

# **Brindley & Faddiley Parish Council**

## **STANDING ORDERS AND FINANCIAL REGULATIONS FOR LOCAL COUNCILS**

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Based on NALC Model Standing Orders and Financial Regulations

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## PART 1 – CHAIRMANSHIP AND GUIDANCE FOR PARISH COUNCILLORS

(NOTE: In this part, the word “Chairman” means the person actually presiding at a meeting (the role can be called ‘Chair’ or ‘Chairperson’) and “Council” includes “committee” where any function has been delegated. Standing Orders in Part II may be applied or modified accordingly.)

### BASIC PRINCIPLES

1. The Members of the Council (Councillors) and the Council’s officer (the Clerk) make and carry out the Council’s decisions. They cannot do this properly unless they have instructions which they can understand.
2. It is a primary function of the Council to frame instructions upon which people can act; even a decision to take no action is an instruction.
3. The Council’s instructions are conveyed via resolutions and it is the purpose of the Council’s proceedings to *reach without unreasonable delay, an intelligible and lawful decision for the right reasons*.
4. The duty of a Chairman is to ensure that this purpose is achieved and to this end s/he must –
  - (a) protect the Council against *outside interference*
  - (b) ensure that everything to be discussed is lawful
  - (c) ensure that the Council is invited to deal with clear issues
  - (d) ensure that as far as possible *information is complete*
  - (e) permit every point of view to have a *fair hearing*
  - (f) ensure that opinions expressed are *relevant* to the matter in hand
  - (g) ensure that business is transacted with *reasonable speed*
  - (h) ensure as far as possible that proceedings are *friendly* and *free from personalities*
  - (j) co-operate with the officers and councillors.

### THE AUTHORITY OF THE CHAIRMAN

#### Origins

5. The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the Chair a second (casting) vote on all occasions but one. The scope of his/her authority also depends upon ancient customs which are perfectly logical and arise from the necessities of each case.

#### Nature and Limitations

6. The Chairman’s procedural authority is derived from the Council as a whole and his/her rulings must be obeyed by an individual Councillor because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council and that a Councillor who is dissatisfied by the Chairman’s ruling may invite the Council to disagree with it. Such appeals against the Chair ought to be very rare.
7. The authority of the Chairman as such is limited to matters of procedure and neither increases nor decreases his/her right (in comparison with other Members) to discuss the merits of a particular case. It is one of his most difficult tasks to remember that while the Chair gives him/her authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other members.

The Chairman is the final arbiter on the interpretation of the Standing Orders.

### PRELIMINARY

8. Before any meeting the Chairman should study the agenda items with the Clerk and should, in effect, ask in respect of each item the following questions –
  - What does it mean?
  - Is it lawful?

- Do we know enough about it?
- Has any member special knowledge of this problem?
- Is there any member who may have a prejudicial interest?

### **PUBLIC DISTURBANCES**

9. No-one is entitled to interrupt or obstruct the proceedings of the Council or its Committees. In general, it is best to stop an interruption at once and the Chairman should cut an interrupter short, and may have to warn him/her that they will be removed from the meeting if they do it again. If this warning is ignored, it should be resolved, without discussion, that the interrupter be excluded, and if they fail to leave they should be removed by force. Care should be taken to use no more force than necessary. It is not essential to call the police, but may be necessary.
10. The Chairman **should never argue** or allow argument with an interrupter. If the public becomes disorderly it may be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any *future* meeting. The press is in a privileged position as its representatives must, so far as possible, be given facilities.

### **NON-PECUNIARY AND DISCLOSABLE PECUNIARY INTERESTS**

11. The law requires that where a Member has a personal interest in any matter s/he must disclose the existence and nature of that interest. If the personal interest is also prejudicial it requires that the Member should withdraw from the room and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should, before a meeting, consider whether **any** Member may have such interest, and may draw the individual Member's attention to this before the meeting. Ultimately, it is for any Member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (disclosable pecuniary interest (DPI) or non-pecuniary interest) can lead to criminal proceedings (in the case of a DPI) and investigation by the principal authority's Monitoring Officer.

### **RULINGS ON NOTICES**

12. The Chairman must be satisfied that the meeting is lawful. S/he does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made s/he must give a ruling. A meeting is not necessarily illegal because someone has not received a notice to which s/he is entitled, but where an irregularity appears to be intentional or important, the meeting should be adjourned until it has been corrected.

### **QUORUM**

13. No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case, the Chairman should adjourn the matter until it can be next dealt with. Those Members with a prejudicial interest should consider making an application to the principal authority. .

