

**Kidderminster Town Council
Finance & Overview Committee**

Wednesday 7th July 2021 at 6.00pm to be held in the Council Chamber, Town Hall

To Councillors D. Ross (Chairman), K. Gale (Vice Chairman), D Chambers, D. Hine and F. Oborski MBE

The next meeting of the **Finance & Overview Committee**, will be held on **Wednesday 7th July 2021 at 6.00pm** for the transaction of the business detailed below:



Tony Beirne
Town Clerk
30/06/21

AGENDA

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Confidential		
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KIDDERMINSTER TOWN COUNCIL
MINUTES OF THE FINANCE & OVERVIEW COMMITTEE
Held in Kidderminster Town Hall, Kidderminster
On Wednesday 2nd December 2020 at 6.00pm

Present: Councillors N. Knowles (Chairman), H. Dyke, K. Gale, F. Oborski MBE and D. Ross

F.157 **Apologies**
None

F.158 **Minutes of the Meeting held on 9th September 2020**
RESOLVED:- that the Minutes of the meeting held 9th September 2020 be agreed as a correct record

F.159 **Declarations of Interests by Members**

	Councillor	Declaration	Minute	Reason
1.	H. Dyke	ODI	F.161	Councillor Dyke was the WFDC portfolio holder for the services affected by the Localism discussion. She took no part in the debate or the vote on this report

F.160 **Finance Reports**

The Town Clerk updated the Committee on the current financial position. He said with savings, deferments and grant income the overall detrimental impact of Covid19 on the 2020/21 budget had been mitigated. He also said the grant funding support, specifically from the Arts Council, had significantly helped mitigate the financial risks for 2021/22.

The Committee went through the budget to review current costs.

RESOLVED: - that

- i. The budget report be noted
- ii. The accounts and income to date be noted

F.161 **Budget Planning 2021/22 and Potential Future Town Council Service Provision.**

The Committee considered the offer from WFDC to take on more services as part of the Town Council remit.

After discussion it was

RESOLVED: - that

- i. subject to detailed costings and consideration of the precept implications, the Town Council be recommended to take on the ownership and running of the following four parks
 - Brinton
 - Springfield
 - White Wickets
 - St George's
- ii. the Town Council be recommended not to take on the running of the Cemetery of the Community Safety Service
- iii. that future consideration of taking on any other services take place after the Town Council elections in May 2021

Councillor Dyke had declared an interest and took no part in the discussion or voting
Councillor Knowles wished to be recorded as having voted against the resolution
Councillor Oborski MBE wished to be recorded as abstaining

F.162

Report of the External Auditor

The Committee noted the letter from PKF, the external auditors, informing the Town Council that the audit had been signed off without any qualifications. The Town Clerk informed the Committee that the relevant public notices had been issued.

RESOLVED: - that the completion of the 2019/20 audit be noted.

F.163

Exclusion of the Press and Public

RESOLVED:- that, under Section 100 of the Local Government Act 1972 and in accordance with Standing Order 3(b), the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the disclosure of categories 1, 2 and 3 of “exempt information” as defined in the appendix to the standing orders.

F.164

Town Hall Budget 2020/21 - Overview

The Town Clerk updated the Committee on the work being done on the recovery programme for the Town Hall. The Town Council had been successful in achieving additional grant funding and was focussing on two major issues, developing the application for future HLF funding and working to produce a programme of events to rebuild the business of the Town Hall. Other specific challenges included improving the I.T. for the business and building in capacity to deliver the work required. The Town Clerk reported that all programmed work would be met within current budgets and the grant funding achieved.

After discussion it was

RESOLVED: - that

- i. the Town Hall budget position be noted
- ii. a special meeting of Town Council be agreed for Tuesday 12th January 2021 to consider the future governance of the Town Hall
- iii. the Town Clerk contact WFDC to inform them that the I.T. SLA will end on 31st March 2022
- iv. the appointment of a consultant, to work on the recovery plan, on a three-month contract at a cost of £5K be approved, the funding to be met from the Arts Council grant.
- v. The outcome of the future grant applications be reported to Committee once the grant funding decisions are confirmed

The meeting ended at 6.55pm

Chairman

Date

Finance & Overview Committee

Wednesday 7th July 2021

Internal Audit Report 2020/21

1. Purpose

The purpose of this report is to give the Committee an overview of the findings of the Internal Audit Report.

2. Overview of Findings

The detailed audit report is attached as the appendix to this report

The conclusion of the report states:

“In respect of the internal audit review for the financial year 2020~21 to include a review of key policies alongside the key financial and accounting systems, it can be reported that the financial records continue to be maintained to a high standard and are supported with detailed documentary evidence. On this basis it can be concluded that Kidderminster Town Council had in place adequate and effective internal control and governance arrangements for the financial year 2020~21.”

3. Detail

There are 10 aspects that are reviewed by the Internal Auditor. They are summarised below:

	Section	Comment
a)	<i>Review of Accounting Arrangements {Records & Bank Reconciliations} {Financial Regulation No5}</i>	No significant matters
b)	<i>Review of Corporate Governance</i>	No significant matters
c)	<i>Review of Expenditure {Payment Controls} {Financial Regulation No 6}</i>	No significant matters
d)	<i>Assessment and Management of Risk {Financial Regulation No 15}</i>	..have in place a risk assessment policy, framework and matrix
e)	<i>Review of Budgetary Controls {Financial Regulation No 4}</i>	No specific matters
f)	<i>Review of Income {Financial Regulation No 9}</i>	No significant matters
g)	<i>Review of Petty Cash Imprest {Financial Regulation 6.13}</i>	No significant matters
h)	<i>Review of Salaries {Payroll Controls} {Financial Regulation No 7}</i>	No significant matters
i)	<i>Review of Asset Register {Financial Regulation No 12}</i>	No significant matters
j)	<i>Review of Investments {Financial Regulation No 8}</i>	No specific concerns raised

4. Risk

There are no strategic risks arising from this report.

5. Financial Implications

There are no strategic financial implications arising from this report.

6. The Way Forward

While the Council continues to keep a sound oversight on its finances and processes the aspirations to develop the Town Hall and take on the parks will require a review of the risk assessment and the audit plan for 2021/22. This will be reviewed in conjunction with the Internal Auditor and reported to the appropriate Committees later in the year.

7. Recommendation

The Committee is asked to note the report of the Internal Auditor

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Background

Kidderminster Town Council formed on 1st April 2016 and in accordance with the Accounts and Audit Regulations 2015 has a statutory responsibility to provide an adequate and effective system of Internal Audit of the accounting records and control systems including its risk management and governance processes.

Introduction

The role of the Internal Auditor is to provide an independent and objective review designed to improve the Council's operations and help the Council to accomplish its objectives by bringing a systematic approach to evaluate and improve the effectiveness of risk management, control and governance processes. The outcome of the Internal Audit review is reported to the Town Council as part of the Annual Return to the External Auditors.

Internal Audit Approach

In undertaking this review, the detailed testing undertaken to be able to provide an assurance on the internal control environment has included selective sampling of transactions with detailed checks in some key areas in order to gain sufficient assurance that the Town Council's financial and regulatory systems and controls are appropriate and fit for purpose. The review has followed the best practice as referenced in the National Association of Local Councils {Practitioners Guide} March 2020.

In addition, the audit has reviewed the governance arrangements to ensure that there are policies in place for the Risk Management Process, Treasury Management to include a Borrowing & Investment Strategy with regular review of the Financial Regulations and Standing Orders.

The audit review for the 2020~21 financial year has also acknowledged the financial processes and procedures in place in respect of the Kidderminster Town Hall following the transfer from Wyre Forest District Council of the management of the whole Town Hall complex from 1st April 2019 to the Town Council. This review considered in detail the arrangements in place in respect of Accounts Receivable {Corporate Debtors} and Income to Bank; Accounts Payable {Corporate Creditors} supported by procurement arrangements in respect of the Kidderminster Town Hall. During 2020~21 the Town Council has continued with the migration of its manual financial records to the Agresso accounting application to amalgamate both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall and the audit review has acknowledged the work completed to ensure a full reconciliation of all Kidderminster Town Council transactions on the Agresso Financial Management System as part of the amalgamation/migration process.

The COVID-19 pandemic and consequent Government lockdown announced on the 20th March 2020 had an impact on the work of the Kidderminster Town Council for 2020~21 and is acknowledged and referenced in this Internal Audit Report to support the governance arrangements put in place to ensure the Kidderminster Town Council could continue to provide albeit reduced services to the community, but enable Councillors to fulfil their role.

Conclusion

In respect of the internal audit review for the financial year 2020~21 to include a review of key policies alongside the key financial and accounting systems, it can be reported that the financial records continue to be maintained to a high standard and are supported with detailed documentary evidence. On this basis it can be concluded that Kidderminster Town Council had in place adequate and effective internal control and governance arrangements for the financial year 2020~21. With the Civil Emergency Committee in place for the commencement of the 2020~21 financial year, the Town Council clearly ensured a decision making process was in place, to mitigate the impact of the Covid-19 pandemic.

