



Morecambe Town Council

Agenda Morecambe Town Council Full Meeting

Date	15/05/2025
Time	19:00 - 21:00
Location	Morecambe Town Hall, Marine Road Morecambe Lancashire LA4 5AF
Chair	Russell Walsh
Explanation	Dear Councillor, Dated this eighth day of May, you are hereby summoned to attend a meeting of Morecambe Town Council to be held at 19:00 on the fifteenth day of May 2025. The meeting will be held in Morecambe Town Hall, Marine Road East, Morecambe, LA4 5AF to transact business on the agenda.

Note to Councillors:

If you are unable to attend the meeting, please notify the Proper Officer of your apologies.

Note to Public:

Electors of the town wishing to address the Council are advised to notify the Proper Officer before 10am on the day of the meeting. Permission to speak at the meeting will be at the discretion of the Chairman. Public participation session at a meeting shall not require response or debate and shall solely consist of matters relating to items on the agenda. If the representation made is considered outside the remit of Morecambe Town Council, electors will be referred to the principal authority or other appropriate body.

Yours sincerely,
Mr L Trevaskis, CiLCA, PSLCC.
Chief Executive

1 Election of a Chairperson

To duly elect a Chairperson for the 2025-2026 Civic Year.

This item will be chaired by Cllr Russell Walsh.

Following items will be chaired by the Chairman elected in this item.
Following the election, the Chairman will make the following statement:

"I, (state name) having been elected to the office of Chairman of

Morecambet Town Council declare that I take that office upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability. I undertake to observe the code of conduct which is expected of members of Morecambe Town Council."

2 Election of a Vice Chairperson

To duly elect a Vice Chairperson for the 2025-2026 Civic Year.

Following the election, the Vice Chairman will make the following statement:

"I, (state name) having been elected to the office of Vice Chairman of Morecambe Town Council declare that I take that office upon myself and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability. I undertake to observe the code of conduct which is expected of members of Morecambe Town Council."

3 Apologies

To receive apologies for absence and consider any reasons for acceptance.

([Local Government Act 1972, Section 85](#))

4 Declarations

To record any declared interests relating to the business of the meeting and receive any dispensation requests from the Proper Officer.

([Localism Act 2011, Section 31](#))

5 Minutes

To approve the minutes of the last meeting.

([Local Government Act 1972, Section 111](#))

6 Public Participation

To receive representations from electors that have requested to speak by 10am regarding a matter on the agenda.

([Morecambe Town Council Standing Orders - Sections 1d-1l](#))

Note: any electors addressing the Council must not exceed a three minute time limit.

7 Planning Objection - 25/00392/ADV - Unit 1 Hilmore Way, Morecambe

This submission does not object to the siting of a McDonald's at this location, but raises concern over the proposed 12m-high totem advertisement, which is considered disproportionately tall and visually intrusive in relation to the surrounding streetscape.

In contrast to other signage in the area - such as the 5.8m Morrisons totem set back 16m from the carriageway and screened by mature trees - the proposed McDonald's sign would sit prominently within 5m of the road.

The Town Council has requested a reduced height more in keeping with the KFC signage nearby, which is understood to be limited to 5m.

8 Policies and Procedures

To note that policies and procedures must be reviewed regularly.

i) to review the recommended amends (in red), and adopt the Standing Orders.

- The Council has recently encountered some uncertainty around the procedures for public participation at meetings. To address this, the Council has sought legal advice to ensure both members and officers are protected from potential harassment or abuse while carrying out their duties. In light of this, we've introduced additional wording to clarify how members of the public can engage effectively. These changes aim to create a more transparent and respectful framework for participation, enabling officers to respond to residents' representations more promptly and effectively. By providing greater clarity around the process, we can ensure that queries are addressed in a timely manner and avoid last-minute responses to submissions that can hinder effective communication.

- It is recommended that we adopt the same calendar structure used this year. This would mean April continues as a fallow month, allowing members and staff to take annual leave during the Easter period. With increased delegation to committees in recent months, it's proposed we standardise the frequency of committee meetings. This will ensure business continues to be progressed efficiently within the appropriate forums, without needing to increase the number of full Council meetings unnecessarily. The intention is to strike the right balance between good governance, and efficiency.

ii) to review the recommended amends (in yellow), and adopt the Financial Regulations as proposed by the Finance and Governance Committee.

9 Supporting the Trans Community Following the Supreme Court Ruling on the Equality Act

On 16 April 2025, the UK Supreme Court ruled that for the purposes of the Equality Act 2010, the term "sex" refers strictly to biological sex as

assigned at birth, even in cases where an individual holds a Gender Recognition Certificate (GRC). This decision has been upsetting, frustrating and deeply personal for many in the LGBTQ+ community, particularly those who are transgender or non-binary, causing widespread confusion and concern.

To clarify:

- A **transgender** person is someone whose gender identity does not align with the sex they were assigned at birth.
- A **non-binary** person does not identify exclusively as male or female.

The ruling raises serious and urgent questions about the future of equality legislation in the UK and how we ensure that all individuals are treated with dignity, fairness and respect - regardless of gender identity.

While the court has provided a legal interpretation, it is increasingly clear that the Equality Act - now nearly 15 years old - may not fully reflect the lived realities, rights, or challenges faced by trans people in modern Britain. Advances in medical, social and legal understanding of gender identity have far outpaced the legislation, creating gaps and inconsistencies in the law's application, and this ruling arguably fails to account for advances in gender-affirming healthcare or the psychosocial impacts of gender identity recognition, amongst other matters.

Trans people have always been a part of our world, and always will be. For many trans people, transitioning is not simply a matter of legal documentation. It is a journey - often marked by emotional, social, medical and legal obstacles - taken in pursuit of living a life that feels authentic to them.

Some individuals will have spent more of their lives post-transition than in the gender they were assigned at birth. For many of us, using a public toilet is such an ordinary part of life that we barely think about it. But imagine for a moment if stepping into that space meant risking your safety - not because of anything you've done, but simply because of who you are. For trans people, being told they must use facilities that don't align to who they are - and how they live every day - isn't just uncomfortable, it can be traumatic, dehumanising, and, sadly, dangerous. Being forced into a space that doesn't align with their identity can "out" a trans person against their will. Just imagine being in a situation where using a particular bathroom tells the whole room that you're trans - whether you wanted them to know

or not. It's like being made to wear a sign that says "different", when you just want to go about your day like everyone else. This visibility can make people targets. Trans people are already more likely to experience harassment or violence in public spaces - something most of us thankfully don't have to think about when popping to use a bathroom in a café, shopping centre or train station. As writer Shon Faye puts it: "to be trans is to be made hypervisible and invisible all at once - seen as a spectacle, but not as a human being".

What this ruling has created is a legal confusion:

- Under the Gender Recognition Act 2004, a person's legal sex changes upon receiving a GRC (a Gender Recognition Certificate).
 - Yet this latest ruling effectively decouples the Equality Act from the GRA, meaning legal recognition does not translate to protections in all settings - such as single-sex services.
- This contradiction creates a grey area for public bodies, employers, and service providers, leaving frontline staff uncertain and vulnerable people without clear recourse. It may also lead to a patchwork of inconsistent approaches, which is not compatible with the principles of equality law.

It is especially important to recognise that the gender reassignment provisions within the Equality Act - designed to offer explicit protection to trans people - must not be overlooked, undermined, or misinterpreted. Section 7 of the Act protects individuals who are undergoing, have undergone, or are proposing to undergo gender reassignment. These protections remain legally in force, and it is critical that public bodies do not use this ruling to dilute or bypass them (EHRC, 2023).

Until further legislative reform or clarification is provided, there is a real risk that the existing legal framework undermines the safety and dignity of trans individuals - and that organisations may misinterpret or misuse this judgment, intentionally or otherwise.

What we're talking about here isn't abstract or theoretical - it's about real people trying to live their lives with dignity and without fear.

Therefore, this motion calls on Morecambe Town Council to:

1. **Affirm its unequivocal support for the trans and non-binary community - locally and nationally - and express support for those affected by this ruling.**
2. **Write to the National Association of Local Councils (NALC) to request urgent clarification, training and practical guidance on how local councils can remain compliant with the law while upholding values of inclusion and equality.**
3. **Explore ways to support local organisations, such as OITB, that provide frontline services and advocacy for LGBTQ+ people, especially those at risk of targeted abuse or exclusion.**
4. **Reaffirm our commitment to equality, and to ensuring our town remains a safe, welcoming and inclusive place for all, including those who are transgender or non-binary.**

This is a moment for moral clarity. We must remember that trans people are our neighbours, friends, family members and colleagues. They are not abstract legal subjects but human beings deserving of safety, dignity and belonging.

As a local council, we may not be able to change the law - but we can lead by example, stand with those affected, and press for a more compassionate and inclusive future.

Proposer: Cllr David Whitaker

Seconder: Cllr Joanne Ainscough

10 Constitution of Committees

To approve the Terms of Reference for the below committees.

- Planning and Regeneration Committee
- Finance and Governance Committee
- Personnel Committee
- Environment Committee
- Grants Committee
- Festivals and Events Committee

The Terms of Reference for each committee can be found at:

<https://www.morecambe.gov.uk/wp-content/uploads/2024/07/Planning-and-Regeneration-Committee-Morecambe-Town-Council-Terms-of-Reference-May-2024-Adopted.pdf>

<https://www.morecambe.gov.uk/wp-content/uploads/2024/09/Finance-and-Governance-Committee-Morecambe-Town-Council-Terms-of-Reference-Adopted-September-2024.pdf>

<https://www.morecambe.gov.uk/wp-content/uploads/2024/07/Grants-Committee-Morecambe-Town-Council-Terms-of-Reference-May-2024-Adopted.pdf>

<https://www.morecambe.gov.uk/wp-content/uploads/2025/05/Environment-Committee-Morecambe-Town-Council-Terms-of-Reference-Adopted-21-November-2024.pdf>

<https://www.morecambe.gov.uk/wp-content/uploads/2024/07/Personnel-Committee-Morecambe-Town-Council-Terms-of-Reference-May-2024-Adopted.pdf>

<https://www.morecambe.gov.uk/wp-content/uploads/2024/07/Festivals-Sponsorships-and-Events-Committee-Morecambe-Town-Council-Terms-of-Reference-May-2024-Adopted.pdf>

11 Nominations to Committees

To note the report regarding the principles of proportional representation.

To receive nominations for each committees and to elect a Chairperson for each committee.