### **ULTRA VIRES PROPOSALS**

14. The Chairman should satisfy him/herself that any proposal involving expenditure is lawful and should rule any unlawful proposal or amendment out of order. Where there is any doubt, advice should be sought well before the meeting and in time to delete it, if necessary, from the agenda. The Section 137 power (contained in the Local Government Act 1972) requires a special resolution, related to the provisions of that section.

### **A CLEAR ISSUE**

15. Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including where necessary the Chairman's second or casting vote).
  - (a) All motions should be affirmative in form; it is never necessary to move that a resolution be rejected; the vote will determine support or otherwise.
  - (b) Where there is more than one solution to a problem each solution must be separately put to the vote.

### **THE AFFIRMATIVE FORM**

16. The most exact method of putting a question to the vote is by use of the following formula –

“The resolution is as follows –

The motion is that this resolution be agreed to”.

(Note: A *resolution* is a proposal of the action intended to be taken. A motion is the procedural formula by which the Council disposes of its business).

### **SEPARATING THE ISSUES**

17. In reaching a decision, a Council may from time to time be faced with alternative solutions. Some alternatives may be mutually exclusive; others may be matters of detail relating to the principal issue.
18. Where alternatives are mutually exclusive it may be desirable to discuss the resolutions until general trend of opinion is apparent and then to put one of them in the form of an amendment, so that a decision to provide one option in practice excludes the other. A vote on an amendment does not end the matter; it merely decides what shall be discussed next. Thus, if the amendment is carried, all further discussion becomes out of order, but the Council has yet to decide whether the major operation shall be carried out at all. This is done by putting the resolution as amended, to the vote.

### **DELEGATION ARRANGEMENTS**

19. Clear delegation arrangements structure the manner in which a local council's business is affected and dictate the way in which decisions (relating to activities, services and expenditure) are made. A council's delegation arrangements reflect the number of Councillors, the size of its population, the level of precept, the range of activities undertaken and services and facilities provided expert knowledge or interest held by councillors and the number of, and expertise of its employees.
20. Pursuant to S.101(1) of the LGA 1972, a local council may arrange for the discharge of any of its functions to -
- A committee (and any sub-committee); or
  - An employee; or
  - Another local authority

Under S.101 (1) a council can still perform and is responsible in law for any delegated functions.

21. S.101 (1) prevents any statutory power or function or decisions relating to, or arising from them, to be taken by an individual Councillor, including the Chairman of the council.
22. Where an individual Councillor takes a decision which purports to bind the Parish Council, this will be illegal and the Councillor will be liable for any financial consequences which flow from the action. In the event of the Parish Council deciding to ratify such a decision, it is possible for the external auditor to surcharge all individual Councillors.

### **METHOD OF VOTING**

23. The rules on the manner in which decisions are taken apply in all cases. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.

### **COMPLETENESS OF INFORMATION**

24. Sensible decisions cannot be reached without reasonable complete information which it is usually the duty of the Clerk to supply. The Chairman should, before the meeting, consider whether enough information is available or likely to be made available. If it appears at the

meeting that information is still insufficient s/he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the Clerk to obtain the answers by a specified date.

### **IMPARTIALITY**

25. When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and herself to avoid speaking first or last.
26. Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent.

### **RELEVANCE**

#### **General Rule**

27. A speech must be directed to the point under discussion and nothing else, but too harsh a suppression from the Chair can breed ill-will and a sense of grievance.

#### **Personalities**

28. The Chairman should do her best to prevent personal observations in discussion. The custom whereby speeches are in form addressed to the Chairman only should be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek apology to an offended member.

#### **Methods of Enforcement**

29. Where a speech is obviously irrelevant the Chairman should stop the speaker and invite her to return to the point. Where the irrelevance is not quite so obvious, the Chairman may often find it convenient to ask the speaker to explain how his/her remarks relate to the issue.

#### **Revival of Decided Issues**

30. The Chairman should not allow a matter which has been decided to be reported at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the Member who raises it was not present when the item was discussed.

#### **Minutes**

31. Minutes of any meeting are generally expected to be brief and serve as an accurate and legal record of the business conducted at a meeting, although the minutes of a committee and any sub-committee must provide sufficient information about that meeting to equip the appointing body and ultimately full council, with any information needed to make any subsequent decision.
32. It is useful for the minutes of a committee and any sub-committee meeting to separate -
  - (i) the resolutions in respect of matters which have been decided by it (if it has delegated powers);
  - (ii) reports and or recommendations which are required to be referred to the appointing body for a final decision.