Review of Accounting Arrangements {Records & Bank Reconciliations} {Financial Regulation No5}	
Objective	Outcome
<p>To ensure proper accounting records are maintained; year-end accounts are prepared on an income and expenditure basis and agree with the cash book.</p> <p>Ensure that a cash book/nominal ledger is maintained to reflect the formally approved budget.</p> <p>Ensure that there are regular reconciliations to the Bank Statements.</p> <p>Confirm that there is an audit trail for underlying financial records to the accounts, and that where appropriate debtors and creditors had been appropriately recorded.</p>	<p>→ There is evidence that the year-end accounts are prepared on an income and expenditure basis.</p> <p>→ The opening balances as detailed in the 2020~21 Statement of Accounts were validated.</p> <p>→ Cash Book entries could be reconciled to the trial balance as at 31st March 2021</p> <p>→ Reviewed the March 2021 Closing Bank Reconciliation to ensure completed in a timely manner and that cash in transit/unpresented cheque payments were appropriate and evidenced.</p> <p>→ Bank Reconciliations are completed on a monthly basis with evidence held on file.</p> <p>→ Close down journals included accrual and prepayment calculations with detailed narrative to support the entries in the accounts.</p>
<p>Conclusion:</p> <p>There were no significant matters arising from this review. The financial records continue to be well managed with the overall financial position detailed within the regular finance reports to the Town Council and the serving Committees.</p>	
<p>Points for Action: None</p>	
<p>Town Clerk Response:</p> <p>14th June 2021 ~ Report to Responsible Financial Officer</p>	
Review of Corporate Governance	
Objective	Outcome
<p>To ensure that there is a corporate governance framework in place, ensured that the Council has formally adopted Standing Orders & Financial Regulations; there is a Committee Structure in place; a Responsible Officer is in place with specific duties and that appropriate Corporate policies and procedures are in place.</p>	<p>→ The Council's Governance Arrangements were considered at the Town Council meeting of 29th July 2020 to include the Financial Regulations, Standing Orders, Risk Management Strategy and Borrowing & Investment Strategy.</p> <p>→ Following the Covid-19 global pandemic and subsequent Government lockdown of 23rd March 2020, the March meeting of the Town Council was suspended. The governance policies were rescheduled for the annual formal review by the Town Council in July 2020.</p> <p>→ In addition, the Anti-Fraud & Corruption Strategy, the General Data Protection Regulations and Member Officer Protocol were also reviewed at the July meeting as part of the suite of corporate governance documents.</p> <p>→ There were no significant changes proposed following the detailed review of 2019, and all were agreed {C.556}</p> <p>→ In response to the Government lockdown to the global Covid-19 pandemic, which commenced on 23rd March 2020, formal arrangements were instigated by the Town Clerk and a Civil Emergency Committee established to have oversight of the Town Council services, expenditure and manage the impact of the Covid-19 pandemic for both the public and Councillors.</p> <p>→ The Town Clerk has advised that the Civil Emergency Committee was constituted remotely and met twice in April 2020, once in May 2020 prior to being disbanded as agreed by the Town Council at its meeting of 19th June 2020 {C.546}.</p> <p>→ A Covid-19 Action Plan for the Town Council's response to the pandemic in accordance with legislation and Government guidance was put in place and considered in detail at each meeting, thus enabling a decision making process to be put into action ensuring compliance with both Central and Local Government requirements.</p> <p>→ The action plan acknowledged the advice from the National Association of Local Councils to hold meetings or obtain decisions virtually/e-mail as required.</p>

<p>As part of reviewing the Corporate Governance Arrangements, a review of the recommendations from the 2019/20 Internal and External Audit Reports were reviewed.</p>	<p>→The Committee delegations included immediate support to the Community; duty of care to staff to include “keep in touch”; log events, decisions, actions taken for any subsequent debriefings; monitor the agreed budget and any amendments in light of the impact of Covid19 and set up a post Covid19 support plan.</p> <p>The Internal Audit:</p> <p>→The report was presented to the Town Council at its meeting of 29th July 2020. Councillors noted that there were no items of concern raised by the Internal Auditor for 2019~20. The report was referred back to the Finance & Overview Committee for detailed scrutiny. {C.554}</p> <p>~~~~~</p> <p>The External Audit:</p> <p>There were no matters arising from the external audit review and annual return {C.555}</p>
<p>Conclusion: There were no significant matters arising from this review. There is evidence that the suite of corporate policies is kept under review and enhanced to ensure they remain fit for purpose to suit the needs of the Town Council as it continues to develop and grow. The findings of both the Internal and External Auditors are acknowledged and actioned as appropriate. The Town Council complied with the Government guidance in response to the Covid-19 pandemic with the establishment of the Civil Emergency Committee and a Covid-19 Action Plan to ensure a seamless decision making process was in place and able to adapt to circumstances as they changed, and as an independent local government body were able to support Councillors, Officers and the community.</p>	
<p>Points for Action:</p> <p>Governance arrangements will continue to be reviewed as part of future internal audits to ensure they remain fit for purpose. The 2021~22 audit review will acknowledge the impact of the Covid-19 pandemic on the Kidderminster Town Council in respect of service delivery and central government support as restrictions are eased during the first quarter of the 2021~22 financial year, and allow for the Town Council to recommence delivering those services severely impacted by the closure of the Town Hall in particular.</p>	
<p>Town Clerk Response: 14th June 2021 ~ Report to Responsible Financial Officer</p>	
<p>Review of Expenditure {Payment Controls} {Financial Regulation No 6}</p>	
Objective	Outcome
<p>To ensure that payments are supported by appropriate documentation, evidence of authorisation.</p> <p>Expenditure has been recorded against approved budgets and minuted.</p> <p>VAT has been recorded and recovered periodically.</p>	<p>→For 2020~21 the system comprised manual and electronic records, all payments are evidenced by an invoice/receipt and this is supported by the Creditor {Accounts Payable} payments in respect of the Kidderminster Town Hall following transfer to the Town Council from 1st April 2019.</p> <p>→Following the outbreak of Covid-19 in March 2020, in accordance with Government Guidance to support the Town Clerk, the WFDC Accountant was migrated to homeworking and the continuation of service delivery to the Town Clerk has been seamless throughout 2020~21</p> <p>→The Town Clerk as the Responsible Financial Officer {RFO} confirmed that all payments are authorised/approved by himself prior to passing for payment.</p> <p>→The Wyre Forest District Council Accountant is authorised for on-line banking, and payments via the Banks Automated Clearing System {BACS} and/or the internet.</p> <p>→For 2020~21 the process of electronic banking with payments were made via electronic banking methods {BACS} subject to expenditure having been agreed by Council or the appropriate Committee.</p> <p>→Payments are minuted, with regular finance reports to the Town Council to ensure that the whole Council has oversight of the financial position.</p> <p>→Expenditure is clearly referenced against the approved budgets and reported back to the respective Service Committee's on a regular basis to include actual expenditure against approved budget.</p>
	<p>→VAT on payments had been identified and recorded correctly in the financial records.</p> <p>→Quarterly claims had been submitted.</p>

<p>As appropriate, services have been competitively procured.</p> <p>Following the transfer of the Kidderminster Town Hall complex detailed reviews were undertaken to ensure: -</p> <p>→there is a system in place for the raising and authorising of purchase orders for the procurement of goods and services within the Financial Agresso Management System.</p> <p>→that goods and services procured by corporate debit {procurement} card are approved by the Town Clerk, accurately recorded in the financial records and formally reported to the Town Council.</p>	<p>{01.03.20-31.05.20} {01.06.20-31.08.20} {01.09.20-30.11.20} & {01.12.20-28.02.21}</p> <p>→The Kidderminster {Reorganisation of Community Governance} Order 2015 provided for the acquisition of various assets and the provision of certain support services by the Town Council.</p> <p>→From April 2016, the Town Council had Service Level Agreements with WFDC for the provision of services to support assets transferred along with a formal agreement for additional services that do not form part of the services transferred at the commencement of the Town Council.</p> <p>→These arrangements continued in 2020~21 with new Service Level Agreements {SLA} formally signed off at the Town Council Meeting of 11th September 2019. The arrangement currently provides for support services to include Finance, Legal, ICT and Facilities Management and for operational services to include St Mary's Churchyard, Market Street Toilets, Floral Displays, Allotments, Street Furniture and Museum Collection.</p> <p>→These transactions form a major part of the expenditure incurred by the Town Council for the financial year 2020~21.</p> <p>→The payments under the Service Level Agreements were reconciled in full for the financial year 2020~21</p> <p>→The Town Clerk has advised that in response to the Covid-19 pandemic, remote meetings were put in place to enable the decision making process to continue, however, the Town Council, because of its size, and not having a corporate IT system buying in support from WFDC found this caused an issue specifically in that Councillors used their own email for correspondence. As a consequence, notice has now been served on WFDC to end the current SLA for ICT in April 2022. The Town Council will be independently reviewing its future ICT needs and be reporting back to Committee later in this calendar year with a new ICT specification for a full procurement exercise.</p> <p>→From a sample of invoices selected purchase orders had been raised however, on occasion it was noted that the purchase order had been raised after the goods and/or services had been received.</p> <p>→The workflow for each invoice was evidenced within the Agresso Financial Management System with all purchase orders having been approved by a nominated approver.</p> <p>→All purchase orders had been goods receipted before payment.</p> <p>→The audit review confirmed that new supplier accounts as created within the Agresso Financial Management System are independently validated to ensure all details are correct prior to the payment of invoices.</p> <p>→Debit cards are held by the Town Clerk, Town Hall Manager and Deputy Town Hall Manager, although goods/services are procured by other employees of the Town Council as/when required.</p> <p>→From the sample of transactions reviewed, a valid receipt was sighted for all, and where a receipt had not been available, copy documentation was provided by the Town Clerk.</p> <p>→Detailed narrative had been provided on the Agresso Financial Management System to support the purchase.</p> <p>→Transactions are clearly referenced in the Finance Reports received by the Town Council.</p> <p>The Town Clerk advised that whilst there were no large procurement items for 2020~21, the Town Council has agreed to move the Town Hall into a Trust for the future and is currently in the process of applying for £7.8m from the Central Government Levelling Up Fund. The preliminary work has been set in motion during 2020~21, and will continue into</p>
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	<p>2021~22.</p> <p>The Town Council currently bank with Barclays PLC, there is continued oversight of the costs of the service delivery, the Town Clerk advised that there is no significant competition in the market place. Barclays PLC continue to offer an excellent and efficient service to the Town Council, and in particular, good support over fraudulent activity. Therefore, at its meeting in July 2021, the Finance & Overview Committee will recommend that the Town Council remain with Barclays for another 3 years.</p>
<p>Conclusion: There were no significant matters arising from this review. Major items of expenditure are subject to the formal agreements being in place with evidence of Town Council approval as minuted.</p> <p>→The audit review acknowledges, that the Town Council agreed and entered into negotiations with the District Council to take on the running of the whole Town Hall Complex from 1st April 2019, to include a four year grant from the District Council.</p> <p>→The service level agreements with WFDC which have formed part of previous internal audit reviews have been subject to review and change. These new arrangements from 1st April 2019 have been acknowledged as part of this internal audit review for 2020~21, taking into account the proposed changes for the delivery of ICT to the Town Council from April 2022.</p>	
<p>Points for Action:</p> <p>→As opportunities for growth of Kidderminster Town Council arise requiring processes and procedures to be reviewed by the Town Council/Town Clerk, the changes and the effects will be considered as part of future internal audits to ensure the Council can deliver its vision and priorities.</p> <p>→ With the amalgamation of both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall as transferred to the Town Council, this has assisted with the raising of purchase orders for the procurement of goods and services, however, it is noted that where purchases are via the debit cards, purchase orders are not raised prior to purchase allowing for commitment accounting against approved budgets.</p> <ul style="list-style-type: none"> ➤ As previously recommended following the 2019~20 internal audit review, consideration is giving to raising a purchase order for all goods/services procured as best practice, and ensuring a seamless workflow through to payments to suppliers and supporting commitment accounting and budget monitoring. Purchases with debit cards should be emergency payments as far as is practical. <p>→When tendering for any future corporate ICT system, the Town Council consider the requirements for the transfer/migration of data between the old and new systems; the process should be seamless with dedicated end user testing to ensure any new corporate ICT system fully meets the needs of the Town Council in terms of financial records and telephony where currently have access via WFDC. The technical complexities of separation from the current Council ICT infrastructure should also be carefully considered together with the associated risk. Cyber security should be carefully specified as part of the tender process for an alternative supplier as the Town Council would cease to benefit from the District Council's well-developed security processes and systems. Consideration should also be given to the delivery on remote meetings and alternative methods of communication as the Town Council moves to more on-line methods of service delivery.</p> <p>→With the aim to move the Town Hall into a Trust, it should be acknowledged that this will be considered in more detail as part of the 2021~22 Internal Audit review.</p>	
<p>Town Clerk Response: 14th June 2021 ~ Report to Responsible Financial Officer</p>	
<p>Assessment and Management of Risk {Financial Regulation No 15}</p>	
<p>Objective</p>	<p>Outcome</p>
<p>To ensure that the Town Council has assessed the significant risks to achieving its objectives and that it has in place arrangements to identify potential risks financial and non-financial to include review and minutes of any unusual financial activity.</p>	<p>→The Council's governance arrangements do include the Risk Management Policy, Framework and Matrix. It is noted that the Risk Management Policy Matrix and Framework were reviewed by the Town Council at its meeting of 29th July 2020 as one of a suite of Governance Reports.</p> <p>→It is acknowledged that the Covid-19 pandemic and subsequent lockdowns/tier restrictions throughout 2020~21 presented new risks for the Town Council. The Council's priorities changed under such restrictions. The action plan approved by the Civil Emergency Committee acknowledged the risks associated with any proposals for service delivery for the financial year 2020~21 and was considered in depth at its meetings held in April and May 2020 to ensure plans were</p>