- Planning and Regeneration Committee
- Finance and Governance Committee
- Personnel Committee
- Environment Committee
- Grants Committee
- Festivals and Events Committee

12 Nominations for Councillor Champion Roles

To receive nominations for the below Councillor Champion Roles:

- Disability Champion
- Armed Forces Champion
- Multi-Dwelling Housing Champion
- Equality, Diversity and Inclusion Champion

Further details of these roles can be found at:

<https://www.morecambe.gov.uk/disability-champion/>

<https://www.morecambe.gov.uk/armed-forces-champion/>

<https://www.morecambe.gov.uk/multi-dwelling-housing-champion/>

<https://www.morecambe.gov.uk/equality-diversity-and-inclusion-champion/>

13 House of Lords Built Environment Committee - Inquiry into New Towns and Expanded Settlements

To consider a response to the House of Lords Built Environment Committee's inquiry into new towns and expanded settlements.

The Committee has launched a modular inquiry exploring the feasibility and delivery of attractive, economically viable new towns in England. The first module, Building New Towns: Practical Delivery, examines whether the construction of new towns and expanded settlements is practicable, and how government at all levels, alongside the private sector, can play a role in overcoming barriers to development. The inquiry has extended its deadline to invite written submissions by 23 May 2025, particularly from local councils and community organisations, to inform the Committee's understanding of strategic planning, delivery capacity, legal frameworks, infrastructure, and long-term support.

Council is asked to consider submitting evidence reflecting its views on the potential impacts, opportunities, and challenges of new town development, especially in the context of local governance, devolution, sustainability, and community engagement.

14 Meeting Calendar Civic Year 25/26

To consider and agree the meeting calendar for Civic Year 2025-2026.

Thursday 19 June 2025
Thursday 18 September 2025
Thursday 16 October 2025
Thursday 20 November 2025
Thursday 29 January 2025
Thursday 19 February 2025
Thursday 19 March 2025

To note that all new committee chairpersons will be contacted to arrange a schedule of committee meetings for the forthcoming year.

We will aim to ensure there is a mixture of 2-3 meetings per month (excluding fallow months) consisting of committees, full council, neighbourhood plan, and council strategy meetings. In some months, additional meetings may be required.



Morecambe Town Council

Morecambe Town Hall,
Marine Road
Morecambe
Lancashire
LA4 5AF

www.morecambe.gov.uk

Members of Morecambe Town Council

Cllr R Walsh - Chairman
Cllr G Knight - Vice Chairman

Cllr C Ainscough, Cllr J Ainscough, Cllr D Blacow, Cllr D Bottoms, Cllr L Bradbury, Cllr P Clarke, Cllr F Cooper, Cllr C Cozler, Cllr R Dennison, Cllr W Dixon, Cllr K Gee, Cllr P Hart, Cllr J Goodrich, Cllr J Hanson, Cllr C Kent, Cllr D Knight, Cllr J Livermore, Cllr M Pattison, Cllr J Pilling, Cllr J Rogerson, Cllr J Slater, Cllr M Stenneken, Cllr D Whitaker

Minutes of Morecambe Town Council's Full Council Meeting held at 7pm on the 20 March 2025 at Morecambe Town Hall, Marine Road, Morecambe, LA4 5AF.

Record of Attendance:

Councillors: Russell Walsh (Chairman), Geoff Knight (Vice Chairman), Martin Bottoms, Lee Bradbury, Trish Clarke, Claire Cozler, Roger Dennison, Wayne Dixon, John Goodrich, John Hanson, Clark Kent, Debbie Knight, John Livermore, Margaret Pattison, Jackie Rogerson, Jim Pilling, Jason Slater, David Whitaker, Christian Ainscough, Dan Blacow, Faye Cooper.

Officers: Luke Trevaskis, Peter Fisher, Joel Turner.

Press: Beyond Radio

Public: 1

Minute 2024/25 - 086 - Apologies

Apologies for non-attendance received from Cllrs K Gee, J Ainscough, P Hart, and M Stenneken.

The Council acknowledged an error in the minutes of the meeting held on 21 November 2024 which omitted Cllr K Gee's record of attendance. It was confirmed by the Chief Officer that Cllr K Gee was indeed in attendance and the Council agreed to update the minutes.

The Council considered a request for approval of apologies for non-attendance at recent Council meetings from Cllr Keri Gee due to the birth of her child. In her request, Cllr Keri Gee noted that her last meeting attended was on 21 November, and formally requested that apologies be accepted for non-attendance from that date (21 November) until at least 1st May to focus on motherhood. Cllr Keri Gee indicated she anticipated returning to Council meetings from May 2025 onwards. The Council approved the apologies for non-attendance and accepted the reasons.

Minute 2024/25 - 087 - Declarations of Interest

Cllrs M Pattison, R Dennison, J Hanson, C Cozler, J Livermore and M Bottoms declared membership of Lancaster City Council.

Cllr M Bottoms declared cabinet membership of Lancaster City Council and indicated an interest in discussions about Items 5, 6, and 9 due to LCC commitments.

Cllr R Dennison declared an interest as Armed Forces Champion of Lancaster City Council (Agenda Item 8 - Grant Application)..

Minute 2024/25 - 088 - Minutes

The minutes of the last full council meeting were unanimously approved, removing Cllr J Livermore and Cllr D Whitaker from the attendance record.

Minute 2024/25 - 089 - Public Participation

A request to speak was received from City Councillor Cleet; however, this was declined due to the request not meeting the required notification procedures outlined in the Council's Standing Orders. The Chairman also made reference to previous concerns regarding the conduct of City Councillor Cleet towards the former Chairperson, Councillor Claire Cozler, noting behaviour that had been perceived as disrespectful both to Cllr Cozler and to the wider council chamber.

Minute 2024/25 - 090 - Match Day Parking

The Council agreed to explore appropriate measures to lobby or campaign against inappropriate parking on football matchdays, ensuring that residents' access to their properties, and their quality of life are protected.

While matchdays bring significant economic and cultural benefits to Morecambe, the associated parking issues are causing considerable disruption to local residents. Vehicles are frequently parked over driveways, blocking access to homes, damaging grass verges and pavements, and creating congestion on narrow residential streets. This not only causes frustration but also raises serious public safety concerns, particularly regarding emergency services access, which may be delayed due to obstructed roads.

Additionally, unsafe parking forces pedestrians - especially children, elderly residents, and those with mobility impairments - onto the road, increasing the risk of accidents. The increased traffic congestion and vehicle idling contribute to environmental damage, while the lack of proper parking management negatively impacts local businesses by limiting access for customers.

The Council agreed to work with relevant authorities, the football club, and local stakeholders to identify and implement practical solutions, such as increased enforcement, designated parking areas, traffic management measures, or alternative transport options. It was agreed a balanced approach is needed to maintain the positive impact of matchdays while ensuring that visitors park responsibly and that residents do not suffer undue disruption.

Minute 2024/25 - 091 - Planning Application 24/00116/FUL - Former Park Hotel

It was proposed by Cllr Joanne Ainscough, and seconded by Cllr Claire Cozler, to submitted a letter of support for this application. Following an accepted friendly amendment from Cllr Lee Bradbury to request conditions that protect the renovation of the Park Hotel, and that this is considered in conjunction with the new build properties, to ensure it is not solely the new build part of the project that is complete. The Council unanimously resolved to submit a letter of support for this application.

Minute 2024/25 - 092 - HMOs

The Council resolved to object to Planning Application 25/00212/FUL.

In order to enhance the future efficiency and responsiveness of responses to planning applications, the Council resolved to delegate future objections and representations to the Chief Officer for submission. This will ensure objections are lodged promptly, increasing their visibility on the City Council's planning portal, where they may support residents in raising their own legitimate concerns. Moreover, this proactive approach will safeguard the Town Council's ability to respond within statutory deadlines, preventing missed opportunities to represent our community's interests, should an application be received and require a response prior to the Council's next formal meeting date.

Minute 2024/25 - 093 - Devolution

The Council noted a recent letter from Jim McMahon OBE MP, Minister of State for Local Government and English Devolution, to NALC reinforces the importance of parish and town councils in the devolution process. The letter states:

"This Government absolutely values the crucial role played by town and parish councils in local government. We know people value governance at the community scale. We want to see stronger community arrangements when reorganisation happens... We will also rewire the relationship between town and parish councils and principal local authorities, strengthening expectations on engagement and community voice."

"I expect local leaders to be seeking views from their MPs, as well as ensuring wider engagement with other local partners, stakeholders, residents, workforce representatives, and businesses. This should include parish and town councils."

At its January meeting, the Town Council took decisive action to ensure Morecambe's voice is heard in the ongoing discussions about local government reorganisation. The Council resolved to:

1. Conduct a Resident Survey (inviting Lancaster City Council to collaborate) to understand residents' priorities for localism and devolution.
2. Engage with our MP by formally expressing the Council's commitment to being actively involved in devolution discussions.
3. Initiate discussions with the Ministry of Housing, Communities, and Local Government (MHCLG), our MP, and NALC to advocate for Morecambe's role in devolution.

Progress to Date:

1. A letter has been sent to the MP.
2. Engagement with MHCLG and NALC has commenced, with meeting requests submitted.
3. The draft resident survey is on track for completion by the end of March, and an invitation to collaborate will be extended to Lancaster City Council.

Despite these proactive steps, higher tier authorities have yet to engage with Morecambe Town Council on devolution.

Internal strategy meetings with members have highlighted key concerns, particularly the City Council's structural deficit and any legacy debts that may come forward which could impact any future unitary authority.

This has raised pressing questions amongst members, including:

- If a new unitary authority is headquartered elsewhere in the county, how will Morecambe's interests be safeguarded?
- Could financial pressures lead to the sale of key assets, such as the Town Hall or the Platform, and could the proceeds of such sales be used to invest in areas outside of the Morecambe Town Council administrative boundary?
- Will critical decisions be made centrally without genuine local representation?

Members noted these are not just hypothetical risks - without early and proactive engagement, Morecambe could be left behind. Reorganisation should not result in the loss of identity or investment, but should create opportunities for a stronger, more effective system of local governance.

To be at the forefront of these changes, the Town Council agreed it must actively engage not only with Lancaster City Council but also with all potential decision-makers and leading figures shaping Morecambe's future.

It was noted that to date, the higher-tier authority has not provided clarity on how parish and town councils will be involved and members agreed we cannot afford to wait for an invitation.

Across the country, other districts are preparing for reorganisation, with councils like Fylde forming new parish councils to strengthen their position. Morecambe must not be left behind in ongoing conversations and the Town Council must ensure residents receive timely and accurate information.

