

**PRESTON CAPES PARISH COUNCIL – ASSET REGISTER**  
**Updated May 2018**

ASSET No.	DESCRIPTION	PURCHASE VALUE (ex VAT)	PURCHASE DATE	CURRENT VALUE	LOCATION	USER
1	VAS mounting post & metal sign	£120.91	31/01/12	£120	Charwelton Road, Preston Capes	N/A
2	Bus shelter	NIL	1976	NIL	Junction Canons Ashby/Charwelton Road	Public
3	Defibrillator Model No. DDU-100E Serial No. 112018582 Battery pack No. 20518302	£909.95	23/05/13		Village Hall west wall	Public
4	Defibrillator Cabinet Model No. Aivia 210:x2A210-xx101 Serial No. 1347P478	£630.00	15.11.13		Village Hall west wall	Public
5	Defibrillator Model No. <b>DDU-100E</b> <b>Serial No. 112018582</b> <b>Battery pack No. 20518302</b>	<b>£909.95</b>	2017		Little Preston	Public
6	Defibrillator Cabinet Model No. Serial No.	£400.00	@01.10.16	£400.00	Little Preston	Public
7	Lenovo B590 Laptop computer Model name 6274 S/N /WB12536012 P/N 59366518 M/O: WB0308310A S/N – 59312	£475.00	19.11.13		1 London Road Daventry Northants NN11 4DA (Clerk's home)	Clerk
8	Well pump	Unknown	Unknown	£300.00	Church Lane (Outside Annabel's)	N/A
9	Well pump	Unknown	Unknown	£300.00	Old Forge Lane (Outside David Williams')	N/A
10	Well pump	Unknown	Unknown	£300.00	Main Street (lower)	N/A

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11	Well pump	Unknown	Unknown	£300.00	Main Street (upper)	N/A
12	Portable Vehicle Activated Speed (VAS) sign, battery and charger Clips 1 x Mini 300 Yellow Border Set c/w Speed Limit Text (reflective surround)	£526.00 £400.00 £30.00 £55.00	04.05.11 30.01.15 04.05.11 22.07.13			N/A
13	Bench within bus shelter	£120.00	01/11/15	£120.00	In bus shelter at Junction Canons Ashby/Charwelton Road	Public
14	6 x traffic cones	£30.00	12.17	£30.00		Public

**PRESTON CAPES PARISH COUNCIL – ASSET REGISTER**  
**Updated May 2018**

**PRESTON CAPES PARISH COUNCIL**  
**Risk assessment and management for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

**Date reviewed and adopted: 15<sup>th</sup> May 2018**

**Definition of Risk Management**

Risk is the threat that an event or action will adversely affect the Parish Council's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements.

This document has been produced to enable the Parish Council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them. The Parish Council is aware that although some risks can never be eliminated fully, it has in place a strategy that provides a structured, systematic and focussed approach to managing risk.

**Signed by Chairman** \_\_\_\_\_

**Signed by Clerk** \_\_\_\_\_

**PRESTON CAPES PARISH COUNCIL**  
**Risk assessment and management for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

**ADMINISTRATION**

<b>Subject</b>	<b>Risk(s) identified</b>	<b>H/M/L risk (Likelihood/Effect)</b>	<b>Management/Control of risk</b>	<b>Action</b>
Annual return	Not submitted within time limits	L	Annual Return is completed and signed by the Parish Council, submitted to the internal auditor for completion and signing and sent to external auditor within the time limit	Existing provision adequate. Diary for May.
Business continuity	Council not able to continue its business due to an unexpected or tragic circumstance	L	All files and recent records are kept at Clerk's home. Clerk makes a monthly back-up of files. In the event of Clerk becoming indisposed, Chairman to contact NCALC for advice.	Review when necessary. Ensure procedures followed.
Clerk	Actions undertaken	L	Clerk should be provide with relevant training, reference books, access to assistance and legal advice.	Existing provision adequate
Freedom of Information Act	Policy provision	L	The Parish Council has adopted a model publication scheme.	Existing provision adequate
Legal powers	Illegal activity or payment	H	Educate Council as to their legal powers.	Power shown on agenda and minutes.
Meeting location	Adequacy, health and safety	L	Meetings held in village hall. Premises and facilities are considered adequate for Clerk, Councillors and any public who attend from a health, safety and comfort aspect.	Existing provision adequate.
Members interests	Conflict of interest	M	Declaration of interest to be documented and minuted and any conflict addressed as appropriate	At every PC meeting
Minutes	Accurate and legal	L	Review at following meeting	Approval at PC meeting
Recording of Meetings	Loss from recording machine	L	Back up recording to computer	Clerk to back up after each meeting
Staff	Loss of key personnel (Chairman/Clerk)	M	Hours, health, early departure – risk monitored and managed as appropriate	RFO/Clerk/member view