To ensure that insurance cover is appropriate and adequate.	<p>in place to manage and follow the directives from Government.</p> <p>→Regular finance reports are presented to the Town Council to update the Council on the budget performance and the plans for future spending ensuring they are fully informed of any financial implications.</p> <p>→The insurance policy schedule was sighted as part of the Internal Audit review.</p>
<p>Conclusion: The overall conclusion is that the Council have in place a risk assessment policy, framework and matrix to acknowledge the current and future risks faced by the Town Council and these corporate documents are kept under review. The approval of the Civil Emergency Committee in response to the Covid-19 pandemic at the end of March 2020 is evidence that the Town Council were able to and did respond promptly and appropriately in re assessing all risks associated with the impact of the Covid-19 pandemic, to ensure oversight of service delivery and expenditure.</p> <p>The review ensured the Town Council as an independent local government body were able to support Councillors, Officers and the community in line with the action plan approved by the Civil Emergencies Committee.</p>	
<p>Points for Action: Risk Management will be reviewed as a standing item as part of future internal audits. In particular, the 2020~21 review acknowledges the impact of the Covid-19 pandemic on the Kidderminster Town Council in respect of service delivery and central government support and this will continue as part of the 2021~21 review as Central Government ease lockdown/tier restrictions and the Town Council is in a position to continue with delivering services to the local community.</p>	
<p>Town Clerk Response: 14th June 2021 ~ Report to Responsible Financial Officer</p>	

Review of Budgetary Controls {Financial Regulation No 4}	
Objective	Outcome
<p>To ensure that the Town Council has procedures in place to identify future financial requirements and/or commitments; supported by an approved budget and formal determination of the required precept.</p> <p>To ensure that there is budgetary control and monitoring of performance with explanations for any variances, that Members receive regular financial reports and the budget is matched to the year-end out-turn.</p>	<p>→ Draft budget for the financial year of the Town Council 2020~21 was formally approved at its meeting of 29th January 2020 to include the precept for 2020~21 and the potential future of Town Council service provision, with a precept @ £640,988</p> <p>→Estimated Budget for 2020~21 approved</p> <p>→Regular finance reports are presented to the Town Council to update the Council on the budget performance and the plans for future spending ensuring they are fully informed of any financial implications.</p> <p>→ There is evidence of detailed budget monitoring. Detailed budget overviews by Committee of actual spend against the approved budget to include variances was reported in detail to the Town Council at its meetings</p> <p>→A detailed financial performance overview of actual spend to date is considered by its respective committee for discussion and noting.</p>
<p>Conclusion: There were no specific matters arising.</p> <p>As a going concern, the Town Council approve a precept to ensure it meets its commitments in service delivery. The overall conclusion is that there is evidence of detailed budget monitoring by the Town Council as a whole at its meetings and this is supported by scrutiny of their respective budgets and actual spend at each sub-committee meeting, with the discussions formally minuted.</p> <p>Following the outbreak of Covid-19 in March 2020, in accordance with Government Guidance to support the Town Clerk, the WFDC Accountant was migrated to homeworking and the continuation of service delivery to the Town Clerk has been seamless throughout 2020~21.</p>	
<p>Points for Action: None</p>	
<p>Town Clerk Comments: 14th June 2021 ~ Report to Responsible Financial Officer</p>	

Review of Income {Financial Regulation No 9}	
Objective	Outcome
<p>In considering the Town Council's income streams ensure that systems are in place to enable identification of all income due, that the income is recorded correctly and promptly banked.</p>	<p>→ For 2020~21 the Town Council had sources of income other than the precept. Other sources of income were in respect of</p> <ul style="list-style-type: none"> ~Grant support from WFDC to support the taking on and running of the whole Town Hall Complex, for which quarterly payments were sighted as part of this review; ~Grant support in the form of Covid-19 Business Support Grants as part of the Central Government funding to support those businesses severely impacted financially or forced to close under lockdown/tier restrictions during 2020~21; ~Grant support from the Arts Council, including a Cultural Recovery Grant; ~Some income to include, third party hirers and room bookings in line with approved fees and charges; ~Grant funding from the HMRC Job Retention Scheme to support furloughed employees. <p>→ Additional income had been received in respect of VAT and bank interest on investments and the working balance held in the Business Premium Bank Account.</p>
<p>Following the transfer of the Kidderminster Town Hall to the Town Council: -</p> <p>→ the system in place for the raising of Debtor Accounts {Sales Orders for Accounts Receivable} was reviewed, to ensure that accounts were raised correctly and in a timely manner, payments were banked and recorded accurately within the financial records and that effective procedures were in place to pursue recovery of outstanding monies.</p>	<p>→ From the sample of 10 invoices selected to cover room hire and events at the Town Hall during those periods when the town hall could open in 2020~21, all had been raised correctly subject to commercial judgement. Confirmation of each booking had been sighted with evidence of customer agreement to the charges applied.</p> <p>→ Where payment had been received the monies had been allocated correctly within the financial records.</p> <p>→ Recovery action for any outstanding invoices is undertaken by the Town Hall Support Officer {NB: Reminder notices for any unpaid debtor accounts are system generated from Agresso, collated by the WFDC Debt Recovery Officer prior to forwarding to the Town Hall Support Officer}. Of the sample reviewed it was found that payment for one invoice had been delayed by several weeks, reminder notices had been raised and issued and the arrears effectively pursued once the business was able to open in line with government guidance.</p> <p>→ The WFDC Accountant confirmed that any outstanding invoices as at 31st March 2020 are evidenced in the Debtors entry on the Balance sheet.</p>
<p>→ the system in place for the receiving and receipting of income by WFDC via their ICON cash receipting application on behalf of the Town Council via was reviewed to ensure that monies were promptly transferred to the bank account of Kidderminster Town Council, and income detailed correctly within Agresso.</p>	<p>→ Following the transfer of the Town Hall complex to the Town Council, for ease of recording and reconciling the daily income balances, income {cash/cheques/card transactions} would continue to be processed through the WFDC Cash Receipting {ICON} application directly into the WFDC Bank Account, and the monies reconciled and transferred to the Town Council Bank Account.</p> <p>→ Income banked was reviewed for the months of June/July 2020 and March 2021 to ensure that there was supporting documentation for each transaction.</p> <p>→ All income could be reconciled, although following the first national lockdown of March 2020, there was a delay in banking some cash received owing to the furlough of employees at the Town Council and the closure of the banks at that time.</p> <p>→ In respect of card transactions these are processed through the PDQ terminal prior to uploading on to the ICON application by the</p>

<p>Ensure that the precept due to the Town Council agrees to the formal Committee approval.</p>	<p>Town Hall Support Officer for reconciliation to the WFDC bank account prior to being transferred to the Town Council. On occasion, the information would not always be uploaded onto ICON on the date of receipt and/or several days may be uploaded together. It was possible to reconcile all income and ensure all had been recorded correctly in the Agresso Financial Management System for the Town Council financial records.</p> <p>→The precept for 2020~21 had been reported to Kidderminster Town Council Committee 29th January 2020 for the formal budget approval. →Precept agreed @ £640,988. Paid in 2 instalments, April and September 2020 @ £320,494 and were sighted on the bank statements.</p>
<p>Conclusion: There are no significant matters arising from this review.</p> <p>All income had been correctly recorded within the financial records to include the cash book and final accounts. There is evidence of a system in place for the raising of sales orders {Accounts Receivable} for events at the Kidderminster Town Hall with payments recorded for income promptly banked and any outstanding unpaid invoices actively pursued. It should be noted that the national lockdown from March 2020 did delay the pursuit of debts outstanding from the financial year 2019~20.</p> <p>The embedding of the new process for reconciling the cash/cheque/card transaction income received has continued to cause issues in terms of the delay in posting income onto the ICON cash receipting application with the Wyre Forest Accountant having to support the Town Hall team to enable a detailed upload to the Agresso Management System, and full reconciliation to the Town Council's bank account.</p>	
<p>Points for Action:</p> <p>With the amalgamation of both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall as transferred to the Town Council, this has assisted with the raising of Debtor Accounts coupled with the functionality for pursuing any outstanding accounts.</p> <p>→However, with the knowledge that there are accounts over six months old that remain unpaid, the debt recovery procedures be reviewed and enhanced to ensure that once a reminder is system generated and issued, arrears are followed up promptly to maximise on income due to the Town Council.</p> <p>→In respect of the posting of card transactions receipted through the PDQ terminal, the procedure be reviewed to ensure all transactions are posted onto the ICON Cash Receipting application daily for ease of reconciliation and transfer of funds from WFDC to the Town Council.</p>	
<p>Town Clerk Response:</p> <p>14th June 2021 ~ Report to Responsible Financial Officer</p>	