Cllr C Ainscough indicated that change was coming whether people like it or not. He advised County colleagues don't understand what devolution means for them and Lancaster is not providing clarity locally.

Cllr G Knight acknowledged that currently Lancashire County Council and Lancaster City Council employees are in limbo. He noted that there is no strategic engagement with parish and town councils, and stated that we need to put the town first.

Cllr J Pilling echoed these sentiments, commending officers for trying to get information that doesn't seem to be forthcoming from any direction. Cllr Pilling raised concerns regarding the future of local community assets such as Morecambe Town Hall, the Platform, and the former Frontierland site. He also proposed that Morecambe Town Council should have a good case to apply for an asset of community transfer on the Town Hall.

Cllr C Cozler advised that local government reorganisation is affecting the job market as local people do not know how secure current vacant positions may be. She advised there needs to be an education campaign and that MTC should lead this if LCC does not. Cllr Cozler asked members to support the Town Council in navigating this space, as otherwise local jobs are on the line - local jobs that could be safeguarded with the Town Council's intervention.

Cllr R Walsh indicated residents were concerned about the danger that service will cease in future and there will be nobody to deliver them to standards the local community expect.

Cllr D Whitaker confirmed that clarity was needed on partnership with the City Council and that the City Council was not moving quickly enough to safeguard the interests of Morecambe. Cllr Whitaker agreed that the interests of MTC need to be at the forefront of regular discussions at LCC.

Cllr R Dennison indicated concerns regarding services being withdrawn or reduced and that it was commonplace in some areas such as Cheshire that parish and town councils undertake many of these services. Concern was raised by Cllr Dennison for those areas without such as parish or town council to support them in the future.

Cllr M Bottoms indicated that a letter has been signed by all fifteen leaders of District Councils in Lancashire to ask the Government for clarity, indicating that Lancaster City Council were also in the dark. Cllr Bottoms also indicated there could be significant job losses, and that the plan at Lancaster City Council is to ensure Morecambe Town Council will not get any assets as the City Council is not permitted by Government to undertake such actions prior to local government reorganisation.

The Council agreed all Recommended Actions:

1. Engagement with Key Decision-Makers: the Town Council agreed to formally invite local government leaders, officers, and politicians to discussions on devolution to ensure:
 - Transparency on how parish and town councils will be engaged.
 - An understanding of the potential risks and opportunities for Morecambe.
 - Meaningful resident involvement in shaping the town's future.
2. Advocacy with DLUHC and NALC: the Town Council agreed it must raise concerns about the lack of clarity regarding local governance post-reorganisation.
 - Not all parish and town councils are equipped for service delivery, but Morecambe Town Council is already leading the way as the only town council in the country providing district-wide services successfully.
 - MHCLG must recognise that parish and town councils prepared to take on greater responsibilities should be actively included in reorganisation discussions, not just consulted.
 - The Town Council should seek to work with the MHCLG to ensure that there can be future mechanisms for parish and town councils delivering services to receive direct government funding, or financial agreements via any new unitary structure.
 - Morecambe Town Council should position itself as a national case study for ultra-localism, ensuring the outcomes of reorganisation are meaningful and sustainable.

The Town Council agreed its role should be clear and it was resolved that we must lead this conversation. Members were resolute that no local authority can advocate better for Morecambe than Morecambe Town Council, and members agreed that if we do nothing, Morecambe could face reduced influence in future decision-making that could impact the town for years to come. Members acknowledged that if we act now, we can shape this process to benefit our residents and secure a fairer, more

effective local governance structure. Members agreed we must ensure that Morecambe's interests are protected and that local people receive the best possible outcome from these changes. It was accepted that we cannot afford to be passive observers - we must be proactive advocates for our community. Morecambe's voice should not just be heard, but acted upon.

Minute 2024/25 - 094 - Exclusion of Press and Public

The Council resolved that, in accordance with Section 1 of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for the following business, on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons arising from the nature of that business or of the proceedings.

Minute 2024/25 - 095 - FSE 2025-26 Grant Application 006

The Council resolved to award a grant of £12,000.00 to Armed Forces Day.



Morecambe Town Council

Morecambe Town Hall,
Marine Road
Morecambe
Lancashire
LA4 5AF

www.morecambe.gov.uk

9 May 2025

Planning Department, Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

Subject: Objection to Planning Application 25/00391/ADV - 12-Metre McDonald's Advertisement Totem, Central Drive, Morecambe.

Dear Planning Team,

On behalf of Morecambe Town Council, I write to formally object to the proposed erection of a 12-metre-high illuminated McDonald's advertisement totem at Central Drive, Morecambe, as outlined in the planning application.

The height of the proposed structure - equivalent to three double-decker buses - is wholly disproportionate to its surroundings and raises a number of significant planning, public health, visual amenity, and regeneration concerns. Below, I outline these objections with reference to both the National Planning Policy Framework (NPPF) and the Lancaster Local Plan, supported by empirical evidence and precedent cases.

1. Conflict with the National Planning Policy Framework (NPPF):

Paragraph 136 of the NPPF (2023) makes it clear that:

"The quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

This totem would introduce a highly visible and intrusive vertical feature into the Morecambe skyline. It would likely be visible from Marine Road and across the Bay, disrupting key views in and out of the town. The signage would not enhance, but rather undermine, the natural and built character of the area.

Moreover, under Section 12 of the NPPF ("Achieving well-designed places"), developments are expected to:

"Add to the overall quality of the area" and "be sympathetic to local character and history, including the surrounding built environment and landscape setting."

This proposal fails on both counts.

2. Policy Non-Compliance with the Lancaster Local Plan:

The Strategic Policies and Land Allocations DPD (Adopted 2020) outlines a vision for Morecambe focused on *regeneration, diversification, and coastal enhancement*. In particular:

Policy DM35 (Key Design Principles) requires that new development:

"Protects key views into and out of settlements."

and, “Responds positively to local distinctiveness and landscape character.”

This totem would compromise long-range views towards Morecambe Bay and the Lake District mountains beyond. It would visually dominate one of the key arrival points into the town from the railway station, undermining efforts to position Morecambe as a forward-looking, environmentally conscious coastal destination.

Policy DM25 (Advertisements and Signage) states:

“The Council will only permit advertisements where they are of an appropriate scale and do not result in visual clutter or harm the amenity of the area.”

This 12 metre totem sign is the antithesis of ‘appropriate scale’, particularly in a town now globally recognised due to Eden Project Morecambe - a project founded on ecological balance and the unique heritage of the Bay, for which this sign would be visible from.

3. Precedent from Previous Applications (McDonald’s Totem on Morecambe Road)

This application must be assessed in light of similar, previously submitted applications by McDonald’s - specifically planning applications 15/01581/ADV and 15/01582/ADV - which proposed an 8-metre totem on Morecambe Road in 2015. The Town Council objected to the excessive height at the time, citing its proximity to residential properties and adverse impact on visual amenity. The objection was upheld, and the applicant was required to reduce the height to approximately 6 metres, which is the current installation on Morecambe Road. It is therefore highly inappropriate and inconsistent to now permit a 12-metre totem - almost double the height - at a location equally close to residential areas including Edward Street, Highfield Crescent, and Longmire Way. This represents an unreasonable intensification of signage with disregard for amenity and precedent.

Furthermore, while the immediate area around Central Drive is currently commercial in nature, consideration must be given to potential future development of adjacent key sites such as the former Frontierland site and nearby car parks, some of which may form future residential development. The long-term impact of such an intrusive totem would thereby be significantly exacerbated, representing unacceptable planning foresight.

4. Disproportionate to Established Streetscene and Existing Totems on Central Drive

The proposed totem is wholly discordant with the established streetscape. While the Morrison’s petrol station totem exceeds 6 metres in height, planning permission was only granted for 5.8 metres - a discrepancy the Town Council believes warrants further investigation by Lancaster City Council.

Notwithstanding the above, the Morrison’s petrol station totem is set back approximately 16 metres from the highway and is largely obscured by mature trees and sympathetic green colouring. In stark contrast, the proposed McDonald’s sign would be situated within 5 metres from the carriageway, placing it in full public view and creating a visually jarring impact. Its prominence is further amplified by its proposed height of 12 metres - more than double that of comparable signage nearby.

For example, the KFC advertisement totem, although in a more visible location, is just 5 metres tall. Its reduced scale ensures it remains proportionate and does not dominate the surrounding environment. The McDonald’s totem, if approved at the proposed height, would dwarf these existing signs and risk setting a deeply concerning precedent for future advertising structures in the area.

The justification that "larger signs are customary" or "expected" for fast-food outlets should not take precedence over sound planning policy or the wider public interest. Local and independent businesses do not depend on towering vertical signage to attract customers and achieve visibility, nor should they be placed at a competitive disadvantage or forced into an escalating "arms race" of visual intrusion to compete with multinational corporations - an exercise which becomes increasingly redundant in an age where people locate services on their mobiles without reliance on physical wayfaring.

The Town Council therefore strongly recommends that if any totem sign is to be permitted, its height should not exceed that of the KFC sign - no more than 5 metres - in order to protect the visual coherence and character of the area.

5. Impact on Public Health and Social Outcomes:

Although health is not always a material planning consideration, it must inform decisions where visual prominence directly induces consumption, particularly in socioeconomically deprived areas.

Research consistently shows that exposure to fast-food advertising contributes to increased consumption and obesity, particularly among young people. Expert voices on this issue such as Harris et al. (2009)¹ and Cairns et al. (2013)² provide empirical evidence that outdoor advertisements of fast food contribute to poor dietary choices and exacerbate health inequalities.

With local health indicators already below national averages, encouraging a healthier food environment must be a planning priority. The presence of a towering beacon marketing ultra-processed food undermines our collective responsibility to improve community wellbeing.

6. Economic Regeneration and Investor Confidence:

Morecambe is at a turning point in its history, with Eden Project Morecambe acting as a catalyst for renewed investor confidence and visitor interest. A 40-foot fast-food advertisement sends the wrong message about the town's identity.

It is vital that as Morecambe undergoes long-awaited regeneration, and we must ask ourselves what kind of town we are shaping for the future. Morecambe has long been recognised for its connection to fresh seafood - particularly the renowned *Morecambe Bay shrimp*, a delicacy that speaks to our local identity, heritage, and coastal economy. Our efforts to attract tourists, and promote healthy eating habits, should build upon and promote this unique culinary offering, not be diminished by the ubiquitous presence of fast food chains with no connection to place or local culture. The proposed 12 metre totem, rather than projecting a distinct and vibrant local character, it would reinforce an image of homogeneity that would be better suited to an out-of-town retail park.

