

Westbourne Parish Council, 14 May 2020

Agenda item 11: Committee and representative appointments

Committees:

Finance and General Purpose Committee

Roy Briscoe, Richard Hitchcock, Mike Magill, Ann Pearcey and Nigel Ricketts

Joint Burial Committee (four members required)

Richard Hitchcock, Mike Magill, Ann Pearcey and Nigel Ricketts

Planning Committee

Lade Barker, Richard Hitchcock, David Mack and Ann Pearcey

Non-council member: Frank Campbell

Public Services Committee

Lade Barker, Roy Briscoe, Richard Hitchcock and David Mack

Recreation, Leisure and Amenities Committee

Lade Barker, Roy Briscoe, Richard Hitchcock and Nigel Ricketts

External representation:

All Parishes Meeting: Chair and Vice-Chair

Bournes Forum: Chair and Vice-Chair

Sussex and Surrey Association of Local Councils: Councillors as required

South Downs National Park Authority: Councillors as required

West Sussex Association of Local Councils: Councillors as required

Chichester District Association of Local Councils: Councillors as required

Woodmancote Residents' Association: Roy Briscoe and Ann Pearcey

Friends of Stansted Park: Nigel Ricketts

Westbourne Parish Council

Committee delegation arrangements and terms of reference

Subject to the observance of decisions of the Parish Council on matters of principle or policy, the Council's powers and duties shall be delegated to its committees, as permitted under the Local Government Act 1972 s101, in accordance with the approved terms of reference unless otherwise stated.

Committees will operate within approved Standing Orders, Financial Regulations and other policy documents and procedures. The Council may revoke powers delegated to a committee by resolution.

Urgent and routine matters may legally be delegated to an officer (i.e. the Clerk) in consultation with members, usually the Chair of the Committee and the Chair of the Council. Any actions taken between meetings under this delegation shall be ratified at the next meeting.

1. Budgetary control and authority to spend

Section 4 of the Parish Council's Financial Regulations set out budgetary control and authority to spend. Please see the excerpt below.

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the Council for all items over £600;
- a duly delegated committee of the Council, the Finance and General Purpose Committee, for items over £600; or
- the Clerk, in conjunction with Chairman of Council and Chairman of the appropriate committee/or Vice Chair of Council up to £2000 in an emergency.
- the Clerk is authorised to purchase stationery and other office requirements up to £600 for the day to day running of the Parish Council.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

1. WPC Committee Terms of Reference

- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually by no later than November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

2. Responsible Financial Officer

The Clerk shall be the Responsible Financial Officer (RFO) to the Council and shall be responsible for the Council's accounting procedures, in accordance with the Account and Audit Regulations in force at any given time.

3. Proper Officer

The Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- receive declarations of acceptance of office
- receive and record notices disclosing pecuniary interests

2. WPC Committee Terms of Reference

- receive and retain plans and documents
- sign notices or other documents on behalf of the Council
- receive copies of by-laws made by a primary local authority
- certify copies of by-laws made by the Council
- sign summonses to attend meetings of the Council
- to receive documents in relation to complaints received under The Members Code of Conduct and report this at the next convenient meeting of the Council
- to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000
- ensure compliance with all legal requirements impacting upon the business of the Council.
- Pay all accounts and subscriptions
- the day to day administration of services, together with routine inspection and control
- day to day supervision and control of any staff employed by the Council
- undertake training or attendance at conferences as previously authorised within budget.

Delegated actions of the Clerk shall be in accordance with the Council's Standing Orders, Financial Regulations and the Scheme of Delegation, and with directions given by the Council.

4. Council

The following matters are reserved to the Council for decision, notwithstanding that the appropriate committee(s) may make recommendations thereon for the Council's consideration.

