



# **YAXHAM PARISH COUNCIL**

**Meeting 27<sup>th</sup> February 2020**

## **Reports Pack**

### **Contents:**

#### **Agenda Item   Report**

<b>5.0</b>	<b>District Councillors' Report</b>	<b>Page 2</b>
<b>6.2</b>	<b>Clerk's Report</b>	<b>Page 3</b>
<b>14.0</b>	<b>Policies and Documents for Review</b>	
	<b>Community Engagement Policy</b>	<b>Page 4</b>
	<b>Complaints Policy</b>	<b>Page 10</b>
	<b>Financial Regulations</b>	<b>Page 12</b>
	<b>Standing Orders Policy</b>	<b>Page 27</b>

**Vicky Turner**

**Clerk to Yaxham Parish Council**

**[yaxhamparishclerk@gmail.com](mailto:yaxhamparishclerk@gmail.com)**

**27<sup>th</sup> February 2020**

## Report by Breckland Council, Mattishall Ward, Councillors – Paul Claussen & Ian Martin

---

*Highlights since 23rd January 2020 meeting...*

**The Local Plan** Breckland Leader, Sam Chapman-Allen, has announced a reorganisation of the Cabinet. Paul Claussen now has Planning, Gordon Bambridge has Environmental Services & Public Protection, and Sarah Suggitt has joined the Cabinet with responsibility for Governance (Paul's previous role). Paul is therefore the lead member on planning issues and is chairing the new Local Plan Working Group tasked with reviewing the new Local Plan with a view to submitting a revised Plan in the next few years. Yaxham PC might like to consider what it would like to see in that Review and comment on the operation so far of the new Local Plan. Let us know your thoughts.

### **Application of Local Plan Policies**

The understanding of how housing policies are applied is developing, particularly HOU 04 which applies to villages with boundaries, such as Yaxham and Clint Green, and HOU 05 which applies to small villages and hamlets without settlement boundaries. Officers have also taken the view that Yaxham and Clint Green now have more permissions than are required under the Local Plan – and we're in the process of finalising the actual number of dwellings in the village.

### **Planning Committee "Call-in" Requests**

This process is evolving. It has become clear that call-in requests for reserved matters applications i.e. following a previous Outline Planning Permission, and applications to modify conditions of a previous Permission, are unlikely to be accepted for decision by the Planning Committee unless there is a clear planning reason.

As agreed the requests for call-ins is in the event that Officers are minded to recommend against the Parish Council's recommendation – discussions are continuing for the following two:

**3PL/2019/1430/F**, Yaxham Waters Holiday Park Dereham Road NR19 1RF

**3PL/2019/1346/D**, 25 new homes on "Lanpro" land north of Norwich Road, Yaxham

**3PL/2020/0139/O**, Gadwall Farm, Spring Lane Yaxham NR19 1SA this has been re-submitted following a site meeting is arranged for 17<sup>th</sup> January with Simon Wood, Director of Planning. It will be going to the Planning Committee because of the policy issues involved.

### **Other news...**

**The Silver Social** is a programme aimed at bringing arts to older people in rural communities. Arts Council funded and managed by Breckland Council, Silver Social brings something a little different to daily life in towns and villages across Breckland, through touring circuits of creative workshops and live performances. To find out more visit the Project Website: [www.thesilversocial.com](http://www.thesilversocial.com).

### **04/02/20: Man fined £300 for TV fly tip left under 'No Fly tipping' sign**

The TV was dumped at Breckland House car park in Thetford, where previously fly tips recently prompted Breckland Council to issue a warning to the public that anyone found fly tipping would face a fixed penalty notice. **Repost fly-tipping:** <https://www.breckland.gov.uk/reportit>

### **03/02/20: Proposed Breckland budget sets out plans for service investment, despite falling funding**

The council is facing significant financial pressure due to national reviews in how councils are funded, meaning there is uncertainty around exactly how much money the district council will receive from business rates and central government grants going forward. The draft budget report outlined to seek to minimise its reliance on central government funding to balance its books and instead strive to generate income through other means and make efficiency savings to cut its costs.