Any record of a decision contained in the minutes must be self-explanatory (i.e. it should stand alone) and should not rely on additional information or documentation for it to be understood.

33. A council must always expect to justify a decision or action. If it is able to produce a paper trail which demonstrates how, why and when a particular decision was made, or what considerations were taken into account, the Council is well-placed to demonstrate whether or not a particular decision was based on the relevant facts and considerations.
34. One of the commonest irrelevancies is the practice of attempting to discuss the merits of what is contained in the minutes on a motion for their signature as a correct record. On such a

motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.

35. It is the role of the Clerk to record the decisions of the Parish Council in minutes. Whilst the Parish Council is able to make amendments in respect of accuracy of the minutes, the Clerk has overall responsibility for the minutes and is responsible for presentation of the minutes in any court action. Although the Clerk is an employee, s/he has a professional independence and parish councillors should not seek to fetter this.
36. If any substantial issue arises on a matter dealt with in the Minutes it is better to have a separate agenda item than to discuss it under "Matters Arising". That heading should only be used for reports of progress, and not for new or additional decisions.
37. Letters received by the Council should not be read out verbatim. On the very rare occasions that the exact text is needed by every councillor, the Clerk should issue copies.
38. Naming of individuals - it is tempting for Members to name, for example, Officers of the Borough Council. This should be avoided and reference to their title only is the preferred mode.

### **REASONABLE DESPATCH**

#### **Intervals**

39. It is important that business should be transacted with reasonable speed. Long meetings can reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. The Council should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases. The right of Local Councils to be notified of planning applications makes this especially important.

#### **Obstruction at Meetings**

40. Deliberate obstruction is rare but must be firmly dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such.

#### **Repetition**

41. If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak.

#### **References**

42. All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an Officer of a Committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.

### **SOME PROCEDURAL POINTS**

#### **Points of Order**

43. Points of Order relate to procedure only and take precedence over all other business. It is the duty of the Chairman to deal with them. A Member may rise on a point of order or personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Procedure Rule or statutory provision and the way in which she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business.

### Procedural Resolutions

44. Procedural resolutions should normally be put without discussion. The usual exceptions are resolutions to (a) correct minutes; (b) alter the order of business; and (c) refer to committee.

### Closure Motions

45. The following are the respective effects of closure resolutions –
- (a) On the passing of a resolution to proceed to next business, proceedings on the business in hand come to a stop and no decision upon it can be taken.
  - (b) On the passing of a resolution that the question be now put, the mover is usually entitled to reply before the matter is put to the vote. By custom, the Chairman may refuse to accept such a resolution until he thinks that the matter has been sufficiently debated.
  - (c) A resolution to adjourn a discussion or a meeting, stops the discussion at the moment it is passed and no decision is taken on the business. The discussion may later be resumed at the point where it was interrupted.

### Amendments

46. An amendment which in substance negates the principal resolution should not be allowed because it is unnecessary (a vote against will have the same effect). An amendment should always be put to the vote before the resolution which it seeks to amend.

### “Any Other Business”

47. The summons to a meeting of a Local Council must, by law, *specify* the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of “any other business” because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation, e.g. making a contract.

### ‘Urgent’ Business

48. The law makes no provision for dealing with “urgent” business. The only “urgent business” which can be dealt with is for the Chairman to vary the order of business on the agenda. If business is “urgent” only because it was not notified in time to appear on the agenda, it should be left until the next meeting. If it is genuinely “urgent”, that is, it was too late for the agenda and it will be too late for action if left until the next ordinary meeting, an additional meeting should be called, or the Council should have a regular arrangement for the reference of such matters either to a committee or to the Clerk, for action. It is contrary to Local Government law for the Chairman, or any other single member to take a decision binding the Council.

### USE OF CHAIRMAN’S VOTES

49. Save on one occasion, the Chairman has both an ordinary and a casting vote. There is no rule of law which requires her to give her ordinary vote at the same time as the other Members are voting, but it is obviously undesirable and undignified for her to wait and then vote.
50. Where there is an equality of votes a Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.

### PRESENCE OF THE PUBLIC AND PRESS

51. In principle, the public (which includes the press and ward Councillors) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is reasonably of the opinion that such exclusion is in the public interest. Under the Public Bodies (Admission to Meetings) Act 1960, the Parish Council has broader powers than the



Borough Council to exclude members of the press and public on the grounds that the matter(s) to be discussed are of a confidential and special nature and the public interest would not be served in disclosing that information. Business is “confidential” if its discussion must be kept secret; if it is “special” the reasons for secrecy must be stated in any case where the need for secrecy is not obvious; for example, where matters are of a sensitive nature which might contravene the provisions of the Data Protection Act 1998.

