

# **CUBBINGTON PARISH COUNCIL**

## **Standing Orders**

**Adopted by Cubbington Parish Council on 13<sup>th</sup> May 2014**

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**(Note: Sections shown in bold are in accordance with statute)**

## **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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 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.
- j Subject to standing order 1(k) below, 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 of 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. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the 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 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) above, the contributions or speeches by a councillor shall relate only to the motion under discussion.

## 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 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) above 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

- 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. Notice of such representation must be given to the Clerk of the Chairman of the Parish Council no less than seven days before the meeting.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed five minutes under each item of business included in the agenda unless directed by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than five minutes.
- h In accordance with standing order 3(e) above, 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 stand when requesting to speak and 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 **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Parish Council's prior written consent.**
- m **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.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Parish Council may in his absence be done by, to or before the Vice-Chairman of the Parish Council (if any).**
- o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- q **The chairman of the 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(i) and (j) below for the different rules that apply in the election of the Chairman of the Parish Council at the annual meeting of the Council.]*
- r **Voting on any question shall be by a show of hands unless the Parish Council agree that voting slips should be used which do not indicate how each Parish Councillor voted. 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.
- s 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 present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;

- v. if there was a public participation session; and
  - vi. the resolutions made.
- t **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Parish 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.**
- u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Parish Council are present and in no case shall the quorum of a meeting be less than three.**  
*[See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.]*
- v **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.

## **4. Committees and sub-committees**

- a **Unless the Parish 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 Parish Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Parish 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 Parish 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) above, appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xi. may dissolve a committee.

## **5. Ordinary Parish Council meetings**

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

- b In a year which is not an election year, the annual meeting of the Parish Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Parish Council shall take place at 7.30 pm.
- d In addition to the Annual Meeting of the Parish Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The first business conducted at the Annual Meeting of the Parish Council shall be the election of the Chairman and Vice-Chairman of the Council.
- f The Chairman of the Parish Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Parish Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Parish Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Parish Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Parish Council shall not have an original vote in respect of the election of the new Chairman of the Parish Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Parish Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Parish Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Parish Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman and Vice-Chairman of the Parish Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i. In an election year, delivery by the Chairman of the Parish 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 Parish 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 Parish 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 the terms of reference for committees;
  - vi. Appointment of members to existing committees;
  - vii. Appointment of any new committees in accordance with standing order 4 above;
  - viii. Review and adoption of appropriate standing orders and financial regulations;

## **6. Extraordinary meetings of the Parish Council and committees and sub-committees**

- a The Chairman of the Parish Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Parish Council does not or refuses to 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 Parish Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.

- c The chairman of a committee or a sub-committee may convene an 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 or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the committee and the sub-committee may convene an extraordinary meeting of a committee and 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 four councillors to be given to the Proper Officer in accordance with standing order 9 below, 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) above has been disposed of, no similar motion may be moved within 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 Parish 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 which it is tabled for and in any event shall relate to the performance of the Parish 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 seven 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) above, 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) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five 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 Subject to standing order 9(e) above, 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 in a book for that purpose and numbered in the order that

they are received.

- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their 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 sensitive 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 requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close a meeting.

## **11. Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Draft minutes**

- 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) above.
- 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 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. Code of Conduct and dispensations**

*See also standing order 3(t) above.*

- a All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Parish Council (Appendix A).
- 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 Parish Council's Code of Conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Upon receipt of the agenda for Parish Council meetings, all councillors should decide whether they had a pecuniary interest in any of the topics to be discussed. If they wished to request a dispensation they should immediately advise the Clerk who would then inform the other councillors so that the request could be considered at the start of the meeting.
- e Requests for Dispensations will appear on the next agenda for consideration.
- 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 A dispensation may be granted in accordance with standing orders 13(d) and (e) above if having regard to all relevant circumstances the following applies:**
  - 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 or**
  - 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 Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Parish Council's Code of Conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b The Parish Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;

- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- c **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the Parish 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 the Clerk to the Parish Council.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the Parish Council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**  
*[See standing order 3(b) above for the meaning of clear days for a meeting of the Parish Council and standing order 3 (c) above for a meeting of a committee.]*
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the Parish Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);**  
*[See standing order 3(b) above for the meaning of clear days for a meeting of the Parish Council and standing order 3(c) above for a meeting of a committee.]*
  - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least one day before the meeting confirming his withdrawal of it;
  - iv. **convene a meeting of the Parish Council for the election of a new Chairman of the Parish Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute book by local government electors;
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain acceptance of office forms from councillors;
  - viii. retain a copy of every councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Parish Council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the Parish Council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the Parish Council in paper and electronic form;
  - xii. arrange for legal deeds to be executed;  
*[See also standing order 22 below.]*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Parish Council in accordance with the Council's financial regulations;
  - xiv. manage access to information about the Parish Council via the Publication Scheme; and
  - xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.  
*[See also standing order 22 below.]*

