

HAVERSHAM CUM LITTLE LINFORD PARISH COUNCIL

STANDING ORDERS

AND

FINANCIAL CONTROLS & REGULATIONS

Issue History

<u>Issue No.</u>	<u>Approved</u>	<u>Summary of Changes</u>
Issue 1	Parish Council meeting – 17 May 2004.	Initial issue
Issue 2	Parish Council meeting - 18 May 2009	Review of Financial Matters and Internal Audit Arrangements Para 29-34 and Financial Controls 4-7
Issue 3	Parish Council meeting – 17 th September 2012	New appendix A related to Conflicts of Interests.
Issue 4	Parish Council Meeting of 17 th June 2013	Removal of references to Vice Chairperson and change at para. 33 reducing to two signatures. Also changes to quorate numbers. Para. 6.
Issue 5	Parish Council Meeting of 18 th May 2015	Delete - RFO (2) being self-employed
Issue 6	Parish Council Meeting of 16 th May 2016	None
Issue 7	Parish Council Meeting of 15 th May 2017	Alterations to contract sum/quote details
Issue 8	Parish Council Meeting of 21 st October 2019	Updates to procedures on financial reports, public participation in meetings, order of business

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MEETINGS

- 1(a) Meetings of the Council shall be held at 7.30pm, unless the Council decides otherwise at a previous meeting.
- 2 The Parish Council's Annual Meeting and the Annual Meeting of the Parish should be held in May.
- 3 Other Parish meetings shall be held on the third Monday of each month unless the Council decides otherwise at a previous meeting or unless the third Monday of the month falls on a Bank Holiday, when an alternative date shall be agreed. The normal exception is August when no meeting will be held.
- 4 The Chairperson may call a meeting at any other time.

MEETING CHAIRPERSON

- 5 The person presiding at a meeting may exercise all the powers and duties of the Chairperson in relation to the conduct of the Meeting.

QUORUM

6. Three members shall constitute a quorum.
7. If a quorum is not present when the Council meets the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairperson may fix.

VOTING

- 8 **Voting shall be by a show of hands.** If a member so requires, the Clerk shall record the names of the members who voted on any question whether they voted for or against it.
- 9(a) The Chairperson may give a vote on any matter put to the vote, or in the case of an equality of votes may give a casting vote even though he gave no original vote.
- 9(b) The Person presiding must give a casting vote whenever there is an equality of votes in an election for Chairperson.

ORDER OF BUSINESS

10. At the first meeting after an election or in May each year the first business shall be: -
 - 10(a) To elect or re-elect a Chairperson and Vice Chair.
 - 10(b) To receive the Chairperson's declaration of acceptance of office or, if not received, to decide when it shall be received.
 - 10(c) In the year of an election to the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - 10(d) To decide when any declarations of acceptance of office, which have not been received as required by law, shall be submitted.
 - 10(e) To appoint any sub-committees that may be considered necessary, and shall thereafter follow the order set out in Standing Order 13.
- 11 At every meeting the first business shall be to appoint a Chairperson if the Chair or Vice Chair is absent.
- 12 In every year at the May meeting, the Council shall review the pay and conditions of existing employees.
- 13 After the first business has been completed, the following business should be transacted, in the order agreed on the agenda unless the Chair decides to take business out of order due to constraints specific to the meeting in question:

- 13(a) To receive apologies for absence
- 13(b) To allow a period of not more than 15 minutes during which parishioners may ask questions and receive replies relating to items on the agenda. This is not a period of debate. A councillor does not have to give an answer to a particular question, particularly if the answer might involve confidential information.
- 13(c) To read, consider and approve and sign the Minutes by the person presiding as a true record.
- 13(d) To consider new business.
- 13(e) To receive and comment on Planning and Development applications.
- 13(f) To receive reports from Councillors on meetings attended since the last Parish Meeting.
- 13(g) To take correspondence and note action, if any, to be taken
- 13(h) To receive a statement of the current financial position of the Council from the Responsible Financial Officer.
- 13(i) To approve for payment the items of expenses; also to sign cheques and cheque-book stubs.
- 13(j) To deal with any confidential items. These shall not be taken until the public and press have left and shall not be minuted unless agreed by the Council.