- setting the Precept
- borrowing money
- making, amending or revoking Standing Orders, Financial Regulations or the Scheme of Delegation
- making, amending or revoking by-laws
- making of orders and entering into contracts under any statutory powers
- matters of principle or policy
- nomination and appointment or representatives of the Council to any other authority, organisation or body
- any proposed new undertakings
- prosecution or defence in a court of law
- nomination or appointment or representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee
- approval of the Annual Governance and Accountability Return at no later than the June Council meeting
- appointment or dismissal of the Clerk and other contractual issues relating to conditions of service
- any other matters not otherwise devolved/delegated to a committee of the Council.

3. WPC Committee Terms of Reference

5. Finance and General Purposes Committee

Purpose

The Committee is appointed by Westbourne Parish Council to discharge its functions relating to its corporate management and administrative services.

Meetings

The Committee will meet at least once a year every October (additional meetings will be organised as required) and will be conducted in accordance with the Parish Council's Standing Orders, Financial Regulations and Code of Conduct.

Membership

The Committee is open to Council members only. A quorum of three is required and not all councillors should sit on the committee (as this would make it a Parish Council meeting).

Delegated tasks and powers

- To prepare a draft annual budget for approval to the Full Council in December/January each year.
- To ensure that all reserves are managed in line with the Council's Financial Regulations.
- To receive and review both internal and external audit reports and arrange for implementation of any recommendations.
- To consider the administration of the Council's bank account and other financial dealings and make recommendations to the Full Council.
- Management of rents: land leased to Westbourne Allotment Association, and access licences leased at 1 Sydenham Terrace, Covington Road and 56 Mill Road
- Legal services
- Servicing of loans or investments
- Democratic representation of the council at elections
- To ensure the Parish Council's Standing Orders, Financial Regulations, Code of Conduct and risk management are adequate and reviewed on an annual basis
- To provide grants to community organisations through the Parish Council's Community Chest scheme.
- To review the pay and conditions of service of employees on an annual basis before approval of the annual budget.

Reporting and monitoring

The Chair of the Committee will provide a written progress report on agreed actions on a monthly basis to the Parish Council.

6. Planning Committee

Purpose

The Committee is appointed by Westbourne Parish Council to discharge all of its functions relating to planning.

Meetings

The Committee will meet monthly and meetings will be conducted in accordance with the Parish Council's Standing Orders, Financial Regulations and Code of Conduct.

The Clerk may request an extension to the 21 day deadline from the relevant local planning authority for planning applications in order that they can be discussed at the monthly meeting. If an extension is unable to be granted, an extraordinary meeting may be required.

Membership

The Committee is open to Council and non-Council members. A quorum of three is required and not all councillors should sit on the committee (as this would make it a Parish Council meeting).

Delegated tasks and powers

- To consider all planning applications relevant to the Parish. To be aware of planning policy and supplementary planning documents when responding to applications.
- To review planning and enforcement appeals and submit additional representations if required.
- To report planning enforcement matters to the relevant authority.
- To review documents, consultations and other matters regarding planning and make representations as required.

Reporting and monitoring

The Chair of the Committee will provide a written progress report on agreed actions on a monthly basis to the Parish Council.

The Clerk will communicate to the local planning authority the committee's decision in respect of applications considered and will ensure that it is received within the timescale for each application.

Where an application is subject to an appeal, the committee is authorised to make written representations or to elect a member of the committee to attend the hearing.

7. Public Services Committee

Purpose

The Committee is appointed by Westbourne Parish Council to discharge its functions relating to its public services.

Meetings

The Committee will meet three times per year (March, June and November) and will be conducted in accordance with the Parish Council's Standing Orders, Financial Regulations and Code of Conduct.

Membership

The Committee is open to Council and non-Council members. A quorum of three is required and not all councillors should sit on the committee (as this would make it a Parish Council meeting).

