



Town Council Offices  
Maison Dieu House  
Biggin Street  
Dover  
CT16 1DW

DATE OF ISSUE:  
3<sup>rd</sup> June 2024

## DOVER TOWN COUNCIL

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the FINANCE & GENERAL PURPOSES COMMITTEE will be held at the Town Council Offices on **MONDAY 10<sup>TH</sup> JUNE 2024 at 6pm** when the business shown on the agenda below will be transacted.

Any member of the public who requires further information, wishes to make representations to the Committee, or has any special requirements in respect of this meeting please contact Ms Allison Burton, Town Clerk, on 01304 242625.

Allison Burton  
TOWN CLERK

### AGENDA

#### 1. CHAIRPERSON AND VICE-CHAIRPERSON

- 1a) To consider the report of 30<sup>th</sup> May 2024 concerning the appointment of a Responsible Financial Officer (Copy attached). (Pages 1 to 4)
- 1b) To appoint a Chairperson and Vice-Chairperson of the Committee for the 2024/25 Municipal Year.

#### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence. *Prior to a meeting Councillors' apologies, with a reason for absence from that meeting, should be submitted to the Clerk.*

#### 3. DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary and/or other interests as required by law. *(Guidance for Councillors concerning disclosable pecuniary and/or other interests is attached for your information). (Pages 5 to 6).*

4. MINUTES

To note the approved Minutes of the meeting of the Finance & General Purposes Committee held 4<sup>th</sup> March 2024 as resolved in Minute No. 216 at the Full Town Council Meeting held 20<sup>th</sup> March 2024.

5. ANNUAL RETURN 2023/24 & TOWN COUNCIL FINANCIAL INFORMATION

- 5a) To note that the schedule of payments for January & February 2024 were approved at the Town Council's Meeting on 20<sup>th</sup> March 2024, Minute No: 219.
- 5b) To note that the schedule of payments for March 2024 were approved at the Town Council's Extraordinary Meeting on 17<sup>th</sup> April 2024, Minute No: 247a.
- 5c) To note that the schedule of payments for April 2024 were approved at the Town Council's Meeting 29<sup>th</sup> May 2024, Minute No: 12a.
- 5d) To note that the budget out-turn to 31<sup>st</sup> March 2024 was approved at the Town Council's Extraordinary Meeting on 17<sup>th</sup> April 2024, Minute No: 247b.
- 5e) To note that the budget out-turn to 30<sup>th</sup> April 2024 was approved at the Town Council's Meeting on 29<sup>th</sup> May 2024, Minute No: 12b.
- 5f) To note McCabe Ford Williams' letter of 17<sup>th</sup> May 2024 concerning their independent internal audit work undertaken in May 2024 together with the Annual Internal Audit Report 2023/24 was approved at the Town Council's Meeting on 29<sup>th</sup> May 2024, Minute No: 13a.

6. COUNCILLORS' WARD GRANTS

To note the current situation with Councillors Ward Grants (to follow).

7. DATE OF NEXT MEETING

To note that the next meeting of the Finance and General Purposes Committee will be held on Monday 15<sup>th</sup> July 2024 @ 6pm.

**NOTE: A COPY OF THIS DOCUMENT IN LARGER TYPE MAY BE OBTAINED ON REQUEST FROM THE COUNCIL OFFICES, MAISON DIEU HOUSE, BIGGIN STREET, DOVER.**

**COPIES OF THE DOCUMENTS MENTIONED IN THIS AGENDA ARE AVAILABLE FOR INSPECTION FROM THE TOWN COUNCIL OFFICES - MONDAY TO FRIDAY - 9am to 5pm. COPIES MAY BE REQUESTED GIVING 1 WORKING DAYS NOTICE AND WILL BE CHARGED AT 10p PER COPY.**



## DOVER TOWN COUNCIL

Report to: Finance and General Purposes Committee  
Meeting date: 10<sup>th</sup> June 2024

Date written: 30 May 2024

Subject: Appointing a Responsible Financial Officer

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### 1. INTRODUCTION

The Local Government Act 1972 sets out that the two key officers in a Parish Council are those of the Proper Officer (legal adviser/executive) and Responsible Financial Officer (Financial affairs). By law these functions must be discharged and the Council must appoint appropriate and named individuals to carry them out. At most local councils the roles are both carried out by one person (the Clerk). But the roles can be separated for statutory reason (audit thresholds) or because of the policy and practice of an individual Council. The National Association of Local Councils advocates strongly that all local councils should appoint the best skilled, experienced, and qualified officers and ensure they are well remunerated and developed to ensure high standards and good retention. This all argues for the highest standards of remunerated professionalism.