---

#### **Contact Paul Claussen by:**

@ [paul.claussen@breckland.gov.uk](mailto:paul.claussen@breckland.gov.uk),

T. 01603 880 454

Heath Cottage, 24 Heath Road, Hockering,  
Norfolk NR20 3JB

#### **Contact Ian Martin by:**

@ [ian.martin@breckland.gov.uk](mailto:ian.martin@breckland.gov.uk)

T. 01362 854 248, M. 07968 349 543, f Ian Martin  
Yaxham House, Norwich Road, Yaxham,  
Norfolk NR19 1RH

# Clerk's Report

## Yaxham Parish Council



27<sup>th</sup> February 2020

e-mail: [yaxhamparishclerk@gmail.com](mailto:yaxhamparishclerk@gmail.com)

### Last Regular Council Meeting's Minutes— Matter's Arising not Covered Elsewhere

#### 4.0 Public Session

All matters raised for the Clerk's action under this item on 23<sup>rd</sup>s January 2020, have been undertaken including reporting of planning matters where relevant. I have also been in contact with Rev McGaghrey about the war memorial and a response is currently awaited. The issue of potential obstruction outside of Ranis Restaurant has also been reported to Highways who have agreed to investigate.

**9.0 Agreed cheques** have been raised and issued.

**10.0 Highways** –All matters raised at the last meeting have been brought to the attention of the Highways Team.

**14.0 Policies** – agreed policies on General Reserves, Health & Safety and the Scheme of Delegation have been uploaded to the Parish Council's website.

#### New Venue!

Just a quick reminder that our next meeting will be held at the alternative venue of **Yaxham Primary School**; the meeting commences at the usual time of 7pm in the school hall on **Thursday 26<sup>th</sup> March**. It is very much hoped that occasionally holding our meetings here may facilitate for residents who find attending meetings at the village hall more problematic. We look forward to seeing you there!

**For more information on Parish Council and Parish Charity matters please see our websites below or contact me, Vicky Turner, as the Clerk to the Council by:**

email [yaxhamparishclerk@gmail.com](mailto:yaxhamparishclerk@gmail.com) or

write to: The Clerk, Yaxham Parish Council,  
Yaxham House, Norwich Road, Yaxham,  
Norfolk NR19 1R

### Gadget Savvy Market Place



Come and see how advances in new technology could help make life easier and offer a more independent later life

Friday 27<sup>th</sup> March 2020

1.30 start - 3.30pm

Followed by our AGM at 4.00pm

Anglia Room, Breckland Council  
Offices Dereham NR19 1EE

(Plenty of free parking &  
Honest Bus 4 stops at Tesco)

Everyone Welcome  
Refreshments



YOUR VOICE IN BRECKLAND

For further information contact Christine Goddard, Chairman  
[cgoddard@live.co.uk](mailto:cgoddard@live.co.uk) / <https://www.breckland.gov.uk/YVIB>  
Kindly supported by Breckland District Council and  
Norfolk County Council

#### Other News

A new dog waste bin has been installed at the entrance to the Jubilee Park.

A recently reported inadequacy in drainage from the road to ditch soakaways has been reported to Norfolk County Council via our NCC Cllr Connolly and we are currently awaiting a review by the Streetscene Inspector and are now addressing this issue with him directly.

We have also been notified of some overgrown hedging that abuts Mill Road. Pending Cllrs' decision this evening, contact with the Landowner, Glavenhill/Lanpro, will be made.

# **YAXHAM PARISH COUNCIL**

## **COMMUNITY ENGAGEMENT STRATEGY**

### **CONTENTS**

Page 2	1.0	Introduction
	2.0	Communication
	2.1	Why is communication important?
	2.2	What should we be communicating?
	2.3	Who should we be communicating with?
Page 3	2.4	How should we be communicating?
	2.4.1	Press – manage the media more effectively
Page 4	2.4.2	Online presence - improve the council's website
	2.4.3	Consider the use of social media
	2.4.4	Better promotion of the council's online presence
Page 5	2.4.5	Public Consultation –effective communication
	2.5	Who (from the Council) should be communicating?
	2.5.1	Parish Clerk
	2.5.2	Councillors
Page 6	3.0	Evaluation

## 1. Introduction

Yaxham Parish Council undertakes to communicate, consult and engage. The purpose of this policy is therefore to set out how the Council intends to achieve this and develop and improve its communications in the future.