Delegated tasks and powers

Maintenance of the Parish Council's:

- fingerposts
- street lights
- village gateways
- noticeboards
- bollards
- defibrillators
- traffic regulations and speed calming schemes (including Community Speed Watch)
- public footpath or highway matters
- Emergency Plan
- flower tubs
- street furniture
- tree wardens
- speed indicator devices
- CCTV
- benches and public seating

Reporting and monitoring

The Chair of the Committee will provide a written progress report on agreed actions on a monthly basis to the Parish Council.

8. Recreation, Leisure and Amenities Committee

Purpose

The Committee is appointed by Westbourne Parish Council to discharge its functions relating to recreation, leisure and amenities.

Meetings

The Committee will meet three times per year (March, June and November) and will be conducted in accordance with the Parish Council's Standing Orders, Financial Regulations and Code of Conduct.

Membership

The Committee is open to Council and non-Council members. A quorum of three is required and not all councillors should sit on the committee (as this would make it a Parish Council meeting).

Delegated tasks and powers

- Management and maintenance of Mill Road Recreation Ground, including the children's play area and equipment, and the fitness equipment.
- Management and maintenance of Monk's Hill Recreation Ground, including the children's play area and equipment, and the fitness equipment.
- To consider inspection reports from Kompan and the playground inspector and undertake any necessary repairs.
- Consider any proposals regarding additional, and/or the enhancement of the current, recreation, leisure and amenities provision.

Reporting and monitoring

The Chair of the Committee will provide a written progress report on agreed actions on a monthly basis to the Parish Council.

9. Business Plan Working Group

Purpose

The Working Group is appointed by Westbourne Parish Council to discharge its functions relating to its Business Plan.

Meetings

The Working Group will meet as required and will be conducted in accordance with the Parish Council's Standing Orders, Financial Regulations and Code of Conduct.

Membership

The Working Group is open to Council and non-Council members.

Delegated tasks and powers

- To write a three year Business Plan.
- To write an action plan which sets out how the Business Plan will be delivered.
- To review the Business Plan during the three-year period.

Reporting and monitoring

The Chair of the Working Group will provide a written progress report on agreed actions on a quarterly basis (April, July, October, and January) to the Parish Council.

Westbourne Parish Council, 14 May 2020
Item 15: VE Day 75 commemorative bench

The Parish Council has received £250 in funding from Chichester District Council which members decided to put towards the purchase of a commemorative bench for Westbourne. The final location has not yet been agreed but members have discussed the possibility of The Square.

The cost of benches varies widely depending on the style and materials used and there are many suppliers.

As it may be located in the centre of the village, it is recommended that a traditional wood style bench in keeping with the conservation area would be most suitable. Also one that is made of durable hard wearing material to ensure that it is long lasting.

Quote 1: New Dawn Furniture

A 5ft oak bench for £735, plus £100 for brackets and £9.05 for each letter (ex VAT).

Purchase of this bench would support a local business and Mr Wingham has supplied similar benches to the Parish previously (and maintained them at no cost when they've been damaged).

<http://www.newdawnfurniture.co.uk/>

Quote 2: Glasdon

A 5ft hardwood bench for £945.95 (ex VAT). Memorial plaque costs either £79.62 or £91.42 depending on size.

<https://uk.glasdon.com/seating/memorial-benches-plaques/larbreck-tm-hardwood-seat>

Quote 3: Sloane and Sons

A 5ft teak bench with a Union Jack design for £345 (ex VAT). Memorial plaque costs £35 and additional options for waterproof covering, teak oil and fixings – see website for more details

<https://www.gardenbenches.com/sandhurst-memorial-teak-bench-150cm>

Quote 4: Fabrications North East

A metal bench with an eye-catching VE Day design for £650 (ex VAT) plus £80 delivery charge.