## 16. Responsible Financial Officer

- a The Parish Council shall appoint appropriate staff member(s) 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 (England).
- b All payments by the Parish Council shall be authorised, approved and paid in accordance with the law, proper practices and the Parish 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 for each quarter;
  - ii. the council's aggregate receipts and payments 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 Parish Council's receipts and payments for the last quarter and the year to date for information; and
  - ii. to the Parish Council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the Parish Council (receipts and payments, or income and expenditure) for a year to 31 March. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## 18. Financial controls and procurement

- a The Parish Council shall consider and approve Financial Regulations (Appendix B) 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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**
- d Subject to additional requirements in the Financial Regulations of the Parish 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 Parish Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Parish Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Parish Council or a committee or sub-committee with delegated responsibility.
- e Neither the Parish Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Parish Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Parish Council must comply with EU procurement rules.**

## 19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the Parish Council or a committee or a sub-committee is subject to standing order 11 above.
- b The Clerk to the Parish Council shall contact the Chairman of the Parish Council or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Parish Council.
- c If an informal or formal grievance matter raised by the Clerk to the Parish Council relates to the Chairman this shall be communicated to another member of the Parish Council which shall be reported back and progressed by resolution of the Council.
- d Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- e The Parish Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- f Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- g Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to Clerk to the Parish Council and the Chairman of the Council.

## 20. Requests for information

- a Requests for information held by the Parish Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 as defined in the Model Publication Scheme (Appendix C) and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Parish Council. The said committee shall have the

power to do anything to facilitate compliance with the Freedom of Information Act 2000.

## **21. Relations with the press/media**

- a In the event of a parish matter being referred to a councillor by a resident or residents living within a Parish Ward for which that councillor is not an elected representative, that councillor is requested to refer the matter immediately to the appropriate councillor for the Ward for attention.
- b In recognising that a councillor is at liberty to make statements or comments to the press or other media, the Parish Council requests that whenever he/she does so, he/she makes it clear that they are made in his/her private capacity as a councillor (or in any other capacity) and not on behalf of the Parish Council.
- c The Parish Council authorises the Chairman of the Parish Council (or the Vice-Chairman in the absence of the Chairman) and the Clerk to the Council to issue statements or comments to the press or other media on their behalf. This authority is granted for the benefit of the residents of the Parish in order to avoid any possible confusion arising over the official policy of the Parish Council in the referred to matter.

## **22. Execution and sealing of legal deeds**

*See also standing order 15(b)(xii) above.*

- a A legal deed shall not be executed on behalf of the Parish Council unless authorised by a resolution.
- b **Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

## **23. Communicating with District and County 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 Councils representing the area of the Parish Council.

## **24. Restrictions on councillor activities**

- a Unless authorised by a resolution, 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.

## **25. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory 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 Parish Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the Parish Council's standing orders to a councillor as

soon as possible after he has delivered his acceptance of office form.

- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

## **26. Consultations on planning applications**

The Parish Council has adopted the following procedure for dealing with consultations on planning applications:

- a All planning applications will be forwarded by the Clerk by email to the Chairman of the Parish Council and the respective ward councillors with a date by which comments must be returned to the Clerk.
- b The councillors involved must then email their comments to each other and the Clerk who will collate the response to be forwarded to the planning authority.
- c The Clerk has delegated authority to submit comments on planning applications on behalf of the Parish Council taking into consideration the comments made the ward councillors involved in the consultation process.
- d It is the responsibility of the ward councillor in (a) above to liaise with their other ward councillors to ensure that whenever possible all ward councillor are able to make comments on the proposed development.
- e If, in the opinion of the Chairman of the Parish Council, the proposed development is of such importance that it ought to be brought to the attention of the Parish Council for consideration, they will arrange for a special meeting of the Council to be held.