Review of Petty Cash Imprest {Financial Regulation 6.13}	
Objective	Outcome
<p>To ensure that appropriate controls are in place for the recording of petty cash spend; that all expenditure incurred is supported by either a business invoice or till receipt, that the expenditure is appropriate, that VAT has been identified separately for periodic recovery, and that the cheque encashment from the main cash book is recorded correctly.</p> <p>To ensure that petty cash expenditure is reported to each Council meeting.</p>	<p>→Examination of the financial records indicate that expenditure in this area is small and used for minor/emergency purchases covering stationery items, refreshments for events, and postage.</p> <p>→The Town Clerk confirmed that the petty cash imprest is managed by the Office Manager.</p> <p>→Councillors are advised of petty cash spend, via the finance reports to the Finance & Overview Committee.</p> <p>→The general use of the petty cash imprest was very much reduced, used mainly to cover several small items of sundry expenditure for example stationery items, postage, refreshments for events and car valeting as appropriate and classified as general office expenditure within the cash book, amounts are considered to be not material to affect the detailed spend for the Kidderminster Town Council.</p> <p>→For the financial year 2020~21 it was noted that due to the infrequent use of the imprest account, it was only necessary to seek full reimbursement of the petty imprest account on one occasion.</p>
<p>Conclusion: There are no significant matters arising from this review.</p>	
<p>Points for Action:</p> <p>In view of the general use of the petty cash imprest being very much reduced further during 2020~21, the Town Clerk maintains a watching brief with consideration being given to reducing the petty cash imprest</p>	

Review of Petty Cash Imprest {Financial Regulation 6.13}	
Objective	Outcome
from £500 to £300.	
Town Clerk Response: 14 th June 2021 ~ Report to Responsible Financial Officer	

Review of Salaries {Payroll Controls} {Financial Regulation No 7}	
Objective	Outcome
To ensure that employees of the Town Council have contracts of employment; and that salaries are paid as approved by the Council. To ensure that deductions for National Insurance, Income Tax and Local Government Pension {LGPS} are correctly recorded, and paid over to HMRC and Worcestershire County Council on a timely basis.	<p>→ Payroll Services are provided by WFDC as part of the external arrangements with Redditch BC and Bromsgrove DC. The payments for Kidderminster Town Council fall under the Service Provision to External Bodies as defined by the Service Level Agreement {SLA} between WFDC and RBC/BDC to provide a full payroll service including the calculation of Employers Pension and NI for submission to Worcestershire County Council and the HMRC as part of the Real Time Processing respectively.</p> <p>→ Salary payments are transmitted by WFDC via the Banks Automated Clearing Service {BACS} and at month end to Worcestershire County Council for pension contributions from both employee and employer and to the HMRC for NI and Tax to support the Real Time Information provided at the time of salary payments.</p> <p>→ The Town Clerk confirmed that all staff have contracts of employment as prepared in association with County Association of Local Councils {CALC}.</p> <p>→ Salary payments were validated in detail {gross to net} as part of the Internal Audit Review to cover the September 2020 monthly payroll runs for a sample of Kidderminster Town Council employees.</p> <p>→ As part of the review staff record forms were sighted; salary increments, and pension contributions validated.</p> <p>→ During 2020~21 as part of the financial support available from Central Government to assist businesses during the pandemic, funding was granted as part of the HMRC Job Retention Scheme to support the Town Council with those employees placed on furlough during the national lockdowns.</p> <p>→ The Town Clerk advised that the Staffing Committee at its September 2020 meeting, oversaw a major staffing review following the running of the Town Hall for a year and the need to realign services as the Town Council developed. Taking into consideration the impact of Covid-19 which had highlighted a need for all services to be reviewed, and the outcome of the Heritage Lottery work which had shown a need to develop the service, 3 staff posts were identified as being redundant during the financial year 2020~21. The changes to the staff structure were implemented from 1st October 2020. Where there were pension implications for the redundant post(s), the Staffing Committee when approving the restructure, agreed that these costs would be met in full by the Town Council from savings within the service {S.108}</p>
Conclusion: There are no significant matters arising from the review of payroll controls. The staffing review had however identified additional costs to be considered when making redundancies whereby the post holder would be entitled to full pension. It was noted that any future transfer negotiations of staff would include a full pension risk analysis to inform the full costs to the Town Council.	
Points for Action: None	
Town Clerk Response: 14 th June 2021 ~ Report to Responsible Financial Officer	

Review of Asset Register {Financial Regulation No 12}	
Objective	Outcome
All Councils are required to	→ Following the formal creation of Kidderminster Town Council on

Review of Asset Register {Financial Regulation No 12}	
Objective	Outcome
maintain a register of all material assets owned or in its care, and ensure the register is regularly reviewed and insurance valuations agree with those in the register.	<p>1st April 2016 certain land, property, rights and liabilities were transferred from WFDC to the Kidderminster Town Council.</p> <p>→The Town Clerk confirmed that there were no additional assets or acquired or disposals by the Town Council during the financial year 2020~21, although the Town Council has taken on responsibility for the management of the Water Feature on the Great Wall in Kidderminster {NB: The Great Wall remains the property of Worcestershire County Council}.</p> <p>→For completeness, the insurance policy schedule to 31st March 2021 was sighted and noted the increase sums insured for assets to include the management of the whole Kidderminster Town Hall complex {Town Hall Building and Contents}.</p> <p>→The insurance policy schedule also included cover for the Horsefair Clock due for installation in 2019~20 but rolled over into the 2020~21 financial year as noted previously.</p> <p>→In addition, the Town Clerk has advised that the Town Council have agreed in principle to take on four parks from the District Council as part of the Localism agenda as agreed at its meeting on 3rd February 2021 and will be formally transferred during 2021~22.</p>
<p>Conclusion: There are no significant matters arising from this review.</p> <p>It is noted that the current long-term agreement with the Councils Insurers ceased on 31st March 2021. However, the Town Clerk has confirmed that the Town Council have secured an extension with the Councils insurers through the contract procured by Wychavon on behalf of the Worcestershire District Councils when the Town Hall was transferred to the Town Council, thus maximising benefits and keeping costs down. The new contract runs until 31st June 2024.</p>	
<p>Points for Action: The Town Clerk ensures that the insurance arrangements for the Town Council are regularly reviewed and any future new long-term arrangements provide value for money for the Town Council. The transfer of the four parks from the District Council will be reviewed as part of the 2021~22 internal audit review.</p>	
<p>Town Clerk Response: 14th June 2021 ~ Report to Responsible Financial Officer</p>	

Review of Investments {Financial Regulation No 8}	
Objective	Outcome
To ensure that the Town Council is managing reserves, reviewed the arrangements for investing surplus funds, to ensure that they are in accordance with an approved Treasury Management Policy.	<p>→There is a Borrowing & Investment Strategy in place adopted by the Town Council at the meeting of the Finance & Overview Committee in December 2017; agreed at its meeting in May 2018 and endorsed 10th April 2019. {C.471}</p> <p>➢ Reviewed July 2020 as part of the complete governance review {C.556}</p> <p>→A review of the investment agreements was undertaken, and investment income reconciled accordingly.</p> <p>→For the financial year 2020~21 the Town Council had £100,000 invested with WFDC for a term of 12 months from 7th May 2020 to 9th May 2021. This comprised an initial investment of £30,000 transferred from the Kidderminster Charter Trustees, and the £70,000 surplus identified at the year-end for 2016~17.</p>
<p>Conclusion: it is acknowledged that alternative investment options for the Town Council have been considered, but to mitigate any risk and in view of current low interest rates coupled with the Covid~19 pandemic, the Town Council continue to keep the £100,000 invested with WFDC.</p>	
<p>Points for Action/Noting:</p> <p>→As the Town Council continues to grow and potential future alternative investment opportunities are identified, these will continue to form part of future Internal Audit Reviews.</p> <p>→The Borrowing & Investment strategy continue to be reviewed on a regular basis to ensure it remains fit for purpose.</p>	
<p>Town Clerk Response: 14th June 2021 ~ Report to Responsible Financial Officer</p>	

Consultees:

Tracey Southall, CPFA, MAAT
Corporate Director: Resources, S151 Officer
Wyre Forest District Council

Diana Evans, CPFA
Accountant,
Wyre Forest District Council

Tony Beirne,
Town Clerk
Kidderminster Town Council

Report Prepared By:

Cheryl Ellerton, MAAT,
Audit Manager,
Wyre Forest District Council

Date: 14th June 2021

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Finance & Overview Committee

Wednesday 7th July 2021

Grants Policy – Parish Wide Overview

1. Purpose

The purpose of this report is to seek agreement of the Committee to reaffirm the parish wide grants policy of the Town Council

2. Background

The Town Council has in place two grant policies; a parish wide fund of £5,000 and a Local Grant Fund which allocates £500 to each Councillor.

This report focusses on the parish wide fund. The Local Grant fund is considered as item **5b** on this agenda.

Section 137 of the Local Government Act 1972 gives a Council the power to “incur expenditure which in their opinion is in the interests of and will bring direct benefit to their area or any part of it or all or some of its inhabitants.....”

Section 137 was amended by the Local Government and Housing Act 1989 s 36 so that any expenditure must be commensurate with the benefit to the community.

As a result, in 2017 the Town Council agreed a grant fund of £10,000. This was subsequently reduced to £5,000 in 2019 when the Council agreed to add the Local Grant Fund at a cost of £9,000. In effect grant budgets were increased by £4,000 in 2019.

3. Financial Position

There are a number of organisations working across the Parish and they do apply to this fund. The issue is if £5,000 continues to be enough to support demand. This will need to be reviewed as part of the budget process in November/December 2021.

4. Risk

There are no strategic risks arising from this report

5. Administration

The Town Council has agreed that the management of the parish wide fund should be delegated to the Finance & Overview Committee. This has been in place since 2017.

6. Recommendations

The Committee is asked to: -

- i. note the update
- ii. review the funding allocation in November/December 2021 for the 2022/23 Financial Year

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Finance & Overview Committee Wednesday 7th July 2021

Local Grant Fund

1. Purpose

To affirm the conditions of the Local Grant Fund for Kidderminster Town Councillors

2. Background

The Town Council has agreed a budget of £500 per Councillor (£9,000) to support worthwhile initiatives, projects and activities that will benefit their ward.

The accountability for allocations rests with individual Councillors – they know what best meets the needs of local residents.

3. Administering the Funds

Town Council agreed some simple conditions to follow to minimise the cost of administering grants paid and also in order to avoid conflict with the Council's statutory duties.