<https://www.fabricationsnortheast.com/bespoke-benches>



Westbourne

Parish Council

STANDING ORDERS

**Adopted by Council on
14 November 2019**

List of standing orders

1. Rules of debate at meetings	3
2. Disorderly conduct at meetings	5
3. Meetings generally	5
4. Committees and sub-committees	8
5. Ordinary council meetings	9
6. Extraordinary meetings of the council and committees and sub-committees	11
7. Previous resolutions	11
8. Voting on appointments	11
9. Motions for a meeting that require written notice to be given to the Proper Officer	12
10. Motions at a meeting that do not require written notice	13
11. Handling confidential or sensitive information.....	13
12. Draft minutes	13
13. Code of conduct and dispensations.....	14
14. Code of conduct complaints	15
15. Proper Officer	16
16. Responsible Financial Officer	17
17. Accounts and accounting statements	17
18. Financial controls and procurement.....	18
19. Handling staff matters.....	19
20. Requests for information.....	20
21. Relations with the press/media.....	21
22. Execution and sealing of legal deeds	21
23. Communicating with District and County councillors	21
24. Restrictions on councillor activities	21
25. Standing Orders generally	21

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 amended 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 of 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) except 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 and shall not exceed four minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or 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

- Full Council meetings
- Committee meetings
- Sub-committees

- 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 **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 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.
- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) above shall not exceed eight minutes unless directed by the chairman of the meeting.
 - f Subject to standing order 3(e) above, a member of the public shall not speak for more than three minutes.
 - g In accordance with standing order 3(d) 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.
 - h A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
 - i A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
 - j 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.
 - k Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted but no-one present at the meeting may give an oral report or commentary during the meeting. At the start of a meeting the chairman may remind everyone in attendance and who will be participating in the meeting that they may be filmed, recorded, photographed or otherwise reported about. The council may make its own audio recording of proceedings. Any such recording shall be destroyed after the minutes are signed as a correct record of the meeting.
 - l 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. ■ ■**
 - m Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in the his absence be done by, to or before the Vice-Chairman of the Council (if any). ■**
 - n 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. ■

- o Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or non-councillors with voting rights present and voting.**



- p The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. ■■■**

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


- q Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- r 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.

- s A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter. ■■■**

- t No business may be transacted at a meeting unless at least one third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three. ■**

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

- u **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. 
- v A meeting shall not exceed a period of three hours.

4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and times 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. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer three days before the meeting that they are unable to attend;
 - vi. shall permit a 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 council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of the 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 7.15pm.
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) 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 has resigned 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 Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the 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 Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4 above;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv. Review of the council's and/or staff subscriptions to other bodies;
 - xvi. Review of the council's complaints procedure;
 - xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection act 1998;
 - xviii. Review of the council's policy for dealing with the press/media; and
 - xix. Determining the time and place of ordinary of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Chairman of the Council does not 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 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 to do so by three members of the committee or the sub-committee, any three members of the committee or the sub-committee may convene an extraordinary meeting of the committee or the 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 three 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 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 exerciseable 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 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 in 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 seven 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(s) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

- e A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or sub-committee for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) 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 council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The 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.
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer's is absent.
- b The Proper Officer shall:
 - i. at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, a summons by email, confirming the time, place and the agenda, provided any such email contains the electronic signature and title of the Proper Officer;
See standing order 3(b) above for the meaning of clear days for a meeting.
 - ii. **give public notice of the time, place and agenda at least three 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);**
See standing order 3(b) above for the meaning of clear days for a meeting.
 - iii. subject to standing orders 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least seven 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;**
 - 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 council's policies and procedures relating to the same;

- x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. manage the organisation, storage of, and access to and destruction of information held by the 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 council in accordance with the council's financial regulations;
- xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Council and the Chairman or in his absence the Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the council or Planning Committee;
- xvi. manage access to information about the council via the publication scheme; and
- xvii. 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 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 council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments 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 council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 2 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 council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. 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 council shall consider and approve financial regulations drawn up by the Responsible Finance Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal control;
 - 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 £60,000.
- 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 £60,000 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 council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders submitted 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 council or committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee, or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or a committee or a sub-committee is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the clerk shall notify the Chairman of the Council or, if he is not available, the vice-chairman of absence occasioned by illness or other reason and the chairman or vice-chairman shall report such absence to

the council at its next meeting.