RESOLUTIONS MOVED ON NOTICE

- 14 No formal resolution, except as provided by these Standing Orders, may be moved unless the business to which it relates has been put on the Agenda by the Clerk, or the mover has given notice in writing and has notified the Clerk at least three clear working days before the next meeting of the Council.
- 15 The Clerk shall circulate with the summons (Agenda) for every meeting a financial statement, including an estimate of expenditure to date and estimated outturn expenditure.

RESOLUTIONS MOVED WITHOUT NOTICE

- 16 Resolutions dealing with the following matters may be moved without notice:
 - 16(a) To appoint a Chairperson of the meeting if the Chairperson is absent.
 - 16(b) To correct the Minutes
 - 16(c) To approve the Minutes
 - 16(d) To alter the order of business
 - 16(e) To proceed to the next business.
 - 16(f) To close or adjourn a debate.
 - 16(g) To appoint a sub-committee.
 - 16(h) To refer a matter to a sub-committee.
 - 16(i) To adopt a report.
 - 16(j) To amend a motion.
 - 16(k) To give leave to withdraw a resolution or amendment.
 - 16(l) To temporarily exclude the public. (If the nature of the business is of 'special' or 'confidential' nature and is in the best interest of the public). The reason should be given.
 - 16(n) To silence or eject a person from the meeting for misconduct.
 - 16(o) To invite a member declaring having an interest in the subject under debate to remain.
 - 16(p) To suspend any Standing Order.
 - 16(q) To adjourn the meeting.
 - 16(r) To defer a decision to a later date.

QUESTIONS

- 17 A member may ask the Chairperson or the Clerk any question concerning the business of the Council, provided that if the question requires research, notice of the question has been given to the person to whom the question is addressed before the meeting begins.
- 18 A person to whom a question has been put may decline to answer but should state the reasons for so doing.

RULES OF DEBATE

- 19 No discussion shall take place upon the minutes except upon their accuracy and completeness.
- 20(a) Any resolution or amendment shall not be discussed unless it has been proposed and unless proper notice has already been given. It shall, if required by the Chairperson, be produced in writing and handed to him before it is discussed or put to the meeting.
- 22(b) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.
- 23(c) An amendment shall be either:
- 23(c)(i) To leave out words
- 23(c)(ii) To leave out words and insert or add others
- 23(c)(iii) To insert or add words.
- 23(d) An amendment shall not have the effect of negating the resolution before the Council.
- 23(e) If an amendment be carried, the resolution shall take the place of the original resolution.
- 23(f) A motion or amendment may be withdrawn by the proposer with the consent of the Council
- 23(g) When a resolution is under debate no other resolution shall be moved except for the following: -
- 23(g)(i) To amend the resolution
- 23(g)(ii) To proceed to the next business
- 23(g)(iii) To adjourn the debate
- 23(g)(iv) That the item be referred to a committee
- 23(g)(v) To exclude the public and press.
- 23(g)(vi) To adjourn the meeting.
- 24(a) The ruling of the Chairperson on a point of order shall not be discussed.
- 24(b) Members shall address the Chairperson.

DISORDERLY CONDUCT

- 25 No member shall persistently disregard the ruling of the Chairperson, wilfully obstruct business or behave improperly. If, in the opinion of the Chairperson a member has broken these provisions, the Chairperson may put the motion that the member no longer be heard or that the member should leave the meeting. If seconded the Chairperson may suspend the meeting or ask that the member leave the meeting.

RIGHT OF REPLY

- 26 The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote.

ALTERATION OF A RESOLUTION

- 27 A member may, with the consent of his seconder, move amendments to their own resolution.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- 28 Any discussions or questions relating to the conduct, dismissal, salary or conditions of service of any person employed by the Council, shall not be considered until a time when the public has been excluded from the meeting.

