

# ASHFORD HILL with HEADLEY PARISH COUNCIL

## STANDING ORDERS

### Including FINANCIAL REGULATIONS

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#### 1 MEETINGS

Mandatory for full Council meetings	●
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- 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) When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.
- c) 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.
- d) Subject to standing order 1 (c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e) The period of time [which is designated for public participation in accordance with standing order 1 (d) above] shall not exceed (15) minutes.
- f) Subject to standing order 1 (e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than (2) minutes.
- g) In accordance with standing order 1 (d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h) In accordance with standing order 1 (g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i) A record of a public participation session at a meeting shall be included in the minutes of that meeting.

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- j) [A Member or a person shall raise his hand when requesting to speak and may stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chairman may at any time permit an individual to be seated when speaking.
- k) Any person speaking at a meeting shall address his comments to the Chairman.
- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m) **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.**
- n) **In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).**
- p) **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.**
- q) **Subject to model standing order 1 (y) below, all motions at a meeting shall be decided by a majority of the eligible Councillors present and voting thereon.**
- r) **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (See also standing orders 2 (i) and (j) below.)**
- s) **Unless standing orders provide otherwise, voting on any motion shall be by a show of hands. At the request of a Councillor, the voting on any motion shall be recorded so as to show whether each councillor present and voting gave his vote for or against that motion. Such a request shall be made before moving on to the next item of business on the agenda.**
- t) **The minutes of a meeting shall record the names of councillors present and absent.**


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u) If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

 v) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

 w) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.** (See also standing orders 7 and 8 below.)

 x) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**

 y) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

z) Meetings shall not exceed a period of (2) hours.

## 2 ORDINARY COUNCIL MEETINGS

*See also standing order 1 above*

- a) In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b) In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c) If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d) (England) In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e) The election of the Chairman and Vice-Chairman (if any) of the Council shall be the first business completed at the annual meeting of the Council.
- f) The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g) The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i) In an election year, if the current (non elected) Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

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j) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.

- i. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
- ii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
- iii. Review of the terms of references for committees. (Throughout the year)
- iv. Receipt of nominations to existing committees. (Throughout the year)
- v. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- vi. Review and adoption of appropriate standing orders and financial regulations. (Annually)
- vii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- viii. Review of representation on or work with external bodies and arrangements for reporting back.
- ix. (England) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- x. Review of inventory of land and assets including buildings and office equipment.(Throughout the year)
- xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks. (Throughout the year)
- xii. Review of the Council's and/or employees' memberships of other bodies.
- xiii. Establishing or reviewing the Council's complaints procedure. (Throughout the year)

Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998. (Throughout the year)

- xiv. Establishing or reviewing the Council's policy for dealing with the press/media (through the Publicity Group)
- xv. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead. (Usually completed at the September Parish Council Meeting)

k) There shall be no smoking permitted at meetings

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**a) PROPER OFFICER**

- a) The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b) The Council's Proper Officer shall do the following.
- i.[Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting.]**
- OR
- [Upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub- committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer].
- ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- iii. Subject to standing orders 4(a)-(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least ( 10 ) days before the meeting confirming his withdrawal of it.
- iv. Convene a meeting of full Council for the election of a new Chairman, of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.
- v. Make available for inspection the minutes of meetings.
- vi. Receive and retain copies of byelaws made by other local authorities.
- vii. Receive and retain declarations of acceptance of office from councillors.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.

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- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds [to be signed by 2 councillors] and witnessed (See also model standing orders 14(a) and (b).)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority.
- xvi. Refer a planning application received by the Council to the [Chairman or Vice Chairman of the Planning Committee] within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary Planning Committee.

#### **4 MOTIONS REQUIRING WRITTEN NOTICE**

- a. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least (14) clear days before the next meeting.
- b. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c. If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 in clear and certain language at least (10) clear days before the meeting.
- d. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.

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- e. Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

- f. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

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

- a. Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.

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- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds [signed by two councillors] and witnessed.  
(See standing orders 14(a) and (b) below.)

- xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xviii. To extend the time limit for speeches.
- xix. To exclude the press and public for all or part of a meeting.
- xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxi. To give the consent of the Council if such consent is required by standing orders.
- xxii. To suspend any standing order except those which are mandatory by law.
- xxiii. To adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from councillors.

- b. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **6 RULES OF DEBATE**

- a. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b. Subject to standing orders 4(a)-(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c. Subject to standing order 3(b) (iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.

