

Horseheath Parish Council

Procedures and Guidance

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September 2013

These standing orders, financial regulations and advisory notes were approved at a meeting of the Council on 16th September 2013.

Some of the Standing Orders cannot be altered as they are laid down in Acts of Parliament. These are printed in **bold type**.

It is of course recognised that councillors and officers may be male or female. For brevity, the masculine pronoun is used in this publication.

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Part 1

Standing Orders

1 MEETINGS

1.1 Meetings of the Council shall be held every two months in The Village Hall on such dates and times as the Council will decide.

1.2 Smoking is not permitted at any meeting of the Council.

2 THE STATUTORY ANNUAL MEETINGS

2.1 **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office.**

2.2 **In a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**

2.3 **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

3 ANNUAL PARISH COUNCIL MEETING

At each Annual Parish Council Meeting the first business shall be:-

- a To elect the Chair of the Council.**
- b To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**

d To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law, shall be received.

e To elect a Vice-Chair of the Council.

f To appoint representatives to outside bodies.

and shall thereafter follow the order of statutory meetings in 4 below:

4 ORDER OF BUSINESS AT MEETINGS

4.1 At their discretion councilors may alter the order of business at meetings, which may include the following:

a to receive any notes of apology for non-attendance

b To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

c After consideration, to approve the signature of the Minutes by the person presiding as a correct record.

d To deal with business expressly required by statute to be done.

e To dispose of business, if any, remaining from the last meeting.

f To receive such communications as the person presiding may wish to lay before the Council.

f To answer questions from Councillors.

g To receive and consider resolutions or recommendations in the order in which they have been notified.

h To receive reports from the District and County Councillors

i To authorise the sealing of documents.

j If necessary, to authorise the signing of orders for payment.

4.2 If the Chair and Vice-Chair be absent at any meeting other than the Annual Parish Council Meeting, the first business shall be to appoint the Chair and to receive such declarations of acceptance of office (if any) and undertaking to

observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

4.3 In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees.
If at a meeting there arises any question relating to any person employed by the Council, it shall not be considered until the Council has decided whether or not the public shall be excluded.

4.4 Ideally no resolution may be moved unless the business to which it relates has been put on the Agenda. However the Chair may allow additional items to be considered under 'Any Other Business' where speed of decision is desirable.

4.5 The Clerk shall insert in the summons for every meeting all notices of motion.

4.6 Resolutions dealing with the following matters may be moved without notice:-

- a To appoint the Chair of the meeting.
- b To correct the Minutes.
- c To approve the Minutes.
- d To alter the order of business.
- e To authorise the sealing of documents.
- f To exclude the press and public. (see 19)
- g To silence or eject from the meeting a member named for misconduct.
- h To suspend any Standing Order. (see 24)
- i To adjourn the meeting.

5 CHAIR OF THE MEETING

The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

6 PROPER OFFICER

Where a statute, regulation or order confers duties on the 'proper officer' of the Council in the following cases, that person shall be the clerk:-

- a To receive declarations of acceptance of office.

- b To receive and record notices disclosing interests at meetings.

- c To receive and retain plans and documents.

- d To sign notices or other documents on behalf of the Council.

- e To receive copies of bylaws made by another local authority.

- f To certify copies of bylaws made by the Council.

- g To sign and issue the summons to attend meetings of the Council.

- h To keep proper records for all Council meetings.

All minutes kept by the Council shall be open for the inspection of any member of the Council.

7 QUORUM OF THE COUNCIL

7.1 Three members shall constitute a quorum (minimum number of councilors) at meetings of the Council.

7.2 If a quorum is not present or if during a meeting the number of councilors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business shall be transacted at the next meeting or on such other day as the Chair may fix.

8 VOTING

8.1 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

- a **Subject to b and c below the Chair may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

- b **If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term of office he may not give an original vote in an election for Chair.**

- c **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.**

8.2 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

9 RULES OF DEBATE

No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialed by the Chair.

10 ALTERATION OF RESOLUTION

A member may, with the consent of his seconder, move amendments to his own resolution.

11 DISORDERLY CONDUCT

11.1 All members must observe the Code of Conduct which was adopted by the council on 16th September 2013 a copy of which is follows these Standing Orders.