Tourists arriving by train will be greeted by a monument to McDonald's, not the world-class ecological and educational centre (Eden) we are proud to be building. This undercuts the town's shift toward a "clean, green, creative" future.

Coastal regeneration strategies, such as those detailed by the House of Lords Select Committee³, stress that:

"Branding, place identity, and design coherence are central to sustaining new waves of coastal investment."

Investors seeking to create quality hotels, boutique restaurants, galleries, leisure facilities and start-ups in Morecambe may reconsider when met with overpowering signage more suited to motorway service areas than a national coastal jewel. Allowing a 12 metre totem creates expectation and pressure for similar signage elsewhere. This may undermine future attempts to preserve or enhance local character.

Furthermore, it is increasingly important that independent local businesses are given a fair opportunity to participate in the economic uplift regeneration promises. Small enterprises are essential to the resilience and distinctiveness of coastal economies (British Retail Consortium, 2021)⁴, yet they struggle to compete when set against the sheer advertising power and market dominance of multinational corporations. Installing large, illuminated signage for a brand that already possesses near-universal market recognition risks further marginalising these independent operators. In the context of town planning, it is not unreasonable to consider

¹ Harris, J. L., et al. (2009). Marketing foods to children and adolescents: licensed characters and other promotions on packaged foods in the supermarket. *Public Health Nutrition*, 12(9), 1460–1466.

² Cairns, G., et al. (2013). Systematic reviews of the evidence on the nature, extent and effects of food marketing to children. A retrospective summary. *Appetite*, 62, 209–215.

³ Beatty, C., Fothergill, S., & Gore, T. (2019). *The regeneration of seaside towns: Final report*. House of Lords Select Committee

⁴ British Retail Consortium (2021) *The role of small businesses in local economic recovery*. London: British Retail Consortium.

the cumulative effect such visibility has on consumer choice, and the broader economic landscape we are enabling. A fair and thriving local economy must allow room for smaller, local businesses to be seen and supported - not overshadowed.

7. Precedent and Planning Refusals Elsewhere

There is ample precedents of refusals for similarly incongruous applications elsewhere in the country, where setting has been a material consideration:

- **Salisbury (2019):** refusal of a McDonald's totem due to impact on views and local distinctiveness, with reference to NPPF para. 136 and DM policies.
- **St Ives, Cornwall (2016):** refusal of large-scale signage due to incompatibility with the character of the town and threat to tourist economy.
- **Whitstable (Kent):** planning guidance discourages vertical signage for fast food due to conflict with seafront character and conservation area status.

8. Lack of Electric Vehicle Charging Infrastructure

The proposed development also fails to demonstrate adequate provision for electric vehicle (EV) charging infrastructure, a critical omission given both current national policy priorities and the accelerating transition towards zero-emission transport.

Most notably, no accessible EV charging points are shown within designated disabled parking bays, reflective of a persistent failure across some planning proposals to fully embed inclusive design. This is not simply a technical omission - it represents a systemic issue of inequality in infrastructure planning.

Disabled people account for approximately 25% of the UK's population (Scope, 2024)⁵, yet the design of public space still often centres around the non-disabled user. Many disabled drivers already rely on EVs due to their quieter operation, reduced vibrations, and smoother driving experience - particularly beneficial for those with sensory sensitivities or musculoskeletal conditions (Disabled Motoring UK, 2023)⁶.

Pioneers in inclusive design such as Steinfeld and Maisel (2012)⁷ clarify universal design is not about adding features for disabled people as an afterthought - it is about embedding accessibility into the foundation of all design choices - after all we are all aware of the difficulties of retrofitting. The failure to provide accessible EV charging not only excludes disabled residents and visitors but seems at odds with the sentiments of the National Planning Policy Framework (NPPF), which at paragraph 112(e) requires planning decisions to "enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations" (Ministry of Housing, Communities and Local Government, 2023)⁸.

Furthermore, Lancaster City Council's Local Plan 2020–2031⁹ reinforces these principles through Policy DM31 (Air Quality Management and Pollution) and Policy DM60 (Sustainable Travel), both of which emphasise the importance of encouraging low-emission vehicle use and enhancing access for all. To permit a development of this nature without enforcing a condition for inclusive EV infrastructure is to fail in delivering on the Local Plan's sustainable and equitable transport vision.

This concern is not an isolated issue. In other areas, such as Brighton & Hove City Council (2022)¹⁰, planning authorities have required developers to retro-fit accessible EV chargers after disability rights groups raised

⁵ Scope (2024) *Disability Facts and Figures*. Available at: <https://www.scope.org.uk> (Accessed: 6 April 2025)

⁶ Disabled Motoring UK (2023) *Electric Vehicles and Disability: Access and Equity Issues*. Available at: <https://www.disabledmotoring.org/ev-access> (Accessed: 6 April 2025)

⁷ Steinfeld, E. and Maisel, J. (2012) *Universal Design: Creating Inclusive Environments*. Hoboken, NJ: Wiley.

⁸ Ministry of Housing, Communities and Local Government (2023) *National Planning Policy Framework*. London: HM Government.

⁹ Lancaster City Council (2020) *Local Plan: Strategic Policies and Land Allocations DPD 2020–2031*. Lancaster: Lancaster City Council.

¹⁰ Brighton & Hove City Council (2022) *Planning Committee Report: EV Charging Requirements in New Developments*. Brighton: BHCC.

objections under the Equality Act 2010¹¹ and the Public Sector Equality Duty¹². Similarly, Southwark Council introduced specific guidance in their Transport SPD (2021)¹³ to ensure that disabled bays are among the first to receive EV charging installations, not the last, demonstrating a clear commitment to inclusive infrastructure.

In a town like Morecambe, which is rightly positioning itself as a 'town of the future', the continued failure to provide for all users of public space does more than harm local equity - it can also undermine investor confidence. Modern infrastructure must be forward-looking, inclusive, and climate-resilient. EV access for disabled people is not a niche concern; it is emblematic of whether or not our planning system can be optimised to be truly fit for a future-proofed town with an equitable future.

Conclusion

To be clear, the objection is not to the presence of McDonald's per se. It is about how the town is visually and psychologically shaped. Signage must be sensitive, subtle, and smart - especially in an area undergoing national regeneration, welcoming Eden, and attempting to reimagine itself as a visitor destination with a quality offer.

I urge the Planning Authority to refuse this application on grounds of:

- Violation of NPPF para. 136 and Section 12,
- Non-compliance with Local Plan policies DM25 and DM35,
- Harm to amenity, landscape, and town character,
- Negative public health implications,
- Risk to investor and visitor confidence in a post-Eden Morecambe.

Thank you for your consideration.

Yours sincerely,



Mr Luke Trevaskis
Chief Officer
Morecambe Town Council

¹¹ Equality Act 2010, c.15. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

¹² EHRC (Equality and Human Rights Commission) (2021) *Public Sector Equality Duty Guidance for England*. London: EHRC.

¹³ Southwark Council (2021) Transport Supplementary Planning Document. London: Southwark Council.



Morecambe Town Council

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Standing Orders

Next review to take place by 31 May 2024

Updated Section 8 & 24 on 15th February 2024

Most recently reviewed and adopted by Morecambe Town Council on 29 June 2023.

Adopted again by Morecambe Town Council on 5 May 2022.

First adopted by Morecambe Town Council on 5 November 2020.

Standing Orders that are in bold type contain legal and statutory requirements.

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SECTION 1 - MEETINGS

1. Meetings Generally

- a) Meetings of the Council shall be held monthly on such dates and times and at such place as the Council may direct, except during the months of April, July/August and December. The Council should publish a list of full council meetings annually. The Chief Officer has delegated authority, in consultation with the Chairman, to cancel a meeting should there not be enough business to consider, or it be considered an appropriate course of action (for example, during pre-election periods).
- b) **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- c) Council members shall receive a summons sent by the Chief Officer, or another appropriate officer, specifying the business to be transacted five clear days before a Meeting of the Council. A notice of the time and place of the meeting shall at a similar time be affixed and displayed in a conspicuous place in the locality. When calculating the 5 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- d) **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e) Subject to Standing Order 1(d) above, members of the public who are registered local government electors and/or business-rate payers may make representations, answer questions and give evidence at a meeting which they are entitled to attend strictly in respect of the business on the agenda, provided that their primary residence (or business) is within the administrative boundary of Morecambe Town Council. Qualifying members of the public who would like to make representations at a meeting must contact the Proper Officer no later than 10:00 am on the day of the meeting to advise both of their wish to speak and the full content (providing a transcript if available). Other issues could be raised if written notice of the question/matter is submitted to the Proper Officer ten working days prior to the meeting and the matter is considered appropriate for the agenda. A request to speak does not confer an automatic right to do so. All requests will be reviewed by officers, in consultation with the Chairperson of the Council or Committee, prior to the meeting. This is to safeguard the integrity of Council proceedings, prevent procedural misconduct, and mitigate legal and financial risks. Comments that could lead to undue disruption, expose the Council to legal challenge, or impact the wellbeing of staff - potentially resulting in avoidable costs to the public purse - will not be permitted. This approach ensures that public participation remains constructive while protecting the responsible use of public funds and resources. For the avoidance of doubt, and to ensure a constructive and orderly meeting, and in accordance with established protocols, public participation must not be used to:
 - Make personal or defamatory remarks about individual councillors. While the public may raise concerns about council decisions or policies, personal attacks or allegations regarding the conduct of councillors are not appropriate for public discussion. Complaints regarding breaches of the Councillors' Code of Conduct should be referred to the Monitoring Officer, who is responsible for investigating such matters.
 - Discuss individual staff members, their performance, or any matters which may relate to them personally (HR or otherwise). Employment issues, including complaints about staff, are confidential and should be addressed through the appropriate procedures. Any

concerns about staff conduct must be submitted in writing to the Chief Officer. If the concern relates to the Chief Officer, it should be directed in writing to the Chairperson of the Council and/or the Personnel Committee. However, members of the public may raise general concerns about service delivery, provided that any comments do not target specific individuals or relate to individual roles.