**PRESTON CAPES PARISH COUNCIL**

**Risk assessment and management for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

**ASSET MANAGEMENT AND INSURANCE**

<b>Subject</b>	<b>Risk(s) identified</b>	<b>H/M/L risk (Likelihood/Effect)</b>	<b>Management/Control of risk</b>	<b>Action</b>
Assets	Loss, damage etc	M	Annual inspection, update insurance and asset registers	Diary
Assets	Risk or damage to third party property or individuals	M	Review adequacy of Public Liability Insurance	Diary
Insurance	Adequacy	L	An annual review is undertaken of all insurance arrangements in place	Diary – April
Insurance	Cost	L	An annual comparison is made of other insurances available	Diary – April
Loss	Consequential loss due to critical damage or third party	L	Review of adequacy of insurance cover	Diary – May
Maintenance	Reduced value of assets or amenities – loss of income or performance	M	Annual maintenance inspection	Diary

**PRESTON CAPES PARISH COUNCIL**  
**Risk assessment and management for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

**FINANCIAL MANAGEMENT**

<b>Subject</b>	<b>Risk(s) identified</b>	<b>H/M/L risk (Likelihood/Effect)</b>	<b>Management/Control of risk</b>	<b>Action</b>
Clerk's expenses	Challenge from HMRC regarding payment of expenses	M	Dispensation for some expenses obtained from HMRC; other expenses evidenced by receipts	Evidence – document from HMRC on file
Direct costs	Cheque payable is excessive or to wrong party	L	Signatories initial stub	RFO check order/invoice/ cheque before approval and minute
Direct costs	Invoices for Parish grass mowing – conflict over agreed number of cuts and number undertaken	M	Cuts to be minuted sequentially	Clerk verify
Direct Costs	Invoice incorrectly calculated or recorded	L	Check arithmetic on invoices and perform bank reconciliations on monthly basis	RFO verify
Direct costs and overhead expenses	Goods not supplied to Council	M	Follow up on all orders	Approval clerk
Election costs	Invoice above budgeted cost	L	Monthly financial reports to include accrual for cost	RFO check against advice; Retention of £1500 in account ring fenced in election year
Election costs	Insufficient funds	L	Consider at budget and minute outcome	Take advice from DDC on cost
Financial Data	Loss of financial data	L	Consider method of data storage	RFO check
Financial Records	Inadequate records	L	RFO/Clerk to provide monthly reports and bank statements to every meeting, minuted. Internal audit review	Diary
Grants	Claims procedure	M	Clerk/RFO as required	
Grants	Receipt of grant when due	M	Clerk/RFO as required	Grant receipts log kept
Grants and support	No power to pay or no evidence of agreement of Parish Council to pay	M	Minutes Parish Council agreement with the power used to authorise payment	Clerk to show on agenda and minutes. Councillors to verify.
Grants and support	Conditions agreed	L	Agree and fully document any reasonable conditions	Clerk to action as and when

**PRESTON CAPES PARISH COUNCIL**  
**Risk assessment and management for the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019**

			in Minutes	appropriate
HMRC PAYE Payment	Failure/late payment	L	Minuted date of payment	Evidence – paying in book stamped by bank
Insurance	Risk or damage to third party property or individuals	L	Review adequacy of Public Liability Insurance	Diary
Insurance	Fraud by staff	L	Fidelity Guarantee value appropriately set	PC review annually
Investment income	Receipt when due	L	Clerk/RFO check as required	
Investment income	Surplus funds	L	Review levels and investment policy	
Other income	Cash handling	L	Cash handling is avoided but where necessary, appropriate controls are in place – cash book with 2 signatures required. The Parish Council has no petty cash or float.	Annual review of documented controls.
Other income	Cash banking	L	Segregate duties. Check to bank statements. Regular bank reconciliation.	Councillor to verify on monthly basis at meetings.
Precept	Adequacy of precept	L	Monthly report of budget to actual	Included in each PC meeting
Precept	Not paid by DDC	L	Minuted receipt	Diary
Precept	Not submitted	L	Full minute – RFO follow up	Diary
Reserves – earmarked	Unidentified earmarked or contingency liability	L	Review minutes	RFO/Councillor to review annually
Reserves – General	Adequacy	L	Consider at budget setting	RFO check/member view
VAT	Claimed within time limits	L	Submission of claim minuted	RFO verify
VAT	VAT analysis, charged on relevant purchases	L	All items entered in cash book	RFO verify



**PRESTON CAPES PARISH COUNCIL**

**POLICIES AND PROCEDURES**

**2019**

**Bullying and Harassment Policy**  
**Complaints Procedure**  
**Data Protection & Information Security Policy**  
**Dealing with Dispensation Requests Policy**  
**Disability Discrimination Policy**  
**Equal Opportunities Policy**  
**Grant Awarding Policy**  
**Planning Policy Statement**  
**Training Statement of Intent**

## PRESTON CAPES PARISH COUNCIL

### BULLYING AND HARASSMENT

#### Background

The relationship between Councillors and Officers is an essential ingredient that should contribute to the successful working of the organisation. This relationship within the authority should be characterised by mutual respect, informality and trust. Councillors and Officers must feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Objective criticism is usually acceptable but can be unacceptable if the criticism becomes personal. This protocol gives guidance on what to do on the rare occasions when things go wrong.

Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest and should not be tolerated in the workplace.

#### What is bullying and harassment?

Examples and definitions of what may be considered bullying and harassment are provided below for guidance. For practical purposes, those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

#### How can bullying and harassment be recognised?

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the "grey" areas that cause most problems. Examples of what is unacceptable behaviour include:

- Ⓜ "inappropriate behaviour"
- Ⓜ intimidation/humiliation
- Ⓜ excessive criticism
- Ⓜ autocratic/dictatorial behaviour
- Ⓜ shouting
- Ⓜ browbeating
- Ⓜ haranguing
- Ⓜ swearing
- Ⓜ ridiculing
- Ⓜ expressions of intolerance
- Ⓜ general discourtesy

Bullying and harassment are not necessarily face to face; they may be by written communications, e-mail (so called "flame mail") and telephone.

### **Why does the Council need to take action on bullying and harassment?**

There is an implied term of mutual trust and confidence in every contract of employment. Where the parish council is aware of a situation of bullying or harassment of an employee by one of its Councillors, but fails to act to stop it, it will be in breach of that implied term of employment contract and may be held liable for the constructive dismissal of that employee.

It is in every employer's interest to promote a safe, healthy and fair environment in which people can work.

A parish council's duty of care to an employee relates to all forms of personal injury, which will include mental as well as physical health. If a risk to health was foreseeable but no action was taken then the parish council could be at fault and compensation could be sought.

### **The Members' Code of Conduct**

Bullying is expressly forbidden under paragraph 3(2)(b) of the Model Code of Conduct. There are, in addition, complementary obligations to;

- ⌚ not do anything which may cause the authority to breach any equality laws;
- ⌚ treat others with respect;
- ⌚ not intimidate any person who is or is likely to be a complainant, a witness or involved in an investigation relating to a breach of the Code; and;
- ⌚ Not compromise or attempt to compromise the impartiality of those who work for, or on behalf of, the authority.

A proven allegation of bullying or harassment will always be a breach of the Code of Conduct and the Councillor involved is liable to be reported to the Local Standards Committee. Councillors are entitled to challenge Officers as to why they hold their views. However, if criticism amounts to a personal attack or is of an offensive nature, the Councillor is likely to have crossed the line of what is acceptable behaviour.

If there are instances of bullying or harassment by Councillors towards officers or other Councillors, then those Councillors who are aware of the incident should consider reporting it to the Standards Committee of the relevant principal authority. It is also open to Officers who are either the subject of bullying or harassment or who witness such an incident to similarly report it to the Standards Committee (which is likely to have established an Assessment Sub-Committee to decide whether to investigate such complaints).

If Members or Officers are unsure what to do or how to report the matter, they should seek the advice of the Monitoring Officer.

The policy will be monitored and reviewed annually.

First adopted:	November 2015
Reviewed:	May 2018
To be reviewed:	May 2019

## PRESTON CAPES PARISH COUNCIL

### COMPLAINTS PROCEDURE

1. Preston Capes Parish Council will use the Local Government Ombudsman (LGO) definition of a complaint, which is:

“A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council”.

2. The complaint's procedure aims to be:

- well publicised and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective;
- based on clear procedures and defined responsibilities;
- quick, thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to the special needs and circumstances
- adequately resourced;
- fully supported by councillors and officers; and
- regularly analysed to spot patterns of complaint and lessons for service improvement.

3. Confidentiality

The LGO advises that the identity of a complainant should only be made known to those who need to consider a complaint. It may not be feasible to deal with complaints outside some sort of committee structure but, nevertheless, the council should take care to maintain confidentiality where circumstances demand.

4. On receipt of a complaint, the clerk in consultation with the chairman will ascertain the category of the complaint and take the relevant action with reference to the following:

Category	Complaint	Action
A	Financial irregularity	The Clerk/RFO should endeavour to provide an explanation of the item. The Clerk/RFO may need to consult the auditor/Audit Commission. If the complainant is not satisfied, the clerk should advise them of the local elector's statutory right to object to Council's audit of accounts pursuant to Audit Commission Act 1998, section 16.
B	Criminal activity	The clerk should refer the complainant to the Police.
C	Member activity	If the complaint relates to a failure to comply with the Code of Conduct, the complainant should be advised to submit the complaint to the local Standards Committee at Daventry District Council.
D	Employee's conduct	As an internal disciplinary matter, this should be dealt with under the council's disciplinary procedure.
E	Other	Should be dealt with under the following complaints procedure.