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- e. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f. Any amendment to a motion shall be either:
  - i. to leave out words;

- ii. to add words;
  - iii. to leave out words and add other words.
- g. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i. Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j. Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding (3) minutes.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

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- o. Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of anyone motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- 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 irregularity in the meeting he is concerned by.

- q. A point of order shall be decided by the Chairman and his decision shall be final.
  
- r. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
  
- s. Subject to standing order 6(0) above, when a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
  
- t. In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

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- u. At the end of any speech a member may, without comment, move "that the questions be now put" "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded "that the question be now put", only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or

waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

- v. The Clerk shall Insert in the summons for every meeting all notices of motion or recommendation properly given In the order In which they have been received unless the member giving a notice of motion has stated In writing that he/she intends to move at some later meeting or that he/she withdraws it.

## **CODE OF CONDUCT (ENGLAND)**

*See also model standing orders 1 (d)-(i) above*

*A revised statutory code of conduct is expected to come into force in 2010*

- a. **All councillors shall observe the code of conduct adopted by the Council.**
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c. **If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.**
- d. **Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.**

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## **8 QUESTIONS**

- a. A councillor may seek an answer to a question concerning any business of the Council provided (7) clear days notice of the question has been given to the Proper Officer.

- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.

## **9 MINUTES**

- a. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, 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 majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."

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- e. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- f. All councillors will receive a copy of the minutes.

## **10 DISORDERLY CONDUCT**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of standing order 1 O(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c. If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## **11 RESCISSION OF PREVIOUS RESOLUTIONS**

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least (4) councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to standing order 11 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

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## 12 VOTING ON APPOINTMENTS

- a. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

## 13 EXPENDITURE

- a. Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b. The Council's financial regulations shall be reviewed once a year.
- c. The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## 14 EXECUTION AND SEALING OF LEGAL DEEDS

*See also standing order 5(a)(xvi) above*

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

(The above is applicable to a Council without a common seal.)

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## 15 COMMITTEES

*See also standing order 1 above*

- a. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of councillor or non-councillor members  
of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer (2) days before the meeting that they are unable to attend;
  - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 1S(a)(iv) above) shall not be permitted to propose a motion or vote;
  - vi. may in accordance with standing orders, dissolve a committee at any time.
  - vii. the Chairman and Vice Chairman of the Council are ex officio of all committees and shall be voting members of all committees.

## 16 SUB-COMMITTEES

*See also standing order 1 above*

- a. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
- b. The Chairman and Vice Chairman of the Council shall be members of every sub-committee appointed by it unless they do not wish to serve.
- c. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-third or 3 of its members, whichever is greater. If a member fails to attend 3 consecutive meetings of a Committee without good cause, a vote may be taken on whether he/she should remain a member of that Committee.

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## **17 EXTRAORDINARY MEETINGS**

*See also standing order 1 above*

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- c. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within (2) days of having been requested by to do so by (2) councillors, those (2) councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by (2) councillors.

## **18 ADVISORY COMMITTEES / WORKING GROUPS**

*See also standing order 1 above*

- a. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
- c. The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- d. An advisory committee may consist wholly of persons who are not members of the Council.

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## **19 ACCOUNTS AND FINANCIAL STATEMENT**

- a. All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b. See Financial Regulations.

## **20 ESTIMATES/PRECEPTS**

- a. The Council shall approve written estimates for the coming financial year at its meeting before the end of December.
- b. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the Resources Committee in November.

## **21 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS**

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

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## **22 INSPECTION OF DOCUMENTS**

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

## **23 UNAUTHORISED ACTIVITIES**

- a. The Council must always act a corporate body. Members including the Chairman of the Council, have no individual authority.
- b. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.
  - iii. unless authorised to do so by the Council or the relevant committee or sub- committee
- c. On occasions where members are authorised to represent the Council they must express only the agreed view of the Council and must as soon as reasonably practicable report back any matters raised to the Clerk and the Council where appropriate.
- d. Where members engage In Informal conversation with an Individual or group they must take care to differentiate clearly between views which are the agreed policy of the Council and those which are their own personal views.