- c The Chairman of the Council or in his absence the vice-chairman shall upon resolution conduct a review of the performance and annual appraisal of the work of the clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution of the council.
- d Subject to the council's policy regarding the handling of grievance matters, the clerk shall contact the Chairman of the Council or, in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the clerk relates to the Chairman or Vice-Chairman of the Council this shall be communicated to another member of the council, which shall be reported back and progressed by resolution of the council.
- f 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.
- g The 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.
- h Only the Chairman of the Council or, in his absence the vice-chairman, shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i 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 the clerk and/or the Chairman of the Council.

20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 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 Council. The council shall have the

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

21. Relations with the press/media

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

22. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the 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 councillors of Chichester District Council and West Sussex County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to Chichester District Council and West Sussex County Council shall be sent to the ward councillor representing the area of the council.

24. Restrictions on councillor activities

- a Unless authorised by a resolution, no councillor shall:
 - i. Inspect any land/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 council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three 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 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.



Westbourne

Parish Council

WESTBOURNE PARISH COUNCIL: MODEL FINANCIAL REGULATIONS 2019 FOR ENGLAND

1. General	2
2. Accounting and audit (internal and external)	5
3. Annual estimates (budget) and forward planning	6
4. Budgetary control and authority to spend	7
5. Banking arrangements and authorisation of payments	8
6. Instructions for the making of payments	10
7. Payment of salaries	13
8. Loans and investments	14
9. Income	15
10. Orders for work, goods and services	16
11. Contracts	16
12. [Payments under contracts for building or other construction works]	18
13. [Stores and equipment]	19
14. Assets, properties and estates	19
15. Insurance	20
16. [Charities]	21
17. Risk management	21

18. Suspension and revision of Financial Regulations

21

These Financial Regulations were adopted by the council at its meeting held on [12 September 2019].

1. General

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers.

Financial regulations must be observed in conjunction with the council's standing orders¹ and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

¹ Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

1.7. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;

- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £600; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

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

2. Accounting and audit (internal and external)

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the council

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. Annual estimates (budget) and forward planning

3.1. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of [November] each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than November, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance and General Purpose Committee and the council.

3.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary control and authority to spend

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £600;
- a duly delegated committee of the council for items over £600; or
- the Clerk, in conjunction with Chairman of Council and Chairman of the appropriate committee/ or Vice Chair of the Council up to £2000 in an emergency.
- The Clerk is authorised to purchase stationery and other office requirements up to £600 for the day to day running of the Parish Council.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.4. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the budget.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. Banking arrangements and authorisation of payments

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The council may seek credit references in respect of members or employees who act as signatories.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.

5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
- c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee].

5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not

exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. Instructions for the making of payments

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

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

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the Clerk and RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or email link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and a member. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £600 unless authorised by council or finance committee in writing before any order is placed.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.

6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.21. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7. Payment of salaries

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

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

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

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

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

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

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

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

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

8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.

8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

8.6. All investments of money under the control of the council shall be in the name of the council.

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

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. Income

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

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

9.3. The council will review all fees and charges at least annually, following a report of the Clerk.

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

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

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

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

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

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

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).]

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 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the council.

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

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 this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
- vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £60,000 or more, the council shall comply with the relevant requirements of the Regulations².

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)³.

d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

² The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

³ Thresholds currently applicable are:

- a) For public supply and public service contracts 209,000 Euros (£181,302)
- b) For public works contracts 5,225,000 Euros (£4,551,413)

e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders[],⁴[insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£3,000] and above [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

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

⁴ Based on NALC's Model Standing Order 18d ©NALC 2018

contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

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

13. Stores and equipment

13.1. The 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 the minimum levels consistent with operational requirements.