11.2 If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board

12 EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.

13 SEALING OF DOCUMENTS

13.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

13.2 Any two members of the Council named in a resolution moved under the provisions of paragraph a of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

14 ACCOUNTS AND FINANCIAL STATEMENTS

14.1 All accounts for payment and claims upon the Council shall be laid before the Council.

14.2 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, or by the Clerk for payment with the approval of the Chair or Vice-Chair of the Council. All such payments shall be separately included in the next schedule of payments before the Council.

14.3 The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before 1 August.

15 ESTIMATES/PRECEPTS

The council shall approve written estimates for the coming financial year at its meeting in January in order for the submission of the precept to be made in February.

16 INTERESTS

16.1 If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 16th September 2013 then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.

16.2 Where you have a prejudicial interest in any business of the council and unless you have obtained a dispensation from your authority's standards committee,

a you must withdraw from the room where a meeting considering the business is being held, in a case where sub-paragraph i applies, immediately after making representations, answering questions or giving evidence; and in

any other case, whenever it becomes apparent that the business is being considered at that meeting

***i* Where you have a prejudicial interest in any business of the council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.**

***b* you must not seek improperly to influence a decision about that business.**

If a councillor with a prejudicial interest wishes to speak on an agenda item then that interest and intention must be stated immediately before that agenda item. It is at the discretion of the Chair how many members of the public may speak on that agenda item and for how long.

16.3 The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

16.4 If a tenderer for any contract for the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A tenderer who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure.

17 CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

17.1 Canvassing of members of the Council, for any appointment under the Council shall disqualify the tenderer for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.

17.2 A member of the Council shall not solicit for any person any appointment under the Council; but any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

18 UNAUTHORISED ACTIVITIES

No member of the Council or the Clerk shall in the name of or on behalf of the Council issue orders, instructions or directions unless authorised to do so by the Council.

19 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

19.1 **The public and press shall be admitted to all meetings of the Council** which may however, temporarily exclude the public and press by means of the following resolutions:-

“That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

19.2 At all meetings of the Council, the Chair may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

19.3 The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

19.4 If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

20 CONFIDENTIAL BUSINESS

No member of the Council or of any committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council.

21 COUNTY AND DISTRICT COUNCILLORS

21.1 Summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County, and District Councillor for Horseheath

21.2 Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County or District Councillor for Horseheath.

21 PLANNING APPLICATIONS

The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-

- a the date on which it was received
- b the name of the applicant
- c the place to which it relates
- d The Clerk shall pass each planning application to the Councillor nearest the site to obtain the comments of neighbours

24 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

25 STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

Part 2 Code of Conduct

Horseheath Parish Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 APPLICATION

This Code of Conduct applies to members whenever they are acting, claim to act or give the impression they are acting in the capacity as a Member of the Authority, including:-

- 1.1 at formal Meetings of the Authority
- 1.2 when acting as a representative of the Authority
- 1.3 when corresponding with the authority other than in a private capacity

2 MEETING

In this Code “Meeting” means any meeting organised by or on behalf of the Authority, including:-

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 at any site visit to do with the business of the Authority

3 GENERAL CONDUCT

Members must –

- 3.1 provide leadership to the Authority and the community within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which is received as a Member by–
 - a not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - b not obstructing third parties’ legal rights of access to information
- 3.4 not conduct themselves in a manner which is likely to bring the Authority into disrepute
- 3.5 use their position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority’s reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise own independent judgement, taking decisions for good and substantial reasons by –
 - a attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - b paying due regard to the advice of Officers
 - c stating the reasons for decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4 DISCLOSABLE PECUNIARY INTERESTS

4.1 Members have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (as set out in the Appendix) and either:

- a it is an interest of the Member, or
- b it is an interest of:
 - i the member's spouse or civil partner; or
 - ii a person with whom the member is living as husband and wife; or
 - iii a person with whom the member is living as if as a civil partnerand the member is aware that other person has the interest.