Current communications include the Parish Council's (including the Parish Charity and NP4Yaxham Working Group) websites, contributions to local publications, media, newsletters and consultation, social media (NP4Yaxham) and Annual Report.

The overall aim is to make Council communications a two-way process: to give people the information to understand accurately what we do, while also enabling the Council to make informed decisions using information received from residents and partners.

## 2. Communication

### 2.1 Why is communication important?

Local government communications have, over the past few years, increasingly focused on reputation. Improved communications lead to recognition and respect – reputation **does** matter. Many Councils fail to effectively communicate who they are and what they do - and the less people know about an organisation, the less likely they are to rate it highly.

The Parish Council, through good communication, will understand and better meet the needs of the community, whilst also raising the profile of the village and the Parish Council.

Good communications will enable the Council to:

- Better understand the needs of the community and develop appropriate strategies and priorities
- Raise the profile of Yaxham as a destination
- Attract businesses/employment to the village
- Make best use of technology to innovate and engage with hard-to-reach groups such as young people
- Proactively challenge inaccuracies and misrepresentations that might undermine the image or integrity of the Council and the Parish

### 2.2 What should we be communicating?

There are two methods of communicating:

- Active – telling people information to influence and change attitudes
- Reactive – giving residents information they have requested

Research by MORI, and independent research organisation, and the Local Government Association, suggests that the most important drivers of Council reputation among local residents are:

- Perceived value for money
- Media coverage
- Direct communications
- Council performance
- A clean, green and safe environment
- Positive experiences of contact with Councillors & Staff

If the Council is to build a strong reputation, effectively inform residents, engage and improve resident satisfaction then these drivers must form the basis of its communications.

### 2.3 Who should we be communicating with?

The Council's audiences are wide and varied but will typically include:

- Residents
- Parish Council Clerk/RFO
- Hard-to-reach groups, including young people
- The media
- Voluntary groups and organisations
- The business community
- Yaxham's elected representatives: District Cllrs, County Cllrs and MPs
- Other public sector organisations (police, health, fire)
- Visitors and those who work in the area

## **2.4 How should we be communicating?**

The Council will ensure that information is easily accessible, relevant and timely and recognises the importance of communication and commits to meet the expectations of the community it serves. Different forms of communication will appeal to different ages, social groups and demographics so it is important to ensure that within reason, all options for increasing communication and participation are considered in order to communicate effectively with everyone.

The advances made in information technology offer exciting new ways of communicating. At the same time, for many people, traditional methods – newspapers, telephone and newsletters – still play a fundamental role that must not be undervalued.

Currently communication is achieved through:

- Press releases
- The Council's website
- Council agenda papers/correspondence
- Contribution to Community News
- Councillor interaction
- Issue specific newsletters and consultation

Ways in which communication could be improved:

- Improved visibility of the Council and its activities by more frequent reporting
- Inviting residents to be actively involved in Council meetings during the time set aside for public discussion
- Improved communication by means of attending meetings of Community Organisations and Safer Neighbourhood
- Improve relations by Councillors taking up places on community groups and organisations
- Continue to improve the Council's website to make it more user friendly including capturing data for a communication database
- Consider the use of social media
- Better promotion of the Council's online presence
- Invite groups using Council premises to contribute to the Council Newsletter
- Active involvement in various networking organisations (e.g. SLCC, Norfolk ALC, Safer Neighbourhood Action Panel)
- Regular consultation with the community and feedback to them on subsequent analysis including actions resulting from the consultation i.e. "You said this and We did that"

### **2.4.1 Press – manage the media more effectively**

The media play a strong role in shaping perceptions of local government, so informed reporting is vital. All communication to the media by Councillors in their Parish Council role must be sent to the Parish Clerk or the Chairman of the Council (or in their absence, the Vice Chairman) for approval.

Standing Order 21. Relations with the press/media states:

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

The Communities and Local Government report found people were most positive about their Council in areas where the Council had a good relationship with the local media. Whilst good relationships already exist, there is always room for improvement.