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

14. Assets, properties and estates

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

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers in consultation with the Clerk.

15.2. The Clerk shall give prompt notification to the RFO of 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 members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

16. Charities

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

17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

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

18. Suspension and revision of Financial Regulations

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

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

The Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

Code of Conduct

Chichester District Parish Councils version

<u>Contents</u>	Page
<u>Part 1 – Introduction and Interpretation</u>	
Introduction and interpretation	2
<u>Part 2 – Scope and General Obligations</u>	
1. Scope	2
2. General obligations	3
<u>Part 3 – Disclosable Pecuniary Interests</u>	
3. Notification of disclosable pecuniary interests	4
4. Register of interests	5
5. Sensitive interests	5
6. Non participation in case of disclosable pecuniary interest	5
7. Offences	6
<u>Part 4 – Other Interests (Personal and Prejudicial)</u>	
8. Notification of other interests	6
9. Disclosure of other interests	8
10. Register of interests	8
11. Sensitive interests	9
12. Non participation in case of prejudicial interest	9
13. Interests arising in relation to overview and scrutiny committees	10
14. Pre-determination or bias	11
15. Compliance with Constitution	
<u>Appendix - General Principles of Public Life</u>	

CODE OF CONDUCT

WESTBOURNE PARISH COUNCIL

WESTBOURNE PARISH COUNCIL
THE CODE OF CONDUCT FOR MEMBERS

PART 1 – Introduction and Interpretation

This Code applies to you as a member of *Westbourne Parish Council* when you act in your role as a member. It is your responsibility to comply with the provisions of this Code.

As a member you are a representative of this authority and the public will view you as such. Therefore, your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

You should read this Code together with the general principles of public life on which it is based and which are set out in the Appendix.

In this Code-

“**meeting**” means any meeting of:

- (a) the authority
- (b) any of the authority’s committees, *sub-committees, panels and forums, joint committees or area committees*¹;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members

“**member**” includes a co-opted member (voting and non-voting) and an appointed member.

If you need guidance on any aspect of this Code you should seek it from the Monitoring Officer or Deputy Monitoring Officer.

PART 2 – Scope and General Obligations

1. Scope

- (1) This Code applies to all members of *Westbourne Parish Council*, including co-opted voting members,
- (2) You must comply with this Code whenever you –
 - a. conduct the business of your authority, or
 - b. act, claim to act or give the impression you are acting as a representative of your authority or in your official capacity as a member of the authority.
- (3) Where you act as a representative of your authority-
 - a. on another authority, you must, when acting for that other authority, comply with that other authority’s Code of conduct: or
 - b. on any other body, you must, when acting for that other body, comply with your authority’s Code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2. General Obligations

- (1) When acting in your role as a member of the authority –
- a. **do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - b. **do not** use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
 - c. **do** treat others with respect;
 - d. **do not** bully any person;
 - e. **do not** intimidate or attempt to intimidate any person who is or is likely to be a complainant or a witness, or involved in any investigation or proceedings about a complaint that a member (including yourself) has failed to comply with his or her authority's code of conduct;
 - f. **do not** do anything which may cause the authority to breach any of the equality duties (as set out in the Equality Act 2010);
 - g. **do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority;
 - h. **do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless:
 - i. you have the consent of a person authorised to give that consent;
 - ii. you are required by law to do so;
 - iii. the disclosure is made for the purpose of obtaining professional legal advice and the recipient agrees not to disclose the information to any other person; or
 - iv. the disclosure is-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (cc) you have consulted the *Clerk or Monitoring Officer* prior to its release.
 - i. **do not** prevent another person from gaining access to information to which that person is entitled by law;
- (2) When using or authorising the use by others of the resources of the authority -
- a. **do** act in accordance with the authority's reasonable requirements.
 - b. **do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - c. **do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (3) When reaching decisions on any matter –
- a. **do** have regard to any relevant advice provided to you by the authority's Chief Finance Officer or the authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties; and
 - b. **do** give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