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## **24 CONFIDENTIAL BUSINESS**

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

## **25 POWER OF WELL-BEING (ENGLAND)**

- a. **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- b. **The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
- c. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.**

## **26 MATTERS AFFECTING COUNCIL EMPLOYEES**

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Committee. Panel has passed a resolution to exclude the press and public shall be excluded pursuant to standing order 1 (c) above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of Council in his absence, the Vice-Chairman of Council of any absence occasioned by illness or urgency.

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- c. The Chairman of Council or in his absence, the Vice-Chairman shall conduct the

appraisal of the Clerk all other appraisals of staff to be completed by the Clerk and written records shall be kept.

- d. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman of Council or in his absence, the Vice-Chairman of Council in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of a panel of members of the Council.
- e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by a member of staff relates to the Chairman or Vice-Chairman of Council, this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of a panel of members of the Council.
- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26(g) and (h) above if so justified.
- j. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26(g) and (h) above shall be provided only to (post holder) and the Clerk and the Chairman of the Council.

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**27 FREEDOM OF INFORMATION ACT 2000**

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

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

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.
- c. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express prior approval of the Council.
- d. See the Council's Press/Media Policy.

## **29 LIAISON WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the District and County or Unitary Council representing its electoral ward.
- b.

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- c. Unless the Council otherwise orders, a copy of each letter sent to the District or County or Unitary Council shall be sent to the District or County or Unitary Council councillor

representing its electoral ward.

### 30 FINANCIAL MATTERS

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £40,000.
- b. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of [£40,000] shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c. Any formal tender process shall comprise the following steps as laid out in the Financial Regulations.
- d. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

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### 31 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chair of Council.
- b. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Council shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31 (a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e. Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Council from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.

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- f. The Resources Committee shall have the power to:

- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g. References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
- h. Complaints to be dealt with as per the Parish Council's Code of Practise for Complaints.

### **32 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- a. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors at a meeting of the Parish Council vote in favour of the same.

### **33 STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- a. The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b. The Chairman's decision as to the application of standing orders at meetings shall be final.
- c. A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

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Revised May 2015 & July 2024**

**ASHFORD HILL with HEADLEY PARISH COUNCIL**

# **FINANCIAL REGULATIONS**

**Approved January 2011**

## **1. GENERAL**

- 1.1 These Financial Regulations shall govern the conduct of the financial transactions of the Parish Council and may only be amended or varied by resolution of the Council.
- 1.2 Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- 1.3 The Council's Financial Regulations may make provision for the authorisation of expenditure in exercise of any of the Council's functions to be delegated to a committee, sub committee or to an employee.
- 1.4 Any amounts specified within the document may be varied by resolution of the Council.
- 1.5 The designated Responsible Financial Officer (RFO) under the policy direction of the Council shall be responsible for the proper administration of the council's financial affairs. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the Council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices.
- 1.6 The RFO shall be responsible for the production of financial management information.
- 1.7 In these 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**

- 2.1 Each spending committee shall formulate and submit proposals to the Resources Committee in respect of revenue and capital budgets in time for the November meeting of the Resources Committee each year.
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be

considered by the Council.

- 2.3 Items for inclusion in the rolling capital programme which are capable of being completed within the financial year will form an annual capital budget.
- 2.4 The Resources Committee shall review all the estimates and suggestions and submit them to the Council not later than the end of November each year and shall recommend the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 2.5 The Full Council shall approve written estimates/budgets and precept for the coming Financial Year at its meeting before end of December.
- 2.6 The capital and revenue budgets shall form the basis of control for the ensuing year.
- 2.7 All Committees shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments which shall be reviewed regularly on an ongoing basis.

### **3. BUDGETARY CONTROL**

- 3.1 Each spending committee shall ensure that revenue and capital expenditure will not exceed its approved total. Small over spends (+10%) under a particular heading may be offset by under spends under other headings at the discretion of that Committee. No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure.
- 3.2 The RFO shall provide each spending committee at quarterly intervals as soon as is practicable after 31<sup>st</sup> March, so" June, so" September and 31<sup>st</sup> December in each year a statement of receipts and payments to date under each heading of the approved annual revenue and capital budgets. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for the latest year to 31<sup>st</sup> March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) including the annual governance statement shall be presented to Council to formally approve before so" June.
- 3.3 The Clerk or RFO may incur expenditure on behalf of the Council for routine supplies,

consumables etc, subject to a limit per order of £500, up to the amount remaining in the relevant Revenue Budget. Control over these purchases will be exercised by the relevant Committee.

