeks, you will be notified in writing of the outcome of the review of your original complaint.

The Clerk of Sandwich Town Council

Address: Guildhall
Cattle Market
Sandwich
CT13 9AH
Telephone: 01304 617197
Email: townclerk@sandwichtowncouncil.gov.uk

The Mayor of Sandwich Town Council

Address: Guildhall
Cattle Market
Sandwich
CT13 9AH
Telephone: 01304 617197
Email:

<p>Refer to the attached Notes for guidance</p>	<p style="text-align: right;">Sandwich Town Council</p>  <p style="text-align: center;">REQUEST FOR ACCESS TO INFORMATION UNDER THE FREEDOM OF INFORMATION ACT 2000</p>
<p>Notes 1 and 6</p>	<p>To: The Town Clerk Sandwich Town Council Guildhall Cattle Market Sandwich Kent CT13 9AH</p> <p>Telephone: 01304 617197 Fax: 01304 620170 Email: townclerk@sandwichtowncouncil.gov.uk Website: www.sandwichtowncouncil.gov.uk</p>
<p>Notes 2 and 11</p>	<p>In accordance with Section 8 of the Freedom of Information Act 2000, I wish to request access to the following information which I believe to be held by Sandwich Town Council. I understand that I may be required to pay a fee for the information and that where a fee applies, the information will not be released by the Council until the fee has been paid.</p> <p>I have checked the Council's Publication Scheme and can find no reference to the information I request access to.</p>
<p>Note 5</p>	<p>I understand that I will not normally be given access to personal information unless I have obtained the written consent of that person.</p>
<p>Note 10</p>	<p>I understand that the Council may not hold the information I am requesting and that the Council may need to consider whether it is appropriate for my application to be transferred to another public body. Where this is the case, I consent to my application being transferred.</p>
<p>Note 12</p>	<p>My preferred form of access to the information is: (tick whichever is appropriate)</p> <ol style="list-style-type: none"> 1. View/inspect original information 2. Receive copies by post 3. Receive electronic copies* 4. Receive a digest or summary of the information by post or email* 5. Other (please specify) <p>NB. *Restricted to documents which are in electronic format.</p>

Notes 2 and 6 My request applies to documents from to

Personal Details of Applicant

Note 6
Please use BLOCK letters

Surname:

First Name:

Address:

Tel (Home):

Tel (Business):

Mobile No:

Email:

Signed:

Dated:

Office Use Only

Date FOI request received:

Date request transferred to another public body (where applicable):

Date Applicant informed of the transfer (where applicable):

Date Duty to Confirm/Deny exercised (exempt information only):

Date Fees Notice issued (where applicable):

Date by which fee to be paid (where applicable):

Date Applicant given reasons for decision not to release the information and advised of the right to ask for an internal review of the decision.

Freedom of Information & Data Protection

Guidance for submitting a Request for Access to Information

Note 1 What is Freedom of Information?

The Freedom of Information Act 2000 (FOI) came into force on 30 November 2000. FOI gives you the right of access to information held by Sandwich Town Council (the Council) although the Council may refuse access to the information if that information falls within any of the exemptions under the FOI. The exemptions protect against the disclosure of information that would, for example, harm commercial interests, information provided in confidence, personal information and other important interests.

Note 2 – What can I ask for?

Your right to ask for information only relates to information held by the Council at the time you make your request. 'Information' may be in any form eg a paper document, computerised records, printouts, maps, plans, microfilm, microfiche, audio-visual material, etc. FOI provides a right to 'information' rather than to records or documents. Although you are not required to specify any particular document, you must describe the information you are requesting in as much detail as possible. The Council publishes a wide range of information. You may first wish to check the Council's Publication Scheme to find out whether the information you are requesting has already been published or if there are plans to do so. A copy of the Scheme is available online.

Note 3 – Do I need to give a reason to see information?

No. You do not have to give a reason as to why you want to see any information. The Council must give you an explanation if you are not given what you ask for.

Note 4 – Can I ask for personal information about myself?

No. A request for personal information about yourself must be made under the Data Protection Act 1998 and not FOI.

Note 5 – Can I ask for personal information about a third party?

Yes. Personal Information relating to a third party will be dealt with under FOI. However, before you are given access to personal information relating to a third party, you may be asked to provide proof of the third party's consent to the disclosure.

Note 6 – How do I make a request for information?

Requests/applications must be in legible form ie in writing and capable of being used for subsequent reference. Try to provide as much information as possible to enable the Council to identify and locate the information which you are seeking or requesting. Please address your request to:

The Town Clerk
Sandwich Town Council
Guildhall
Cattle Market
Sandwich CT13 9AH

Note 7 – How do I make a request for information if I am suffering from a disability, am ill or illiterate?

