

PAGHAM PARISH COUNCIL

Tel: 01243-266424

E-mail: paghampc@gmail.com

3rd August 2017

Date and time of meeting: Tuesday 8th August 2017 at 7.30pm

Venue: Committee Room at Pagham Village Hall, Pagham Road, Pagham PO21 4NJ

Members of the Parish Council: Ms L Allard, Mr P Atkins, Mr M Cole, Mr P Hailey, Mrs D Hall, Mr P Higson, Mr D Huntley, Mr B James, Mr R Radmall, Ms A Rowles, Mrs D Salter

Members are hereby summoned to attend a MEETING of PAGHAM PARISH COUNCIL to transact the business detailed below:-

Members of the Public and Press are welcome and encouraged to attend

Agenda.

1. **Apologies from Members.**
2. **Declarations of Interest and Dispensation Requests**
 1. To receive declarations of interest from councillors on items on the agenda
 2. To receive written requests for dispensations for disclosable pecuniary interests (if any)
 3. To grant any requests for dispensation as appropriate
3. **Public Session (*this will be limited to 10 minutes*)**
4. **To receive and approve the minutes of the Council meetings held 27th June 2017 (*previously issued*)**
5. **To consider an application for a Casual Vacancy (*applicant information previously circulated*)**
6. **Matters arising from the previous Minutes (*this is for information sharing purposes only*)**
7. **Receive Reports:**
 - 7.1.Chairman's Report
 - 7.2.Clerk's Report
 - 7.3.District Council report
 - 7.4.County Council Report
 - 7.5.Representatives for Outside Bodies
8. **Flooding & Coastal Erosion – *Consider any matters arising***
9. **Committee Minutes & Reports – to note the minutes & action any recommendations**
 - 9.1.Planning meetings held on 27th June, 11th July and 25th July 2017
 - 9.2.Highways & Amenities meeting held on 11th July 2017
 - 9.3.Finance meeting held on 25th June 2017
- 10.**Finance**
 - 10.1.Receive accounts for the period ending 30th June 2017 (*previously issued*)
 - 10.2.Orders for payment for authorisation (*previously received*)
 - 10.3.Adoption of Standing Orders January 2016 and Financial Regulations July 2017 (*previously circulated*)
11. **Power of General Competence**
 - 11.1.To consider adopting the Power of General Competence (*briefing paper previously circulated*)
- 12.**To note the date of the next meeting**

Signed: *Nicola Jones*
Nicola Jones – Clerk to the Council

Account Number Order

<u>A/c Code</u>	<u>Account Name</u>	<u>Centre</u>	<u>Centre Name</u>	<u>Debit</u>	<u>Credit</u>
105	VAT Control A/c			960.15	
200	Current & Saver Bank A/c			81,240.68	
201	Business BR Tracker A/c			27,869.42	
203	Petty Cash			62.56	
204	Pagaham on Parade			101.33	
310	General Reserves				14,227.99
320	EMR Pagham on Parade				1,126.34
321	EMR Flood Defence Reserve				11,752.00
322	EMR Prudent reserve				27,859.00
323	EMR Housing				25,000.00
1027	POP Donations	201	Events		5.00
1076	Precept	100	Income		40,458.50
4100	Clerk Salary	102	Staff Costs	2,817.98	
4105	NI	102	Staff Costs	107.28	
4106	Pension contributions ER	102	Staff Costs	610.90	
4110	Travelling Expenses - Staff	102	Staff Costs	17.25	
4119	Website	101	Administration	240.00	
4121	Bank Charges	101	Administration	5.00	
4123	Computer Maintenance	101	Administration		124.00
4125	Printing & Stationery	101	Administration	47.92	
4126	Postage	101	Administration	60.17	
4127	Telephone, Copier & repair	101	Administration	89.00	
4130	Cllrs Allowances	101	Administration		4,064.00
4140	Audit and Accountancy	101	Administration		500.00
4142	Subscriptions	101	Administration	1,969.59	
4145	Refreshments	101	Administration	1.99	
4146	Room Hire - Meetings	101	Administration	127.00	
4147	Service Charge Parish room	101	Administration	200.00	
4160	PWLB	101	Administration	6,017.11	
4200	POP Expenses	201	Events	50.00	
4300	Parish General Maintenance	301	Amenities	150.00	
4302	Cleaning	301	Amenities	495.00	
4303	Dog & Litter	301	Amenities	90.00	
4304	Grass Cutting	301	Amenities	1,085.00	
4306	Play Areas	301	Amenities	266.50	
4400	Contingencies	401	Special Projects	435.00	
Trial Balance Totals :				125,116.83	125,116.83
Difference				0.00	