These conditions are:

- a) **The minimum allocation for any organisation is £100.** Thus each Councillor can support up to five initiatives, projects or activities. The Council has limited capacity to administer large numbers of small payments.
- b) **Councillors can work with other Councillors** to pool their grants – for example, three Councillors might each choose to allocate an agreed sum to the same organisation.
- c) **Allocations do not have to be to an organisation located in the Councillor's ward but the organisation does have to be located in the parished area of Kidderminster.** The Councillor will know best whether an activity, project or initiative undertaken elsewhere will be of benefit to local residents.
- d) **Organisations should have a clear legal identity.** We do not require any evidence of the nature of the organisation if it is a registered charity or statutory body. In the case of organisations which are not charities or statutory bodies, evidence of incorporation may be required, such as registration as a company or articles of association / constitution for an unincorporated body (such as a community group). **It is the Councillor's responsibility to ensure that the Council can be provided with a copy of these documents if required.**
- e) **Payments will be made by BACS** only which means that we need to know the sort code, account name and account number of the organisation.
- f) **Grants cannot be given for** the following purposes:
 - to individual members of the public;
 - to organisations that are or may be perceived to be political parties or whose principal role is to undertake political campaigning, including campaigning against agreed policies and priorities of Kidderminster Town Council;

- to organisations which promote or are perceived to promote criminal behaviour, including terrorism;
 - to organisations whose policies (including membership policies) discriminate against people on grounds of gender, race, disability, age or sexual orientation. Single sex organisations are not therefore eligible for support.
- g) **Grants may be given for revenue or capital projects**, including contributions towards building projects or purchase of equipment. It does not matter if the activity or project has already been undertaken or lies in the near future.
- h) **Councillors must allocate their funding no later than 28th February each financial year**. This is to encourage timely spending of the fund, and so that any publicity will be undertaken well before the “purdah period” for elections in May.
- i) **Councillors will be required to declare any Other Disclosable Interest (ODI) or Disclosable Pecuniary Interest (DPI), should this be applicable for organisations being grant funded.**
- j) **The application must be completed by the relevant Councillor**. To keep the process as simple as possible; Councillors should email the Town Clerk with:
- i. Who the grant is for (and if needed for what purpose)
 - ii. How much is to be allocated
 - iii. The sort code and account number for the organisation

The Town Clerk will sign off the grant and get it paid. This process gives a clear audit trail for any review purpose.

4. Financial Position

The Town Council has currently allocated £500 per Councillor. A total budget of £9,000

5. Risk

There are no strategic risks arising from this report

6. Recommendation

The Committee are asked to:

- i. note the report
- ii. decide if they would like to make any recommendations to Town Council on the current policy

Finance & Overview Committee

Wednesday 7th July 2021

Governance Processes Reports - Overview

1. Purpose

The purpose of this set of reports is to agree any updates and reviews to the Council's governance policies

2. Background

In May 2021 the Town Council agreed the delegations of the Finance & Overview Committee; they include

To oversee and approve the governance policies - including

- *the risk management process for the Council*
- *the bank mandate(s)*
- *treasury management and investment strategy*

As a result, the following policies are included for oversight by the Committee

- a) Financial Regulations
- b) Standing Orders
- c) Risk Management Strategy
 - i. Policy Overview
 - ii. Risk Management Policy Matrix
 - iii. Risk Management Policy Framework
- d) Borrowing & Investment Strategy
- e) Anti-Fraud and Corruption Policy
- f) General Data Protection Regulation (GDPR)

3. Changes

There are no significant changes proposed to the governance reports from the 2020 review.

4. Risks

There are no strategic risks arising from this report. The Council is mandated to have these documents in place as part of its governance oversight.

5. Financial Implications

There are no strategic financial implications arising from this report

6. Recommendations

The Committee is asked to agree the reviewed governance reports

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KIDDERMINSTER TOWN COUNCIL

FINANCIAL REGULATIONS

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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. A breach of these Regulations by an employee may be gross misconduct.
- 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 and therefore may be a breach of the Code of Conduct.
- 1.8. The Responsible Financial Officer holds a statutory office to be appointed by the council. The Clerk has been appointed as Responsible Financial Officer for this council and these regulations will apply accordingly.
- 1.9. The Clerk:
 - acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;

- maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the Clerk shall be sufficient to show and explain the council's transactions and to enable the Clerk 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 2015 No. 234.
- 1.11. The accounting records determined by the Clerk shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the Clerk 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 Clerk and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);
 - approving accounting statements;

- approving an annual governance statement;
- borrowing;
- writing off **bad debts** at or above **£250** (the Clerk shall have delegated authority to write off debts below **£250**);
- 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.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £500; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014, 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).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, bank reconciliations (for all accounts) produced by the Clerk will be reported to Council for monitoring and sign off.
- 2.3. The Clerk shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as are necessary for the purpose of the audit and shall supply the Clerk, internal auditor, or external auditor with such information and explanation as is considered necessary for that purpose.
- 2.5. The internal auditor shall be appointed by the council and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. 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.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The Clerk 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 the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The Clerk shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The Clerk 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 council.
- 3.2. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. 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 the end of February each year. The Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Where an allocation for a class of expenditure is set out in the approved budget for a financial year, the Clerk has delegated authority to incur expenditure up to the limit of that allocation subject to other provisions in these Regulations (such as regulation 11 on contracts).
- 4.2. No expenditure may be incurred:
 - (a) on a class of expenditure for which no provision has been made in the approved budget; or
 - (b) that will exceed the amount provided in the budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council, having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. **In cases of extreme risk to the delivery of council services, the Clerk may authorise revenue expenditure on behalf of the council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the Finance & Overview Committee as soon as possible and to the council as soon as practicable thereafter.**

- 4.5. 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 has approved allocation of funds in advance and they are available for use and, if relevant, the council has approved in advance that borrowing should be undertaken.
- 4.6. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.7. The Clerk shall regularly provide the council with a statement of receipts and payments to date. These statements are to be prepared for each meeting of the council.
- 4.8. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the Clerk and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. Wherever possible, transactions shall be conducted on line or via other electronic or automated means such as BACS, CHAPS, standing order or internet transfers. Cheques shall be used for payments only as a last resort.
- 5.3. All invoices for payment shall be examined, verified and certified by the Clerk to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Clerk shall take all steps to pay all invoices submitted, and which are in order, within 28 days of receipt.
- 5.5. The Clerk shall prepare and make arrangements for the custody of schedules of payments which shall be authorised by Council.
- 5.6. 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.
- 5.7. 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.
- 5.8. The Clerk shall maintain a record of details of suppliers, such as bank account records. Any changes in the recorded details shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Payments shall be made by one of the following methods wherever possible:
 - (a) by variable direct debit (for example for utility supplies (energy, telephone and water) and National Non-Domestic Rates);
 - (b) by banker's standing order, for any other regular payment, the amount of which is known in advance;
 - (c) by BACS or CHAPS methods;
 - (d) by internet banking transfer.
- 6.3. Instructions to set up payments under the methods in regulation 6.2 shall be made in accordance with the bank mandate, which may require authorisation of payment methods or individual payments by one or more Members in addition to or instead of the Clerk. If a Member who is involved in authorising a payment or signing a cheque has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 6.4. In respect of the internet banking arrangements, the Clerk 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 approval by one or more Members.
- 6.5. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Mayor in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council.
- 6.6. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

- 6.7. Regular back-up copies shall be made of the records relating to the council's finances on any computer and shall be stored securely away from the computer in question, and preferably off site.
- 6.8. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.9. 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 e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.10. Account details for suppliers, which are used for internet banking, may be changed only on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and a Member. A programme of regular checks of standing data with suppliers will be undertaken by the Clerk.
- 6.11. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances if a corporate credit card or trade card is available.
- 6.12. Where cheques are used for payments, they shall be signed by the Clerk and reported to Council.
- 6.13. The Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses, subject to the following rules:
 - a) The Clerk shall maintain a petty cash float of £500 for the purpose of defraying operational and other expenses.
 - b) Vouchers for payments made shall be forwarded to the Clerk with a claim for reimbursement, together with receipts for expenditure incurred where available. The vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - c) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - d) Payments to maintain the petty cash float shall be shown on the schedule of payments prepared under regulation 5.5 above.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the

rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions, must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is shown in the schedules prepared under regulation 5.5 above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council or the appropriate delegated committee.
- 7.4. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall be authorised by council or the appropriate delegated committee.

8. LOANS AND INVESTMENTS

- 8.1. 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 be approved only by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account and for it to be reported to council.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. The council shall adopt a Treasury Management and Investment Strategy which shall be in accordance with relevant regulations, proper practices and guidance. The Strategy is reviewed at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. The Clerk shall make appropriate arrangements for the custody of all investment certificates and other documents relating thereto.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in

accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk. Wherever possible, income shall be collected by means of electronic or automated payment to the council's bank accounts, and this shall include the ability to issue invoices electronically.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts of £250 or more shall be reported to the council and shall be written off in the year. The Clerk has delegated authority to write off bad debts below £250.
- 9.5. All sums received on behalf of the council in the guise of cheques or cash shall be banked intact as directed by the Clerk. In all such cases, all receipts shall be deposited with the council's bankers with such frequency as the Clerk considers necessary. The origin of each receipt shall be entered on the paying-in slip.
- 9.6. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.7. The Clerk shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.8. Where any significant sums of cash are regularly received by the council, the Clerk shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.9. 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 Managing Trustees of the charity meeting separately from any council meeting(see also Regulation 14 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the Clerk.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The Clerk shall verify the lawful nature of any proposed purchase before the issue of any order. In the case of new or infrequent purchases or payments, the Clerk shall ensure that the statutory authority for the activity shall be included in the schedule to be prepared under regulation 5.5 above, so that it acts as a record of the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by 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. The extension may only be in accordance with the terms of the contract and, in any case, an extension shall not exceed £10,000 in value without the prior approval of the council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk shall act after consultation with the Mayor and the Deputy Mayor); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. The European Union Procurement Directive shall apply where relevant and, in such circumstances, the terms and thresholds of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 (or any successor legislation) shall be followed.
- c. Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- f. If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall be subject to Council Standing Orders.
- h. When it is intended to enter into a contract of less than £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. 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.
- k. If it occurs that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

12. ASSETS, PROPERTIES AND ESTATES

- 12.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The Clerk 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.
- 12.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the full council, together with any other consents required by law, except where the estimated value of any one item of tangible movable property does not exceed £1,000.
- 12.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the full 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 business case.
- 12.4. 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 business case.
- 12.5. Subject only to the limit set in Regulation 12.2 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 business case.
- 12.6. The Clerk 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.

13. INSURANCE

- 13.1. Following the annual risk assessment (in accordance with Financial Regulation 15), the Clerk shall effect all insurances and negotiate all claims on the council's insurers.
- 13.2. The Clerk shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 13.3. The Clerk 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.

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

14. CHARITIES

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

15. RISK MANAGEMENT

- 15.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually, and this shall include an assessment of risks.
- 15.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council as part of the report dealing with the proposal.