Key points for effective management of media relations:

- Respond to journalists in full within a reasonable time
- Be helpful, polite and positive
- Never say “no comment”. Never speculate or gossip
- Ensure a full understanding of the question before answering. In the event of any indecision refer to the Parish Clerk or the Chairman (or in their absence, the Vice Chairman)
- Ensure all statements or responses to hostile enquiries are cleared by the Parish Clerk or the Chairman (or in their absence, the Vice Chairman)
- Evaluate media coverage
- Issue timely and relevant press releases
- Pre-empt potential stories arising from Council agendas/minutes by issuing proactive PR (where possible)
- Ensure all media contact is with the Parish Clerk or Chairman (or in their absence, the Vice Chairman) as per Standing Orders.
- Issues **not** to be discussed are 1) legal issues, 2) personnel issues, 3) questions involving Council integrity or 4) emergency situations

#### **2.4.2 Online presence – improve the Parish Council’s website**

The Parish Council’s website is to be regularly updated and is as much as possible kept up-to-date and to include:

- Clerk/RFO contact details;
- Councillor contact details to be included, such as their residential address from the publicly available Declaration of Interests, and with their agreement phone number(s), email etc;
- Meeting Dates, Agendas and Minutes (Council, Committees & the Annual Parish Meeting);
- Parish Council Policies, Finances;
- Planning Applications;
- Elected Representatives contact details;
- Parish News

It is important to work out strategies for keeping the website up-to-date and for ensuring good links with local businesses and community groups.

#### **2.4.3 To investigate the effective use of social media**

To investigate the use of social media, including Facebook and Twitter in order to promote the activities of the Council. If it is agreed that these are accepted methods of promotion of the Council’s activities, then a social media policy will be needed together with an agreement as to by whom and when messages will be posted.

#### **2.4.4 Better promotion of the council’s online presence**

All communications – headed paper, email templates, newsletters and consultations etc. should promote the Council’s website and, if appropriate, its social media accounts. It is important to ensure



that links to our website are provided from other key partners, especially Breckland Council, Norfolk County Council and our local Member of Parliament.

#### **2.4.5 Public Consultation – carrying out effective consultation**

Yaxham is lucky to have two bodies of in-depth consultation to draw on – the Community Led Plan 2013 and the Neighbourhood Plan 2017. The Neighbourhood Plan is due for review for 2022. The Council's current consultations is by way of occasional questionnaires on specific subjects and members interaction with the public.

Based on this body of consultation the Council may consider creating an action plan. Such a Plan could include Council priorities can then be developed, which will be reviewed perhaps annually. This could help to ensure that the Council is engaged, and truly representing the needs of the community to other authorities/partners. The information obtained will also help to provide useful evidence in support of initiatives and funding bids. In addition, the Council may consider consultations to gather public opinion on perception and satisfaction of the Council and the work it does. The results of such consultation could also help to better understand the Council's strengths and weaknesses and could help the Council to measure the effectiveness of its work in.

Any consultations need to be developed in such a way that there is an opportunity for all members of the community to engage in the process.

#### **2.5 Who (from the Council) should be communicating?**

The Standing Orders at "26 Communications" state:

- "a. All communication, written and verbal, between the Council and others must be affected through the Clerk. All correspondence issued on behalf of the Council must be prepared and signed by the Clerk with copies being sent to the Chairman and other Councillors as appropriate. Incoming correspondence should be addressed to and opened by the Clerk. Copies of incoming mail will be sent to the Chairman and other Councillors for action as appropriate. Any correspondence received by Councillors must be forwarded to the Clerk without any action being taken.*
- b. For the purposes of these standing orders "correspondence" includes letters, faxes, e-mails and any other non-verbal means.*

It is imperative that:

- All communication from the Council is courteous, timely, professional, appropriate and reflects the decisions and policies of the Council
- All individuals communicating on behalf of the Council are aware that every piece of communication reflects on the reputation of the Council in the community

Staff and Councillors are ambassadors of the Council and must remember this in all communications.