Job	Action	Progress	Responsibility	Target date	Complete
Village Hall					
RoSPA report - table tennis table	Chipped edge needs repair/paint	10/4/16 Repair 2/28/17 Repair attempted but did not work 5/30/17 RR to supply epoxy concrete 7/11/17 BJ making frame and fibreglass repair 11/07/17 RoSPA report jobs list to be prepared	RR and BJ BJ BJ BJ PA	12/20/16 31/03/17 30/06/17 22/08/17	
Hook Lane					
Paddock					
Highways/Footpaths					
The Parade	Improvement of communal areas by management company	10/4/16 Management company seeking quotes but progress unlikely before Spring 2017 28/02/17 DS will email. Reports of an injury received and will follow up More photos sent of trip hazard 30/05/17 Further deterioration reported. No Parish Council powers to intervene 11/07/17 Contact ADC and WSCC from a housing safety perspective	DS DS DS NJ	ongoing 31/03/17 22/08/17	
Signage	Produce tourist-friendly signage for attachment to PC assets	10/4/16 BJ to get quotes for production 11/15/16 Quotes obtained	BJ	11/15/16	11/15/16
	Further modifications required.	11/15/16 E-mailable map required for artist	DS/NJ	1/17/17	
	Produce a leaflet version sponsored by local businesses	10/4/16 BJ to approach local businesses 11/15/16 LA to investigate alternative costs 2/28/17 Further feedback asked for - crossing over lagoon and access to beach should be shown. Amusements near beach and play area at village hall. Mention supermarket. Bus stops. Rose Green and Bognor Regis 28/02/17 LA to ask designer to update artwork 11/04/17 Mark footpaths with dotted lines 11/04/17 New Paghams crest to LA 30/05/17 BJ to get quote for new high res image 11/07/17 approach graphic designer for quotes	BJ LA LA DS DS BJ NJ	31/03/17	
Fingerpost					
Woodfield Road carpark		11/07/17 Brambles need cutting. Andy Local Lawns	PA		
Streetlights					
Bus Shelter/Noticeboards/Benches/Bins					
Bus shelters	Audit to check condition and get quotes for work	PA to undertake audit	PA	7/11/17	

				Wooden ones need attention - strimmer first to see extent of damage	PA					
				Written report back	PA		8/22/17			
Nyetimber stores noticeboard		Community noticeboard brackets need attention	11/15/16	RR to attempt to fix	RR		8/22/17			
			2/28/17	Co-Op and Betting shop brackets	RR		8/22/17			
Channel View		Bench repairs to memorial bench	2/28/17	Repairs needed.	RR					
			7/17/14	Difficult to repair. Dangling wood needs to be removed or bonded.	RR		22/08/17			
Bin - The Parade		repairs to door needed	10/4/16	Remove bin	RR		4/30/17			
			11/15/16	Complaint received about bin						
			5/30/17	Revisit removal of bin with ADC			22/08/17			
Ditches/Drainage										
		prevention of recurrence of blockage of ditch at Pagham Road after operation watershed work	5/30/17	Clerk to contact WSCC to understand maintenance responsibility now ditch working well	NJ		7/11/17			
			11/07/17	PA to talk to Ben Whiffin about nature of weeds and when to cut	PA					

Detailed Income & Expenditure by Budget Heading 05/07/2017

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
100 Income						
1000 Rent	0	10	10			0.0%
1026 Donations	0	4,064	4,064			0.0%
1076 Precept	40,459	80,917	40,459			50.0%
1090 Interest	0	40	40			0.0%
Income :- Income	40,459	85,031	44,573			47.6%
Movement to/(from) Gen Reserve	40,458					
101 Administration						
4119 Website	240	624	384		384	38.5%
4120 Advertisiing	0	100	100		100	0.0%
4121 Bank Charges	5	30	25		25	16.7%
4123 Computer Maintenance	(124)	512	636		636	(24.2%)
4124 Office Equip repairs & mainten	0	100	100		100	0.0%
4125 Printing & Stationery	48	400	352		352	12.0%
4126 Postage	60	200	140		140	30.1%
4127 Telephone, Copier & repair	89	1,186	1,097		1,097	7.5%
4130 Cllrs Allowances	(4,064)	4,064	8,128		8,128	(100.0%)
4131 Cllrs Expenses & Training	0	150	150		150	0.0%
4137 Insurance	0	1,673	1,673		1,673	0.0%
4140 Audit and Accountancy	(500)	1,000	1,500		1,500	(50.0%)
4141 Legal Fees	0	1,500	1,500		1,500	0.0%
4142 Subscriptions	1,970	2,042	72		72	96.5%
4145 Refreshments	2	50	48		48	4.0%
4146 Room Hire - Meetings	127	700	573		573	18.1%
4147 Service Charge Parish room	200	800	600		600	25.0%
4160 PWLB	6,017	12,034	6,017		6,017	50.0%
Administration :- Indirect Expenditure	4,070	27,165	23,095	0	23,095	15.0%
Movement to/(from) Gen Reserve	(4,070)					
102 Staff Costs						
4100 Clerk Salary	2,818	11,982	9,164		9,164	23.5%
4105 NI	107	450	343		343	23.8%
4106 Pension contributions ER	611	2,600	1,989		1,989	23.5%
4109 Training - Staff	0	350	350		350	0.0%
4110 Travelling Expenses - Staff	17	125	108		108	13.8%
Staff Costs :- Indirect Expenditure	3,553	15,507	11,954	0	11,954	22.9%
Movement to/(from) Gen Reserve	(3,553)					