52. Where the public and press have been excluded, the decisions made in the closed session must be minuted and a record should be kept of who was present at the session, if different from those who were present throughout the meeting. It is good practice to record when Members either join or withdraw from a meeting.
53. There are occasions when it is necessary for individuals other than Members or the Clerk to remain in a meeting when the public and press have been excluded. This depends on the role of the individuals concerned; for example, if they have been invited to the meeting to offer technical or professional advice to Members.
54. In the case of other individuals who simply have some background knowledge of the issue, it would be difficult to argue that they should be treated any differently from any other member of the public for the purposes of exclusion. As an example, principal authority Councillors will sometimes have knowledge that other members of the public might not, but whilst they make a valuable contribution to Parish Council meetings, in legal terms they are members of the public.
55. It is important for Members not to allow themselves to get into a position where they are selecting who should remain in the meeting; this could lead to an abuse of procedure and bring the Parish Council into disrepute. It would also enable accusations to be made that some individuals were allowed to exercise undue influence.

#### **MALADMINISTRATION**

56. Local Councils are not subject to the jurisdiction of the Local Ombudsman. There is no outside body which can adjudicate on complaints about the procedures of a Local Council if the law has not been broken. It is, however, important for the good name of the Council that complaints be handled properly and fairly.

#### **PUBLIC PARTICIPATION**

57. The public cannot take part in the proceedings of the Council, but an increasing number of Councils have created and sustained public interest in their work by arranging for a short period in meetings (say 20 to 30 minutes) when members of the public are permitted to put questions to the Council or to make observations.

#### **LENGTH OF MEETINGS**

58. Experience suggests that a meeting should never be allowed to continue for more than two hours without a break.

# STANDING ORDERS

Standing Orders in bold type are statutory and cannot be amended by the Parish Council. Standing orders not in bold type are aimed at highlighting matters that merit regulation by standing orders and encourage use of standing orders to regulate routine administrative arrangements. They may be adapted in their current form but are more likely to require adapting or supplementing to suit a Council's particular needs. A Council should not to adopt standing orders which undermine, override or conflict with any requirements imposed by legislation.

## 1 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. **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.**
- c. Subject to standing order 1(b) above, any local resident may submit a question, or make a statement, either in writing prior to the meeting, addressed to the Parish Clerk, or orally at the meeting. The Parish Council shall allow a 10-minute period for questions at the early part of the meeting subject to standing order 1(b) above, following notification of apologies, declarations of interest and approval of minutes.

The following shall apply –

The question should relate to the duties of the Parish Council. In the case of written questions, the Clerk will advise the Chairman if the question is appropriate, potentially defamatory, or abusive language has been used. In these circumstances, a decision may be taken to withhold the question from the meeting.

There shall be no discussion on any matter raised by such questions.

If possible, a response shall be given at the meeting; otherwise a written response will be provided to the questioner. Any parish councillor may move a motion that the subject matter be placed on the agenda of the next ordinary meeting. On being seconded, the matter shall be put to the vote.

- d. Subject to standing order 1(c) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 10 minutes, dependent on the number of speakers in attendance. The Chairman shall have the discretion to extend the public speaking time, if considered appropriate.
- e. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- f. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- g. A record of a public participation session at a meeting shall be included in the minutes of that meeting to the extent only that members of the public were in attendance and addressed the Council.
- h. Any person speaking at a meeting shall address their comments to the Chairman.

- i. Members of the public shall be allowed to photograph, record, broadcast or transmit the proceedings of a meeting by any means in accordance with The Openness of Local Government Bodies Regulations 2014 which came into force in August 2014.

Arrangements shall be made for members of the public and press who wish to record the proceedings. However, these must not cause disruption to the Parish Council proceedings. People acting in a disruptive manner can be excluded from the meeting.