FINANCIAL MATTERS

- 29 The Clerk will keep on-going Accounts recording all the Council's Income and Expenditure in accordance with the relevant statutes and Audit requirements.
- 30 The Clerk will present an up-to-date Financial Statement to each Meeting of the Council.
- 31 All payments must be authorised by the Council, normally prior to being made. However, where it proves necessary to make a payment prior to authorisation, it shall be reported to the next Meeting of the Committee for confirmation.
- 32 The Clerk shall be allowed to incur up to £80 in any one month for any necessary items of stationery etc, required to carry out his responsibilities, without prior reference to the Council.
- 33 Orders for the payment of money shall be signed by two members one of whom may be the Responsible Finance Officer.
- 34 When a Councillor is asked to undertake a task on the Parish Council's behalf that involves any form of payment, then the following steps must be followed: -
- (i) The estimated cost must be calculated and submitted to the Parish Council as part of the proposal for the activity/action under consideration.
 - (ii) The Councillor(s) involved in the proposal shall take no part in the subsequent vote but may contribute information and explanation to the Council's discussions on the matter;
 - (iii) In considering approval of the proposal, the Councillor's offer of input/involvement and the estimated costs/fee, the Parish Council must be assured that the sums quoted compare favourably with other possible providers and also give value for money;
 - (iv) The Parish Council shall ensure that any decision that it reaches on a Councillor's involvement in a task/activity involving any form of payment undertaken on the Council's behalf shall not be in conflict with its Code of Conduct particularly where it refers to the Declaration of Members' Interests.

ESTIMATES

- 35 The Council shall approve written estimates for the coming financial year at its meeting in the month of February at the latest, in order that the Precept meets the requirements of the Unitary Authority for March 1st.

CONTRACTS

- 36 Items of expenditure under £2,000 shall not be subject to tender.
- 37 Where it is intended to enter into a contract exceeding £2,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of work, the Clerk shall obtain at least three competitive quotations.
- 38 Where contracts exceed £10,000 a notice is to be posted on the official notice board. The notice shall state the general nature of the contract and the name and address to whom the tenders should be addressed and the last date by which tenders may be submitted.

- 39 Tenders shall be opened by the Clerk and one other person to whom the tenders are required to be addressed and shall be reported by the persons who opened them to the Council.
- 40 The Council are not bound to accept the lowest tender.

INTERESTS

- 41 If any member has any pecuniary interest, direct or indirect, with any contract or business under consideration by the Council he declare such an interest and if appropriate withdraw from the meeting during discussion of that item. The Council may agree to the member remaining during the discussion if it feels that this would not be prejudicial to the discussion. This subject is covered by the Code of Conduct conditions, which every member has agreed to accept.
42. Appendix A. outlines to procedures relating to Conflicts of Personal Interests.

CANVASSING OF AND RECOMMENDATION BY MEMBERS

- 43 Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment must be declared and may lead to the disqualification of the candidate for such appointment.
- 44 A member of the Council or of any committee shall not solicit for any person for any appointment under the Council or for promotion. However, written testimonials may be given of a candidate's ability, experience or character.

INSPECTION OF DOCUMENTS

- 45 All Minutes kept by the Council and by any committee shall be open for inspection by any member of the Council. The Clerk shall circulate copies of the Minutes to all members by the Thursday of the week prior to the next meeting. A copy of the Agenda shall be posted on notice boards for public inspection. Copies of the minutes shall, after approval, be posted on the Web site. Further copies of the minutes will be made available to members of the public for a fee, the charge to be decided by the Parish Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 46 The Clerk shall allow the press reasonable facilities for taking a report of proceedings.
- 47 The public shall be admitted to all ordinary meetings at which they are entitled to attend but only be allowed to ask questions during the agenda item for public representations, or in a 'public forum' held outside the meeting at the Chair's discretion. The public shall be invited to the Annual Meeting to receive reports on the business of the past year and to seek clarification on issues of interest.
- 48 A member of the public may be invited to comment on a particular issue only if so invited by the Chairperson.
- 49 If a member of the public interrupts the proceedings at any meeting, the Chairperson may, after warning, ask that they be removed from the meeting room.

CONFIDENTIAL BUSINESS

- 50 No member of the Council or of any committee shall disclose to any person, not a member of the Council, any business declared to be confidential.

PLANNING APPLICATIONS

- 51 The Clerk shall retain copies of all planning application notifications for a period of 2 years.