Detailed Income & Expenditure by Budget Heading 05/07/2017

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
<u>201 Events</u>						
1027 POP Donations	5	0	(5)			0.0%
Events :- Income	<u>5</u>	<u>0</u>	<u>(5)</u>			
4200 POP Expenses	50	0	(50)		(50)	0.0%
Events :- Indirect Expenditure	<u>50</u>	<u>0</u>	<u>(50)</u>	<u>0</u>	<u>(50)</u>	
Movement to/(from) Gen Reserve	<u>(45)</u>					
<u>202 Community Contributions</u>						
4250 Churchyard Upkeep	0	1,000	1,000		1,000	0.0%
4251 Discretionary Grants	0	3,000	3,000		3,000	0.0%
Community Contributions :- Indirect Expenditure	<u>0</u>	<u>4,000</u>	<u>4,000</u>	<u>0</u>	<u>4,000</u>	
Movement to/(from) Gen Reserve	<u>0</u>					
<u>301 Amenities</u>						
4135 Hook Lane Play area rental	0	125	125		125	0.0%
4300 Parish General Maintenance	150	4,700	4,550		4,550	3.2%
4301 Bus Shelters Maintenance	0	1,000	1,000		1,000	0.0%
4302 Cleaning	495	2,860	2,365		2,365	17.3%
4303 Dog & Litter	90	620	530		530	14.5%
4304 Grass Cutting	1,085	5,750	4,665		4,665	18.9%
4306 Play Areas	267	1,200	934		934	22.2%
4307 Public Benches	0	1,000	1,000		1,000	0.0%
4308 Village Signs	0	300	300		300	0.0%
4320 Public Lighting	0	890	890		890	0.0%
4331 Village Enhancement	0	1,500	1,500		1,500	0.0%
Amenities :- Indirect Expenditure	<u>2,087</u>	<u>19,945</u>	<u>17,859</u>	<u>0</u>	<u>17,859</u>	<u>10.5%</u>
Movement to/(from) Gen Reserve	<u>(2,086)</u>					
<u>401 Special Projects</u>						
4400 Contingencies	435	5,000	4,565	5,000	(435)	108.7%
4420 Parish Plan Update	0	2,500	2,500		2,500	0.0%
4430 Sea Defence	0	10,000	10,000		10,000	0.0%
Special Projects :- Indirect Expenditure	<u>435</u>	<u>17,500</u>	<u>17,065</u>	<u>5,000</u>	<u>12,065</u>	<u>31.1%</u>
Movement to/(from) Gen Reserve	<u>(435)</u>					

Detailed Income & Expenditure by Budget Heading 05/07/2017

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
Grand Totals:- Income	40,464	85,031	44,568			47.6%
Expenditure	10,195	84,117	73,922	5,000	68,922	18.1%
Net Income over Expenditure	<u>30,269</u>	<u>914</u>	<u>(29,355)</u>			
Movement to/(from) Gen Reserve	<u>30,269</u>					

Current Bank A/c

Receipts

Nominal Ledger Analysis

<u>Receipt Ref</u>	<u>Name of Payer</u>	<u>£ Amnt Received</u>	<u>£ Debtors</u>	<u>£ VAT</u>	<u>A/c</u>	<u>Centre</u>	<u>£ Amount</u>	<u>Transaction Detail</u>
Balance Brought Fwd :		62,548.42					62,548.42	
	Banked: 07/04/2017	40,458.50						
001/17	Arun District Council	40,458.50			1076	100	40,458.50	Precept payment 1
	Banked: 27/04/2017	234.72						
002/17	HMRC	234.72			105		234.72	VAT refund Q4 2016/17
	Banked: 10/05/2017	5.00						
003/17	Cat & Rabbit Rescue Centre	5.00			1027	201	5.00	PoP stall holder fee
Total Receipts		40,698.22	0.00	0.00			40,698.22	
Cashbook Totals		<u>103,246.64</u>	<u>0.00</u>	<u>0.00</u>			<u>103,246.64</u>	