16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 16.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time or at least annually. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 16.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

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Kidderminster Town Council

STANDING ORDERS

1. Rules of debate at meetings
 - a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
 - b A motion (including an amendment) shall not be debated 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 chairman 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 amended motion becomes the substantive motion upon which further amendment(s) may be moved.
 - g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
 - h A councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be debated only 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 chairman.
 - j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
 - k One or more amendments may be discussed together if the chairman 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.

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- o Unless permitted by the chairman 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 last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his/her 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 in accordance with standing order 3(b);
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman 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 right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion. Speeches shall not exceed five minutes (or ten minutes in the case of the proposer of a motion under standing order 1(b) or standing order 1(r)(i)), without the consent of the chairman 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 chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily

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suspending or closing the meeting.

3. Meetings generally

Full Council meetings – standing orders marked + apply only to full council meetings

- a) The minimum five clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Saturday, 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.
- b) Meetings (other than meetings of advisory committees) shall be open to the public unless confidential information or exempt information is to be disclosed. “Confidential information” and “exempt information” are defined in the appendix to these standing orders. 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 by reference to the relevant categories in the appendix.
- c) 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.
- d) The period of time designated for public participation at a meeting in accordance with standing order 3(c) above shall not exceed 20 minutes unless directed by the chairman of the meeting.
- e) Subject to standing order 3(d) above, a member of the public shall not speak for more than 3 minutes.
- f) In accordance with standing order 3(c) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- g) A person shall raise his/her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- h) A person who speaks at a meeting shall direct his/her comments to the chairman of the meeting.
- i) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- j) Whenever the chairman of the meeting rises a councillor or other person then speaking or standing shall resume his/her seat and the meeting shall be silent.

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- k)** The use of social media, or visual or audio recording by the press and public is permitted, provided they have notified the chairman before the start of the meeting if it is intended to record (audio or visually) the meeting or any part of the meeting. Recording, filming or transmission is not permitted for the part of any meeting where confidential information or exempt information, as defined in the appendix to these standing orders, is to be discussed.
- + l)** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his/her absence be done by, to or before the Deputy Mayor. If both the Mayor and the Deputy Mayor are absent from a meeting, the reference to the Deputy Mayor in the preceding sentence shall be read as including the councillor chosen to preside at the meeting in accordance with standing order 3(m).
- + m)** The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- n)** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- o)** The chairman 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 casting vote whether or not he/she gave an original vote.
See standing orders 5(h) and (i) below for the different rules that apply in the election of the Mayor at the annual meeting of the council.
- p)** Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- q)** The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

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- r) 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 right to participate and vote on that matter.
- + s) No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present.
See standing order 4(a)(vii) below for the quorum of a committee or sub-committee meeting.
- t) 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.
- u) A meeting shall not exceed a period of four hours.
- v) If the business of the meeting is not completed by 10.00 pm the meeting will be adjourned to a date and time agreed before the close of the meeting.

4. Committees and sub-committees

- a The council may appoint standing committees, advisory committees (which shall not have decision-making powers) or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until at least the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(c) and (d) below, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(c) and (d) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer two days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a committee, appoint the chairman of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three (other than for an advisory committee for which the quorum shall be no less than two); and
 - viii. may dissolve a committee.
- b Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee. The terms of reference for a sub-committee shall not include matters that lie outside the terms of reference of the committee by which it is appointed.

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- c The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
 - d Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
5. Ordinary council meetings
- a In an election year, the annual meeting of the council shall be held on or within 21 days following the day on which the new councillors elected take office.
 - b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
 - c If no other time is fixed, the annual meeting of the council shall take place at 6pm.
 - d In addition to the annual meeting of the council, ordinary meetings shall be held monthly (except for the month of August) on the second Wednesday of the month at 6pm unless the council directs that the date and time of a meeting should be changed
 - e The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor (if any) of the Council, and shall proceed in accordance with standing order 8 below
 - f The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.
 - g The Deputy Mayor, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the council.
 - h In an election year, if the Mayor of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Mayor has been elected. In this case, the Mayor for the preceding year shall not have an original vote in respect of the election of the successor Mayor but must give a casting vote in the case of an equality of votes.
 - i In an election year, if the Mayor of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.
 - j Following the election of the Mayor and Deputy Mayor (if any) at the annual meeting of the council, the business of the annual meeting shall include:
 - i. delivery by the Mayor and Deputy Mayor (if any) of their acceptance of office forms;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local

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authorities;

- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. in an election year, to make a resolution if appropriate in accordance with the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012; and
- xiii. Determining the time and place of ordinary meetings of the full council and committees up to and including July following the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a The Mayor may convene an extraordinary meeting of the council at any time.
- b If the Mayor does not, or refuses to, call an extraordinary meeting of the council within seven days of having been requested in writing to do so by **six** councillors, any six councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the six councillors.
- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not, or refuses to, call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee or sub-committee may convene an extraordinary meeting of the committee or sub-committee.

7. Previous resolutions

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

8. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Except as provided for in standing order 5(h) and (i) above, a tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to either the performance of the council's statutory functions, powers and obligations or an issue which 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 by 12 noon on the seventh working day before the meeting. In this standing order, "working day" does not include Saturdays, Sundays or bank holidays.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood by 5pm on the seventh working day before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reasons for their rejection. These records shall be available for inspection by members of the council and by the public.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in accordance with standing order 3(b);
 - xii. not to hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;

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- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

- a Councillors and staff shall not disclose confidential or exempt information as defined in the appendix to the Standing Orders including, where relevant, any reports or minutes that contain such information.

12. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

13. Code of conduct and dispensations

See also standing order 3(r) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he/she 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 has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c Unless he/she 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 has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer at any time. Where the

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request relates to a specific item on the agenda for a forthcoming meeting, the request shall be submitted forthwith by the councillor so that a decision may be made on it before the meeting. Requests may not be submitted at a meeting.

- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final. The dispensation shall be reported to the next full council meeting.
- 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 A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or
 - ii. granting the dispensation is in the interests of persons living in the council's area; or
 - iii. it is otherwise appropriate to grant a dispensation.

14. Code of conduct complaints

- a Upon notification by the District 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/her. Such action excludes disqualification or suspension from office.

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent. From 1 December 2015 until the date on which the clerk recruited by the council takes up office, the reference to "the clerk" in the first sentence of this Standing Order shall be read as a reference to the Chief Executive of Wyre Forest District Council.
- b The Proper Officer shall:
 - i. at least five clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

See standing order 3(a) above for the meaning of clear days.

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- ii. give public notice of the time, place and agenda at least five clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
See standing order 3(a) above for the meaning of clear days.
- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his/her withdrawal of it;
- iv. convene a meeting of full council for the election of a new Mayor, occasioned by a casual vacancy in his/her office;
- v. facilitate inspection of the minute book by local government electors;
- vi. receive and retain copies of relevant byelaws made by other local authorities;
- vii. witness and retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
See also standing order 21 below.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. manage access to information about the council via the publication scheme and in accordance with the transparency code under the Local Government, Planning and Land Act 1980; and
- xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 21 below.

16. Responsible Financial Officer

- a The council shall appoint a member of staff who is the responsible financial officer and who may be the clerk. The council shall nominate other staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper

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practices and the council's financial regulations.

- c The Responsible Financial Officer shall provide a written report to each meeting of the full council to summarise:
 - i. the council's receipts and payments to the end of the most recent month before the meeting;
 - ii. the balances held at that dateand which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide a written report to the full council on the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial regulations shall be reviewed regularly and at least annually by the Responsible Financial Officer for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- 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

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- 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 any 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 committee or a sub-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 £172,514 (or such other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (SI 2015 No. 102, and any amendment to or re-enactment of those regulations) apply to the contract. If those Regulations apply, the council must comply with EU procurement rules.
19. Handling staff matters
- a A matter personal to a member of staff that is being considered by a meeting of council or a committee is subject to standing order 11 above.
 - b Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
 - c The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
 - d Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(b) and (c) above if so justified. In respect of the clerk and the responsible financial officer, the Mayor is to be treated as a person with line management responsibility.

20. 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.

21. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 21(a) above, the council's common seal shall alone be used for sealing a deed

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required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

22. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall issue orders, instructions or directions.

23. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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Appendix – reasons for exclusion of press and public (see Standing Order 3(b))

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

“Confidential information” means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

“Exempt information” means information falling within the following categories (subject to any condition)

Category	Qualifications/Interpretation
1. Information relating to any individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992. Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	“Financial or business affairs” includes contemplated, as well as past or current, activities. Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under: a) the Companies Act 1985 b) the Friendly Societies Act 1974

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- c) the Friendly Societies Act 1992
- d) the Industrial and Provident Societies Acts 1965 to 1978
- e) the Building Societies Act 1986
- f) the Charities Act 1993

“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

“Employee” means a person employed under a contract of service.

“Labour relations matter” means:-

a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

b) any dispute about a matter of falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.

“Office Holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

Information is exempt information if and so

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long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes: -

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

b) to make an order or direction under any enactment

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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Finance & Overview Committee
Wednesday 7th July 2020

Risk Management Policy Overview

1. Purpose

The purpose of this report is to seek the Committee's agreement to confirming the risk management system for the Town Council which was first adopted in June 2016

2. Background

Risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the Town Council to identify any and all potential inherent risks. The Town Council, based on a recorded assessment, will take all practical and necessary steps to reduce or eliminate the risks, insofar as is practically possible. This document has been produced to enable Kidderminster Town Council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them.

3. The Policy

Attached to this schedule are: -

- i. the policy overview which helps categorise risks and
- ii. the framework which gives details of actions and reporting procedures

The management of risk is also included in each report presented to Council/Committees to assist Councillors in their decision making

4. Current Corporate Risk Schedule

Detailed below are the current identified risks for the Town Council. Its purpose is designed to give Councillors confidence the risk management process is being actively managed. For this year an additional section has been added for Covid19.