PART 3 – Disclosable Pecuniary Interests (Localism Act 2011)

3. Notification of disclosable pecuniary interests

- (1) Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
- (2) 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 description at sub-paragraph (3) below. Any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.
- (3)
 - a. any employment, office, trade, profession or vocation carried on for profit or gain;
 - b. any payment or provision of any other financial benefit (other than from the authority) made or provided within the preceding 12 months in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a);
 - c. any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the authority under which goods or services are to be provided or works are to be executed and which has not been fully discharged.
 - d. any beneficial interest in land which is within the area of the authority;
 - e. any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer;
 - f. any tenancy where (to your knowledge) the landlord is the authority and the tenant is a body in which you or your partner has a beneficial interest;
 - g. any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

(certain words and expressions used in this list are defined in Regulations)

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

4. 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.

5. Sensitive interests

- (1) 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 Localism Act 2011.
- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

6. Non participation in case of disclosable pecuniary interest

- (1) 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 must disclose the interest to the meeting.
 - b. you may not participate in any discussion of the matter at the meeting, unless you have received a dispensation from *the authority*
 - c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation from *the authority*
 - d. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose, and you have a dispensation *from the authority* enabling you to do so.
 - e. 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.

7. Offences

- (1) It is a criminal offence to-
 - a. fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
 - b. fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - c. 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;
 - d. participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest, unless you have received a dispensation *from the authority*
 - e. knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting;

- (2) 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.

PART 4 – Other Interests (Personal and Prejudicial)

8. Notification of other interests

- (1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—
- a. this Code being adopted by or applied to your authority or
 - b. your election or appointment to office (where that is later),
- notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- (2) You have a personal interest in any business of your authority where it relates to or is likely to affect—
- a. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - b. any body of which you are a member or in a position of general control or management —
 - i. exercising functions of a public nature;
 - ii. directed to charitable purposes; or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
 - c. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under sub-paragraph (1) notify the Monitoring Officer of the details of that new interest or change.

9. Disclosure of other interests

- (1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph 8 above or in paragraph (2) below 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 relevant time at the meeting, 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 other council tax payers, ratepayers or inhabitants of your ward affected by the decision;

(B) In sub-paragraph (2)(A), a relevant person is—

- a.
 - i. your spouse or civil partner,
 - ii. living with you as husband and wife or as if you are civil partners,
 - iii. your grandparent,
 - iv. a lineal descendant of your grandparent,
 - v. a parent, sibling or child of a person within paragraph (i) or (ii),
 - vi. the spouse or civil partner of a person within paragraph (iii), (iv) or (v), or
 - vii. living with a person within paragraph (iii), (iv) or (v) as husband and wife or as if they are civil partners.
- b. any person with whom you have a close association;
- c. 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;
- d. 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
- e. any body of a type described in paragraph 8(2)(a) or (b).

- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a body described in paragraph 8(2)(a) or (b), you need only disclose to the meeting the existence and nature of that interest if you address the meeting on that business.
- (4) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(2)(c), you need not disclose that interest if it was registered more than three years before the date of the meeting.
- (5) Where you have a personal interest but, by virtue of paragraph 11, sensitive 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.

10. Register of interests

Any interests notified to the Monitoring Officer, under paragraph 8 above, 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.

11. Sensitive interests

- (1) Where you consider that disclosure of the details of 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.

- (2) You must, within 28 days of becoming aware of circumstances which mean that information excluded under paragraph (1) is no longer sensitive, notify the Monitoring Officer so that the information is included in your authority's register of members' interests.