Current Bank A/c

Payments

Nominal Ledger Analysis

<u>Date</u>	<u>Payee Name</u>	<u>Reference</u>	<u>£ Total Amnt</u>	<u>£ Creditors</u>	<u>£ VAT</u>	<u>A/c</u>	<u>Centre</u>	<u>£ Amount</u>	<u>Transaction Detail</u>
01/04/2017	TalkTalk	DD010417	53.40		8.90	4127	101	44.50	Phone and broadband
03/04/2017	Barclays Bank Plc	DD030417	2.50			4121	101	2.50	Bank charges
03/04/2017	Pagham Village Hall Trust	STO030417	200.00			4147	101	200.00	Standing charge office
11/04/2017	Pagham Village Hall Trust	201573	56.00			4146	101	56.00	Room hire March 2017
11/04/2017	SSE	201571	133.90		6.37	4320	301	127.53	Q4 street lighting
11/04/2017	AJ Bunce	201570	2,640.00		440.00	4400	401	2,200.00	2020 Traffic Consultancy
11/04/2017	Petra Billings Woodland Consul	201572	1,350.00			4400	401	1,350.00	Consultancy report planning
12/04/2017	Arun District Council	DD200417	1,178.72			4100	102	939.16	Payroll
						4105	102	35.76	Payroll
						4106	102	203.80	Payroll
21/04/2017	Public Works Loan Board	DD210417	6,017.11			4160	101	6,017.11	PWLB payment
25/04/2017	BA Small	201574	260.00			4302	301	220.00	Bins/Bus shelter/play areas
						4303	301	40.00	Bins/Bus shelter/play areas
25/04/2017	Sussex Steel	201577	50.00			4200	201	50.00	Steel band PoP deposit
25/04/2017	David Chaffe	201578	240.00			4119	101	240.00	Website maintenance
02/05/2017	TalkTalk	DD020517	53.40		8.90	4127	101	44.50	Phone and broadband
10/05/2017	Barclays Bank Plc	DD100517	2.50			4121	101	2.50	Bank charges
12/05/2017	Arun District Council	DD120517	1,178.72			4100	102	939.16	Payroll
						4105	102	35.76	Payroll
						4106	102	203.80	Payroll
16/05/2017	Local Lawns	201579	500.00			4304	301	500.00	Grass cutting
16/05/2017	Pagham Village Hall Trust	201580	45.00			4146	101	45.00	room hire
16/05/2017	RS Hall & Co	201581	360.00		60.00	4140	101	300.00	Internal audit fee 16/17
16/05/2017	Petra Billings Woodland Consul	201582	75.00			4400	401	75.00	Church Barton farm letter
25/05/2017	Local Lawns	201575	310.00			4304	301	310.00	Grass cutting
25/05/2017	West Sussex ALC Ltd	201576	1,834.59			4142	101	1,834.59	SALC/NALC subs
30/05/2017	Lindsay Frost Consulting Ltd	201583	360.00			4400	401	360.00	Letter re call in application
30/05/2017	Rialtus Business Solutions	201584	139.20		23.20	4123	101	116.00	Support 2017/18
30/05/2017	S A Smart	201585	1,998.00		333.00	4307	301	1,570.00	Bench maint/repairs/gate locks
						4306	301	95.00	Bench maint/repairs/gate locks
01/06/2017	TalkTalk	DD010617	53.40		8.90	4127	101	44.50	Phone and broadband
06/06/2017	Barclays Bank Plc	DD060617	2.50			4121	101	2.50	Bank charges
12/06/2017	Arun District Council	DD120617	1,178.22			4100	102	939.16	Payroll
						4105	102	35.76	Payroll
						4106	102	203.30	Payroll
12/06/2017	Arun District Council	DD120617	0.50			4100	102	0.50	Payroll adjustment - admin err
13/06/2017	West Sussex County Council	201589	162.00		27.00	4142	101	135.00	Admin Support JWAAC H&T sub gp
13/06/2017	BA Small	201588	260.00			4302	301	220.00	Bins/bus shelter/play areas
						4303	301	40.00	Bins/bus shelter/play areas
13/06/2017	Pagham Village Hall Trust	201587	82.00			4146	101	82.00	Room hire
16/06/2017	Local Lawns	201586	585.00			4304	301	585.00	Grass cutting
27/06/2017	Playsafety Limited	201590	205.80		34.30	4306	301	171.50	RoSPA report 2017
27/06/2017	Viking	201591	113.50		9.58	4125	101	47.92	Stationery
						4126	101	56.00	Stationery