- f) The period of time which is designated for public participation in accordance with Standing Order 1(e) above shall not exceed fifteen minutes with the provision that the meeting is adjourned to allow public participation to take place.
- g) Subject to Standing Order 1 (f) above, each member of the public is entitled to speak once only and shall not speak for more than three minutes.
- h) In accordance with Standing Order 1 (e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- i) In accordance with Standing Order 1(f) above, the Chairman may direct that a response to a question or statement posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.
- j) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k) A person shall raise their hand when requesting to speak and shall normally stand at the front of the Council Chamber when speaking.
- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m) A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of Morecambe Town Council or its Committees but otherwise may:**
 - i) film, photograph or make an audio recording of a meeting;**
 - ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;**
 - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- n) At the beginning of the meeting, the Chairman of the meeting will remind everyone in attendance and those participating in the meeting that they may be filmed, recorded, photographed or otherwise reported about. Any member of the public in attendance that objects to any of the above, and children and vulnerable adults, must inform the Chairman and an area within the Council Chamber will be designated to them. Any member of the public or press carrying out any of the above must ensure that their activities do not disrupt the proceedings of the meeting or they may be asked to stop or leave.
- o) In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- p) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice Chairman (if any).**
- q) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

- r) **All motions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- s) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**
- t) **Unless standing orders provide otherwise, voting on any motion shall be by a show of hands. At the request of two Councillors, the voting on any motion shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- u) The minutes of a meeting shall record the names of councillors present and absent.
- v) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given. **If a member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority (recorded in the minutes of a meeting) before the expiry of that period, cease to be a member of the authority.** Such reasons may be submitted to the Proper Officer prior to a meeting.
- w) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- x) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- y) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present** and in no case shall the quorum of a meeting be:
 - i) In the case of a Council Meeting – not less than nine members
 - ii) In the case of a Committee Meeting – not less than three members.
- z) **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned.** Any outstanding business of a meeting so adjourned shall be transacted at the following meeting. Council and Committee Meetings shall not exceed a period of two hours, unless the Council or Committee agrees to suspend Standing Orders.

2. Remote Meetings

- a) Meeting may be held remotely, as directed by the Proper Officer, in adherence with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.
- b) Meetings held remotely will adhere to best practice and all persons other than Council members or officers will be muted. During the meeting, members will raise their hand to indicate to the Chairman that they wish to speak on an agenda item. Members may also use the chat facility for the same purpose.
- c) Voting will be carried out by a show of hands and the Proper Officer will clarify the vote of each member via a roll call if they cannot be seen.

3. Extraordinary Meetings

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

4. Annual Council Meeting

- a) **In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors are elected take office.**
- b) **In a year which is not an election year the Annual Meeting of the Town Council shall be held on such day in May as the Council may direct and shall be held at such hour as the Council may fix or, if no hour is so fixed, 6 o'clock in the evening.**
- c) **In addition to the Annual Meeting at least three other meetings shall be held in each year.**
- d) **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.**
- e) **The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.**
- f) **The Vice-Chairman of the Council, if any, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- g) **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- h) **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- i) **Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the order of business shall be as follows:**

- i. **In an election year, delivery by councillors of their declarations of acceptance of office.**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- iii. Review of terms of reference for committees, their membership and delegation arrangements to committees, sub-committees, employees and other local authorities.
- iv. Review and adoption of all appropriate policies and governance procedures.
- v. To review and make arrangements to reaffirm eligibility to exercise the power of competency which, in an election year, expires on the day prior to the Annual Meeting.
- vi. Review of inventory of land and assets including buildings and office equipment.
- vii. Confirmation of arrangements for insurance cover in respect of all insured risks.
- viii. Review of the Council's and/or employees' memberships of other bodies.
- ix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

5. Committees

- a) **The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and shall determine their terms of reference and membership.**
- b) The Council may dissolve a committee at any time.
- c) Committees must abide by Terms of Reference.
- d) Delegated authority may be afforded to Committees to make decisions on behalf of the Council.
- e) Where a required decision involves adherence to legislation, all members of a Committee must undertake suitable training, prior to any such decisions being made, to ensure understanding of all legislation in order to ensure the Committee is not at risk of making unlawful decisions.
- f) Committees are not permitted to amend policies without the approval of the Council.

6. Sub Committees

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

7. Chairman of the Meeting

- a) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- b) The Chairman may, at their discretion, alter the order of business as specified on the agenda. In addition, a motion to vary the order of business on the grounds of urgency may be proposed by any member and after being seconded shall be put to the vote without discussion.

8. Proper Officer

- a) Where a statute, regulation or order confers function or duties on the proper officer of the Council, he/she shall be nominated:
- b) **To sign and serve on councillors a summons to attend meetings of the Council, confirming the time, date, venue and the agenda of a meeting at least three clear days before the meeting.**

- c) **To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
- d) To include in the agenda all appropriate motions unless a Councillor has given written notice at least seven days before the meeting confirming their withdrawal of it.
- e) To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in this office.
- f) To receive and retain declarations of acceptance of office from Councillors.
- g) To receive and record notices disclosing pecuniary and non-pecuniary interests.
- h) To receive and retain plans and documents, and copies of by-laws made by other local authorities.**
- i) To draft minutes of meetings and make such minutes available for inspection.**
- j) To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998. With any requests for an internal review to be processed by a second officer.
- k) To receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- l) To manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- m) To sign notices or other documents on behalf of the Council, and arrange for legal deeds to be signed by the Chairman and Vice Chairman and witnessed.
- n) To arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- o) To retain the custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- p) To liaise with media and press on behalf of the Council when required.
- q) To action or undertake any lawful activity or responsibilities instructed by resolution or contained in Standing Orders.

9. Motions Moved With Notice

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Proper Officer or the mover has given notice in writing (notice of motion) of its terms and has delivered the notice to the Proper Officer at least ten clear days prior to the meeting.
- b) The Proper Officer will consider all notices of motion and may amend obvious grammatical or typographical errors in the wording of a motion. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing so that it can be understood at least seven clear days before the meeting.
- c) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consider whether the motion shall be included in the agenda or rejected. The Proper Officer will consult the Chairman and/or the proposers of a motion when considering the rejection of a

motion. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- d) Every motion and resolution must adhere to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- e) If a motion is required to be moved within the terms of reference of a Committee, or Sub-Committee, or within the delegated powers conferred on an employee, the motion may not be included on the agenda of full council. However, a motion unable to be dealt with by an employee or Committee expediently may be dealt with at a meeting of the full council for reasons of urgency.

10. Motions Moved Without Notice

Motions in respect of the following matters may be moved without written notice.

- a) To appoint a person to preside at a meeting.
- b) To elect a Chairman or Vice Chairman.
- c) To approve the absences of Councillors.
- d) To approve the accuracy of the minutes of a previous meeting.
- e) To correct an inaccuracy in the minutes of a previous meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.
- h) To close or adjourn debate.
- i) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- j) To appoint a committee or sub-committee and their members.
- k) To dissolve a committee or sub-committee.
- l) To consider a report or any further documentation and/or recommendations made by a committee or a subcommittee or an employee in regard to an agenda item.
- m) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- n) To authorise legal deeds to be sealed by the Council's common seal OR signed by two councillors and witnessed, arising from an item on the agenda for the meeting.
- o) To authorise the payment of monies as detailed in the Council's Financial Regulations, arising from an item on the agenda for the meeting.
- p) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- q) To withdraw a motion.
- r) To extend the time limit for speeches.
- s) To exclude the press and public for all or part of a meeting.
- t) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- u) To give the consent of the Council if such consent is required by standing orders.
- v) To suspend any Standing Order except those which are mandatory by law.
- w) To adjourn the meeting.
- x) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies, arising from an item on the agenda for the meeting.
- y) To answer questions from councillors, arising from an item on the agenda for the meeting.

11. Rules of Debate

Order of Motions

- a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion for reasons of expedience.

Motions not Moved

b) If a motion is not moved and seconded at the meeting, it will be treated as withdrawn, unless the Council vote to postpone it.

No Speeches Until Motion Seconded

c) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to Require Motion in Writing

d) Unless proper notice has already been given, a motion, if required by the Chairman, shall be reduced to writing and given to the Chairman before it is put to the meeting.

Secunder's Speech

e) A member when seconding a resolution or amendment may, if he/she declares his/her intention to do so, reserve his/her speech until a later period of the debate.

Questions on Motions

f) A Councillor may ask a question of the proposer, provided that the question is clearly related to the motion on notice and not potentially defamatory, vexatious or offensive.

g) Questions shall be asked after the motion has been moved and seconded and after the proposer has introduced and explained the motion; before the motion is opened up for debate and before any amendments are moved. Asking the question must take no longer than two minutes and only one question per Councillor shall be permitted on a motion.

h) The proposer reserves the right to refuse a reply.

Content and Length of Speeches

i) A member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. During the debate of a motion, a member may state verbally 'point of order' or 'personal explanation' and shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the irregularity in the meeting they are concerned by. Any member interrupted by such a 'point of order' or 'personal explanation' may continue their speech once the point of order has been decided by the Chairman. The ruling of the Chairman on the admissibility of a point of order or a personal explanation shall not be discussed and shall be considered final.

j) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.

k) During the debate of a motion, all members shall be silent until invited to speak by the Chairman.

l) A member wishing to ask a question should make it known to the Chairman by raising their hand.

When a Councillor May Speak Again

m) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- i. To speak once on an amendment moved by another Councillor;
- ii. To move a further amendment if the motion has been amended since they last spoke;
- iii. If his/her speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);

- iv. In the exercise of a right of reply as the mover of the original motion or an amendment;
- v. On a point of order;
- vi. By way of personal explanation.

Amendments to Motion

- n) An amendment to a motion must be relevant to the motion and shall not have the effect of negating the motion before the Council.
- o) An amendment shall be either to:
 - i) Omit words.
 - ii) Omit words and insert others.
 - iii) Insert additional words.
- p) Only one amendment may be moved and debated at a time, the order of which shall be directed by the Chairman. One or more amendments may occasionally be discussed together if the Chairman considers this expedient but shall be voted upon separately. Any additional amendments proposed during debate may not be moved until the amendment under discussion has been disposed of.
- q) The number of amendments to an original motion or substantive motion, which may be moved by a Councillor, is limited to one.
- r) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, a Councillor may move amendments to his/her own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- s) If the proposer and seconder of a motion are in agreement, an amendment may be accepted as a 'friendly' amendment and be incorporated in the original motion as an alteration.
- t) If the proposer and seconder do not accept the 'friendly' amendment, the amendment must be taken to a vote.
- u) If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- v) If the amendment is not carried, other amendments to the original motion may be moved.
- w) Further amendments shall not be proposed until the Council has disposed of every prior amendment. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments.
- x) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate.
- y) No Councillor, other than the mover, may speak further in respect of any one motion except to speak once on any amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- z) Should an amendment not be carried, the last motion voted upon may at the discretion of the Chairman be taken as the resolution of the Council if no further amendment is moved.
- aa) Should further amendments be carried, the motion, as amended shall, at the discretion of the Chairman, be taken as the resolution of the Council if no further amendment is moved.