5. Category E complaints are expressions of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.
6. The complainant should be asked to put the complaint about the council's procedures or administration in writing to the clerk or other nominated officer.
7. If the complainant does not wish to put the complaint to the clerk or other nominated officer, he or she should be advised to address it to the chairman of the Parish Council.
8. The clerk or other nominated officer, in consultation with the Chairman, shall acknowledge receipt of the complaint and attempt to address the complaint. The complainant will be advised of this action; if they still wish to pursue the matter it will be considered by a complaints committee established for the purposes of hearing complaints. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given by way of a published agenda.

***Before a Meeting of the Complaints Committee***

9. The complainant shall be invited to attend a meeting of the committee and to bring with them a representative if they wish.
10. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

***At the Meeting***

11. The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the committee meeting in public.
12. The chairman of the committee should introduce everyone and explain the procedure.
13. The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the clerk or other nominated officer and then (ii), members.
14. The clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.
15. The clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
16. The clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
17. The clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

***After the Meeting***

18. The decision should be confirmed in writing within seven working days together with details of any action to be taken.

First adopted: November 2015  
Reviewed: May 2018  
To be reviewed: May 2019

## PRESTON CAPES PARISH COUNCIL

### DATA PROTECTION & INFORMATION SECURITY POLICY

Preston Capes Parish Council recognises its responsibility to comply with the Data Protection Act 1998. The Act regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address. As part of its responsibility, the Parish Council will subscribe to the Information Commission's Office data protection regulations.

#### **The Data Protection Act**

The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people, electronically or on paper.

As a local authority, Preston Capes Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 when holding personal information.

When dealing with personal data, Preston Capes Parish Council staff and Councillors must ensure that:

- **Data is processed fairly and lawfully**  
This means that personal information should only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.
- **Data is processed for specified purposes only**
- **Data is relevant to what it is needed for**  
Data will be monitored so that too much or too little is not kept; only data needed should be held.
- **Data is accurate and kept up to date**  
Personal data should be accurate. If it is not, it should be corrected.
- **Data is not kept longer than it is needed**  
Data no longer needed will be shredded or securely disposed of.
- **Data is processed in accordance with the rights of individuals**  
Individuals must be informed, upon request, of all the personal information held about them.
- **Data is kept securely**  
Only staff and Councillors can access the data. It cannot be accessed by members of the public.

#### **Storing and accessing data**

Preston Capes Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that Councillors and staff must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number to staff or a member of Preston Capes Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else without the person's permission.

Preston Capes Parish Council may hold personal information about individuals such as their addresses and telephone numbers. Except for the main contact details for the Councillors, the information about individuals will be securely kept and are not available for public access. Once data is not needed any more, is out of date or has served its use, it will be shredded or securely deleted from the computer.

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all of the personal information that is being held about them
- There must be an explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

A fee to cover photocopying and postage charges may be charged to the person requesting the personal information. The fees chargeable are as set out in the Fees Schedule of the Information Available At Preston Capes Parish Council Under The Model Publication Scheme document.

**Disclosure of personal information**

If an elected member of the council, for example a Councillor, needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific

purpose. If, for instance, someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry. A councillor may only do this providing they represent the area that the subject lives in. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

**Confidentiality**

Preston Capes Parish Council Councillors and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

First adopted: November 2015

Reviewed: May 2018

To be reviewed: May 2019



## **PRESTON CAPES PARISH COUNCIL**

### **POLICY ON DEALING WITH DISPENSATION REQUESTS**

Dispensations requests shall be made by each individual Parish Councillor in writing in the form attached to this policy and duly signed. The dispensation request shall then be passed to the Clerk. The Clerk shall then ensure that each Dispensation Request is presented at the following Parish Council meeting, whether it be an Ordinary or an Extraordinary meeting, for the Parish Council to agree whether to grant the dispensation or not. If a Dispensation Request is approved, the Clerk shall duly sign the form and keep the form on file. If denied, the reason for such decision may be written on the application and the Dispensation Request form kept on file by the Clerk.

All Dispensation Requests must be made before discussion of the business for which the dispensation is applied for. If necessary, this can be during the meeting at which the matter is being discussed.

All Parish Councillors with act within the rules of the Code of Conduct already adopted by Preston Capes Parish Council, having signed the Undertaking of Compliance with the Code of Conduct.

First adopted:	November 2015
Reviewed:	May 2018
To be reviewed:	May 2019

## DISPENSATION REQUEST FORM

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
<b>REASON(S) FOR DISPENSATION</b> 33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
33c) the dispensation is in the interests of persons living in the authority's area	
33e) that it is otherwise appropriate to grant a dispensation Reason :	

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

DECISION :	
Dispensation Given : YES / NO	LENGTH OF
DISPENSATION : .....	
Date: .....	Minute
Number: .....	

## **PRESTON CAPES PARISH COUNCIL**

### **DISABILITY DISCRIMINATION POLICY**

Preston Capes Parish Council fully supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of disability. No applicant or employee shall receive less favourable treatment because of disability. It is in the interest of Preston Capes Parish Council and those who work for it to ensure that all available human resource talents and skills are considered when employment opportunities arise. Preston Capes Parish Council is committed to maintaining and managing a diverse workforce.

