

Shadow Taunton Town Council

28 February 2023

Taunton Parish/Town Council Policies and Procedures

This matter is the responsibility of the County Council Monitoring Officer and Head of Governance and Democratic Services – Scott Wooldridge

Report Author: Reg Williams – Technical Advisor- Society of Local Council Clerks, Donna Ford – Clerk – Taunton Town Council and Marcus Prouse – Specialist – Governance and Democratic

1 Executive Summary / Purpose of the Report

1.1 This report sets out a range of policies and procedures which are the minimum required to be in place to enable the new Taunton Town/Parish Council to properly operate from its vesting as a body on 1st April 2023, as identified in the Governance Workstream under the Taunton Town Council Programme Board. They have been drafted in close consultation with the Council's technical advisor. These are:

- Standing Orders
- Financial Regulations and Internal Financial Controls
- Scheme of Delegation
- Dispensations Policy
- Annual Investment Strategy
- Code of Conduct

1.2 These policies and procedures, following consultation with the Shadow Council, will be formally adopted by the County Council (through the power of the County Council's Monitoring Officer charged with implementing the Re-Organisation Order) and 'go live' on 1st April 2023.

1.3 The elected members of the Town Council once in place will have an early opportunity to review all of these documents and formally adopt these policies and procedures again (alongside a host of others) following the elections in May 2023.

2 Recommendations

2.1 It is recommended that the Shadow Town Council:

2.2 Provide comment on the policies and procedures which are set out at Appendices A – F in this report prior to their approval by the County Council Monitoring Officer.

2.3 Requested to note and comment on the Draft Meeting Calendar for 2023-2024.

3 Risk Assessment

- 3.1 If the Town/Parish Council does not have these policies and procedures in place, there is a risk that the Town Council is unable to operate and fulfil its duties and responsibilities from 1st April 2023.

4 Background and Full details of the Report

- 4.1 All tiers of local government are democratically accountable and rules have been developed to demonstrate and guarantee that accountability, and to ensure that councils operate on a regulated and consistent basis.
- 4.2 Councils are required to conduct their business in an open way with properly organised meetings and agendas, and proper records of decisions. Formal arrangements for the regulation of meetings should be provided in standing orders. Financial arrangements for the regulation of the council's financial affairs should be provided in financial regulations. Where functions are delegated, delegation arrangements should formally record such delegation provision to provide evidence of authority and transparency of approach.
- 4.3 Parish councils must adopt and have readily available a Code of Conduct and the Local Government Association Model Code issued in 2020 is the recommended template for Councils to adopt. The County Council's Standards Committee has agreed to promote the adoption of the County Council's Code of Conduct by parish councils in Somerset. The rationale for this decision is that it will be easier for the Council to provide support and training to parishes on the code of conduct and promote consistency of standards of conduct and enforcement of the Code across Somerset.
- 4.4 A Parish Council can also create committees to deal with various functions such as its planning or community functions. Standing orders can be made to regulate quorum, proceedings and place of meeting of any committee of the parish council. Unless a parish council delegates its functions to its committees and officers, decisions for the discharge of its functions can only be made at council meetings.
- 4.5 Governing documents should not be regarded as 'tablets of stone' but should be altered to reflect changing needs and requirements with a view to improving the Council's means of conducting its business.
- 4.6 **Standing Orders**
- 4.7 Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.
- 4.8 Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-

committee meetings because these are subject to fewer statutory requirements.

Financial Regulations

4.9 The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Clerk/Responsible Financial Officer.

4.10 A range of HR Policies will also need to be adopted for Day 1 and whilst these are not included in this report, will be drafted and implemented by the Clerk in consultation with the County Monitoring Officer. Examples of these include but are not limited to:

- Disciplinary Process
- Grievance Procedure
- Capability Procedure
- Staff Handbook

4.11 Other policies, which are considered less vital to have in place for Day 1 are in development and will be expected to be forthcoming for adoption in May 2023 onwards, with member engagement playing a key part, are as follows:

- Risk Management Strategy
- Risk Register
- Publication Scheme for Local Government Transparency Code
- Member Employee Protocol
- Complaints Policy
- Data Protection Policy
- Freedom of Information Process
- Equality and Diversity Policy
- Health and Safety Policy
- Records Management Process
- Social Media and Electronic Communications Policy
- Community Grant Policy
- Co-option Policy
- Recruitment and Selection Policy
- Training and Development Plan (for officers and members)
- Induction Process
- Appraisal Process

5 Links to Corporate Strategy

5.1 This support's SWT's Corporate Strategy in relation to being a customer focussed Council that develops and delivers effective communications, consultation and engagement and which listens to and engages with our residents and stakeholders.

6 Finance / Resource Implications

- 6.1 There are no identified Finance implications for the Shadow Authority or for Somerset West and Taunton/Somerset County Council.

Unitary Council Financial Implications and S24 Direction Implications

- 6.2 The Section 24 Direction stipulates that consent of the County Council's executive is required for expenditure that exceeds certain criteria or for the disposal of an asset. Neither criteria are triggered by this.

7 Legal Implications

- 7.1 The business of Parish Councils is carefully regulated by the Local Government Act 1972, and cannot be conducted without observing the requisite formalities. A local Council must act within the law. Local Councils have a wide range of powers covered under different acts of Parliament. The adoption of these policies and procedures will ensure the Council is complying with its statutory duties in line with key legislation such as the Local Government Act 1972.

- 7.2 Parish Councils are subject to the basic arrangements for the conduct of meetings and making decisions contained in Schedule 12 of the Local Government Act 1972 (paragraphs 7-13 and 39-45). Local authorities may make standing orders with respect to the making of contracts by them or on their behalf, and must make standing orders about contracts for the supply of goods or materials or for the execution of works. (Local Government Act 1972 S135). Local Authorities have the power to assume a function delegated by another authority, to ensure effective discharge of Council functions and to employ persons to carry out Council functions (Local Government Act 1972 ss101,111 and 112).

8 Climate, Ecology and Sustainability Implications

- 8.1 There are no identified climate, ecological, or sustainability implications.

9 Safeguarding and/or Community Safety Implications

- 9.1 There are no identified safeguarding or community safety implications.

10 Equality and Diversity Implications

- 10.1 There are no identified equality or diversity implications.

11 Social Value Implications

- 11.1 There are no identified social value implications.

12 Partnership Implications

- 12.1 There are no identified partnership implications.

13 Health and Wellbeing Implications

- 13.1 There are no identified health and wellbeing implications.

14 Asset Management Implications

14.1 There are no identified Asset Management implications

15 Data Protection Implications

15.1 There are no identified data protection implications.

16 Consultation Implications

16.1 There are no identified consultation implications.

Reporting Frequency: Once only

List of Appendices (background papers to the report)

Appendix A	Standing Orders
Appendix B	Financial Regulations and Internal Financial Controls
Appendix C	Scheme of Delegation
Appendix D	Dispensations Policy
Appendix E	Annual Investment Strategy
Appendix F	Code of Conduct
Appendix G	Draft Meetings Calendar 2023-2024

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