Motions which may be Moved during Debate

- bb) When a Councillor's motion is under debate no other motion shall be moved except:

- i) To amend the motion
- ii) To withdraw the motion
- iii) To exclude the public and press
- iv) To ask a person to be silent or for him/her to leave the meeting
- v) To suspend any standing order, except those which are mandatory

Closure Motions

cc) A Councillor who has not already spoken in debate, may move, without comment, the following motions at the end of a speech of another Councillor:

- i) To proceed to the next business
- ii) To adjourn the debate
- iii) To put the motion to a vote
- iv) To adjourn the meeting

dd) The Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived.

ee) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the mover of the original motion shall have a right of reply before putting the motion to the vote. The debate on the motion will continue if the procedural motion is unsuccessful.

ff) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficient debated and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12. Voting

- a) Members shall vote by show of hands or.
- b) If a member so requires, the Proper Officer shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request may be made before or after the vote but in any event before moving on to the next business.

Voting on Appointments

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

13. Planning

- a) Because a member of the Planning Committee of a principal authority who is also a Town Councillor is allowed to speak and vote at both Town meetings and meetings of the principal authority on the same planning issue (unless the application has been made by the Town Council), Councillors who take this course of action will need to declare membership of the Town Council as a personal interest at the principal authority meeting.
- b) Members must note an obligation to approach decision-making with an open mind, prepared to listen to all sides of the argument. Dual-hatted members who choose to speak and vote at parish level and principal authority level will need to make it clear that their vote at parish level

represents a preliminary view and that they will reconsider the matter afresh at principal authority level. Failure to do so may result in a challenge on the grounds of predetermination.

14. Conduct

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- d) If, in the opinion of the Chairman, there has been a breach of conduct, the Chairman shall express that opinion.
- e) If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- f) If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

15. Minutes

- a) Minutes shall be published as soon as practicable after the meeting and shall contain a record of decisions made. Minutes are not a verbatim record of meetings.
- b) The Chairman will sign the minutes of the proceedings at the next suitable meeting. A motion must be moved that the minutes of the previous meeting be signed as a correct record.
- c) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- e) "The Chairman of this meeting does not believe that the minutes of the meeting of the Morecambe Town Council (OR [name] Committee/Sub-Committee) held on [date] in respect of () were a correct record but this view was not upheld by the majority of the (Council / or [name] Committee/Sub-Committee) and the minutes are confirmed as an accurate record of the proceedings."
- f) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

16. Rescission of Previous Resolutions and Suspension of Standing Orders

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least eight councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee. No decision shall be reversed unless new information is presented which could not have been known at the time the original decision was made and unless the new information could reasonably result in a change of the decision.
- b) When a special motion or any other motion moved pursuant to the above has been disposed of, no similar motion may be moved within a further 6 months.

- c) Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

17. Financial Matters

- a) Any income or expenditure received or committed by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year.

18. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) In accordance with a resolution made under standing order above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.**

19. Canvassing

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

20. Unauthorised Activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee, a sub-committee, or a working group:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

21. Confidential Business

- a) Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of the above may be removed from a committee, a sub-committee, or a working group by a resolution of the Council or members of the appropriate committee, sub-committee or working group.

22. Power of Well-Being

- a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under the above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in the above.

23. Matters Affecting Employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has resolved to exclude the press and public.
- b) A review of employee performance will be undertaken in line with contracts and any relevant policies.
- c) Any grievances and disciplinary matters will be dealt with in line with the Council's policy to that effect. If grievance or disciplinary matters involve any members of the Council, such members must declare an interest and abstain from participation.
- d) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

24. Freedom of Information Act / Data Protection Act / / Environmental Information Regulations

- a) All requests for information held by the Council shall be processed.
- b) All requests for information will be processed in line with the Council's Data Protection Policy and any investigations opened by the Information Commissioner shall be reported to members. If Decision Notices are served by the ICO due to an expiration of time, officers should ensure any outstanding responses are provided within the extension of time provided.
- c) The Proper Officer and Finance Officer shall take all legal steps to comply with the legislation.

SECTION 2 - CODE OF CONDUCT

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT. LOCALISM ACT 2011 SECTION 28.

These arrangements are made under Sections 28(6) and (7) of the Localism Act 2011, and advise how the Town Council will deal with allegations that a Councillors has failed to comply with the relevant Code of Conduct.

An allegation that a Councillor has failed to comply with the requirements of the relevant Code of Conduct must be made to:

The Monitoring Officer, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ.

An allegation may also be sent by email to the Monitoring Officer.

The allegation must be about a Town Councillor and must be that the Councillor(s) has, or may have, breached the relevant Code of Conduct.

Any person making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct.

Joint Statement - Local Government Association

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratised role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist councillors in modelling behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against a councillor.

The Code of Conduct is also to protect the public, fellow councillors, local authority officer and the reputation of local government.

The Code of Conduct sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civic servants, councillors and local authority officers; should uphold the Seven Principle of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect, and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interest of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application

This Code of Conduct applies to each Councillor as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member. The Code continues to apply to members until they cease to be a councillor.

This Code of Conduct applies to a councillor when they are acting in their capacity as a councillor which may include when:

- they misuse their position as a councillor
- their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Councillors are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Proper Officer, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out a councillor's obligations, which are the minimum standards of conduct required of a councillor. Should conduct fall short of these standards, a complaint may be made against a councillor, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer Protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the

Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept

significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests), which are as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

“Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

“Sensitive interests” are interests which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

Where a member considers that disclosure of the details of a registrable interest could lead to them, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that the member has an interest, the details of which are withheld.

It may include a member’s sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against them or someone who lives with them. The member should provide this information to the Monitoring Officer and explain their concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that they or a person who lives with them will be subjected to violence or intimidation. 10 If the Monitoring Officer agrees, then the member does not need to include this information in their register of interests, but they need to disclose at meetings the fact that they have an interest in the matter concerned.

Non-participation in case of disclosable pecuniary interest

1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Individual Member Decision Making

2. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

3. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

4. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

5. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests asset out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied.

6. Where a matter (referred to in paragraph 5 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest then you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Individual Member Decision Making

7. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive

function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	<p>Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director¹ or a body that such person has a beneficial interest in the securities² of) and the council:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge):</p> <p>(a) the landlord is the council; and (b) the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director of or has a beneficial interest in the securities of.</p>

Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner, or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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¹'Director' includes a member of the committee of management of an industrial and provident society.

²'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

SECTION 3 - PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- a) The purpose of this protocol is to guide Councillors and Officers in their relations with one another, to define their respective roles and to provide guidance for dealing with particular issues that may most commonly arise or cause concern.
- b) However, given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or exhaustive. It is hoped that the general approach set out in the protocol will serve as a guide in dealing with other issues that may not be specifically covered.
- c) The objective of this protocol is to enhance and maintain the integrity of local government. As such, this protocol seeks to reflect the principles of the Code of Conduct.

2. ROLE OF COUNCILLORS AND OFFICERS

- a) Both Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Chief Executive (Proper Officer). Their job is to

give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and the various Committees.

- b) The Council's Standing Orders set out the clear distinction between the roles of Councillors and Officers. Councillors will perform roles on the Council and Committees. They may also represent the Council on outside bodies. Officers are employed by and serve the whole Council, and are accountable to the Chief Executive (Proper Officer). They provide support, impartial advice, and implement the decisions of the Council and Committees. They may also make decisions under powers delegated to them.
- c) Councillors should not get involved in the day to day operational management of services. Equally, Officers should not get involved in politics.
- d) Officers are responsible for advising on and implementing policies, and for the delivery of services in the manner that they consider is most appropriate given their managerial and professional expertise. Councillors would not be expected to be involved in the detail of implementation, but can expect reports on progress, and in certain circumstances, can require Chief Officers (Proper Officer) to account for their decisions.
- e) It is appropriate, however, for Councillors to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. The Standing Orders sets out the procedures for the Council to review existing policies and bring forward new policy initiatives.
- f) Mutual respect between Councillors and Officers is essential to good local government. It is important in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- g) The general obligations in the Councillors' Code of Conduct include a requirement to treat others with respect, and not to do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council. There is also a requirement for Councillors in making decisions to have regard to any advice provided by the Council's Chief Executive (Proper Officer) and Responsible Financial Officer. Any allegation by an Officer that a Councillor has failed to comply with the Code of Conduct will be dealt with under the procedure for dealing with Code of Conduct complaints.

Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

Officers can expect councillors:

- To give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that councillors have the right to take the final decision on issues based on advice.
- To act within the policies, practices, processes and conventions established by the Council.
- To work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.
- To treat officers fairly and with respect dignity and courtesy.
- To act with integrity, to give support and the respect appropriate confidentiality.
- To recognise that officers do not work under the instruction of individual councillors or groups.

- To not subject officers to bullying, intimidation, harassment, or put them under undue pressure.
- To treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.
- Not to request officers to exercise discretion which involves acting outside the Council's policies and procedures.
- Not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a councillor without proper and lawful authority.
- Not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly.
- To comply at all times with the Councillor's Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the Council.
- Respect the impartiality of officers and do not undermine their role in carrying out their duties.
- Do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner.
- Do not ask officers to exceed their authority where that authority is given.

All Councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Chairs and vice-chairs have additional responsibilities as delegated by the Council. These responsibilities mean that they may have to have a closer working relationship with employees than other councillors do.

Councillors can expect Officers:

- To advise, inform and support all members and to implement the agreed policies of the Council.
- To be responsible for the day-to-day managerial and operational decisions within the Council, including directing and overseeing work of colleagues. Councillors should avoid inappropriate involvement in such matters.
- To act professionally, impartially, and with neutrality.
- A commitment from officer to the Council as a whole, and not to any individual councillor or group.
- Officers to understand and support respective roles, workloads and pressures of councillors.
- Timely, up to date, information on matters that can reasonably be considered relevant to the officer's position.
- Officers must implement decisions of the Council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the Council or whether the decision differs from the Officer's view.
- Work in partnership with councillors.
- Treat Councillors fairly and with respect, dignity, and courtesy.
- To treat all councillors, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, gender or sexual orientation.
- Assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for councillors, the media or other sections of the public.
- Act with honest, respect, dignity, and courtesy at all times.
- Provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the Council's training policy.
- Not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly.
- To act within the policies, processes, and conventions established by the Council.
- Officers have the right not to support councillors in any role other than that of a councillor.