##### **2.5.1 Parish Clerk**

The Parish Clerk has overall responsibility for overseeing all communications with members of the community and outside bodies. The Parish Clerk will be provided with a council email address which is to be used solely for the purpose of conducting Council business. The clerk is to include a 'signature' as part of all email communication so that their name, position contact information, and the website (and social media, if appropriate) links for the Council and its organisations.

##### **2.5.2 Councillors**

Elected members will be regularly approached by members of the community as this is part of their role. How contact from the public are dealt with by Councillors will reflect on the Council.

At no time should Councillors make any promises to the public about any matter raised with them other than to promise to investigate the matter. All manner of issues may be raised, many of which may not



be relevant to the Parish Council. Depending on the issue raised it may be appropriate to deal with the matter in the following ways:

- Refer the matter to the Parish Clerk who will then deal with it as appropriate
- Request an item on a relevant agenda
- Investigate the matter personally, having consulted the Parish Clerk

All communication *must* be responded to and the correspondent kept apprised of progress. The procedure for doing so is as follows:

- Having received an enquiry/complaint, the Councillor should acknowledge receipt (in writing) and advise of what action is intended to be taken
- Advise when that action has been taken and what to expect next (i.e. a response is now awaited from (a third party))
- Report back on the outcome of the enquiry or ensure that either the third party or the Parish Clerk will/has report(ed) back on the matter

Councillors must ensure that any and all communication with the public on Council related matters reflects the decisions and policies of the Council regardless of the Councillor's own views on the subject.

### **3.0 Evaluation**

It is extremely important that the Council measures the success of this strategy so that it may inform any amendments to this strategy.

---

***As agreed at Yaxham Parish Council meeting on 27<sup>th</sup> February 2020***

## **Yaxham Parish Council**

### **Complaints Procedure**

1. Yaxham Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council or are unhappy about an action or lack of action by this council, this Complaints Policy sets out how you may complain to the Council and how we shall try to resolve your complaint.
2. This Complaints Policy applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Policy does not apply to:
  - a. Complaints by one council employee against another council employee. Or between a council employee and the council as an employer. These matters are dealt with under the council's disciplinary and grievance procedures.
  - b. Complaints against a councillor. Complaints against councillors are covered but the Code of Conduct for Members adopted by the council on 10<sup>th</sup> July 2014 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer at Breckland Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer at Breckland Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on the matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with the Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special processes set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or email the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, your complaint will be acknowledged within 72 hours.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of Yaxham Parish Council who will report your complaint to the Council.

8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Chairman will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the 20 working days timescale may have to be extended. If it is, you will be kept informed).
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and, usually within eight weeks, you will be notified in writing of the outcome of the review of your original complaint.

**The Clerk of Yaxham Parish Council**

Address: Mount Pleasant Farm,  
Carbrooke Lane, Shipdham  
Norfolk IP25 7RP  
Telephone: 01362 821037  
Email: yaxhamparishclerk@gmail.com

**The Chairman of Yaxham Parish Council**

Address: Yaxham House  
Norwich Road  
Yaxham  
Norfolk NR19 1RH  
Telephone: 01362 854248  
Email: ian4yaxham@gmail.com

**Adopted 27<sup>th</sup> February 2020**



# **YAXHAM PARISH COUNCIL**

## **FINANCIAL REGULATIONS**

**Reviewed and adopted by the Council at its meeting on 25<sup>th</sup> January 2018**

**Reviewed and Readopted at its Meeting on 27<sup>th</sup> February 2020**

## **CONTENTS**

1. GENERAL
2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)
3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND
5. BANKING ARRANGEMENTS AND AUTHORITY TO SPEND
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS
7. LOANS AND INVESTMENTS
8. INCOME
9. ORDERS FOR WORK, GOODS AND SERVICES
10. CONTRACTS
11. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION  
WORKS
12. ASSETS, PROPERTIES AND ESTATES
13. INSURANCE
14. CHARITIES
15. RISK MANAGEMENT
16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

## YAXHAM PARISH COUNCIL 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. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders [and any individual financial regulations relating to contracts.](#)
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identify the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. All staff must operate within these regulations. Breaches could lead to the Council's actions being called into question by auditors and members of the public and to challenges concerning the legality of those actions. Willful breaches which seriously damage the Council's reputation or lead to financial gain for the officer concerned will be dealt with as gross misconduct. Other breaches may result in disciplinary action.
- 1.7. Members of the Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.9. The RFO: -
  - acts under the policy discretion of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the council up to date in accordance with proper practices;
  - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the council.

- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations and the Audit and Accountability Act 2014.
- 1.11. The accounting records determined by the RFO shall contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the council; and
  - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. Any decisions regarding: -
- setting the final budget or the precept (council tax requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debt;
  - declaring eligibility for the General Power of Competence; and
  - addressing recommendations in any report from the internal or external auditors,
- Shall be a matter for the full council only.
- 1.14. In addition, the council must: -
- determine and keep under regular review the bank mandate for all council bank accounts;
  - Approve any grant or a single commitment in excess of £1,000; and
  - In respect of the annual salary of any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.
- 1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.



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

## **2. Accounting and Audit (Internal and External)**

- 2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than [the Chairman or](#) a cheque signatory shall be appointed to verify bank reconciliations ([for all accounts](#)) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall: -
  - be competent and independent of the financial operations of the council;
  - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - not be involved in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances: -
  - perform any operational duties for the council;
  - initiate or approve accounting transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. Annual Estimates (Budget) and Forward Planning**

- 3.1. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the full council.
- 3.2. The council shall consider annual budget proposals in relation to the council's four-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year or the date specified by the billing authority, whichever is the earlier. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

### **4. Budgetary control and authority to spend**

- 4.1. Expenditure on revenue items outside the normal day to day operations of the Council may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
  - the council for all items over £5,000;
  - [a duly delegated committee of the council for items over £500; or](#)
  - the Clerk, in conjunction with the Chairman of the Council, for any items below ~~£1,000~~[£500](#).

Such authority is to be evidenced by a Minute or by an authorization slip duly signed by the Clerk or RFO, and where necessary also by the Chairman.  
Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to reduce the budget of a subsequent year.
- 4.4. The salaries budget is to be reviewed at least annually in January for the following financial year and such review shall be carried out by the council.

- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of ~~£3,0300~~. The Clerk shall report such action to the Chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and/or the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, 'material' shall be in excess of £100 or 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. Banking Arrangements and Authorisation of Payments**

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the agenda for the meeting and, together with the relevant invoices, present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved schedule shall be ruled off and initialled by the Chairman of the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council Meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is

- no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
- 5.6. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any Policy statement approved by council. Any Revenue or Capital Grant in excess of £3,000 shall before payment, be subject to ratification by resolution of the council.
- 5.7. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.8. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## 6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council shall be signed by two members of council, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question. If a member who is also a bank signatory has declared a  
~~disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.~~
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council (including immediately before or after such a meeting) except by express resolution of council for monthly payment deadlines falling outside the meetings schedule re. HMRC (PAYE & NI) and pension contributions. Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.

- 6.8. If thought appropriate by the council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two of the Clerk (RFO), a member. A programme of regular checks of standing data with suppliers will be followed.

6.18. Credit or debit cards, including pre-paid debit cards will not be used.

6.19. ~~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 [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly. Any trade card account opened by the council will be specifically restricted to use by the Clerk [RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.~~

## **7. LOANS AND INVESTMENTS**

- 7.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.
- 7.2. Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 7.3. 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.
- 7.4. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually. The Council shall seek appropriate advice before approving an Investment Strategy and Policy.
- 7.5. All investments of money under the control of the council shall be in the name of the council.
- 7.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 7.7. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **8. INCOME**

- 8.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 8.2. 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.
- 8.3. The council will review all fees and charges at least annually, following a report of the RFO.
- 8.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.



- 8.5. 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.
- 8.6. The origin of each receipt shall be entered on the paying-in slip.
- 8.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 8.8. 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.
- 8.9. 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.
- 8.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 14 below).

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

- 9.1. An official order authorised by the RFO 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.
- 9.2. Order books shall be controlled by the RFO.
- 9.3. 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, subject to any *de minimis* provisions in Regulation 10.1 below.
- 9.4. A member may not issue an official order or make any contract on behalf of the council.
- 9.5. 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.