RISK					
	Subject	Risk(s) identified	H/M/L	Management/control of Risk	Review/Assess/Revise
1.	Precept	Adequacy of precept in order for the Council to carry out its Statutory duties	L (3)	To determine the precept amount required, the Council regularly receives budget update information at every meeting. At the precept meeting Council receives a budget report, including actual position and projected position to the end of year and indicative figures or costings obtained by the Clerk. With this information the Council maps out the required monies for standing costs and projects for the following year and applies specific figures to budget headings, the total of which is resolved to be the precept amount to be requested from WFDC. The figure is submitted by the Clerk in writing. The Clerk informs the Council when the monies are received.	Existing procedure adequate.
2.	Financial Records	Inadequate records Fin irregularities	L (2)	The Council has Financial Regulations in place which sets out the requirements.	Review the Financial regulations annually.
3.	Bank and	Inadequate checks	L (2)	The Council has Financial Regulations which set out banking	Existing procedure

	banking	Banks mistakes	L (2)	requirements Monthly reconciliation	adequate Existing procedure adequate
4.	Reporting and auditing	Information communication	L (2)	Financial information is reported to every Town Council meeting	Existing procedure adequate
5.	Data Protection	(Mis)management of data	L(2)	Specific officers manage data GDPR policy in place Privacy statements issued Information audit carried out	Existing procedures adequate
6.	Direct Costs	Goods not supplied but billed Incorrect invoicing Cheque Incorrect	L (2) L (2) L (2)	The Council has Financial Regulations which set out the requirements. At each Council meeting the Council overviews list of payments All bacs payments scrutinised by Council	Existing procedures adequate. Monitored by Council
7.	Best value accountability	Work awarded Incorrectly. Overspend on services.	L (2) L (2)	Financial Regulations set out contract levels and tendering process. If problems encountered with a contract the Clerk would investigate the situation and report to the Council.	Monitored by Town Clerk Procurement support from WFDC
8.	Salaries and assoc. costs	Salary paid incorrectly. Unpaid Tax to Inland Revenue.	L (2) L (2)	Payroll contracted out through WFDC Payroll contracted out through WFDC	Monitored by Staffing Committee/Town Clerk
9.	Town Clerk	Improper Conduct	L (2)	Clerk's performance (and review) overseen by Staffing and Finance & Overview Committee (includes annual appraisal). Audit procedures in place	Monitored by F&O Committee
10	Employees	Fraud by staff Health and safety	L (2) L (3)	Requirements of Fidelity Guarantee insurance adhered to with regards to fraud. All employees have been provided adequate direction and safety equipment needed to undertake their roles	Monitored by F&O Committee
11	Town Hall	Running of the complex	M (5)	Town Hall Committee delegated to oversee management. Quarterly meetings set up	Monitored by Town Hall Committee & Council
12	Parks	Managing the Transfer of 4 parks from WFDC	M (5)	Ongoing dialogue with WFDC – dedicated member group set up to manage transfer	Dedicated Member Group

5. Recommendation - To endorse the current Risk Management Policy

Finance & Overview Committee

Wednesday 7th July 2021

Risk Management Covid19 Overview

1. Purpose

The purpose of this schedule is to give an oversight of the management of the Covid19 risks impacting the Town Council

RISK					
	Subject	Risk(s) indentified	H/M/L (score)	Management/control of Risk	Review/Assess/Revise
1.	Covid19	People <ul style="list-style-type: none"> Public Councillors Staff 	M (8)	Public – access to buildings and staff is by appointment only. Social distancing in place and risk assessments carried out Councillors – all meetings carried out with risk assessment in place to comply with social distancing guidelines Staff – Limited access to building to comply with social distancing; homeworking in place; some staff furloughed Wellbeing monitored through conversations and contact with managers	Ongoing monitoring through appropriate Committees and Town Clerk oversight.
2.	Covid19	Assets <ul style="list-style-type: none"> Town Hall Street Furniture etc. Toilets Allotments 	M (8)	Town Hall – building closed to general public; no events to be allowed until guidance changes; minimum access to building for visitors; maintenance programme reviewed – only essential maintenance Street Furniture etc. – cleaning schedule in place Toilets – reopened with updated risk assessment and increased cleaning regime in place Allotments – managed through allotment societies	Ongoing monitoring through appropriate Committees and Town Clerk oversight.
3.	Covid19	Financial <ul style="list-style-type: none"> Income Expenditure 	M (8)	Income - grant funding sought to support Town Hall; all customers contacted and future provisional dates agreed to protect income Expenditure - all budgets reviewed to minimise spend and impact of pandemic; full staffing review carried out	Ongoing monitoring through appropriate Committees and Town Clerk oversight.

5. Recommendation - To note current actions

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Kidderminster Town Council

Risk Management Policy Matrix

Likelihood Impact			
	Red/High	Medium/Amber	Low/Green
Probability	Highly likely to happen	Likely to happen	Possible to happen
Consider	Has incident occurred in the past year or is it highly likely to happen in the next year	Has the incident occurred in the last 1 to 2 years or is it likely to occur in the next 1 to 2 years	Has the incident occurred in the past 2 to 3 years or is it possible in the next 2 to 3 years
Impact Measures			
	Red/High	Medium/Amber	Low/Green
Safeguarding/Safety	Avoidable death, abuse, life-threatening or permanent disability	Avoidable serious injury	Avoidable minor injury
Cost	More than £100k	£10K to £50K	Less than £10K
Legal impact	Criminal offence, imprisonment, judicial review	Legal action likely, substantial costs	Legal action/ fines unlikely
Intervention required	Statutory body, partner or enforcement agency intervention	Member intervention	Town Clerk intervention
Service Impact	Serious service failure directly affecting vulnerable groups	Serious service failure directly affecting customer/council operations	Significant service disruption
Project Delivery	Project failure impacting on Council's performance	Project failure impacting on service performance	Significant impact on unit performance
Reputation Impact	National Media Attention (print/broadcast/social) highly damaging or potential Public Interest Report	Sustained local media interest	Short term media interest

I M P A C T	High	Amber 7	Amber 8	Red 9
	Medium	Green 4	Amber 5	Amber 6
	Low	Green 1	Green 2	Green 3
		Low	Medium	High
	LIKELIHOOD			

Kidderminster Town Council
Finance & Overview Committee
Wednesday 6th December 2017

Risk Management Reviewing Framework

Net Risk Level	Options	Management Action Required	Review/Reporting Required
Red 9	i. Reduce ii. Avoid	This level of risk is not acceptable and immediate management action must be taken to assess how this risk can be reduced to an acceptable level Where the impact might be avoidable death, abuse, life threatening or permanent disability, wherever possible the activity should cease until the risk is effectively managed	Finance & Overview (F&O) Committee must be made aware immediately (And, if needed, the appropriate Committee) Progress to manage the risk must be reviewed by Committee at each meeting and by the Chairman weekly
Amber 8 Amber 6 Amber 5	i. Transfer ii. Accept iii. Reduce	While this level of risk can be accepted, management must first consider all reasonable steps that could be taken to reduce this risk in terms of both likelihood and potential impact	The Town Clerk must be (made) aware Report to F&O Committee (And, if needed, the appropriate Committee) Update report to each Committee meeting
Amber 7	i. Transfer ii. Accept iii. Reduce	In view of the low likelihood of this risk occurring, this level of risk can be accepted. However, management must first consider all reasonable steps that could be taken to reduce this risk in terms of the potential impact	The Town Clerk must be (made) aware Report to F&O Committee (And, if needed, the appropriate Committee) Update report to each Committee meeting
Green 4 Green 3 Green 2 Green 1	i. Transfer ii. Accept iii. Reduce	Whilst this level of risk is generally acceptable, management should consider whether this risk could be reduced in terms of either likelihood or impact. If the likelihood of this risk occurring reduces further, management may consider closing the risk	The Town Clerk to oversee the risks Reviewed each committee cycle and changes reported to committee

Finance & Overview Committee

Wednesday 7th July 2021

Borrowing & Investment Strategy

1. Purpose

The purpose of this report is to seek the Committee's endorsement of the borrowing and investment policy for the Town Council which was first agreed in May 2018.

2. Background

Initially, on set up, the Town Council was under the umbrella of WFDC's strategy. This relationship ended in May 2018 and the Town Council adopted its own strategy.

The strategy is based on the parish model and reflects the policy adopted by other parish councils.

3. Policy Overview

This document gives guidance on borrowing and investments by Kidderminster Town Council in accordance with 'the Local Government Act 2003' and 'Localism Act 2011'. It highlights that the Council is committed to professional Treasury Management practices to ensure that:

- Capital expenditure plans are affordable
- All external borrowing and other long-term liabilities are within prudent and sustainable levels, and
- Treasury Management decisions are taken in accordance with good professional practice.

The CIPFA Treasury Management Code of Practice defines Treasury Management as:

'The management of the Council's cashflows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'

4. The Strategy

KIDDERMINSTER TOWN COUNCIL BORROWING & INVESTMENT STRATEGY

1. INVESTMENT STRATEGY

a. Introduction

The Council acknowledges the importance of prudently investing the temporarily surplus funds held on behalf of the community.

This Strategy complies with the requirements set out in the Department for Communities and Local Government's *Guidance on Local Government Investments* and Chartered Institute of Public Finance and Accountancy's *Treasury Management in Public Services: Code of Practice and Cross Sectoral Guidance Notes* and takes account of Section 15(1)(a) of the Local Government Act 2003.

b. Investment Objectives

In accordance with Section 15(1) of the 2003 Act, the Council will *have regard to (a) such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify.*

The Council's investment priorities are the security of reserves and liquidity of its investments.

The Council will aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity.

All investments will be made in sterling.

The Department for Communities and Local Government maintains that borrowing of monies purely to invest, or to lend and make a return, is unlawful and this Council will not engage in such activity.

Where external investment managers are used, they will be contractually required to comply with the Strategy.

c. Specified Investments

Specified Investments are those offering high security and high liquidity, made in sterling and which mature in no more than a year. Such short-term investments made with the UK Government or a local authority or town or parish council will automatically be Specified Investments.

For the prudent management of its treasury balances, maintaining sufficient levels of security and liquidity, Kidderminster Town Council will use:

- Deposits with UK High Street banks and building societies, local authorities or other public authorities
- The Debt Management Office
- CCLA Public Sector Deposit Fund

d. Non-Specified Investments

These investments are for longer than 12 months and have greater potential risk – examples include investment in the money market, stocks and shares.

Given the unpredictability and uncertainties surrounding such investments, Kidderminster Town Council will not use this type of investment.

e. Liquidity of Investments

The Town Clerk, as Responsible Finance Officer, will determine the maximum periods up to 12 months for which funds may prudently be committed so as not to compromise liquidity.

Investments will be regarded as commencing on the date the commitment to invest is entered into, rather than the date on which the funds are paid over to the counterparty.

f. Long Term Investments

Long term investments are defined in the Guidance as greater than 36 months.

The Council does not currently hold any long-term investments.

No long-term investments are currently envisaged.

g. Investment Reports

Investment forecasts for the coming financial year were accounted for in the annual strategy statement when the budget was prepared. An end of year review will report on investment activity to the Finance and Overview Committee.

h. Risk

All investments will be made following the SLY methodology – Security, Liquidity and Yield. Each investment will be signed off by the Town Council at a meeting of the Finance and Overview Committee.