If you are unable to put your request in writing perhaps as a result of illiteracy, disability or illness, you may wish to ask another person or agency (such as the Citizens Advice Bureau) to help you or to make the request on your behalf. The Council has a legal duty to provide you with reasonable advice assistance. This may include:

1. Accepting an oral request where you are unable to read, print and/or write due to your disability;
2. Enabling you to inspect or have the information you are requesting explained to you;
3. Providing guidance in other languages;
4. Taking a note of your request over the telephone and then sending the note to you for confirmation;
5. Providing this leaflet in Braille or audio tape.

Requests for further assistance must be addressed to the Town Clerk at the address detailed in Note 6 above.

Note 8 – Are there limits to the information I can ask for?

Yes. Confidentiality is sometimes necessary to ensure the effectiveness of the Council's decision-making and to protect commercial interests, information provided in confidence, personal information and other important interests. For these reasons, some categories of Council information are not covered by the commitment to provide information. Nevertheless, it is the Council's aim to ensure that information should be made available unless it is clearly not in the public interest to do so. All requests for information will be considered on their merits.

Note 9 – How do I describe the information I am asking for?

If at all possible, describe the information as fully as you can to enable the Council to identify and locate it. If you are requesting personal information, please state precisely in whose name the information is held. You will not normally be given access to the personal information of another person unless you have obtained the written consent of that person (refer to Notes 4 and 5 above). Where you provide insufficient information to enable the Council to identify or locate the information you are asking for or where your request is ambiguous, the Council will as far as practicable provide you with assistance to enable you to describe more clearly the information you are requesting. The aim of this assistance will be to clarify the nature of the information sought and not to determine your aims or motivation for asking for the information. Where information is likely to be refused on cost grounds, the Council will give you an indication of what information could be provided within the costs ceiling (refer to Note 11 below).

Note 10 – What happens if the Council does not hold the information?

The Council may not hold the information you are asking for because the information may have been destroyed in accordance with the Council's data retention policies or the information may be held by another public body. In such cases, you will be told that the Council does not hold the information. Where the Council believes that the information is held by another public body and that it would be appropriate to transfer your request to that other body, you will be asked whether you have any objections to the Council making the transfer. The public body will be asked whether it consents to your application being transferred to it. Your application will only be transferred with your consent and with the consent of the other public body.

Note 11 – Can the council charge a fee?

In certain circumstances the Council can charge a fee. Charges may apply in respect of the search and retrieval of information in addition to charges relating to photocopying, postage, video, tape, disk and computer runs. Full details of charges levied by the Council are available from the Town Clerk at the address detailed in Note 6 above. Fees may be waived where the information you are seeking would be of particular assistance to your understanding of an issue of local importance.

Note 12 – How do I receive the information I have asked for?

You are entitled to say how you wish the information to be communicated to you. This may be by letter, in the form of a digest or summary of the information or by inspection of the information at the Council's Offices on a date and at a time to be mutually agreed between you and the Town Clerk

Note 13 – When must the Council provide me with the information I have asked for?

The Council will respond promptly to your request for information and in any event not later than on the 20th working day of the date of receipt of your application. If it is likely to take longer, the Council will let you know.

Note 14 – Can the Council refuse my request for information?

In certain circumstances the Council refuse your request for information. Vexatious and repeated requests and/or applications made with the aim of frustrating the operations of the Council may be refused. The Council may refuse to accede to a request for information where the Council estimates that the costs of complying with the request would exceed the costs ceiling set by the Council (refer to Note 11 above). The Council may also refuse to accede to a request for information where the information is considered to be exempted under FOI (refer to Note 8 above). You will be given an explanation of the reasons for refusing your request for information.

Note 15 – Can I appeal against the Council's decision to refuse my request for information?

Yes. If you are not satisfied with the decision ie your request has been refused or where you consider that your request has not been properly handled and the issue cannot be resolved in discussion with the Town Clerk you may ask for an 'internal review' of the decision under the Council's Corporate Complaints Procedure. Your request for an internal review must be submitted within 4 weeks of the date of the decision to:

The Chairman
Sandwich Town Council
Guildhall
Cattle Market
Sandwich CT13 9AH
Telephone: (01304) 617197
Fax: (01304) 620170
Email: info@sandwichtowncouncil.gov.uk

If you are not satisfied with the decision on 'internal review', or where the Council has failed to respond to you within the time specified or within the time agreed between you and the Council you may apply to the Information Commissioner for an independent review at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: (01625) 545700
Website: www.dataprotection.gov.uk/dpr/foi.nsf

Note 16 – Who do I contact for further information or assistance on Freedom of Information?

The Freedom of Information Act 2000 is available from any Government Publications Sales Office and from the Information Commissioner's Web site www.dataprotection.gov.uk/dpr/foi.nsf.