Current Bank A/c

Payments

Nominal Ledger Analysis

<u>Date</u>	<u>Payee Name</u>	<u>Reference</u>	<u>£ Total Amnt</u>	<u>£ Creditors</u>	<u>£ VAT</u>	<u>A/c</u>	<u>Centre</u>	<u>£ Amount</u>	<u>Transaction Detail</u>
27/06/2017	BA Small	201588	325.00			4302	301	275.00	Bins Play areas Bus shelters
						4303	301	50.00	Bins Play areas Bus shelters
Total Payments			22,005.96	0.00	960.15			21,045.81	
Balance Carried Fwd			81,240.68						
Cashbook Totals			103,246.64	0.00	960.15			102,286.49	

31st March 2017

31st March 2018

Current Assets			
235	VAT Control A/c	960	
62,548	Current & Saver Bank A/c	81,241	
27,869	Business BR Tracker A/c	27,869	
86	Petty Cash	63	
101	Pagaham on Parade	101	
<u>90,840</u>			<u>110,234</u>
	90,840 Total Assets		110,234
Current Liabilities			
4,591	Creditors	0	
6,284	Accruals	0	
<u>10,875</u>			<u>0</u>
	79,965 Total Assets Less Current Liabilities		110,234
Represented By			
49,228	General Reserves		44,497
1,126	EMR Pagham on Parade		1,126
1,752	EMR Flood Defence Reserve		11,752
27,859	EMR Prudent reserve		27,859
0	EMR Housing		25,000
<u>79,965</u>			<u>110,234</u>

The above statement represents fairly the financial position of the authority as at 30/06/2017 and reflects its Income and Expenditure during the year.

Signed :
Chairman _____ Date : _____

Signed :
Responsible
Financial _____ Date : _____

A briefing paper for town and parish councils -The General Power of Competence

1. Legislative background to the power

Parish councils are corporate bodies their powers have accumulated through legislation since 1894. Their powers being constrained to specific and appropriate legislation until 2008 when they could, if eligible, exercise the Power of Well-being 2008 Order made under Sec 1 (2) of Local Government Act 2000 for the benefit of their community.

The Localism Act 2011, Chapter 1 of Part 1, Sections 1-8 has provided local authorities with a general power of competence, a radical new power with wide ranging possibilities. The broader general power of competence replaces the power of well-being.

The general power of competence was brought into force by SI. 961, The Localism Act 2011 (Consequential Amendments) Order 2012 on 28th March 2012.

2. What does the power allow councils to do?

The power is a central part of this Governments move towards the decentralisation of powers down to the lowest practical level of local government. The Explanatory Memorandum to The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 no. 965 says that

“The Government’s intention in providing eligible parish councils with the general power of competence is to better enable them to take on their enhanced role and allow them to do the things they have previously been unable to do under their existing powers”

The Government hopes that this new power will give local councils confidence in the legal capacity to act for their communities. The idea being that councils will use this power to work with others to provide cost-effective services and facilities in new ways to meet the needs of local communities.

The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, *“the power to do anything that individuals generally may do”* as long as they do not break other laws. It is intended to be a power of first, not last, resort.

The council has to ask itself if an individual is allowed to do it, if the answer is yes then a council is normally permitted to act in the same way.

A council could:

- lend or invest money
- it could set up a company or co-operative society to trade and engage in commercial activity
- it could run a community shop or post office
- the power is not restricted to use within the parish it can be used anywhere.

3. Risks and restrictions limiting the general power of competence

The general power of competence is a power; it cannot be used to raise the precept. The council can seek other sources of funding such as Community Infrastructure Levy (CIL), sponsorship, commercial activity and agreements with other authorities. Councils can receive income as a consequence of using the power, they could lend money to support a local activity and earn interest on the loan, they could purchase shares in a struggling local enterprise.

However, to use this power the council must have the support of the local community. While councils are being encouraged to be innovative they should be aware of the risk of:

- being challenged
- their trading activities damaging other competing local enterprises
- damage to the councils reputation and public money if a project goes wrong.

Existing duties remain in place, such as having regard to the likely effect on crime and disorder, biodiversity and the duty to provide allotments

Existing financial and procedural duties remain in place for regulating governance for example - no delegation to a single councillor

Councils must continue to comply with relevant existing legislation - employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information.