- In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. OFFICER ADVICE TO COUNCILLORS AND GROUPS OF COUNCILLORS

- a) It is common practice for Councillors and political groups to give preliminary consideration to matters of Council business in advance of such matters being considered. As an example, agendas will identify the key decisions the Council (or Committee) will be considering. Individual Councillors and/or groups of Councillors may properly call upon Officers to support and provide factual advice to their deliberations. The support provided by Officers can take many forms, ranging from a briefing meeting prior to a meeting, to a presentation to a full group meeting. Briefing of political groups should only be undertaken by the Chief Executive (Proper Officer), or otherwise with the approval of the Chief Executive (Proper Officer) and any information provided to the group will not as a matter of routine be passed on to other groups or individual councillors. However, briefing information provided to a political group, whether or not it contains confidential information, may, at the written request of that group, be passed on by the relevant Officer to other groups also.
- b) Certain points must, however, be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
 - i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a 'political' nature. Officers are not expected to be present at meetings, or parts of meetings, where matters of political business are to be discussed.
 - ii) Similarly, where Officers provide information and advice to a group of Councillors meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council meeting when the matter in question is considered.
- c) Officers must respect the confidentiality of any group discussions at which they are present in the sense that they should not relay the content of any such discussion to another group of Councillors, unless specifically asked to do so.
- d) Any particular cases of difficulty or uncertainty in this area of Officer advice to groups of Councillors should be raised with the Chief Executive (Proper Officer).

4. OFFICER/COUNCILLOR RELATIONSHIPS

- a) It is clearly important that there should be a close working relationship between Councillors and Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an Officer's ability to deal impartially with other Councillors.
- b) Whilst the Chairman of the Council and Chairmen of Committees may routinely be consulted as part of the process of drawing up agenda items for a forthcoming meeting, it must be recognised that in some situations an Officer will consider it his/her duty to submit a report on a particular matter. In these circumstances, an Officer will always be fully responsible for the contents of any report and/or recommendation submitted in his/her name.
- c) In relation to action between Council or Committee meetings, it is important to remember that the Council's Standing Orders allow only for decisions (relating to the discharge of any of the Council's functions) to be taken by an Officer.

- d) It must be remembered that Officers in employment are accountable to their line manager and ultimately the Chief Executive (Proper Officer), and that whilst Officers should always seek to assist any Councillor, they must not, in doing, go beyond the bounds of whatever authority they have been given by their line manager.

5. UNDUE PRESSURE

- a) A Councillor must not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- b) Similarly, an Officer must not seek to influence an individual Councillor to make a decision in his/her favour, nor raise personal matters relating to his/her job, nor make claims or allegations about other Officers, except in accordance with any agreed Council procedure or in accordance with law. Councillors who receive any such approach from an Officer should advise the Chief Executive (Proper Officer) immediately.

6. CRITICISM/COMPLAINTS

- a) It is important that there should be mutual courtesy between Councillors and Officers.
- b) Councillors and Officers should not criticise or undermine respect for each other at Council meetings or at any other place they attend in their capacity as a Councillor or Officer, or in any other public forum. Officers who are unhappy about the actions taken by, or conduct of, a Councillor should report the matter in line with agreed procedures. Councillors who are unhappy about the actions taken by, or conduct of, an Officer should avoid personal attacks on, or abuse of, the officer at all times, ensuring any criticism is well founded and constructive, and made in private in line with agreed procedures.
- c) Councillors should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings or in any other public forum. Any such complaints should be made to the Chief Executive (Proper Officer).

7. COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- a) If Councillors wish to visit Officers, they should make prior arrangements whenever possible.
- b) With respect to the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- c) Under Section 100F of the Local Government Act 1972, any Councillor may inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the Council or a Committee. This right applies irrespective of whether the Councillor is a member of the relevant committee, and extends not only to reports but also to background papers. However, the right does not apply if a document discloses exempt information as defined in Schedule 12A of the Local Government Act 1972.
- d) The common law right of Councillors is much broader and is based on the principle that any Councillor has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the Councillor to carry out his/her duties as a Councillor. This is referred to as the "need to know" principle. If a Councillor is a member of a Committee, then he/she has the right to inspect documents relating to the business of that Committee. If a Councillor is not a member of the relevant Committee, then he/she has to demonstrate why sight of the document is necessary to enable the performance of his/her duties as a Councillor. Councillors have no right to a "roving commission" to examine documents of the Council. Mere curiosity is not sufficient. If the Councillor's motive for seeing the documents is indirect, improper or ulterior, then there would be no right of access at common law.

- e) A Councillor has the same rights of access to information under the Freedom of Information Act 2000 as any members of the public. A request must be made in writing and describe specifically the information requested. The exemptions set out in the Act would be applied whoever is requesting the information. Once information has been made available in response to a Freedom of Information request, it become public.
- f) From a procedural point of view, if a Councillor makes a request for information that is not routine, the request should be made to the relevant Officer, who will consider first whether all the information would be made available as a matter of course to a member of the public making a similar request. If so, the information will be provided to the Councillor.
- g) If the request is such that the information would not automatically be provided to a member of the public, the Officer will consider whether the information can be provided under Section 100F of the Local Government Act 1972 or under the common law “need to know”. The final determination as to whether there is a “need to know” will be made by the Proper Officer.
- h) If neither Section 100F nor the “need to know” are met, then the request will be dealt with as a Freedom of Information Act request, but without the need for the Councillor to make a specific Freedom of Information request. The Freedom of Information Request will be dealt with in the normal way by an Officer. This may result in the information being provided in part, with an exemption applying to the remainder, or the request being refused in its entirety as a result of an exemption. The Councillors will be informed that the request has been considered under the Freedom of Information Act and that there is a right of internal review which will be carried out by the Proper Officer. Following such review, the Councillor will be advised of the right to pursue the matter with the Information Commissioner.
- i) Any information provided under the Freedom of Information Act can be made public by the Councillor. Information provided under the “need to know” will be provided with the caveat that it is provided to the Councillor in his/her capacity as Councillor, and is only to be sued for the purpose of exercising his/her functions, and should not be made public.
- j) The Code of Conduct provides that a Councillor must not disclose information given to the Councillor in confidence by anyone, or information which the Councillor believes, or ought reasonably to be aware, is of a confidential nature except where:
 - i) the Councillor has the consent of a person authorised to give it;
 - ii) the Councillor is required by law to do so;
 - iii) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is reasonable and in the public interest and made in good faith and in accordance with the law.

8. CORRESPONDENCE

- a) Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor.
- b) Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Councillor. It may be appropriate in certain circumstances (e.g representations to a Government Minister) for a letter to appear over the name of a Councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.

- c) In no circumstances will correspondence from an individual or business, or from a third party representing an individual, be disclosed to a Councillor if it is marked confidential or contains personal data. If, in these circumstances, an Officer is of the view that there is a need for a Councillor to know the issue, and it is not possible to do so in general terms without disclosing confidential or personal information, then the relevant individual's consent will first be obtained.

9. MEETINGS WITH THIRD PARTIES

- a) On occasions, Councillors may be approached by individuals or companies who have proposals affecting the area or functions of the Council, and which they wish to discuss with Councillors. Councillors are reminded that, as individual Councillors, they cannot commit the Council to any contract or other agreement or course of action. Councillors are advised to make this clear to any third party with which they may have contact. Should Councillors be asked to attend a meeting with third parties, they are recommended to arrange for the meeting to take place at Council offices and with a relevant Officer present. This will enable the Officer to explain to the third party the proper decision-making process, and will protect Councillors against any subsequent claim by the third party. Normal routine activities are not intended to be subject to this recommendation.

10. ARBITRATION

- a) This protocol is intended to act as a guide for both Councillors and Officers.
- b) This protocol is intended to provide Councillors and Officers with guidelines to determine their roles and their relations with each other.
- c) It is intended to be a "live" document and will be reviewed from time to time to reflect changing circumstances and legislation.

SECTION 4 - MEDIA PROTOCOL

1. AIMS AND OBJECTIVES

- a) The long-term aim of the Council's communications strategy is to build and maintain a positive reputation for Morecambe Town Council in the eyes of the public, its Councillors and Officers as well as key partners in the public, private and voluntary sectors.
- b) In order to achieve this aim a key area of focus is the local media.
- c) The local media plays a key role in informing residents about what the Council does and how it spends their money. In return, it is important the Town Council communicates effectively with this key provider of public information.
- d) In doing so the Council's objectives are as follows:
 - i) enable the Council to be one which is open, accountable, accessible and which listens;
 - ii) give information about the Council's policies and services and the democratic process so people feel more informed about the work of the Council;
 - iii) build up the Council's role as a community leader and advocate for the community;

- iv) handle negative issues clearly and decisively. Where it is felt criticism of the Council is unfair, the Council should use opportunities available to explain, either to the editors or to the readers/listeners. In cases where the Council is wrong, the Council should address how it is addressing the issue.

2. CO-ORDINATING MEDIA ENQUIRIES

- a) The Council should ensure that local residents are informed about the Council's policies and decisions. It must be open and transparent in its dealings with the press.
- b) Officers of the Council will liaise with media, receive enquiries, and respond to enquiries.
- c) Where the journalist approaches a Councillor for a quote, the Councillor must ensure journalists are reminded that any opinion given is that of their own and not necessarily that of the Council as a corporate body.
- d) Officers of the Council will release regular press releases to the media and invite the media to any press launches or photo opportunities.
- e) If Officers or Councillors are approached by the media prior to a decision being made by the Council it is important for any statement given not to prejudge the decision. Comments should be limited to providing information rather than anticipating an outcome or expressing a view as to a preferred outcome from the meeting. It is appropriate for Officers to issue a statement outlining a summary of the matter. In this way reporters will be more likely to use the statement to report an accurate summary of the matter or clarify an issue.
- f) The Council should make every effort to correct inaccurate reporting of Council issues.
- g) It is acceptable for Councillors to request an Officer considers producing a press release relating to their role. However, Officers should not produce or engage in any promotion for Councillors on individual party political issues.
- h) All Council press releases will carry the crest of Morecambe Town Council. When issuing a press release with a third party, it may also be appropriate to include their logo and/or crest.
- i) When drafting press releases or selecting photographs, all Officers should be mindful of the Council's Equal Opportunities Policy. Publicity should avoid stereotyping of roles and should demonstrate the Council's commitment to providing equality of opportunities to people of any gender, race, sexual orientation, religion or disability.
- j) Occasionally 'confidential' Council items may be 'leaked' to the media. The Council will not normally offer a comment on leaked or confidential items. However, if an item which is not 'confidential', but which has yet to enter the public forum, it may be appropriate for the Council to issue a comment. Each case will be judged individually.