### 2. INFORMATION

Following the retirement in April 2022 of the long-time Treasurer to the Council, who had carried out the function of the s151 (Responsible Financial Officer/R.F.O). In order to meet its statutory obligations, Council resolved on 23 March 2022 to appoint the Town Clerk as RFO from the 1<sup>st</sup> May 2022. The Council has been unable to recruit a replacement RFO despite three national/local advertising campaigns, adjustments to the post and remuneration offered and continuous local advertising.

The Town Clerk has declined to continue in the role of Responsible Financial Officer for the Council from 31 May 2024.

The Council must appoint someone to the role of RFO in order to fulfil its statutory obligations.

It has been agreed by the Chairperson of the Council that further recruitment efforts will be made following review of the advertisement and role in order to find a professional and qualified officer to join the Council as the RFO.

However, in the meantime a person employed by the Council (a legal requirement) must be appointed to undertake the role. No professional officer of the Council is willing to undertake the function.

It is possible to appoint a member of the Council, most sensibly the Chairperson of the Finance and General Purposes Committee to avoid duplication or omission of responsibilities between the roles if they are carried out by two different councillors. A Councillor can act as an unpaid but employed officer of the Council (LGA s112 (5)) for this purpose. The unpaid office must be created before a Councillor can be appointed to it.

Having consulted with both the Kent Association of Local Councils and the Council's insurer, a condition of appointing a Councillor as the s151 officer for Dover Town Council is a signed undertaking by the Chairperson of the Committee/ nominated R.F.O regarding their financial history and probity. This is to ensure that the Council's Fidelity Guarantee Insurance remains valid and that the Council has demonstrated appropriate diligence and sound judgement. Officers of the Council are of course subjected to due diligence including checks and references prior to their appointment but this is not the case with elected Councillors. The required financial undertaking is attached in Appendix A of this report.

### 3. DECISION

Committee is asked to resolve to: -

- a. Create the role of unpaid Responsible Officer; and
- b. Appoint a named Councillor to the role following the signing of the required Financial History/Probity Statement.

Statutory Powers – Local Government Act 1972 (ss 112 and 151)

APPENDIX A

Declaration by.....

Dated.....

Witnessed by....., Town Mayor.

I, ..... declare that I have not:-

- been declared bankrupt or insolvent either as private individuals or in connection with any business?
- been the subject of a county court judgement in respect of debt either as private individuals or in connection with any business?
- Been an officer/director of a company that has been declared insolvent, or had a receiver or liquidator appointed, or entered into arrangements with creditors in accordance with the Insolvency Act 1986 or any subsequent legislation?
- been disqualified under the Company Directors Disqualification Act 1986 or any subsequent legislation?
- been convicted of or charged with but not yet tried for a criminal offence other than a motoring offence?
- had an insurance contract cancelled or declared void or a claim repudiated or renewal refused due to breach of a policy condition or due to non-disclosure or mis-description or misrepresentation of a material circumstance?
- had insurance cover restricted or cancelled or renewal refused due to non-compliance with risk improvement requirements?
- had any current or previous Insurer impose increased terms / excesses or excluded any covers.

Signature.....



## DECLARATIONS OF INTEREST

### Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration, they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest' explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and subject to any dispensations, withdraw from the meeting. Members should remember that a finding of a breach of the law with regard to DPI's carries a fine of up to £5,000 and a criminal record.

### Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

### Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone they should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

#### **Notes:**

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representatives on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer etc would both probably constitute either an OSI or in some cases a DPI.