#### **Purpose**

- To ensure that Preston Capes Parish Council complies with the Disability Discrimination Act 1995 and to ensure that disabled people falling within the definition of the Act are treated equally and fairly.
- To ensure we recruit and retain the best people for Preston Capes Parish Council.

#### **Scope**

The Disability Discrimination Policy covers all staff and job applicants. This also covers employees who become disabled during their employment. Where relevant it also covers staff employed by outside agencies working on Preston Capes Parish Council premises.

#### **Policy Guidelines**

Preston Capes Parish Council will endeavour to give training and guidance to all relevant staff to ensure that the risk of possible discriminatory attitudes affecting decisions are minimised and that there is an understanding of the relevant provisions of the Disability Discrimination Act 1995.

Preston Capes Parish Council operates a Grievance Procedure to enable grievances, including those relating to unfair discrimination on grounds of disability, to be formally heard.

All reasonable and necessary changes will be investigated and any justified changes will be made to the workplace and to employment arrangements so that disabled people are not at any substantial disadvantage compared to non-disabled people. This covers all areas of employment, including recruitment, promotion and training. In recruitment and selection, Preston Capes Parish Council will modify selection techniques, where appropriate, and make any other reasonable changes to ensure that disabled people can be considered equally with non-disabled candidates.

Preston Capes Parish Council will ensure that disabled people will receive equal treatment in training and development, and, where appropriate, will supply additional training.

The policy will be monitored and reviewed annually.

First adopted: November 2015

Reviewed: May 2018

To be reviewed: May 2019

## **PRESTON CAPES PARISH COUNCIL**

### **EQUAL OPPORTUNITIES POLICY**

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, marital status or social class. We oppose all forms of unlawful and unfair discrimination.

All employees whether full-time, part-time, fixed contract, agency workers or temporary, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

#### Our Commitment

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- The commitment to equal opportunities in the workplace is good management practice and makes sound business sense
- Breaches of our equal opportunities policy will be regarded as misconduct and could lead to disciplinary proceedings
- This policy is fully supported by all levels of management from the top and has been agreed with employers (National Association of Local Councils) and employees (Society of Local Council Clerks) representative bodies and trade unions.
- The policy will be monitored and reviewed annually.

First adopted: November 2015

Reviewed: May 2018

To be reviewed: May 2019

## PRESTON CAPES PARISH COUNCIL

### GRANT AWARDING POLICY

Preston Capes Parish Council (hereafter "BPC") is able to make monetary grants to organisations that work for the benefit of the local community.

Letters of application should be addressed to the Clerk of the Parish Council, 1 London Road, Daventry, Northants NN11 4DA. Applications can be made at any time of the financial year. Letters should fully detail the funding requirement.

#### CONDITIONS OF FUNDING

1. Applications will be considered from charitable or non-profit making organisations. Applications will be considered for individual projects only.
2. Applications must include a cost/benefit analysis and demonstrate a benefit to a group of people within the Parish.
3. Applications WILL NOT be considered:
  - from organisations intending to support or oppose any particular political party or to discriminate on the grounds of race or religion.
  - from private organisations operated as a business to make a profit or surplus
  - from "Upward funders", i.e. local groups whose fund raising is sent to their central HQ for redistribution
  - for projects which benefit individuals
  - for day-to-day running costs
  - for expenditure which has already occurred.
4. Applications will not normally be considered from national organisations or local groups with access to funds from national "umbrella" or "parent" organisations, unless funds are not available from their national bodies, or the funds available are inadequate for a specified project.
5. Applications from religious groups will be considered where a clear benefit to the wider community can be demonstrated irrespective of their religious beliefs. Compliance with this requirement will need to be demonstrated throughout the project.
6. Applications from education, health or social service establishments will be considered only where the organisation can demonstrate that it is working in partnership with other groups and where there are benefits to the wider community within the Parish.
7. The applicant organisation will normally be expected to have clearly written aims and objectives, a written constitution and membership rules, copies of which should be submitted as part of the application. In addition, an organisation must demonstrate that it is properly managed and able to run its affairs responsibly.
8. All applications must demonstrate clearly how a grant or subsidy will be of benefit to the local community within the Parish.
9. An organisation is required to submit audited accounts or accounts that have been independently examined by a suitably qualified person, for the previous two financial years or, in the case of a newly formed organisation, a detailed budget and business plan.

10. An organisation is required to have a bank account in its own name with two authorised representatives required to sign each cheque.
11. Ongoing commitments to award grants or subsidies in future years will not be made. A fresh application will be required each year.
12. Each application will be assessed on its own merits and will be considered along with other applications at a meeting of the Parish Council. To ensure as fair a distribution as possible, the Committee will take into account the amount and frequency of previous awards.
13. Due account will be taken of the extent to which funding has been sought or secured from other sources or own fund-raising activities.
14. If approved by the Council, the grant will be paid by cheque.
15. Any grant must only be used for the purpose for which it was awarded unless the written approval of the Parish Council has been obtained for a change in use of the grant monies, and that any unspent portion of the grant must be returned to the Parish Council by the end of the financial year following the year in which it was awarded.
16. The Parish Council reserves the right to request feedback or receipts to demonstrate how the money has been spent and/or to inspect the outcome of the expenditure.
17. The size of any grant awarded is at the sole discretion of the Parish Council.
18. The Parish Council reserves the right to refuse any grant application which is considered to be inappropriate or against the objectives of the Parish Council.