3. PHOTO OPPORTUNITIES

- a) Where photo opportunities arise, the relevant Councillors will be invited.
- b) However, the goal is to achieve positive publicity for the Council as a whole and therefore some degree of flexibility is necessary in order to achieve that goal.
- c) Photographic opportunities often arise at short notice. By needing to contact the relevant Councillors to arrange a time when all can be present, there are times when a photo opportunity, and therefore positive publicity, may be lost.
- d) All press and media will be allowed to film and record meetings of the Council which are open to the press and public.



Morecambe Town Council

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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;
- 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. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.7. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Proper Officer has been appointed as RFO for this council and these regulations will apply accordingly.

1.8. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.9 The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional

information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.10 The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.11. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and measures to ensure that risk is properly managed.

1.12. 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);
- The outcome of a review of the effectiveness of its internal controls
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.13. In these financial regulations, references to the Accounts and Audit Regulations or the regulations shall mean the regulations issued under the provisions of the Accounts and Audit Regulations 2015.

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 RFO 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, a member other than the Chairman or a bank signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

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 appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

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 ¥ has 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 RFO shall make arrangements for the exercise of electors rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Accounts and Audit Regulations 2015.

2.10. The RFO 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. Each committee (if any) shall review its 1-3 year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the

following financial year to the RFO not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.

3.3. The council shall consider annual budget proposals in relation to the council's 1-3 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.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority no later than the end of February and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

3.6 Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.

4. Budgetary control and authority to spend

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council;
- a duly delegated committee of the council; or
- the Proper Officer.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Proper Officer, and where necessary also by the appropriate Chairman.

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

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate (virement).

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year, unless otherwise resolved.

4.4. The salary budgets are to be reviewed at least annually, in line with contracts, for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Proper Officer and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.

4.9. 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 RFO 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. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices/quotes, and present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.

5.5. The Proper Officer and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Proper Officer and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
- c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5.6. For each financial year the Proper Officer and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council or a duly authorised committee may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

5.7. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

5.8. 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.

5.9. 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.

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. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made. The RFO and Finance Officer shall have delegated authority to process payments in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable and usually within 30-60 days. This process will require one officer to set up (submit) the payments, and the other officer to release (authorise), at all times ensuring there is a two-step process. Periodically, two members shall undertake an audit to sample test payments, checking invoices for numerical accuracy, correct bank account details, and cross referencing the payment authorisation process. The outcome of such sample tests will be presented periodically to the Finance and Governance Committee.

6.3. All payments shall be effected by online payment or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee or officer.

6.4. Orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be processed by the Finance Officer and released by a signatory ensuring dual authorisation. The Council shall appoint additional bank signatories to ensure service delivery during periods of staff absence. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under any circumstances, be a signatory to the payment in question.

6.5. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided a resolution exists to that effect. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.6. Payments for certain items (principally salaries) may be made by bankers standing order provided that the instructions are in line with contracts and any payments are reported to council as made. Approval of the use of a bankers standing order not outlined within a contract shall be renewed by resolution of the council at least every two years.

6.7. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.8. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.9. 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.

6.10. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.11. 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.

6.12. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.13. 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.

6.14. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier. A programme of regular checks of standing data with suppliers will be followed.

6.15. Any Debit, Credit or Charge Card issued for use will be specifically restricted to the Proper Officer and the RFO

6.16. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.

6.17. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Proper Officer and RFO 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 unless access to ~~such~~ a corporate facility is unavailable, and only with permission from the Clerk, RFO or Line Manager.

6.18. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO may maintain a petty cash float of up to £4,000.00 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- b) Income received must not be paid into the petty cash float but must be separately

banked, as provided elsewhere in these regulations.

- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. Payment of salaries and allowances

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 contracts, 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 reported to the next available council meeting, as set out in these regulations 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 relevant committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and agreed by the Personnel Committee.

7.8. Before employing permanent staff, the council must consider business needs.

8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

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 to the RFO.

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 consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

8.6. All investments of money under the control of the council shall be in the name of the council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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 RFO.

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

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 shall be reported to the council and shall be written off in the year in line with the relevant policy.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that 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.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. Orders for work, goods and services

10.1. An official order or letter shall be issued for all work, goods and services in line with schemes of delegation unless a formal contract is to be prepared or an official order would be inappropriate. The RFO shall determine order processes and copies of orders shall be retained.

10.2. All members and officers are responsible for obtaining value for money at all times. Best value is defined as the most advantageous combination of cost, quality and sustainability to meet requirements. 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 two to three quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below. On occasion it may not be appropriate or possible to obtain more than one quote, especially if the council seek a particular product or service or the anticipated cost falls below a £5,000 threshold.

10.3. A member may not issue an official order or make any contract on behalf of the council.

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

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, by the RFO, for circumstances 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 legal professionals acting in disputes;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - v. for additional audit work of the internal or external auditor; and
 - vi. for goods or services to be purchased which have been found to require an additional delivery cost and/or an additional cost of no more than 5% of the agreed price.
- b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (the Regulations) which is valued at £30,000 or more, the council shall comply with the relevant requirements of the Regulations¹.

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

- c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time). Effective 1 January 2024. Thresholds currently applicable are: a) For public supply and public service contracts £214,904 (inc VAT) b) For public works contracts 5,225,000 Euros £5,372,609 (inc VAT)
- d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e) Such invitation to tender shall state the general nature of the intended contract and the 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.
- f) 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.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £10,000 and above £5,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 above shall apply.
- i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.
- k) Contracts must not be split into smaller lots to avoid compliance with these rules.

12. Payments under contracts for building or other construction works

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a

contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and RFO to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and equipment

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. Assets, properties and estates

14.1. The Proper Officer shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO 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.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500. Such disposal may only be made with the authority of the Property Officer.

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

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers in consultation with the Proper Officer.

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

15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to council at the next available meeting.

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

16. Charities

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

17. Risk management

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

17.2 The council is responsible for putting in place arrangements for the management of risk. The Proper Officer with the RFO shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.3 When considering any new activity, the Proper Officer with the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

17.4 At least once per a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement. The accounting control systems determined by the RFO must include measures to:

- ensure that risk is appropriately managed;
- ensure the prompt, accurate recording of financial transactions;
- prevent and detect inaccuracy or fraud; and
- allow the reconstitution of any lost records;

- identify the duties of officers dealing with transactions and
- ensure division of responsibilities

18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Proper Officer 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.

18.2. 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.

Document Timeline

Date	Reason for change (if any)
05/11/2020	First Adoption
05/05/2022	Annual Review
25/05/2023	Review
09/01/2024	Updated Section 9
15/02/2024	Updated Section 6
20/06/2024	Annual Review
10/10/2024	Section 5.15
07/05/2025	Committee Review



Proportional Representation - Report for Full Council (May 2025)

Introduction

This report has been compiled to provide information to members of Morecambe Town Council regarding the principles of Proportional Representation.

Background

Prior to 1989, there was not legislation which prescribed a calculation of political balance (proportionality).

The Local Government Act 1972 (which governs the processes and procedures of local councils (including parish and town councils) does not prescribe any such methodology.

It was the Local Government and Housing Act 1989 (Section 15 (5)) which set out the below principles:

- a) that not all the seats on the body are allocated to the same political group;
- b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
- d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Parish and Town Councils are unable to use the legislation within the Section 15 of the Local Government and Housing Act 1989 as it only applies to higher tier authorities. However, parish and town councils are able to adopt the principle of proportional representation, provided that they adhere to their prescribed legislation and ensure each committee has named members appointed to it.

Current Position

The Council has 26 seats.

The political composition of the Council is as follows:

	MBIs	Labour	Liberal Democrats	Independents	Reform UK
Members	12	7	5	1	1
Percentage	46.2	26.9	19.2	3.8	3.8

The Council currently has 6 committees:

- Grants Committee
- Festivals, Sponsorships, and Events Committee
- Environment Committee
- Personnel Committee
- Finance and Governance Committee
- Planning and Regeneration Committee

Calculations - 9 Member Committees

If the Council were to proceed with 9 members on each committee, then the total number of committee seats would be 54.

To ensure each group receives an equal proportion of the total number of seats available, each group should be allocated seats based on their group membership as a proportion of the total number of Council seats and then as a proportion of the number of seats available.

MBIs	----->	26/12	--->	2.17	--->	54/2.17	--->	24.88 = 25 seats
Labour	----->	26/7	--->	3.71	--->	54/3.71	--->	14.56 = 15 seats
Liberal Democrats	----->	26/5	--->	5.2	--->	54/5.2	--->	10.38 = 10 seats
Independents	----->	26/1	--->	26	--->	54/26	--->	2.08 = 2 seats
Reform UK	----->	26/1	--->	26	--->	54/26	--->	2.08 = 2 seats

Taking into consideration the above:

- The MBI group will need to allocate four members to sit on five committees, and five members to sit on a sixth.
- The Labour group will need to allocate three members to sit on three committees, and two members to sit on a fourth, fifth, and sixth committee.
- The Liberal Democrat group will need to allocate one member to sit on two committees, and two members to sit on a third, fourth, fifth and sixth committee.
- The Independents will need to allocate one member to sit on two committees.
- The Reform UK group will need to allocate one member to sit on two committees.

Example Illustration:

	MBIs	Labour	Lib Dems	Reform UK	Independent
Planning Committee	4	3	1		1
Finance and Governance Committee	4	3	1		1
Personnel Committee	4	3	2		

Environment Committee	4	2	2	1	
Grants Committee	4	2	2	1	
Festivals and Events Committee	5	2	2		

Recommendations

If it is to be that the Council adopts the principles of proportional representation, then groups are recommended to consider the names of the members they would like to put forward to sit on each committee.

As the Council does not need to align directly to the calculations undertaken by higher tier authorities, ultimately it can follow whichever method of committee structure (including proportional representation) it feels is most appropriate.

As the above often requires some negotiation, groups are recommended to discuss their preferred options with each other prior to any meeting. Alternatively, groups can provide their preferences to the Chief Officer, who can compile a list of requests from each group.