## **27. Complaints**

Any complaints received regarding the Parish Council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the Parish Council itself or a person or body acting on behalf of the Parish Council shall be considered in accordance with the Parish Council's Complaints Policy (Appendix D). [*See also standing order 14 regarding complaints in relation to the conduct of councillors.*]

## **28. Urgent decisions**

The Clerk to the Parish Council, in consultation with the Chairman and/or the Vice-Chairman, has delegated powers to make urgent decisions on behalf of the Parish Council, including expenditure up to a maximum of £2000.

## **CUBBINGTON PARISH COUNCIL**

### **Code of Conduct**

*(adopted July 2012)*

#### **Part A – General Obligations**

As a member or co-opted member of Cubbington Parish Council, I have a responsibility to represent the community and work constructively with the staff and partner organisations to secure better social, economic and environmental outcomes for all.

I recognise that this Code of Conduct will apply at all times when I am acting as a member of Cubbington Parish Council and I recognise that failure to adhere to this Code could result in the issuing of sanctions against me.

In accordance with the Localism Act 2011 provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority:

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

As a Member of Cubbington Parish Council, my conduct will in particular address the principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the authority or the good governance of the authority in a proper manner.
- Recognising that all parties are equal and my position is one of privilege and not one that should be used to secure advantage or disadvantage for any party.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to and respecting the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective, making decisions on merit and providing reasons for the decisions taken.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account.
- Never disclosing information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (1) I have the consent of a person authorised to give it;
  - (2) I am required by law to do so; and
  - (3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (4) the disclosure is
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the authority.
- Behaving in accordance with all my legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including those on the use of the Council's resources (which shall never be for political purposes).
- Valuing and respecting my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside, both staff and fellow Members.
- Providing leadership through behaving in accordance with the principles of this Code when championing the interests of the community with other organisations as well as within this Council.
- Never intimidating or attempting to intimidate, or bully any person.
- Never doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- Recognising that by failing to adhere to the Code, I could bring my office or the Council into disrepute.

## Part B - Interests

### 1 Notification of disclosable pecuniary interests

This part explains the requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction but would also be seen as a breach of the Code of Conduct by the Council.

Within 28 days of becoming a Member or co-opted Member, or becoming aware of any changes to your interests, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>(1)</sup> .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land, which includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities which means, shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 <sup>(2)</sup> and other securities of any	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

<sup>(1)</sup> 1992 c. 52.

<sup>(2)</sup> 2000 c. 8.

description, other than money deposited with a building society	<ul style="list-style-type: none"> <li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul>
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- “the Act” means the Localism Act 2011;
- “director” includes a member of the committee of management of an industrial and provident society;
- “M” means a member of the relevant authority;
- “member” includes a co-opted member;
- “relevant authority” means the authority of which M is a member;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

## 2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection, at Riverside House, Royal Leamington Spa and will be published on the authority’s website.

## 3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

## 4 Non participation in the case of disclosable pecuniary interest

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- (a) You may not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item (unless dispensation has been granted).
- (b) You may not participate in any vote taken on the matter at the meeting.
- (c) You must disclose the interest to the meeting.
- (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

## 5 Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## 6 Offences

It is a criminal offence, under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to:

- (1) fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
- (2) fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- (3) fail to notify the Monitoring Officer within 28 days, of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
- (4) participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest;
- (5) knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

In addition to the above, this Council would also recognise that the following would amount to a breach of the Code of Conduct:

- Failure to notify the Monitoring officer of any changes to disclosable pecuniary interest within 28 days
- Failure to disclose a disclosable pecuniary interest at a meeting
- Failure to leave the meeting room when an item relating to a disclosable pecuniary interest is discussed

## Other interests

### 1 Notification of interests

- (1) Subject to paragraph 4 (below), Sensitive interests, you must, within 28 days of—
  - (a) this Code being adopted by or applied to your authority;
  - (b) your election or appointment to office (where that is later); or
  - (c) any changes occurring to the declared interest

Notify the Monitoring Officer in writing of the details of your personal interests, where they fall within the categories at Paragraph 2(2) (A) below, for inclusion in the register of interests.

- (2) You must, within 28 days of becoming aware of any new personal interest, notify the Monitoring Officer of the details of that new personal interest.