First adopted: November 2015  
Reviewed: May 2018  
To be reviewed: May 2019

## PRESTON CAPES PARISH COUNCIL

### POLICIES AND PRINCIPLES RELATION TO APPLICATIONS FOR PLANNING AND DEVELOPMENT

This statement has been drawn up by Preston Capes Parish Council to provide guidance to residents and developers on the principles that the Parish Council follows in its assessment of any application for Planning and Development in the Parish. It draws from the relevant DDC Policies and from discussions and decisions of the Parish Council over the past ten years.

This policy covers both Preston Capes and Little Preston.

#### Village boundaries

1. Preston Capes is designated a “Restricted Infill village” under Daventry District Council Saved Policy HS22 which only permits development *either* (a) on a small scale within the village confines and that does not affect open land which is of particular significance to the form and character of the village, *or* (b) which comprises renovation or conversion of existing buildings for residential purposes and which is in keeping with the character and quality of the village.
2. Preston Capes Parish Council (PCPC) fully supports this policy and opposes any development which would extend the confines of the village.
3. Infill and development of existing properties on a managed basis is accepted within the village, subject to such development meeting other planning criteria. Maps of the village show that there are areas of land (some in public ownership, some in private) which could be suitable for small-scale development.

#### Style and design

4. Preston Capes is a traditional village with a strong vernacular architecture from its long historical past. All development must recognise, respect and retain this character. Developments must be of a height and size which is in keeping with properties around them.
5. Throughout the village, boundary walls and grass verges are long-standing, pleasant and distinguishing features. PCPC promotes the protection, retention and maintenance of these features.
6. PCPC preferences in new development will take account of the views expressed in the ... Preston Capes Housing Needs Survey (see Annex).

#### Protected areas

7. Any development within the Conservation Area must take especial care of the appropriateness of such proposals and be in keeping with adjacent buildings and spaces.
8. Preston Capes contains 17 Listed Buildings and any development of these buildings must preserve the historic nature of the buildings, maintain their internal and external form and features, and retain their contribution to the overall look and character of the area.
9. New additions to old properties must be sensitively handled so as to retain integrity in the old parts whilst, at the same time, differentiating between the old and new parts.
10. The quality of materials and workmanship must match that of the rest of the building and that of surrounding buildings.
11. All developments must have integral parking to avoid any need for parking on the street.
12. The main entries into the village via Main Street and Charwelton Road are considered difficult and somewhat unsafe due to the quantity and speed of traffic. PCPC opposes any development which would exacerbate that.

#### **Views and landscapes**

14. PCPC will look carefully at the effect of any development on the views across the village, for instance whether it blocks or disrupts views of the village nestling in low land, or from the roads into the village looking over the Church, etc.
15. PCPC will look carefully at how a development may impinge on views from Preston Capes.

#### **Trees**

16. PCPC will look with care at any request to remove trees unnecessarily, or which will affect the views and vistas in or over Preston Capes. Consideration will be given to the suitability of replanting with trees suitable to the area from which any are removed.

#### **Development outside the village boundaries**

17. The character and ethos of Preston Capes village is intimately connected to its relation to the surrounding countryside – the green areas around the village and the views of the woods and fields, which lie within a Special Landscape Area (SLA), the highest designation in Northamptonshire. The Current County Landscape Character Strategy and Guidelines<sup>1</sup> for this area seek “to control new development to avoid more elevated areas, and particularly any encroachment onto the upper slopes and summits of the isolated hills to ensure that their distinctive profile remains open and unobstructed”. PCPC will therefore take these factors into account when addressing a development within the parish and especially which is within sight of the village.
18. PCPC will seek to protect the intrinsic character, distinctiveness and beauty of the landscape, in particular the views from the network of public rights of way and preserve the historic and cultural heritage of the Parish in a manner appropriate to its significance and setting. It will seek to protect and enhance the wildlife, both fauna and flora, including European Protected Species and their habitats.
19. PCPC encourages development outside the village which will enhance jobs and prosperity in the wider countryside. However, PCPC will wish to ensure that development does not detract from the area but respects the existing features and character. In particular, PCPC wishes to avoid heavy industry, noisy activities, light pollution or traffic levels beyond the capacity of local rural roads.
20. PCPC opposes applications outside the village for a change of use from agricultural to residential or mixed use where the development is in open agricultural land remote from existing residential properties. PCPC believes this would contravene the following DDC policies: GN1A, GN1F, GN2A, GN2G and GN2H.