## **10. CONTRACTS**

- 10.1. Procedures as to contracts are laid down as follows:
  - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;



- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).
- ~~b.~~ Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- ~~e.d.~~ When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- ~~d.e.~~ Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- ~~e.f.~~ All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- ~~f.g.~~ If less than three tenders are received for contracts above £25,000 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.
- ~~g.h.~~ Any invitation to tender issued under this regulation shall be subject to Standing Order 18 c, d, e & f and shall refer to the terms of the Bribery Act 2010.
- ~~h.i.~~ When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 9.3 above shall apply.
- ~~i.j.~~ The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- ~~j.k.~~ Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- ~~k.l.~~ The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

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

## **11. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 11.1. 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).
- 11.2. 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.
- 11.3. 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.

## **12. ASSETS, PROPERTIES AND ESTATES**

- 12.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 12.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £~~4,000~~250.
- 12.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 12.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 12.5. Subject only to the limit set in Reg. 12.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council with a full business case
- 12.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **13. INSURANCE**

- 13.1. Following the annual risk assessment (Financial Regulation 15), the RFO shall effect all insurances and negotiate all claims on the council's insurers, in consultation with the Clerk.

- 13.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 13.3. 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.
- 13.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council.

#### **14. CHARITIES**

- 14.1. Where the council is sole managing trustee of a charitable body the Clerk 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 shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

#### **15. RISK MANAGEMENT**

- 15.1. 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.
- 15.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

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

- 16.1. It shall be the duty of the council to review the Financial Regulations of the council annually. 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.
- 16.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

**New section to be added and the subsequent sections re-numbered accordingly:**

**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 salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the [council] [relevant committee].

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

- a) by any councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

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

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

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing interim staff, the council must consider a full business case.

\* \* \*



# **YAXHAM PARISH COUNCIL**

## **STANDING ORDERS**

**Based on NALC Model Standing Orders 2018 England**

**Reviewed, amended and adopted by the Council at its meeting on  
27th February 2020**

## Contents

<b>1. RULES OF DEBATE AT MEETINGS .....</b>	<b>29</b>
<b>2. DISORDERLY CONDUCT AT MEETINGS.....</b>	<b>30</b>
<b>3. MEETINGS GENERALLY .....</b>	<b>31</b>
<b>4. COMMITTEES AND SUB-COMMITTEES .....</b>	<b>33</b>
<b>5. ORDINARY COUNCIL MEETINGS .....</b>	<b>34</b>
<b>6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES.....</b>	<b>36</b>
<b>7. PREVIOUS RESOLUTIONS .....</b>	<b>36</b>
<b>8. VOTING ON APPOINTMENTS .....</b>	<b>36</b>
<b>9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER .....</b>	<b>36</b>
<b>10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE 37</b>	
<b>11. MANAGEMENT OF INFORMATION .....</b>	<b>37</b>
<b>12. DRAFT MINUTES .....</b>	<b>38</b>
<b>13. CODE OF CONDUCT AND DISPENSATIONS.....</b>	<b>38</b>
<b>14. CODE OF CONDUCT COMPLAINTS .....</b>	<b>39</b>
<b>15. PROPER OFFICER .....</b>	<b>40</b>
<b>16. RESPONSIBLE FINANCIAL OFFICER .....</b>	<b>41</b>
<b>17. ACCOUNTS AND ACCOUNTING STATEMENTS .....</b>	<b>41</b>
<b>18. FINANCIAL CONTROLS AND PROCUREMENT.....</b>	<b>42</b>
<b>19. HANDLING STAFF MATTERS .....</b>	<b>43</b>
<b>20. RESPONSIBILITIES TO PROVIDE INFORMATION .....</b>	<b>44</b>
<b>21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION ....</b>	<b>44</b>
<b>22. RELATIONS WITH THE PRESS/MEDIA .....</b>	<b>44</b>
<b>23. EXECUTION AND SEALING OF LEGAL DEEDS.....</b>	<b>45</b>
<b>24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS .....</b>	<b>45</b>
<b>25. RESTRICTIONS ON COUNCILLOR ACTIVITIES .....</b>	<b>45</b>
<b>26. STANDING ORDERS GENERALLY .....</b>	<b>45</b>
<b>27. Communications .....</b>	<b>45</b>

## 1. RULES OF DEBATE AT MEETINGS

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



has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

## 2. **DISORDERLY CONDUCT AT MEETINGS**

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

### 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the**

report or commentary is available as the meeting takes place or later to persons not present.