### 2 Disclosure of interests

- (1) Where you have a personal interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2)
  - (A) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of—
    - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
    - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

- (B) In sub-paragraph (2) (A), a *relevant person* is—
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of which you are a member is affected by the matter being considered.
- (C) You have a personal interest in any business of your authority in those matters set out under Disclosable Pecuniary Interests at Part B paragraph 1.
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person, you need to disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest in any business of the authority regarding gifts and hospitality, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (5) Where you have a personal interest but, by virtue of Paragraph 4, Sensitive interests, information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **3 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as an interest under this Code.

### **4 Sensitive interests**

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

### **5 Non-participation in case of pecuniary interest**

- (1) Where you have a personal interest in any business of your authority and you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- (a) affects your financial position or the financial position of a person or body described in paragraph 2;
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph;
  - (c) or relates to any disclosable pecuniary interest.

Then paragraph 2 shall apply.

- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
- (a) You may not participate in any discussion of the matter at the meeting.
  - (b) You may not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

(Note: In addition to the above requirements, you will be required to leave the room where the meeting is held whilst any discussion or voting takes place.)

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## **6 Gifts & Hospitality**

Within 28 days of receipt you must inform the Monitoring Officer of any gift or hospitality received equal to or greater than a value of £25.

This notification will include the details of what was received and the date it was received.

## **CUBBINGTON PARISH COUNCIL**

### **Financial Regulations**

*[These Financial Regulations were adopted by the Council at its meeting held on 10<sup>th</sup> February 2009]*

#### **1. GENERAL**

- 1.1 These financial regulations govern the conduct of financial management by the Parish Council and may only be amended or varied by resolution of the Parish Council. The Parish Council are responsible in law for ensuring that their financial management is adequate and effective and that the Parish Council have a sound system of financial control which facilitates the effective exercise of their functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how they meet these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the Parish Council. [The Clerk has been appointed as RFO for this Parish Council and these regulations will apply accordingly.] The RFO, acting under the policy direction of the Parish Council, shall administer their financial affairs in accordance with proper practices. The RFO shall determine on behalf of the Parish Council their accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Parish Council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the Parish Council.
- 1.4 At least once a year, prior to approving the annual return, the Parish Council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

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

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

#### **3. BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.

- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of Parish Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall provide the Parish Council with a statement of receipts and payments under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget.
- 3.4 The Clerk may incur expenditure on behalf of the Parish Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2000. The Clerk shall report the action to the Parish Council as soon as practicable thereafter.
- 3.5 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Parish Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.6 All capital works shall be administered in accordance with the Parish Council's standing orders and financial regulations relating to contracts, if any.

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

- 4.1 All accounting procedures and financial records of the Parish Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall complete the annual financial statements of the Parish Council, including the annual return, as soon as practicable after the end of the financial year and shall submit them to the Parish Council.
- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Parish Council within the timescales set by the Accounts and Audit Regulations.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Parish Council's accounting, financial and other operations in accordance with proper practices. Any officer or Member of the Parish Council shall, if the RFO or Internal Auditor requires, make available such documents of the Parish Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the Parish Council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Parish Council, shall report to Parish Council on a regular basis with a minimum of one annual report in respect of each financial year. In order to demonstrate objectivity and independence, the Internal Auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the Parish Council.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

#### **5. BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Parish Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Parish Council. They shall be regularly reviewed for efficiency.

- 5.2 A schedule of the payments required, forming part of the Agenda for the meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Parish Council. If the schedule is in order it shall be authorised by a resolution of the Parish Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Parish Council, and countersigned by the Clerk.

## **6 PAYMENT OF ACCOUNTS**

- 6.1 All payments shall be effected by cheque or other order drawn on the Parish Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy himself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Parish Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Parish Council.
- 6.5 The Parish 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.
- 6.6 If thought appropriate by the Parish Council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the Parish Council at least every two years.

## **7. PAYMENT OF SALARIES**

- 7.1 As an employer, the Parish Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Parish Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Parish Council Meeting.

## **8. LOANS AND INVESTMENTS**

- 8.1 All loans and investments shall be negotiated in the name of the Parish Council and shall be for a set period in accordance with Parish Council policy.
- 8.2 The Parish Council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Parish Council shall be in the name of the Parish Council.

8.4 All borrowings shall be effected in the name of the Parish Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Parish Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.

8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. INCOME**

9.1 The collection of all sums due to the Parish Council shall be the responsibility of and under the supervision of the RFO.

9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Parish Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Parish Council.

9.3 The Parish Council will review all fees and charges annually, following a report of the Clerk.

9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Parish Council and shall be written off in the year.

9.5 All sums received on behalf of the Parish Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Parish Council's bankers with such frequency as the RFO considers necessary.