4.2 Members must -

- a comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest
- b ensure that the register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of disclosable pecuniary interests
- c make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which they are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent

4.3 Where members have a disclosable pecuniary interest, whether the interest is registered or not, they must not (unless they have obtained a dispensation from the Authority's Monitoring Officer) -

- a participate, or participate further, in any discussion of the matter at the meeting; or
- b remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5 OTHER INTERESTS

5.1 In addition to the requirements of Paragraph 4, if members attend a meeting at which any item of business is to be considered and they are aware that they have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item, they must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

5.2 Members have a "non-disclosable pecuniary interest or non-pecuniary interest" in an item of business of the authority where -

a a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of them or a member of their family or a person with whom they have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the parish area for which they have been elected or otherwise of the Authority's administrative area, or

b it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of their family (other than a "relevant person") or a person with whom they have a close association

and that interest is not a disclosable pecuniary interest.

6 GIFTS AND HOSPITALITY

6.1 Members must, within 28 days of receipt, notify the Parish Clerk in writing of any gift, benefit or hospitality with a value in excess of £50 which they have accepted as a Member from any person or body other than the authority.

6.2 The Parish Clerk will place the notification on a public register of gifts and hospitality.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— <i>a</i> under which goods or services are to be provided or works are to be executed; and <i>b</i> which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— <i>a</i> the landlord is the relevant authority; and <i>b</i> the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— <i>a</i> that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and <i>b</i> either— <i>i</i> the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or <i>ii</i> if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

Part 3

Financial Regulations

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.

1 THE RESPONSIBLE FINANCIAL OFFICER

1.1 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. The Clerk has been appointed as RFO for Horseheath Parish Council. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. 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.

1.2 The RFO shall produce financial management information as required by the council.

1.3 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.

1.4 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.

1.5 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 Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

2 ANNUAL ESTIMATES AND BUDGET

2.1 Councillors shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the January meeting each year.

2.2 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.

2.3 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 to the billing authority and shall supply each member with a copy of the approved budget.

2.4 The annual budgets 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.

3.3 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.

3.4 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 done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £200. The Clerk shall report the action to the Council as soon as practicable thereafter.

3.5 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.

3.6 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.

3.7 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 complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.

4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.

4.4 The RFO shall ensure that there is 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 and shall carry out the work required by the council 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, on a regular basis 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 or management 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 Audit Commission Act 1998 and the Accounts and Audit Regulations.

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 matter.

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 and shall be initialed by the Chair of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.

5.3 Cheques drawn on the bank account in accordance shall be signed by two members of Council, and countersigned by the Clerk.

5.4 To indicate agreement of the details shown on the cheque with the counterfoil, 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 him/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 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 and RFO certify that there is no dispute or other reason to delay payment, the Clerk may take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next meeting of Council.

6.5 The RFO shall maintain as petty cash float for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

a Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

b Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council.

6.6 If thought appropriate by the council, 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 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 salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for 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 by the next available Council Meeting.

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 goods supplied shall be

agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.

9.3 The Council will review all fees and charges 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 claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

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

10 ORDERS FOR WORK, GOODS AND SERVICES

10.1 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.

10.2 Order books shall be controlled by the RFO.

10.3 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.

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

11 CONTRACTS

11.1 The contract regulations shall not apply to the following:

a for the supply of gas, electricity, water, sewerage and telephone services;

b for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

c 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;

d for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

e for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chair and Vice Chair of Council);

f for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

11.2 Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or services the Clerk shall invite tenders from at least three appropriate firms taken from the approved list maintained by the District Council.

a 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.

b 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. 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.

c 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.

d If less 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 services.

11.3 When it is to enter into a contract less than £50,000 in value for the supply of goods or services the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

11.4 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

12 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

12.2 Where contracts provide for payment by installments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.

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

13 STORES AND EQUIPMENT

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

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

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

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

14 ASSETS

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, the RFO shall affect all insurances and negotiate all claims on the Council's insurers

15.2 The RFO shall give prompt notification of all new risks or property which requires to be insured and of any alterations affecting existing insurances

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

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

15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 CHARITIES

Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

17 RISK MANAGEMENT

17.1 The council 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.

17.2 When considering any new activity, the Clerk 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 last review was agreed on 16th September 2013. 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 regulations.