First adopted: June 2017  
Reviewed: May 2018  
To be reviewed: May 2019

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<sup>1</sup> <http://northamptonshireobservatory.org.uk/publications/document.asp?documentid=877>



## **PRESTON CAPES PARISH COUNCIL**

### **TRAINING STATEMENT OF INTENT**

Preston Capes Parish Council is committed to ensuring its staff and councillors are trained to the highest standard and kept up to date with all new legislation. To support this, funds are allocated to a training budget each year to enable staff and councillors to attend training and conferences relevant to their office. The Council as a whole is responsible for monitoring and meeting the training needs of clerk and members and managing the budget. Training requirements for councillors will usually be identified by the Council and Clerk and opportunities to attend courses will be investigated by the Clerk and brought to the attention of the full council. The Council will be members of suitable organisations that provide professional advice, training and conferences for Officers and staff, for instance SLCC and NCALC where deemed appropriate, useful and offering value for money. Professional fees for membership of the Institute of Local Council Management will be paid in respect of staff who are professionally qualified.

#### **Officers**

The Clerk will be expected to hold or be working towards the Certificate in Local Council Administration (as a minimum) and the Council will provide appropriate training and support to enable this to be achieved. The Clerk will be expected to attend all relevant training days whenever possible and other members of staff will be expected to attend training days which are relevant to their office. Time will be made available during working hours for attendance at such training.

The Council may decide to support officers to undertake further training or education at its discretion.

#### **Councillors**

New councillors will be expected to attend the Off To A Flying Start induction training provided by NCALC and will be provided with an information pack containing the documents as set out below.

It is recognised that it may be difficult for some councillors to attend training during the daytime because of their work commitments. Councillors will, however, still be encouraged to attend training and conferences whenever possible. In-house training during the evening will be considered whenever possible, to enable all councillors to attend.

All training undertaken will be evaluated by the Council to gauge its relevance, content and appropriateness. All training presentation papers will be retained and used for in-house training and information sharing.

#### **Information Pack for New Councillors**

- Annual Report and Accounts of Parish Council and relevant newsletters
- Preston Capes Parish Council Financial Regulations
- Preston Capes Parish Council Policy Documents
- Preston Capes Parish Council Model Code of Conduct
- Preston Capes Parish Council Standing Orders
- Calendar of Meetings
- Members and Officers contact list
- Minutes of 2 previous Parish Council Meetings
- Training Statement of Intent

Also available for purchase is The Good Councillor Guide.

First adopted: November 2015  
Reviewed: May 2018  
To be reviewed: May 2019

To be reviewed and approved at meeting held on 15<sup>th</sup> May 2018

**PRESTON CAPES PARISH COUNCIL  
FINANCIAL REGULATIONS**

**INDEX**

These Financial Regulations were adopted by the Council at its Meeting held on 17<sup>th</sup> May 2016.

## 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<sup>1</sup> and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - ⌚ for the timely production of accounts;
  - ⌚ that provide for the safe and efficient safeguarding of public money;
  - ⌚ to prevent and detect inaccuracy and fraud; and
  - ⌚ identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

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<sup>1</sup> Model standing orders for councils are available in Local Councils Explained © 2013 National Association of Local Councils

1.9. 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.

1.10. 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.

1.11. 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.

1.12. 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.

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

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

shall be a matter for the full council only.

1.14. In addition the council must:

- ⌚ determine and keep under regular review the bank mandate for all council bank accounts;
- ⌚ approve any grant or a single commitment in excess of £100; and
- ⌚ in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

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

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

## ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 1.16. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 1.17. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman 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.
- 1.18. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 1.19. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 1.20. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 1.21. 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;
  - Ⓟ demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - Ⓟ have no involvement in the financial decision making, management or control of the council.
- 1.22. Internal or external auditors may not under any circumstances:
  - Ⓟ perform any operational duties for the council;
  - Ⓟ initiate or approve accounting transactions; or

- ⌚ direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 1.23. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 1.24. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 1.25. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 1.26. The RFO must each year, by no later than November, 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.
- 1.27. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 1.28. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 1.29. The approved annual budget shall form the basis of financial control for the ensuing year.

### **BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 1.30. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the council for all items over £100;
  - the Clerk, in conjunction with Chairman of Council, for any items below £100.

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

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

- 1.31. 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, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 1.32. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 1.33. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk 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.
- 1.34. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £50. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 1.35. 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.
- 1.36. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 1.37. 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. For this purpose "material" shall be in excess of £100 or 15% of the budget.
- 1.38. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.



## **BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 1.39. 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.
- 1.40. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. 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.
- 1.41. 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.
- 1.42. 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.
- 1.43. The Clerk 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 Clerk 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 £1,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 1.44. For each financial year the Clerk 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 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.

- 1.45. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 1.46. 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. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 1.47. 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.
- 1.48. 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.
- 1.49. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 1.50. The council will make safe and efficient arrangements for the making of its payments.
- 1.51. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 1.52. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 1.53. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two member of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 1.54. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

- 1.55. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 1.56. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 1.57. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 1.58. 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.
- 1.59. 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.
- 1.60. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 1.61. 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.
- 1.62. 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.
- 1.63. 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.