If a council wishes to trade it must set up a company or co-operative society and abide by company law. The council can charge for services provided under the power.^{1,2}

If the council wishes to invest in a local business which it hopes will support the local economy it should follow Government advice³. If it wishes to support a

¹ <http://www.communities.gov.uk/documents/localgovernment/pdf/133628.pdf>

² <http://www.communities.gov.uk/documents/localgovernment/pdf/323153.pdf>

³ <http://www.communities.gov.uk/documents/localgovernment/pdf/1501971.pdf>

community enterprise, an economic development grant might be a sensible option.

If another authority has a statutory duty to provide a service (eg education) it remains their duty to provide it but your council may assist. The council needs to ask itself whether an individual, private company or community trust could help, if the answer is yes then the council can assist. An appropriate delivery body may need to be set up.

If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power remain in place. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission of the Highways Authority before doing work on roadside verges.

4. How does the general power of competence relate to Sec 137 expenditure?

Monies that can be spent under Sec 137, Local Government Act 1972 are limited and have to be budgeted for separately, they are restricted in that they cannot be used to give money to individuals and expenditure must be commensurate with the benefit. Sec 137 is a power of last resort. A council that is eligible to use the general power of competence can no longer use Sec 137 as a power for taking action for the benefit of the area or its community except Sec 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

The general power of competence is a very broad ranging power, far wider than any power that has previously been available to town and parish councils, wider than sec 137 and the power of well-being.

5. How to become eligible to use the power of general competence

The conditions for eligibility are set out in the Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012⁴. They are:

1. Resolution.

The council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk. The resolution can be passed at any meeting of the council but a further resolution must be passed at every subsequent “relevant annual meeting” for the council to be able to continue to exercise the power. A “relevant annual meeting” is

⁴ <http://www.legislation.gov.uk/ukdsi/2012/9780111519868/body>

the annual meeting that takes place in a year of ordinary elections, once every four years.

2. Electoral Mandate

At the time the resolution is passed, at least two thirds of the members of the council must hold office as a result of being declared elected. This means they should have stood for election, whether at an ordinary or by election, even if unopposed, rather than co-opted or appointed. If two thirds is not a whole number then it must be rounded up. For example, if the total number of councillors is 8, then two thirds is approx 5.3, then the number of councillors that must be elected is 6.

3. Qualified clerk

At the time the resolution is passed the clerk must hold the certificate in local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance (or successor qualifications) awarded by the University of Gloucestershire. The clerk must also have completed training in the exercise of this power as part of one of these qualifications or as separate exercise.

If the council loses its qualified clerk or has insufficient elected councillors then it must record its ineligibility at the next 'relevant' annual meeting of the council (after the ordinary election). If it has already started an activity it can finish that but not start anything new.

References/web links

Localism Act 2011

www.legislation.gov.uk/ukpga/2011/20/contents/enacted

Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

<http://www.legislation.gov.uk/ukdsi/2012/9780111519868/body>

Localism Act 2011: Explanatory Notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/1/1>

Charging guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/151291.pdf>

To: Pagham Parish Council

From: Nicola Jones, Clerk & RFO

Date: 3rd August 2017

Subject: General Power of Competence

Background:

The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be a power of first, not last, resort. It allows eligible Parish Councils to undertake a wider range of activities, unrestricted by the constraints of s137 Local Government Act 1972 which caps the level of expenditure on activities for which there is no specific power.

In order to be eligible to consider passing a resolution adopting the power, at least three quarters of Parish Councillors must have been elected not co-opted (this includes standing unopposed at an election). It must also have a suitably qualified Clerk.

If the council loses its qualified clerk or has insufficient elected Councillors then it must record its ineligibility at the next ‘relevant’ annual meeting of the council (after the ordinary election). If it has already started an activity it can finish that but not start anything new. The next ordinary election is May 2019.

A briefing note further explaining the General Power of Competence is attached to this report.

Options:

The Parish Council is invited to consider passing the following resolution:

Pagham Parish Council, meeting the conditions for eligibility are set out in the Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, RESOLVES to adopt the General Power of Competence.

MODEL for consideration by Council. Values are to be set by the Council when adopting Financial Regulations (other than the Statutory Procurement thresholds shown in Regulation 11)

PAGHAM PARISH COUNCIL
FINANCIAL REGULATIONS

INDEX

1. GENERAL	2
2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL).....	4
3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING	6
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND.....	6
5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS	8
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS	9
7. PAYMENT OF SALARIES	12
8. LOANS AND INVESTMENTS	13
9. INCOME	14
10. ORDERS FOR WORK, GOODS AND SERVICES	14
11. CONTRACTS	15
12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)	16
13. ASSETS, PROPERTIES AND ESTATES.....	17
14. INSURANCE	17
15. RISK MANAGEMENT	18
16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS	18

These Financial Regulations were adopted by the Council at its Meeting held on [.....]