Disruption shall include (but not be limited to):

- Moving to areas outside the area designated for the public without the consent of the Chairman;
  - Excessive noise in recording or setting-up or re-siting equipment during the debate;
  - Intrusive lighting and use of flash photography; and
  - Asking people to repeat statements for the purposes of recording.
- j. **The press shall be provided reasonable facilities for the taking of their report for all or part of a meeting at which they are entitled to be present.**
- k. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to, or before the Chairman, may, in her absence be done by, to, or before the Vice-Chairman.**
- l. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- m. **Subject to standing order 1(t) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
- n. **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes, may exercise her casting vote whether or not she gave an original vote.**
- o. **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request must be supported by at least one-third of the Council present.** The request must be made before moving on to the next item of business on the agenda.
- p. **The minutes of a meeting shall record the names of Councillors present and absent.**
- q. **If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting, which have been approved, such approval shall be recorded in the minutes.**
- (Note: This does not obviate the need for councillors with prolonged absence, to notify the Council of his/her reasons for absence under the 6-month rule (S.85(1) of the Local Government Act 1972) and for the reasons to be approved or rejected by the Council.**
- r. **The Code of Conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**

- s. **Any interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.**
- t. **No business may be transacted at a meeting of the Council or a committee, or a sub-committee unless at least one-third of the whole number of Members are present; and in no case shall the quorum of any meeting be fewer than 3.**
- u. If a meeting is, or becomes inquorate, no business shall be transacted and the meeting shall be adjourned.

## **2 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 new councillors elected take office.**
- B **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
- C **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.**
- f **The Chairman of the Council, unless he has resigned from the Council or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if any, unless he resigns from the Council 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, she shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- 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 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 must 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 of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii Review of delegation arrangements to committees, sub-committees, employees and

- other local authorities.
- iv. Review of the terms of references for committees.
- v. Receipt of nominations to existing committees.
- vi. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
- vii. Review and adoption of appropriate standing orders and financial regulations.
- viii. In a year of elections, if a Council's period of eligibility to exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility
- ix. Review of inventory of land and assets including buildings and office equipment.
- x. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xi. Review of the Council's and employee's memberships of other bodies.
- xii. Establishing or reviewing the Council's complaints procedure.
- xiii. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xiv. Establishing or reviewing the Council's policy for dealing with the press/media
- xv. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3 PROPER OFFICER

- a The Council's Proper Officer shall be the Clerk.
- b The Council's Proper Officer shall –
  - i. **Sign and serve on councillors by delivery, or post at their residences or by electronic means, a summons confirming the time, date, venue and the agenda of a meeting of the Council or a meeting of a committee or sub- committee at least 3 clear days' before the meeting; such notice to contain a signature or electronic signature and title of the Proper Officer.**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - iii. Subject to standing orders 4 (a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least three days before the meeting confirming his withdrawal of it. (Note: These are usually added under the appropriate heading, rather than the order in which they are received.)
  - iv. Make available for inspection the minutes of meetings.
  - v. **Receive and retain copies of bye-laws made by other local authorities.**
  - vi. **Receive and retain declarations of acceptance of office from councillors.**
  - vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - viii. Keep proper records required before and after meetings;  
Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - ix. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - x. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - xi. Arrange for legal deeds to be signed by 2 councillors and witnessed.
  - xii. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - xiii. Notify all Members within 2 working days of receipt of planning applications to enable an extraordinary meeting of the Council to be arranged if the matter is required to be dealt with before the next ordinary meeting of the Council.

## **4 MOTIONS REQUIRING WRITTEN NOTICE**

- a Except as provided in these standing orders, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Proper Officer (Parish Clerk) at least 5 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
- d Having consulted the Chairman or councillors pursuant to standing order 4(c) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- e Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5 MOTIONS NOT REQUIRING WRITTEN NOTICE**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or the Clerk.
  - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional adviser, expert or consultant.
  - xvi. To authorise legal deeds to be signed by two councillors and witnessed.
  - xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xviii. To exclude the press and public for all or part of a meeting.
  - xix. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xx. To give the consent of the Council if such consent is required by standing orders.
  - xxi. To suspend any standing order except those which are mandatory by law.
  - xxii. To adjourn the meeting.
  - xxiii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
  - xxiv. To answer questions from councillors.

## 6 RULES OF DEBATE

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- d Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- e A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- f Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- g Subject to Standing Order 6(f) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- h Pursuant to standing order 6(f) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- j If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- k If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- l The mover of a motion or the mover of an amendment shall have a right of reply.
- m Subject to standing orders contained in this section, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- n During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- o A point of order shall be decided by the Chairman and his decision shall be final.
- p With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- q Subject to standing order 6(o) above, when a Councillor's 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 silent or for him 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;
  - ix. to suspend any standing order, except those which are mandatory.
- r In respect of standing order 6 provisions above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.
- s The manner of voting shall be by show of hands (Paragraph 13(1) of Part II of Schedule 12 of the Local Government Act 1972.