Part 4

Meetings and Chairing

NOTE: In this part, "The Chair" means the person actually presiding at a meeting

1 BASIC PRINCIPLES

- 1.1 The Councillors and Clerk must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions which they can understand.
- 1.2 It is the primary function of the Council to frame instructions upon which people can act. Even a decision to take no action is such an instruction.
- 1.3 The Council's instructions are conveyed by 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. The duty of the Chair is to ensure that this purpose is achieved and to this end 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*;
 - i co-operate with the officers and councillors.

2 THE AUTHORITY OF THE CHAIR

- 2.1. The office of Chair of a local authority is created by statute, which has conferred upon the occupant of the Chair a casting vote (a second vote in the event of a tie)
- 2.2 The authority of the Chair is limited to matters of procedure and neither increases nor decreases his right to discuss the merits of a particular case. It is one of his most difficult tasks to remember that while the Chair gives him 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.

3 BEFORE THE MEETING

- 3.1 Before any meeting the Chair should study the subjects for the agenda with the Clerk or any other officers 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?

4 OUTSIDE INTERFERENCE

- 4.1 No one is entitled to interrupt or obstruct the proceedings of the Council. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chair should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded, and if he fails to leave he 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.
- 4.2 The Chair should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually 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 in as much as its representatives must so far as possible be given facilities for taking their reports.

4.3 The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial the member should withdraw from the room and take no further part in the relevant proceedings or seek to influence those proceedings. The Chair should before a meeting consider whether any member (including himself) may have any such interest, and may draw the individual member's attention to the possibility before it starts. However, ultimately it is for the member to decide whether or not to disclose any relevant interest. Failure to disclose an interest (personal or prejudicial) can lead to an investigation by the Standards Board

5 A CLEAR ISSUE

5.1 Every decision of the Council must be made by an affirmative vote of a majority of those present and voting. The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "Yes" or "No". From this there follow certain practical consequences:-

a All motions should be affirmative in form; it is never necessary to move that a resolution be rejected;

b Where there is more than one solution to a problem each solution must be separately put to the vote.

5.2 The most exact method of putting a question to the vote is by the use of the following formula:-
"The resolution is as follows:-

e.g. 'That the Clerk's salary be raised to £5000 a year'

The motion is that this resolution be agreed to."

(Note: A *resolution* is a proposal of the action intended to be taken: for example "That the Council buy a mower". A motion is the procedural formula by which the Council disposes of business: for example "The motion is that the resolution be amended by xxx" or "The motion is that the Council do now adjourn".)

6 METHOD OF VOTING

Every decision must be reached by a majority of those voting.

7 COMPLETENESS OF INFORMATION

Sensible decisions cannot be reached without reasonably complete information which it is usually the duty of the clerk to supply. The Chair should, before the meeting, consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient 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.

8 IMPARTIALITY

8 When differences of opinion develop in discussion it is the duty of the Chair to give a fair hearing to all points of view including his own if he has one. It is not his duty as Chair to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chair to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.

9 SOME PROCEDURAL POINTS

Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chair to deal with them. 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 Chair. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he

continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chair (in consultation with the clerk) must give a ruling, because if the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion.

10 USE OF THE CHAIR'S VOTES

10.1 Save on one occasion, the Chair has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, but it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."

10.2 Where there is an equality of votes the Chair may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chair 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.

11 PRESENCE OF THE PUBLIC AND PRESS

In principle, the public (which includes the press) is entitled to be present at all meetings of the Council. The Council, 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. Where the public and press have been excluded, the decisions made in the closed session must be minuted: a record should be kept of who was present at the session: the press should be told of any decision. Business is 'confidential' if its discussion must be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.

12 PUBLIC PARTICIPATION

The public cannot, of course, 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. Such periods can be either during the meeting (by adjournment) or at its end.

13 MALADMINISTRATION

Local Councils are not subject to the jurisdiction of the Local Ombudsman. There is therefore 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. The National Association has therefore published National Circular 2/86 Code of Practice in Handling Complaints, which recommends a standard and formal procedure to all Councils. In light of the Local Government Act 2000, Councils are recommended to agree a form of complaint procedure for matters falling outside the jurisdiction of the Standards Board with their Standards Committee.

13 LENGTH OF MEETINGS

Experience suggests that a meeting should not be allowed to continue for more than two hours without a break.