3.4 The Clerk or RFO may incur expenditure on behalf of the council if this 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 £ 1 000 per order. The Clerk or RFO shall report the action to the Resources Committee as soon as practicable thereafter. If the necessary expenditure exceeds the agreed amount, an extraordinary meeting of the appropriate committee should be called.

3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by a resolution of the Council.

3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure against the capital budget unless the committee concerned is satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available or the requisite borrowing approval has been obtained.

3.8 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

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

4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit (Amendment) (England) Regulations 2006, as amended, and submitted to the Council for approval.

4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Resources Committee.

4.3 The RFO shall be responsible for completing 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 for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit (Amendment) (England) Regulations 2006, or set by the Auditor.

4.4 The Council shall be responsible for ensuring that there is an adequate and effective system of

internal audit of the Council's accounting, financial and other operations in accordance with Accounts and Audit (Amendment) (England) Regulations 2006. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

4.5 The Internal Auditor shall *be appointed by and shall* carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.

4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Accounts and Audit (Amendment) (England) Regulations 2006.

4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

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

5.1 The Council's banking arrangements shall be made by the RFO and approved by the Resources Committee on behalf of the council. The banking mandate will be considered by Resources Committee at the beginning of each council year.

5.2 A schedule of payments required, forming part of the agenda for the Resources Committee meeting, shall be prepared by the RFO and together with the relevant invoices, be presented to the Resources Committee at each meeting. If the schedule is in order it shall be authorised by a resolution of the Resources Committee and shall be initialled by the Chairman or Vice Chairman of the Committee as part of the minutes of the meeting.

5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 shall be signed by two of the duly authorised councillors.

5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

5.5 The RFO will reconcile the Council's bank statements monthly, on receipt of the bank

statements. This is verified at the Resources Meeting by a councillor.

## **6. PAYMENT OF ACCOUNTS**

- 6.1 Apart from any petty cash payments, all payments shall be effected by cheque, *local government procurement card* or other order drawn on the Council's bankers.
- 6.2 The clerk or nominated officer shall be responsible for ensuring that all invoices for payment are examined and confirmation sought 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 arithmetical accuracy and shall analyse them to the appropriate expenditure heading. All invoices submitted, and which are in order, shall be settled at the next available meeting of the Resources Committee or within thirty days of receipt.
- 6.4 All invoices or financial instruments which are in order will be entered on the schedule referred to in  
5.2 above.
- 6.5 Where it is necessary to make a payment before it has been authorised by the Resources Committee, such payment shall be certified as to its correctness and urgency by the appropriate officer and shall be authorised by two of the authorised signatories.
- 6.6 All payments authorised under paragraph 6.5 of these regulations, or made without authority of the council, shall be included in the next schedule of payments laid before the Resources Committee.
- 6.7 The RFO or Clerk may provide petty cash to councillors or officers of the council for the purpose of defraying immediate operational and immediate other expenses, up to a limit of £100 for each transaction.  
Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement:
- I) The RFO shall maintain a petty cash float up to a limit of £250 for the purpose of defraying operational and other expenses.
  - ii. Vouchers for payments made from petty cash shall be kept to substantiate the payments, a petty cash account shall be kept and payments authorised regularly and retrospectively at meetings of the Resources Committee.
  - iii. Payments made from petty cash shall be analysed to the appropriate expenditure heading and included in the year end accounts under those headings.
  - iv. Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations

v. Payments to maintain the petty cash float shall be shown on the schedule of the payment of money presented to the Resources Committee (under 5.2 above).

6.8 If thought appropriate by the Council payment for utility supplies (energy, telephone and, water) and Local Government Procurement Card may be made by a variable Direct Debit provided that the instructions are signed by two members and any payments are reported to the Resources Committee.

i) Payment of any expenditure on the card during the month will be paid in full by direct debit from the current account. The expenditure will be on the next cheque list as normal.

ii) The Procurement card should only be used in circumstances where there are significant benefits and the supplier will not accept an official order and submit an invoice subsequently. Ordering goods through the normal system should be processed through the ordering procedure in the normal way.

iii) A maximum limit for the Local Government Procurement Card is set at £1000.00

## **7. PAYMENT OF SALARIES**

7.1 The Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance Legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by the Resources Committee.

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, provided that each payment is reported to and ratified by the next available Resources Committee Meeting.

## **8. LOANS INVESTMENTS AND GRANTS**

8.1 All loans, investments and grants shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy. Any changes of loans and investments agreed by the Resources Committee shall be reported to the Council at the earliest opportunity.