## 7 CODE OF CONDUCT

- A **All councillors shall observe the code of conduct adopted by the Council.**
- b All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c **Councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d **Councillors with a disclosable pecuniary interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

## 8 MINUTES

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, 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, she shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chairman of this meeting does not believe that the minutes of the meeting held on [date] in respect of (Minute No. and Item) were a correct record but his/her view was not upheld by the majority of the Councillors present and the minutes are confirmed as an accurate record of the proceedings."



- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## 9 DISORDERLY CONDUCT

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 10 RESCISSION OF PREVIOUS RESOLUTIONS

- a A resolution of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 Member of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 11 VOTING ON APPOINTMENTS/CASUAL VACANCIES

- a When casual vacancies occur, the Clerk shall notify the Council at the earliest meeting.
- b The vacancy/vacancies shall be advertised on the Council's notice-boards, on the Council's website, and, in the event of a Parish Newsletter being due for issue within **four** weeks of notification of the vacancy/vacancies, shall also be advertised in the newsletter to ensure the widest pool of candidates.
- c The Clerk shall add an item to the agenda for the next available ordinary Council meeting, inviting the Council to co-opt to the vacancy/vacancies.
- d Only councillors present at the meeting may nominate, second or vote upon a person to fill the vacancy. At this meeting, councillors should be informed of the names and addresses of anyone wishing to be considered as a councillor.
- e *The qualification requirements for election do not apply to co-option.* The Council shall, therefore, co-opt persons who are considered to be an asset to the work of the Parish Council, notwithstanding that the person may or may not live or work within the parish.
- f Councillors present at the meeting must then decide if they wish to nominate any of the persons named at the meeting or any other persons known to them. A Councillor is not required to nominate any of the persons named. Any Councillor may nominate someone for the vacancy and, provided the nomination is seconded, that name may be voted upon.
- g All candidates shall be in attendance throughout the proceedings. In the event of candidates not attending the meeting, the law allows for co-option in their absence.
- h 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. Any tie may be settled by the Chairman's casting vote.

- i The manner of voting shall be by show of hands unless a secret ballot is requested and this is supported by the majority of the Council. (Note: Paragraph 13(1) of Part II of Schedule 12 of the Local Government Act 1972 stipulates that *unless otherwise provided by the Council's standing orders, the manner of voting at meetings of a parish council shall be by a show of hands.*)

## 12 EXPENDITURE

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b **The Council's financial regulations shall be reviewed once a year.**

**The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**

## 13 EXECUTION AND SEALING OF LEGAL DEEDS

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b **In accordance with a resolution made under standing order 13(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 14 COMMITTEES

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer (2) days before the meeting that they are unable to attend, or as soon as they are aware of their unavailability;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall be permitted to participate in debate and vote on business at that;
  - vi. may in accordance with standing orders, dissolve a committee at any time.
  - vii. The Chairman and Vice-Chairman shall be ex-officio Members of all Committees.

## 15 SUB-COMMITTEES

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
- b The Chairman and Vice-Chairman shall be ex-officio Members of all Sub-Committees.

## **16 EXTRA-ORDINARY MEETINGS**

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

## **17 ADVISORY COMMITTEES**

- a The Council may appoint advisory committees comprising Councillors and non-Councillors.
- b Advisory committees and any sub-committees may comprise wholly of persons who are non-councillors. (Note: such committees or sub-committees do not have the power to make decisions which will bind the Parish Council. They can make recommendations to the Parish Council which, in turn, can either accept or reject those recommendations.)

## **18 ACCOUNTS AND FINANCIAL STATEMENTS**

- a All payments by the Council shall be laid before the Council and authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Responsible Financial Officer. Such payment shall be authorised by the Proper Officer with the approval of the Chairman of the Vice-Chairman. The payment must be under a head of expenditure as identified in the Council's budget for the appropriate year.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A statement prepared on the appropriate accounting basis (receipts and payments/income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

## **19 ESTIMATES/PRECEPTS**

- a **The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**

## **20 CANVASSING**

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

## **21 INSPECTION OF DOCUMENTS**

- Subject to standing orders to the contrary or in respect of matters which are confidential, a
- a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.

## **22 UNAUTHORISED ACTIVITIES**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## **23 CONFIDENTIAL BUSINESS**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **24 GENERAL POWER OF COMPETENCE**

- a Before exercising the General Power of Competence, a meeting of the Full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.
- b The Council's period of eligibility begins on the date that the resolution under Standing Order 24 (a) above was made and expires on the day before the annual meeting of the Council that takes place in the year of ordinary elections.
- c After expiry of its preceding period of eligibility, the Council continues to be an eligible Council solely for the purposes of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 24 (b).