- 1.64. Where internet banking arrangements are made with any bank, the Clerk [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.
- 1.65. 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.
- 1.66. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk . A programme of regular checks of standing data with suppliers will be followed.
- 1.67. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **PAYMENT OF SALARIES**

- 1.68. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 1.69. 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.
- 1.70. No changes shall be made to any employee’s pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 1.71. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 1.72. 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.
- 1.73. An effective system of personal performance management should be maintained for the senior officers.
- 1.74. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 1.75. Before employing interim staff the council must consider a full business case.

## **LOANS AND INVESTMENTS**

- 1.76. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 1.77. 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.
- 1.78. 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.
- 1.79. 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.
- 1.80. All investments of money under the control of the council shall be in the name of the council.
- 1.81. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

- 1.82. 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).

## **INCOME**

- 1.83. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 1.84. 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.
- 1.85. The council will review all fees and charges at least annually, following a report of the Clerk.
- 1.86. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 1.87. 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.
- 1.88. The origin of each receipt shall be entered on the paying-in slip.
- 1.89. Personal cheques shall not be cashed out of money held on behalf of the council.
- 1.90. 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.
- 1.91. 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.

## **ORDERS FOR WORK, GOODS AND SERVICES**

- 1.92. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

- 1.93. Order books shall be controlled by the RFO.
- 1.94. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 1.95. A member may not issue an official order or make any contract on behalf of the council.
- 1.96. 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.

## CONTRACTS

- 1.97. Procedures as to contracts are laid down as follows:
  - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
    - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
    - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
  - b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>2</sup>.

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<sup>2</sup> 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)<sup>3</sup>.
- 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 18d 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 £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. 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.

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<sup>3</sup> Thresholds currently applicable are:

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



## **PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

- 1.98. 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).
- 1.99. 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.
- 1.100. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

## **STORES AND EQUIPMENT**

- 1.101. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 1.102. 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.
- 1.103. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 1.104. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## **ASSETS, PROPERTIES AND ESTATES**

- 1.105. The Clerk 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.
- 1.106. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with

any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

- 1.107. 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).
- 1.108. 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).
- 1.109. 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.
- 1.110. 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.

## **INSURANCE**

- 1.111. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 1.112.
- 1.113. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 1.114. 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.
- 1.115. 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.

## **RISK MANAGEMENT**

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

## **SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 1.118. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 1.119. 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.

\* \* \*

Reviewed: 30<sup>th</sup> April 2018

To be adopted: 15<sup>th</sup> May 2018

**STANDING ORDERS  
2018  
PRESTON CAPES  
PARISH COUNCIL**

<u>(ENGLAND).....</u>	<u>1</u>
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## **INTRODUCTION**

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

## **HOW TO USE MODEL STANDING ORDERS**

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

## **DRAFTING NOTES**

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word “councillor” is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights. A model standing order that includes brackets like this ‘( )’ requires information to be inserted by a council. A model standing order that includes brackets like this ‘[ ]’ and the term ‘OR’ provides alternative options for a council to choose from when determining standing orders.

## **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

#### **DISORDERLY CONDUCT AT MEETINGS**

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

#### **MEETINGS GENERALLY**

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**



- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**  
*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
  
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**  
*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 
- 
- x A meeting shall not exceed a period of 2 hours.

## **COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee or a sub-committee.

## **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he resigns 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.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see *also standing orders 11, 20 and 21*);
  - xviii. Review of the Council's policy for dealing with the press/media;
  - xix. Review of the Council's employment policies and procedures;
  - xx. Review of the Council's expenditure incurred under s.137 of the Local

- Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

#### **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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

#### **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

#### **VOTING ON APPOINTMENTS**

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

#### **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 4 clear days before the meeting.

- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

### **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.

### **MANAGEMENT OF INFORMATION**

*See also standing order 20.*

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

### **DRAFT MINUTES**

Full Council meetings



Committee meetings



## Sub-committee meetings

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:  
"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- ● ● e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the

- iv. dispensation is sought; and
- iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

#### **CODE OF CONDUCT COMPLAINTS**

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

#### **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - 🕒 **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - 🕒 **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*



- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least ( ) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

#### **RESPONSIBLE FINANCIAL OFFICER**

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

#### **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **FINANCIAL CONTROLS AND PROCUREMENT**

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

- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

#### **HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman or, if he is not available, the vice-chairman (if there is one) of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c The chairman of Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer] relates to the chairman or vice-chairman, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

#### **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

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

- b *If gross annual income or expenditure (whichever is higher) does not exceed £25,000*  
**The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

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

## **RELATIONS WITH THE PRESS/MEDIA**

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

## **EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing orders 15(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**  
*The above is applicable to a Council without a common seal.*

## **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

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

## **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

## **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.