8.2 The Council's Investment Policy, shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).

8.3 All investments of money under the control of the Council shall be in the name of the Council.

8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as

to terms and purpose.

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

8.6 All grants will be payable in accordance with the Council's policy.

## **9. INCOME**

9.1 The collection of all sums due to the Council shall be the responsibility of the RFO.

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

9.3 The appropriate committees will review all fees and charges annually *in November*, following reports from the officers of the council.

9.4 The RFO shall ensure that all sums for which an invoice has been issued are paid within a month. If no payment has been received appropriate reminders will be sent in accordance with the Council's Bad Debt Policy, and in the event of continued non payment the matter will be referred to the Resources Committee. Each case of non payment will be considered on its merits and a decision made as to the further action to be taken.

9.5 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off.

9.6 All sums received on behalf of the council shall be banked intact as quickly as possible and in all cases within seven days.

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

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

9.9 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.

9.10 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when

the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

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

10.1 A serially numbered official order shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate, e.g. electricity supply or petty cash purchases. 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 is to ensure as far is 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 the contracts are laid down as follows:

a) Every contract whether made by the Council or by a Committee to which the power of making contracts has been delegated, shall comply with these regulations and no exception from any of the following provisions of these regulations shall be made otherwise than by direction of the Council, or in an emergency, by such a Committee as aforesaid provided that these standing orders shall not apply to contracts which relate to items (i) to (v) below:

(i) for the supply of gas, electricity, water, sewerage and telephone services

(ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants

(iii) for work to be executed or goods or materials to be supplied which consist of repairs to or

parts for existing machinery or equipment or plant

(iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council

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

b) Where it is intended to enter into a contract 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), for values:

(i) exceeding £40,000 the Clerk shall invite tenders from at least three firms;

(ii) between £2500 and £40,000 formal tenders are not necessary, but estimates for comparison purposes should be obtained where ever possible;

(iii) for less than £2500, the Clerk shall ensure that all items ordered represent good value for money.

(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 from the Resources Committee to the Parish Council.

Any proposed contract for the supply of goods, material, services and the execution of works with an estimated value in excess of £40,000 shall be procured on the basis of a formal tender as summaries in Financial Regulations (d, e, f, g below).

(d) Invitations to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification on appropriate cases. The invitation shall in addition state that the tenders must be addressed to the Clerk by 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 placed in an appropriate publication opened at the same time after the stated closing date and time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one member of the Council. (ideally two councillors)

(t) If less than three tenders are received for contracts valued above £40,000 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) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 61, 63 and 64

(h) Prior to entering into a contract over £40,000 the RFO will carry out a credit check on the preferred provider.

(i) The Council, nor any committee shall not be obliged to accept the lowest or any tender, quote or estimate. Each contract/tender/quote will be considered by the appropriate Committee or Council and it should provide reasons for the tender/quote/estimate and if RESOLVED to be deemed necessary to be provided to the contractor.

(j) Where the value of the contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time. The Council must consider whether the Public Contracts Regulations 2006 (SI NO.5 as amended) and the Utilities Contracts Regulations 2006 (SI NO.6 as amended) apply to the contract and, if either of those Regulations apply the Council must comply with EU procurement rules.

## **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 when it is estimated that the total cost of work carried out under a contract excluding fluctuation clauses, will exceed the contract sum by 5% or more a report shall be submitted to the Council.

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

## **13 STORES AND EQUIPMENT**

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

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

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

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

## **14 PROPERTIES / ASSETS**

14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Amendment) (England) Regulations 2006

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

14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the register shall be verified annually.

## **15 INSURANCE**

15.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Clerk].

15.2 The RFO shall identify all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

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

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

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

## **16 CHARITIES**

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

## **17 RISK MANAGEMENT**

17.1 The Clerk and/or the RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.

17.2 When considering any new activity the Clerk and or RFO shall prepare a draft risk assessment including Risk Management proposals.

## **18 REVISION OF FINANCIAL REGULATIONS**

18.1 It shall be the duty of the Resources Committee or at direction of Council to review the Financial Regulations of the Council from time to time, and at least every three years subject to legislative changes. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for any consequential amendment to these financial regulations.

**Financial Regulations approved 26<sup>th</sup> January 2011 – Reviewed annually**

**Revised July 2024**