- m A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- n The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.
- p The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- r The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- u A councillor or a non-councillor with voting rights who has a

- **disclosable pecuniary interest or another interest as set out in the**
- **Council's code of conduct in a matter being considered at a meeting is**
- **subject to statutory limitations or restrictions under the code on his**
- **right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of**
- **the whole number of members of the Council are present and in no case**
- **shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- w **If a meeting is or becomes inquorate no business shall be transacted**
- and the meeting shall be closed. The business on the agenda for the meeting
- shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 hours. Council may approve an extension by resolution if considered necessary.

#### 4. COMMITTEES AND SUB-COMMITTEES

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

three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## 5. ORDINARY COUNCIL MEETINGS

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at **7pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council. Councillors may agree on a process of nomination for the office of chairman before the annual meeting of the council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council. The Vice-Chairman of the Council shall Chair this first business item and invite nominations(s) for Chairman which must be seconded by a member of the Council. The candidates(s) shall be invited by the Vice-Chairman to confirm acceptance of the nomination before a vote is taken. A simple majority vote will confirm the decision. In the case of a tied vote, the Chairman for this item of business will have a second casting vote.
- g The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council. The Chairman of the Council shall invite nomination(s) for Vice-Chairman which must be seconded by a member of the Council. The candidate(s) shall be invited by the Chairman to confirm acceptance of the nomination before a vote is taken. A simple majority vote will confirm the decision. In the case of a tied vote, the Chairman will have a second casting vote.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes..
- i In an election year, if the current Chairman of the Council has been re-elected as

**a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
  - xviii. Review of the Council's policy for dealing with the press/media;
  - xix. Review of the Council's employment policies and procedures;
  - xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
  - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

**6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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

**7. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

**8. VOTING ON APPOINTMENTS**

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical



errors in the wording of the motion.

- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

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

#### 11. **MANAGEMENT OF INFORMATION**

*See also standing order 20.*

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

## 12. **DRAFT MINUTES**

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- 
- 

## 13. **CODE OF CONDUCT AND DISPENSATIONS**

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

#### 14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the

Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).

- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 15. PROPER OFFICER

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

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Council OR within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

## 16. **RESPONSIBLE FINANCIAL OFFICER**

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

## 17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

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

actual or potential overspends.

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

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;

- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- iv. tenders are to be submitted by email or in writing in a sealed marked envelope addressed to the Proper Officer;
- v. tenders shall be opened by the Proper Officer after the deadline for submission of tenders has passed;
- vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 19. **HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of Council OR the Staffing committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Staffing committee or, if he is not available, the vice-chairman (if there is one) of the Staffing committee of absence occasioned by illness or other reason and that person shall report such absence to the Staffing committee at its next meeting.
- c. The chairman of the Staffing committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk/RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing committee.



- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of Staffing committee or in his absence, the vice-chairman of the Staffing committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chairman or vice-chairman of the Staffing committee, this shall be communicated to another member of the Staffing committee, which shall be reported back and progressed by resolution of Staffing committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **If gross annual income or expenditure (whichever is higher) does not exceed £25,000 the Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

## 21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 11.*

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

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

- a Requests from the press or other media for an oral or written comment or statement

from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

## 25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

## 26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## 27. Communications

- a. All communication, written and verbal, between the Council and others must be effected through the Clerk. All correspondence issued on behalf of the Council must

be prepared and signed by the Clerk with copies being sent to the Chairman, Vice-Chairman and other Councillors as appropriate. Incoming correspondence should be addressed to and opened by the Clerk. Copies of incoming mail will be sent to the Chairman, Vice-Chairman and other Councillors for action as appropriate. Any correspondence received by Councillors must be forwarded to the Clerk without any action being taken.

- b. For the purposes of these standing orders "correspondence" includes letters, faxes, e-mails and any other non-verbal means.