9.6 The origin of each receipt shall be entered on the paying-in slip.

9.7 Personal cheques shall not be cashed out of money held on behalf of the Parish Council.

9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

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

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

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

10.2 Order books shall be controlled by the RFO.

10.3 All Members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (I) below.

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

## **11. CONTRACTS**

11.1 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 these regulations shall not apply to contracts which relate to items (i) to (vi) below:
  - (i) for the supply of gas, electricity, water, sewerage and telephone services;
  - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - (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 Parish Council;
  - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of the Parish Council);
  - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) 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 Parish Council.
- (d) 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) 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) If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) When it is to enter into a contract less than £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain three quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the Clerk or RFO shall strive to obtain three estimates. Otherwise, Regulation 10 (3) above shall apply.
- (h) The Parish Council shall not be obliged to accept the lowest or any tender, quote or estimate.

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

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

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

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

- 13.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Parish Council. The RFO shall ensure a record is maintained of all properties owned by the Parish 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.

- 13.2 No property shall be sold, leased or otherwise disposed of without the authority of the Parish Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

### **14. INSURANCE**

- 14.1 Following the annual risk assessment (as in Financial Regulation 15), the RFO shall effect all insurances and negotiate all claims on the Parish Council's insurers.

- 14.2 The RFO shall keep a record of all insurances effected by the Parish Council and the property and risks covered thereby and annually review it.

- 14.3 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 Parish Council at the next available meeting.

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

### **15. RISK MANAGEMENT**

- 15.1 The Parish Council are responsible for putting in place arrangements for the management of risk. The Clerk shall report any potential risks arising in respect of activities of the Council.

- 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 Parish Council.

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

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

## **CUBBINGTON PARISH COUNCIL**

[Model Publication Scheme V1.0 Information Commissioners' Office]

### **Model Publication Scheme**

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

#### **Classes of Information**

##### **Who we are and what we do**

Organisational information, locations and contacts, constitutional and legal governance.

##### **What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

##### **What our priorities are and how we are doing**

Strategy and performance information, plans, assessments, inspections and reviews.

##### **How we make decisions**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

##### **Our policies and procedures**

Current written protocols for delivering our functions and responsibilities.

##### **Lists and Registers**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

##### **The Services we Offer**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **The method by which information published under this scheme will be made available**

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **Charges which may be made for Information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### **Written Requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

## **CUBBINGTON PARISH COUNCIL**

### **Complaints Policy**

#### **Definition**

Cubbington Parish Council uses the Local Government Ombudsman's (LGO) definition of a complaint, which is accepted by National Association of Local Councils (NALC):

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

In accordance with NALC/LGO guidelines, the Parish Council will try to ensure that their complaints system is:

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

#### **Confidentiality**

The LGO/NALC advises that the identity of a complainant should only be made known to those who need to consider a complaint. Cubbington Parish Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

#### **Complaints Procedure**

The procedure set out in this in this policy is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the following way:

- Complaints against Members of the Parish Council – through the Monitoring Officer.
- Complaints against the Clerk of the Council – through internal disciplinary procedures.

The following procedure is designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Clerk or the Chairman of the Parish Council. At all times, the rules of natural justice will apply. In other words, all parties should be treated fairly and the process should be reasonable, accessible and transparent.

#### **Before the Meeting at which the complaint will be considered**

1. The complainant should be asked to put the complaint about the Parish Council's procedures or administration in writing to the Clerk.
2. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chairman of the Parish Council.
3. The Clerk shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Parish Council or by a committee established for the purposes of hearing complaints. The complainant should also be advised whether the

complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).

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

#### **At the Meeting**

6. The Parish Council will consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint will be announced at the Parish Council meeting in public.
7. The Chairman should introduce everyone and explain the procedure.
8. The complainant (or representative) should outline the grounds for the complaint and then questions may be asked by (i) the Clerk and then (ii) Parish Councillors.
9. The Clerk will then have the opportunity to explain the Parish Council's position and questions may be asked by (i) the complainant and (ii) Parish Councillors.
10. The Clerk and then the complainant should then be offered the opportunity to summarise their positions and that of the Parish Council.
11. The Clerk (if the complaint is made against him/her) and the complainant should be asked to leave the room while Parish Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties to be invited back.
12. The Clerk (if excluded from the meeting) and complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

#### **After the Meeting**

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

***///INALC***