## **25 MATTERS AFFECTING COUNCIL EMPLOYEES**

- a If a meeting considers any matter personal to the Clerk, it shall not be considered until the Council OR the appropriate Committee/Sub-Committee has decided whether or not the

press and public shall be excluded pursuant to standing order 1(c) above.

- b Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman of the Council or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence to the Council at its next meeting.
- c Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman of the Council 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 or any appropriate Committee or Sub-Committee.
- d Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk and Responsible Financial Officer relates to the Chairman or Vice-Chairman of the Council this shall be communicated to another member of the Council or appropriate Committee or Sub-Committee which shall be reported back and progressed by resolution of the Council or appropriate Committee or Sub-Committee.

## **26 FREEDOM OF INFORMATION ACT 2000**

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests.

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

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

## **28 LIAISON WITH BOROUGH COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of Cheshire East Borough Council representing the electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to Cheshire East Council shall also be sent to the Borough Councillors representing the electoral ward.

## **29 FINANCIAL MATTERS**

- 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 accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor 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;
  - v. procurement policies (subject to standing order 29 (b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.

- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£60,000] shall be procured on the basis of a formal tender as summarised in standing order 29(c) below.**
- c Any formal tender process shall comprise the following steps:
  - i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

## 30 REQUEST FOR DISPENSATION

- a All written requests for a dispensation shall be submitted to the Clerk.
- b The Clerk shall report all written requests for a dispensation to the first available Parish Council meeting.
- c The Parish Council shall, at that meeting, make a determination as to whether the written requests should be granted and the period for which the dispensation should apply.
- d In making its determination, the Parish Council shall take into account the reasons for the request, in accordance with the Localism Act 2011, as follows
  - (i) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (iii) Granting the dispensation is in the interests of persons living in the council's area; or
  - (iv) It is otherwise appropriate to grant a dispensation.

## 31 REVOCATION/SUSPENSION OF STANDING ORDERS

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least three councillors.

## **32      STANDING ORDERS AND COUNCILLORS**

- a    The Proper Officer shall provide a copy of the Council's standing orders to a councillor, upon delivery of his declaration of acceptance of office.
- b    A councillor's failure to observe standing orders more than three times in one meeting may result in him/her being excluded from the meeting in accordance with standing orders.
- c    The Chairman's decision as to the application of standing orders at meeting shall be final.

# FINANCIAL REGULATIONS

## **1 GENERAL**

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. 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 financial control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the Council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office (S.151 of the Local Government Act 1972) and shall be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.3 The RFO, acting under the policy direction of the Council, shall be responsible for the proper administration of the Council's financial affairs.
- 1.4 The RFO shall determine on behalf of the Council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up-to-date in accordance with proper practices.
- 1.5 The RFO shall produce financial management information as required by the Council.
- 1.6 At least once a year, prior to approving the annual return, the Council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.7 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015.
- 1.8 In these financial regulations the term "proper practice" or "proper practices" shall refer to guidance issued in Governance and Accountability in Local Councils in England and Wales – a Practitioner's Guide which is published jointly by NALC and SLCC and up- dated from time-to-time.

## **2 ANNUAL ESTIMATES (BUDGET)**

- 2.1 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the Council.
- 2.2 The Council shall review the budget not later than the end of January each year and shall fix the precept to be levied for the ensuing financial year. The RFO shall issue the precept request to the billing authority and shall supply each Member with a copy of the approved budget.
- 2.3 The annual budget shall form the basis of financial control for the ensuing year.

## **3 BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. 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*).

- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budget, comparing actual expenditure with that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.

The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be effected at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report the action to the Council as soon as practicable thereafter.

In the event of any expenditure being in excess of £500, and the Clerk considers that the increase is relatively insignificant and it would be more practicable to authorise the expenditure, rather than to arrange a special Parish Council meeting, such expenditure shall be authorised and reported to the next meeting.

- 3.4 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the Council.
- 3.5 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.
- 3.6 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

#### **4 ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall draft the annual financial statements of the Council and – with the agreement of the Council, the Annual Governance and Accountability Return (AGAR) as soon as practicable after the end of the financial year and shall submit them to the Council for approval.
- 4.3 The RFO shall complete the accounts of the Council contained in the AGAR (as supplied by the auditor appointed by the Smaller Authorities' Audit Appointments Ltd) and shall submit the AGAR for approval and authorisation by the Council within the timescales set by the external auditor.
- 4.4 The RFO shall ensure that there is an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by the Council and shall carry out the work required in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council shall report to Council in writing, or in person with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision-making, management or control of the Council.

- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books and vouchers and for the display or publication of any notices and statements of account required by the Accounts and Audit Regulations. On a regular basis, at least once a month in each quarter, a member other than the Chairman (or a cheque signatory) shall be appointed to verify bank reconciliation produced by the FRO.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative nature.

## **5 BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments required, forming part of the agenda for the meeting shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order, it shall be authorised by a resolution of the council, the detail to be embodied in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraphs 6.4 and 6.5 shall be signed by two Members of Council.
- 5.4 To indicate agreement of the details (shown on the cheque or order for payment) with the cheque counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

## **6 PAYMENT OF ACCOUNTS**

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council meeting.
- 6.4 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/RFO certifies that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding paragraph 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 In addition to paragraph 6.4 above, where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the RFO and shall be authorised by the Clerk (as Proper Officer) with the approval of the Chairman or Vice-Chairman. The payment must be under a head of expenditure as identified in the Council's budget for the appropriate year. The Clerk shall report such expenditure to the next Parish Council meeting.
- 6.6 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/RFO; for example, postage or minor stationery items, shall be refunded on a regular basis and at least quarterly.
- 6.7 Payment for utility supplies (energy, telephone and water) 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.

## **7 PAYMENT OF SALARIES**

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on 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 salaries shall be as agreed by Council.
- 7.2 The Clerk's salary shall be paid monthly, in arrears, by cheque or standing order, whichever method the Council considers appropriate.
- 7.3 Payment of salaries and payment of deductions from salary such as may be made from tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified at the next available Council meeting.
- 7.4 The payroll service provided shall be reviewed annually.

## **8 LOANS AND INVESTMENTS**

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 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 terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9 INCOME**

- 9.1 The collection of all sums due to the Council shall be the responsibility of, and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or good supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written-off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT return that is required. Any repayment claims due in accordance with the VAT Act 1994 S.323 shall be made annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall

take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **10 ORDER FOR WORK, GOODS AND SERVICES**

- 10.1 An official order or letter shall be issued by the Clerk/RFO for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All Members and the Officer are responsible for obtaining value-for-money at all times. The Clerk/RFO 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 (g) below.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## **11 CONTRACTS**

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 these regulations shall 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; (this shall be a matter for interpretation by the Parish Council but shall be made in good faith);
  - (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 £250 (in excess of this sum, the Clerk/RFO shall act after consultation with the Chairman or Vice-Chairman of the Council);
  - (vi) For goods or materials to be purchased which are proprietary articles and/or are sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms, to be taken from the appropriate approved list. (In the event of the parish council not holding an approved list, and it is intended to enter into such a project, advice will be sought during the budget-setting process as to how this shall be undertaken.)
- (c) 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.

- (d) 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.
- (e) If fewer than three tenders are received for contracts above £50,000 or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (f) Any invitation to tender issued under this regulation shall contain a statement which is not inconsistent with standing orders.
- (g) When it is intended to enter into a contract of less than £50,000 but more than £1,000 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/RFO shall obtain three quotations (priced descriptions of the proposed supply);  
  
Where the value is above £500 and below £1,000 the Clerk/RFO shall strive to obtain three estimates; otherwise, Regulation 10 (3) above shall apply.
- (h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate, but where the lowest tender/quotation is not accepted, the reasons for non-acceptance shall be embodied within the Minutes of the Meeting.
- (i) 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.

## **12 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORK**

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more, a report shall be submitted to the Council.
- 12.3 Any variation to contract or addition to, or omission from, a contract must be approved in writing to the contractor by the Council and Clerk.

## **13 STORES AND EQUIPMENT**

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered; and goods must be checked as to order and quality at the time delivery is made.
- 14.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

**14 ASSETS, PROPERTIES AND ESTATES**

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2 No property shall be 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 £50.
- 14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

**15 INSURANCE**

- 15.1 Following the annual risk assessment (see Financial Regulation 18), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 15.4 The Clerk (and any other employees) shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

**16 CHARITIES**

- 16.1 Where the Council is sole trustee of a charitable body, the Clerk/RFO shall ensure that separate accounts are kept of the funds held on charitable trust and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk/RFO shall arrange for any audit or independent examination as may be required by charity law or any governing document.

**17 RISK MANAGEMENT**

- 17.1 The Council 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 arrangement shall be reviewed by the Council at least annually.
- 17.2 When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

**18 REVISION OF FINANCIAL REGULATIONS**

- 18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time-to-time. The 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.

Approved by Brindley and Faddiley Parish Council on 15<sup>th</sup> May 2019