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.
- 1.7. 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;

¹ Model standing orders for councils are available in Local Councils Explained © 2013 National Association of Local Councils

- 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 £5,000; 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 Finance Committee.
- 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
 - have 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 [month], 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 [relevant 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 £5,000;
 - a duly delegated committee of the council for items over £500; or
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

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 October 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 £1000. 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 £100 or 15% of the budget.

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

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council or authorised committee. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council [or finance committee]. 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 or authorised Committee 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 or authorised committee;

- 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 authorised committee; 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 authorised 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, or a duly authorised committee, 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 or Finance Committee.
- 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 effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.
- 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 [one] two member[s] of council [,and countersigned by the Clerk,] 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 or authorised Committee 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 shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk. 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 £500 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 Finance Committee. Transactions and purchases made will be reported to the council and/or relevant authorised committee and authority for topping-up shall be at the discretion of the Finance committee.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk [and RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

- 6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of £100 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

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

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 solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the 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

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

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.
- 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 18d, 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 (PUBLIC WORKS CONTRACTS)

- 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).

³ Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

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

- 13.1. 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.
- 13.2. 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.
- 13.3. 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).
- 13.4. 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).
- 13.5. 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.
- 13.6. 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.

14. INSURANCE

- 14.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 14.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 14.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 14.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

15. RISK MANAGEMENT

- 15.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk [with the RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 15.2. When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

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

* * *

Notes to the Model.

Stated dates or months may be changed to suit local circumstances.

[square brackets] This part may be deleted if not relevant. An alternative may have been provided.

Where the word “regularly” is used in the text it is for the individual council to set the required interval, monthly, quarterly, or half-yearly. This period should never exceed 12 months.

The value inserted in square brackets in [...] any of the paragraphs (other than the EU Procurement and Public Contract Regulations 2015 thresholds referred to in 11.1(a) and (b)) may be varied by the council and should be reviewed regularly and confirmed annually by the council.

Every effort has been made to ensure that the contents of this document are correct at time of publication. The National Association of Local Councils (NALC) cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

© NALC 2016

Account Number Order

<u>A/c Code</u>	<u>Account Name</u>	<u>Centre</u>	<u>Centre Name</u>	<u>Debit</u>	<u>Credit</u>
105	VAT Control A/c			960.15	
200	Current & Saver Bank A/c			81,240.68	
201	Business BR Tracker A/c			27,869.42	
203	Petty Cash			62.56	
204	Pagaham on Parade			101.33	
310	General Reserves				14,227.99
320	EMR Pagham on Parade				1,126.34
321	EMR Flood Defence Reserve				11,752.00
322	EMR Prudent reserve				27,859.00
323	EMR Housing				25,000.00
1027	POP Donations	201	Events		5.00
1076	Precept	100	Income		40,458.50
4100	Clerk Salary	102	Staff Costs	2,817.98	
4105	NI	102	Staff Costs	107.28	
4106	Pension contributions ER	102	Staff Costs	610.90	
4110	Travelling Expenses - Staff	102	Staff Costs	17.25	
4119	Website	101	Administration	240.00	
4121	Bank Charges	101	Administration	5.00	
4123	Computer Maintenance	101	Administration		124.00
4125	Printing & Stationery	101	Administration	47.92	
4126	Postage	101	Administration	60.17	
4127	Telephone, Copier & repair	101	Administration	89.00	
4130	Cllrs Allowances	101	Administration		4,064.00
4140	Audit and Accountancy	101	Administration		500.00
4142	Subscriptions	101	Administration	1,969.59	
4145	Refreshments	101	Administration	1.99	
4146	Room Hire - Meetings	101	Administration	127.00	
4147	Service Charge Parish room	101	Administration	200.00	
4160	PWLB	101	Administration	6,017.11	
4200	POP Expenses	201	Events	50.00	
4300	Parish General Maintenance	301	Amenities	150.00	
4302	Cleaning	301	Amenities	495.00	
4303	Dog & Litter	301	Amenities	90.00	
4304	Grass Cutting	301	Amenities	1,085.00	
4306	Play Areas	301	Amenities	266.50	
4400	Contingencies	401	Special Projects	435.00	
Trial Balance Totals :				125,116.83	125,116.83
Difference				0.00	

Pagham Parish Council Standing Orders

How to use the standing orders 2	Page
List of standing orders 3	Page
Draft standing orders 22	Pages 4 -

How to use model standing orders

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements. For convenience, the word "councillor" is used in the standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

These standing orders do not include financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

Pagham Parish Council has its own financial regulations which are given to each member of the Parish Council. Financial regulations, like standing orders need to be reviewed on a regular, basis ideally annually.