2. EXTERNAL BORROWING STRATEGY

a. Introduction

The Council acknowledges the importance of borrowing funds and the financial impact on the Council and the local community. The Council will agree borrowing for specific capital projects (as defined in section 16 of the 2003 Act), and gain approval for borrowing by sending an application to the National Association of Local Councils (NALC). All borrowings must be approved by the full Council.

b. Principles

Before a council can borrow a sum of money, it must first receive an approval to borrow (loan sanction) from the Secretary of State by way of the Department for Communities and Local Government (DCLG), unless it is for a temporary loan or overdraft from a bank or otherwise of sums which the council may temporarily require to meet revenue expenditure.

The process to be followed and the criteria applied in deciding whether or not approval should be forthcoming, are detailed in the Guide to Parish and Town Council Borrowing in England, jointly published by NALC.

The Council is only authorised to borrow a maximum of £500,000 in any single financial year for any single purpose.

The Council will ensure the following criteria when considering requesting a borrowing approval:

- The borrowing should be only be used for the purpose of Capital expenditure as defined by Section 16 of the Local Government Act 2003.

- The borrowing amount should not be less than £5 multiplied by the number of local government electors in the area of the Council on the first day of the current financial year (1 April)
- Any unallocated balances including, where appropriate capital receipts beyond those required for the prudent financial management of the council, should be used in the project for which the borrowing is required.
- The Council should have a realistic budget for the servicing and repayment of the debt, taking into account the future effect on the council's precept and cashflow.
- The Council must not mortgage or charge any of its property as security for money borrowed.

c. Interest Rates

The Council will look around for the best possible terms when borrowing but will usually use the Public Works Loan Board (PWLB).

The Council feels that the fixed term rates offered by the PWLB are relatively cheap and that PWLB loans are most likely to offer stability for the financial planning of the council.

d. Period of Loan

The Council will determine the period of each loan which should not exceed the period for which the expenditure is forecast to provide benefit to the Council i.e. useful life of the asset.

SATC Treasury Management Strategy v.6 – February 2017

The maximum period will begin on the date on which the money is borrowed, and will be;

- 50 years for acquisition of, or work on or to, land, buildings, roads or structures or
- 10 years in all other cases

e. Current External Borrowing

The Town Council currently has no external borrowing.

f. Further Anticipated External Borrowing

The Council has no plans currently to incur capital expenditure which will require a loan sanction or external borrowing

g. Review and Amendment of Regulations

This Strategy will be reviewed annually. The Annual Strategy for the coming financial year will be prepared by the Town Clerk and presented for approval to the Finance and Overview Committee.

The Council reserves the right to make variations to the Strategy at any time, subject to the approval of the full Council. Any variations will be made available to the public.

h. Disability Discrimination Act 1995

Copies of this document are available in other formats on request from the Council Office or by telephoning 01562 732680 or e-mailing townclerk@kidderstontowncouncil.gov.uk

i. Freedom of Information

In accordance with the Freedom of Information Act 2000, this Document will be posted on the Council's Website.

5. Recommendation

The Committee are asked to endorse the strategy

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ANTI FRAUD & CORRUPTION POLICY STATEMENT

KIDDERMINSTER TOWN COUNCIL

JULY2021

KIDDERMINSTER TOWN COUNCIL

ANTI FRAUD & CORRUPTION POLICY STATEMENT

1. The Town Council is committed to the proper accountability of public funds and to maintaining an honest, open and well-intentioned atmosphere within the organisation. We are against any kind of fraud, theft and corruption. The following practices are illegal:
 - Using public funds improperly;
 - Disadvantaging other people for your own personal gain.All councillors and employees, together with people and organisations working closely with us must set high personal and professional standards.
2. All councillors and employees must help the Council apply this policy. They must do this by making sure they follow the Nolan principles and working to discourage, prevent and punish fraud and corruption by others. The Nolan principles are selflessness; integrity; objectivity; accountability; openness; honesty & leadership.
3. The authority condemns fraud and corruption in public life, and expects holders of public office and its employees to:
 - Take decisions solely in pursuance of the Council's statutory functions and in the public interest to the exclusion of private and personal interest
 - Not place themselves under any financial or other obligation to outside individuals or organisations that might influence or be perceived to influence them in the performance of their duties
 - In carrying out public duties, including making public appointments, awarding contracts, or recommending individuals for awards and benefits, to make choices on merit in accordance with defined guidelines
 - To be accountable for their decisions and actions to the public and submit themselves to whatever scrutiny is appropriate to their office
 - To be as open as possible to the public about all their decisions and actions and submit themselves to whatever scrutiny is appropriate to their office
 - To be as open as possible about all the decisions and actions that they take; to give reasons for their decisions and restrict information only when the wider public interest clearly demands
 - To declare any private interest which is relevant to their public duties
 - To take positive steps to resolve any conflicts of interest in a way that first protects the public interest and maintains public confidence; and to ask for advice from senior management in any case of doubt
 - To promote and support these principles by leadership and example.

Our Strategy against theft, fraud and corruption sets out the ways in which we will achieve this.

Finance & Overview Committee
Wednesday 7th July 2021

General Data Protection Regulation (GDPR)

1. Purpose

The purpose of this report is to update Town Council's on the management of our GDPR requirements

2. Purpose of the policy and background to the General Data Protection Regulation

Under GDPR personal data must be

- processed lawfully, fairly and transparently;
- collected for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for processing;
- be accurate and kept up to date;
- be kept only for as long as is necessary for processing and be processed in a manner that ensures its security

This policy updates previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. The Government has confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

3. Identifying the roles and minimising risk

GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller.

Parish councils are exempt from appointing a DPO but for administrative sense the Town Clerk has been appointed to manage the role as the Data Protection Officer (DPO).

It is the DPO's roll to undertake an information audit and to manage the information collected by the council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information.

This responsibility is included in the job description of the Town Clerk.

Appointing the Clerk as the DPO must avoid a conflict of interests, in that the DPO should not determine the purposes or manner of processing personal data.

GDPR requires continued care by everyone within the council, councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

Therefore, the handling of information is seen as a risk to the council (both financially and reputationally) and one which must be included in the Risk Management Policy of the council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the council undertaking training in data protection awareness.

4. Data breaches

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Town Council. Investigations must be undertaken within one month of the report of a breach. Procedures are in place to detect, report and investigate a personal data breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.

It is unacceptable for non-authorised users to access IT using employees' log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Council, for example the discussion of internal council matters on social media sites could result in reputational damage for the Council and to individuals.

5. Privacy Notices

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a council does with their personal information. A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the council. A privacy notice has been produced for use, although some changes could be needed depending on the situation, for example if children are involved. All privacy notices must be verifiable. The privacy notices for staff and councillors is attached as the appendix to this report.

6. Information Audit

The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted. The Audit has been updated for 2021 and is attached as the appendix to this report

7. Individuals' Rights

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

If a request is considered to be manifestly unfounded then the request could be refused or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme. The Town Council will be informed of such requests.

8. Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand. Kidderminster Town Council currently has no data relating to children.

9. Summary

The main actions arising from this policy are:

- i. The Council must be registered with the ICO. (The Town Council is currently registered.)
- ii. A copy of this policy will be available on the Council's website. The policy will be considered as a core policy for the Council.
- iii. The Clerk's Contract and Job Description has been amended to include additional An information audit will be conducted and reviewed at least annually or when projects and services change. (Audit has been carried out)
- iv. Privacy notices to be (re)issued.
- v. Data Protection is included in the Council's Risk Register.
- vi. The Town Council will manage the process.

10. Summary Kidderminster Town Council's position

Since the original policy was adopted in 2018 the Town Council has taken on the management of the Town Hall. This has meant the Town Council is responsible for the customer systems run by the Town Hall. However, policies were in place on the transfer and have been subsumed into the Town Council's policy

As a result of the legislation officers reviewed current mailing lists and deleted old information/circulation lists.

What the Council -

- i. Does not have
 - The Town Council does not hold any confidential data on members of the community
 - The Town Council does not hold any data on children
 - The Town Council does not have any public CCTV data
 - The Town Council does not use profiling of data
 - The Town Council does not have any linked databases
 - The Town Council does not hold mailing lists for commercial or information use
- ii. Does have
 - The Town Council does have social media accounts
 - The mailing list(s) the Town Council holds are for civic use and relate to civic titles
 - The social media accounts do not use personal data

Recommendation

The Committee is asked to note

- i. the update of the policies and procedures related to GDPR
- ii. that Privacy Notices will be sent to all Town Councillors so they are aware of the Town Council's practices and expectations

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Kidderminster Town Council

PRIVACY NOTICE

For staff*, councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, freemen, agents, and other role holders within the council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Kidderminster Town Council which is the data controller for your data.

The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality,

- education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;

- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1. The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2. The right to correct and update the personal data we hold on you

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4. The right to object to processing of your personal data or to restrict it to certain purposes only

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5. The right to data portability

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7. The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website. This Notice was last updated in May 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Town Clerk, RFO & Data Controller,

Email: townclerk@kidderminstertowncouncil.gov.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email

<https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Finance & Overview Committee 07/07/21 item 7a	2021/22 Original Budget	2021/22 Actual to 29/06/21	2021/22 Variance Budget to Actual
<u>Budget Spend to date - Overview</u>	£	£	£
COMMITTEE			
1. COUNCIL	(724,440)	(367,221)	(357,219)
2. FINANCE	68,110	12,237	55,873
3. STAFFING & CIVIC	144,790	25,948	118,842
4. EVENTS & SERVICES	207,610	3,919	203,691
6. TOWN HALL	404,020	105,883	298,137
7. CULTURAL RECOVERY FUND GRANT	0	0	0
8. CULTURAL RECOVERY FUND GRANT 2	0	(34,264)	34,264
TOTAL NET EXPENDITURE/(INCOME)	100,090	(253,498)	353,588
WORKING BALANCE PROJECTION			
Balance at 1st April	(272,142)		
Less: Deficit/(Surplus) on Year	100,090		
(Surplus) Working Balance at 31st March	(172,052)	0	0

Finance & Overview Committee 07/07/2021 item 7b	2021/22 Original Budget	2020/21 Actual to 29/06/21	2020/21 Variance Budget to Actual
<u>Finance & Overview Spend to date</u>	£	£	£
2. FINANCE			
<u>EXPENDITURE</u>			
SUPPLIES AND SERVICES			
General Office Expenses	5,000	1,312	3,688
Audit Fees	1,750	0	1,750
Professional Subscriptions	3,000	3,076	(76)
Insurances	7,500	6,599	901
Discretionary Grants	5,000	0	5,000
Ward Grants	9,000	1,250	7,750
SUPPORT SERVICES			
WFDC Finance support	21,010	0	0
WFDC ICT	10,200	0	10,200
WFDC Legal	5,650	0	5,650
TOTAL NET EXPENDITURE / (INCOME)	68,110	12,237	34,863