CODE OF CONDUCT ON COMPLAINTS

- 52 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any member in the manner recommended by the National Association of Local Councils

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 53 Any or every part of the Standing Orders may be suspended by resolution in relation to any specific item of business if agreed by majority vote.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- 54 A copy of these Standing Orders must be given to each member by the Clerk upon receipt of the member's declaration of acceptance of office.

T Walker

T Walker, Clerk to the Parish Council

21st October 2019

P Williams

Chair of the Parish Council

21st October 2019

FINANCIAL CONTROLS AND REGULATIONS

RESPONSIBLE FINANCIAL OFFICER

- 1 **A Responsible Financial Officer (RFO) must be appointed under section 151 of the Local Government Act 1972.** Any person can be appointed by the Council, but unless determined otherwise, the RFO will be the Parish Council Clerk.

COMPLIANCE WITH REGULATION 4

- 3 To comply with regulation 4 the following are a list of duties for which the RFO is responsible. These duties have been agreed by the Parish Council and are subject to be reviewed and updated from time to time as appropriate.
- 3(a) To prepare reports for the Council. These reports will cover budget monitoring, fund balances, receipts, payments of accounts, VAT records and other relevant records.
- 3(b) To prepare draft estimates. When approved these will form the annual budget monitoring data on which reports will be based during the year.
- 3(c) To submit the approved precept to the Unitary Authority and supply any breakdown requested.
- 3(d) To bank regularly any monies received by the Council and its sub-divisions.
- 3(e) To ensure that any money due to the Council is billed and collected promptly.
- 3(f) To manage cash flow and bank transfers at the direction of the Council.
- 3(g) To prepare cheques for Council approval and signature and monitor their presentation for payment.
- 3(h) To prepare Bank reconciliation statements on a regular basis.

- 3(i) To take responsibility for the submission of VAT returns and to deal with any VAT inspections.
- 3(j) To prepare and balance the final accounts in accordance with the regulations and report to the Council.
- 3(k) To prepare accounts and records for external audit in accordance with regulations.
- 3(l) To monitor compliance with the Council's financial regulations and to ensure that correct financial systems are in place.
- 3(m) To ensure that not less than three quotations are obtained for all work estimated to cost £10,000 or more.
- 3(n) To manage the Council's insurance risk. To process claims as necessary.
- 3(o) To prepare documents, returns and statements as required by the internal and external auditor and note and report their comments to the Council.

INTERNAL AUDITOR/INTERNAL AUDIT.

- 4. An internal auditor will be appointed/reappointed at least every 3 years.
- 5. The Internal Auditor shall be a competent person, independent of the financial controls and procedures and to give an objective view on whether these meet the needs of the Council.
- 6. The role of the Internal Audit is intended to be more than just agreeing that the books reflect the financial transactions of the Council, it is a review of how it is performing against its own Standing orders, Financial policies etc. The Internal Audit role should also take into account Risk Management and the responsibilities in relation to fraud.
- 7. The Internal Auditor will prepare a report for the Council not less than annually

Conflicts of Interest

1. Members of the Parish Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public
2. A Councillor has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:
 - (a) a disclosable pecuniary interest as described at Part 2 A. of the Council's Code of Conduct and section 30(3) of the Localism Act 2011;
 - (b) other pecuniary interest as described at Part 2 A of the Council's Code of Conduct;; or
 - (c) personal interest as described at Part 2 B of the Members Code of Conduct;held by a Councillor and, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Councillor must disclose to the meeting the existence and nature of that interest.
3. Where an interest is disclosed arising from
 - (a) a disclosable pecuniary interest; or
 - (b) other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice the Councillor's judgement of the public interestthe Councillor
 - (i) may not participate in any discussion of the matter at the meeting
 - (ii) may not vote on the matter at the meeting
 - (iii) must retire the public gallery or other area set aside from the meeting.
4. Where a Councillor holds a conflict of interest described at (3) above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Standing Orders.

Where a Councillor is present at a meeting where that Councillor is to be called upon to make a decision in the public interest, and that Councillor considers they have fettered their discretion in some other way, that Councillor may exercise any separate speaking rights as a Councillor or member of the public but should not take part in the discussion or vote as a member of the meeting.