Monitoring of requests received by the Council is a necessary element of an established programme for recording and analysing the types of information requested and the Council's overall performance in handling requests. Wherever possible, the Council will keep information used for requests monitoring in an anonymised form so that it cannot be linked to any particular individual. All or part of the statistical information provided may be disclosed or supplied to relevant committees of the Council and to external organisations or bodies such as the Audit Commission/Information Commissioner for statistical information purposes. The data collected for monitoring purposes is aggregated, kept apart from general personal records and subject to strictly controlled procedures.

Sandwich Town Council Procedure for Communication with the Media

Communication with the media is particularly important. The media broadcast information and have a considerable influence on opinion. It is therefore important for Sandwich Town Council to get the right message across and minimise the risk of misunderstanding and misinformation. The following steps should be taken when approached by the media:

Councillors & Staff Should:

- Obtain the name of the person calling, the media organisation and, if available, the anticipated time of release of information in print or broadcast.
- The best approach with the media is to be prompt, helpful and honest. The Chairman and Town Clerk should be made aware of any contact as soon as possible, in deference to reporters' deadlines. At the most, a call should be returned within a half-day by the Town Clerk or Chairman.
- Make sure you understand each question from the media before answering. If you cannot answer the question, or are uncomfortable providing a response, take the reporter's number and advise him/her that someone who can provide the information will contact him/her as soon as possible. Then follow-up by contacting the Town Clerk to report this communication.
- Do not offer speculations or gossip. Do not answer a reporter's question with "no comment." Do not be condescending or underestimate the reporter's intelligence, but make sure the reporter understands your responses. Provide your phone number and/or e-mail address for follow-up questions.
- Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press, other media and/or third party on behalf of the Council.
- Issues that should not be discussed with reporters are 1) legal issues, 2) personnel issues, 3) questions that involve council integrity, such as ethics, or 4) emergency situations. Refer all matters to the Town Clerk/Chairman.
- Any information regarding staff should be referred to the Town Clerk/Chairman. Only public information may be provided without the employee's written approval. Public information is the following: verification of employment, name of job title/position, full or part-time status, office contact details.
- The council is a single corporate body and the decisions of the council are the responsibility of the council as a whole, all councillors and staff must remember this.

Issuing Press Releases

- Whenever requested to do so by resolution of the full council the Town Clerk's office can issue a press release to the media with information on the actions and decisions of the council. Any written press release will be checked by both the Town Clerk and the allocated Communication Officer (currently the Assistant Town Clerk).

Sandwich Town Council and Sandwich Toll Bridge Fund Trustee Schedule of Meetings and Civic Events 2023-2024

Date	Meetings	Civic Events	Notes
17/04/23	Heritage and Townscape		Cancelled 29/03/23
19/04/23	Planning		
24/04/23	STC & STBF		
04/05/23	Local Elections		
11/05/23	Annual Meeting of the Council and Mayor Making	Mayor Making	Guildhall
17/05/23	Planning		
22/05/23	STC & STBF		
24/05/23	Annual Town Meeting		
12/06/23	Heritage and Townscape		
14/06/23	Planning		
19/06/23	Finance and General Purposes		
26/06/23	STC/STBF		
07/07/23	Mayor Deputies Supper		
10/07/23	Heritage and Townscape		
12/07/23	Planning		
17/07/23	Finance and General Purposes		
31/07/23	STC/STBF		
08/08/23	Planning		
09/08/23	Heritage and Townscape		
14/08/23	Finance and General Purposes		
21/08/23	Quarterly Meeting of STC/STBF		
11/09/23	Heritage and Townscape		
13/09/23	Planning		
15/09/23	Battle of Britain Day		

18/09/23	Finance and General Purposes		
25/09/23	STC/STBF		
09/10/23	Heritage and Townscape		
11/10/23	Planning		
16/10/23	Finance and General Purposes		
30/10/23	STC/STBF		
08/11/23	Planning		
11/11/23	Armistice Day		
12/11/23	Remembrance Day Service		
13/11/23	Heritage and Townscape		
20/11/23	Finance and General Purposes		
27/11/23	Quarterly Meeting of STC/STBF		
04/12/ 23	Heritage and Townscape		
06/12/23	Planning		
11/12/23	Finance and General Purposes		
18/12/23	STC/STBF		
08/01/24	Heritage and Townscape		
10/01/24	Planning		
15/01/24	Finance and General Purposes		
29/01/24	STC/STBF		
07/02/24	Planning		
12/02/24	Heritage and Townscape		
19/02/24	Finance and General Purposes		
26/02/24	Quarterly Meeting of STC/STBF		
04/03/ 24	Planning		
11/03/24	Heritage and Townscape		

18/03/24	Finance and General Purposes		
25/03/24	STC/STBF		
03/04/24	Planning		
08/04/24	Heritage and Townscape		
22/04/24	Finance and General Purposes		
29/04/24	STC/STBF		