12. Non participation in case of prejudicial interest

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial 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 9 (2)(B); or
 - b. relates to the determining, amendment, modification, variation, or revocation of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 9 (2)(B), or of any condition, limitation or term to which it is subject.
- (2) You do not have a prejudicial interest in any business of the authority where that business relates to the functions of your authority in respect of—
 - a. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - b. schools, 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;
 - c. 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;
 - d. an allowance, payment or indemnity given to members;
 - e. any ceremonial honour given to members; and
 - f. setting council tax or a precept under the Local Government Finance Act 1992.
- (3) Subject to sub-paragraph (4) below, where you have a prejudicial interest in any business of your authority—
 - a. you must disclose the interest to the meeting.
 - b. except as in d. below, you may not participate in any discussion of the matter at the meeting, unless you have received a dispensation *from the authority* or the interest is of the type mentioned in paragraph 8(2)(a).
 - c. you may not participate in any vote taken on the matter at the meeting, unless you have received a dispensation *from the authority*.
 - d. you must leave the room whilst the business is discussed, unless the public have the right to attend, in which case you should move to the public seating area. You may then make representations, answer questions or give evidence relating to the business, provided the public are also allowed to attend the meeting for the same purpose.

- e. you must not seek improperly to influence a decision about that business.
- (4) Where the interest is of the type mentioned in paragraph 8(2)(a), you may participate in the discussion, but may not vote in relation to the matter unless you have obtained a dispensation *from the authority*.

14. Pre-determination or bias

- (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member. However, do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties. You must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.
- (2) When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

15. Compliance with Constitution

Failure to comply with the requirements of the Council's Constitution shall be deemed to be a breach of this Code.

The General Principles of Public Life

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

2. Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.

Leadership

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Westbourne Parish Council, 14 May 2020**Agenda item 19: Payments for approval**

(DD: payment made by Direct Debit, IB: payment made by Internet Banking, C: cheque payment including number, PC: payment made by petty cash, *movement of an earmarked reserve, ** paid from No 2 account)

Payments for approval		Total	Net	VAT
DD	EE&T Mobile	29.42	24.52	4.90
IB	Confidential payments April 2020	1,339.86	1,339.86	0.00
IB	WSCC LGPS April 2020	440.34	440.34	0.00
WSCC Legal Service fee, deregistration of				
C	Monk's Hill as a Village Green	827.00	827.00	0.00
IB	SSE	76.99	79.33	3.66
		2,713.61	2,711.05	8.56

Payments for retrospective approval

IB	Kompan playground inspections	324.00	270.00	54.00
IB				
		324.00	270.00	54.00

1. Treasurers account number 1

Balance per statement 30/04/20	172,017.70
Less outstanding payments	0.00
Outstanding receipts	0.00
Add petty cash	0.00
Revised bank	172,017.70

Cashbook control

Balance forward 01/04/20	133,972.03
Add total receipts to date	57,332.12
Less total payments to date	19,286.45
Cashbook at 30/04/20	172,017.70

16 April 2020 Westbourne Parish Council
Agenda item 19: Correspondence list

Councillors are invited to bring forward any items of correspondence for further discussion at the meeting.

- Daily emails from CDC, WSCC, SSALC and other organisations with a range of advice on the coronavirus outbreak. Clare Kennett has gone through these to update information on our website and has circulated them to members and Westbourne Help as appropriate.
- Email from CDC requesting updated list of projects that would be suitable for CIL/S106 funding. The list created in 2019 has been circulated to members with a request for any updates.
- Kompan playground inspection reports of Monk's Hill and Mill Road recreation ground equipment. These have been circulated to all members which the Recreation, Leisure and Amenities Committee will need to consider in due course.
- Annual report of the JBC circulated to members prior to the meeting.
- A resident called to say that a dog walker was letting his dog splash through the River Ems next to footpath 245 (running from the Parish Hall to Mill Lane). It was causing disturbance to the waterway and the resident spoke to the owner about the damage that could potentially be caused to water voles and fish etc. The resident also explained the project further downstream. This has been brought to the Parish Council's attention to see if any signage could be put up in this section of the river.