List of standing orders

1.	Rules of debate at meetings	4
2.	Disorderly conduct at meetings	6
3.	Meetings generally	6
4.	Committees and sub-committees	9
5.	Ordinary council meetings	10
6.	Extraordinary meetings of the council and committees and sub-committees	11
7.	Previous resolutions	12
8.	Voting on appointments	12
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	14
12.	Draft minutes	14
13.	Code of conduct and dispensations	15
14.	Code of conduct complaints	16
15.	Proper Officer	16
16.	Responsible Financial Officer	18
17.	Accounts and accounting statements	18
18.	Financial controls and procurement	19
19.	Handling staff matters	20
20.	Requests for information	20
21.	Relations with the press/media	20
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

Any reference in these standing orders to the male gender is done purely for convenience. The English language has no single pronoun which applies to people of both sexes.

Standing Orders

1. Rules of debate at meetings

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j. Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.

- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved understanding order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed **3** 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-committee meetings

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- ■ d. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) above **shall not exceed 15 minutes** unless directed by the chairman of the meeting.
- g. Subject to standing order 3(f) above, a member of the public shall not speak for more than **3** minutes.
- h. In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i. A person shall raise his hand when requesting to speak The chairman of the meeting may at any time permit a person to be seated when speaking.
- j. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- ■ l. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- ■ m. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- n. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
- o. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- ■ ■ p. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- ■ ■ q. The chairman of 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(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- r. 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.
- s. The minutes of a meeting shall include an accurate record of the following:**
- i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.
- ■ ■ t. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- u. No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.

- ■ ■ v. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- ■ ■ w. **A meeting shall not exceed a period of 2 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 time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. 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 **4** days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a

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

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 a council shall be held on such day in May as the council may direct.**
- c. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d. **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 resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current 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 representation on or work with external bodies and arrangements for reporting back;
- xi. 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;(note 1)
- xii. Review of inventory of land and assets including buildings and office equipment;
- xiii. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xiv. Review of the council's complaints procedure
- xv. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xvi. Review of the council's policy for dealing with the press/media; and
- xvii. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.**

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

- a. **The Chairman of the Council may convene an extraordinary meeting of the council at any time.**
- b. **If the Chairman of the Council does not 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 **7 days** of having been requested to do so by **4** members of the committee [or the sub-committee], any **2** members of the committee [and the

sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

- a. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 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 exercisable by the chairman of the meeting.

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the 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 **5** clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance

with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least **3** 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.
- f. Minutes will not be posted to the Parish Council’s Web Site until approved at the next meeting.

13. Code of conduct and dispensations

See also standing order 3(t) above.

- a. All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer 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 by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 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 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 [(England) 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 is absent.
- b. The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or sub-committee serve** a summons, by email, confirming the time, place and the agenda provided any such email contains the signature, date and title of the Proper Officer.
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**

See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.

- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least **7** 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, 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;
- xv. The Proper Officer shall keep a record of every planning application received and ensure that such applications are added to the agenda for the next available planning meeting. Should the application be urgent or would be "out of time" before the next planning committee meeting the Proper Officer will notify the Chairman of the Planning Committee or in the Chairman's absence the Vice-Chairman within 48 hours of receipt. Any decisions made under delegated powers by the Chairman or Vice-Chairman will be reported to the next Planning Committee Meeting.
- xvi. manage access to information about the council via the publication scheme;
- xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect

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 accounting reports at least quarterly on the following:
 - i. the council's receipts and payments and income and expenditure for the period;
 - ii. the council's aggregate receipts and payments and income and expenditure for the financial year to date;
 - iii. the balances held at the end of the period being reported

These will include a comparison with the budget for the financial year.

- 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 and income and expenditure for the year; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e. The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A complete 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 Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below)

- b. Financial regulations shall be reviewed 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 £..... 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 writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e. Neither the council, nor a committee or a sub-committee with delegated responsibility or 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 is subject to standing order 11 above.
- b. 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.
- c. 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.

- d. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- e. All staff matters and policies will be contained within a Parish Council Policies and Employment Hand Book. Such handbook will be subject to regular review.

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. 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 will be handled by the Chairman or the Proper Officer. All other communications must be prefaced or qualified as personal opinions or interpretation.

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.

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.

The above is applicable to a council without a common seal.

23. Communicating with District and County councillors

- a. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Councillor representing the area of the council.

- b. Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

24. Restrictions on councillor activities

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

25. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 9 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.

Adopted 9th January 2016