

**NASH PARISH COUNCIL**

**STANDING ORDERS**

**and**

**FINANCIAL REGULATIONS**

## **Notes.**

These standing orders detail how the Nash Parish Council conducts its affairs. They are derived from two documents, 'Local Councils Explained', an NALC Publication by Meera Tharmarajah, Part Two – Electronic Standing Orders, which provides a model with numerous blanks and options for the council to adjust, and a second similar NALC document, 'Model Financial Regulations (rev Jan 2016)'. This combined document comprises a Councillor's Handbook and will be re-assessed annually at the Annual Parish Meeting to provide the basis for the next year's business. .

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. It is recommended that these are not changed councils.

Some orders apply only to committees formed by the full council for specific purposes. These orders are identified in the text. Such orders also apply to any sub-committees.

For clarification, for this council, all references to Proper Officer and Responsible Financial Officer (RFO) are references to the Parish Council Clerk.

## **Change Record:**

- Feb 2016 Issue 0.1 Initial working copy
- 31-Mar-2016 Issue 0.9. Issued for approval, changes specific to Nash added
- 26-Apr-2016 Issue 1.0 Approved at council meeting. Null paragraphs removed. Appendices 1 and 2 added.
- 17-May-2018 Approved at council meeting on 16 November 2017 in respect of Financial Regulations 4 and on 17 May 2018 in respect of SO 12 Draft Minutes, SO20, responsibility to provide information and SO21 Data Protection responsibilities.

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## **Standing Orders**

### **1. Rules of Debate at Meetings**

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.

A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.

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.

An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.

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.

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.

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.

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.

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.

A councillor may not move more than one amendment to an original or substantive motion.

The mover of an amendment has no right of reply at the end of debate on it.

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.

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.

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.

A point of order shall be decided by the chairman of the meeting and his decision shall be final.

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.

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.

Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

## **2. Disorderly Conduct at Meetings**

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.

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.

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**

*Applicable as marked : F for Full Council Meetings, C for Committee, S for Sub-committees*

**F** 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.

**F** 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.

**F.** The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.

**FC** 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.

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.

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.

Subject to standing order 3(f) above, a member of the public shall not speak for more than 5 minutes.

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.

A person shall raise his hand when requesting to speak. The chairman of the meeting may at any time request the speaker to stand when speaking (except when a person has a disability or is likely to suffer discomfort).

A person who speaks at a meeting shall direct his comments to the chairman of the meeting.

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.

**FC** Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.

**FC** 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.

**F** 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).

**F** 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.

**FCS** 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.

**FCS** 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 5.j below for the different rules that apply in the election of the Chairman of the Council at the annual general meeting of the council.*

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.

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.

**FCS** 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.

**F** 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 4.d.viii below for the quorum of a committee or sub-committee meeting.*

**FCS** 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.

A meeting shall not exceed a period of 3 hours.

Between meetings there will be urgent matters that need to be decided by councillors which do not justify calling a special meeting for a decision to be made. In these cases councillors will be contacted by the Proper Officer by whatever means is most efficient with a date by which a response is required. Councillors will use reasonable endeavour to respond to such communications by the date required. If a response has been requested and the Councillor does not respond by the required date the Councillor will be taken to have agreed to any course of action proposed, or to have no comment to make.

## 4. Committees and Sub-committees

Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.

Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

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 5 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**

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.

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.

If no other time is fixed, the annual meeting of the council shall take place at 7pm.

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.

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.

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.

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.

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.

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.

Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:

- i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;
- ii. Confirmation of the accuracy of the minutes of the last meeting of the council;

- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back.
- xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

## **6. Extraordinary Meetings of the Council and Committees and Sub-committees**

The Chairman of the Council may convene an extraordinary meeting of the council at any time.

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.

The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 10 days of having been requested by to do so by 2 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 resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 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.

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**

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 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.

No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording, or the subject matter to be discussed, 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.

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.

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 5 clear days before the meeting.

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.

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.

Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.

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-committ
  - 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**

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.

Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

## **12. Draft Minutes**

The draft minutes from all formal meetings shall be circulated to all Councillors as soon as possible after the meeting for comment and then be published not later than one month after the meeting has taken place. Such minutes will remain draft until they are signed as approved at the next meeting.

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.

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.

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.”*

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

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

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

All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.

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.

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.

**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.

A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.

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.

Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.

A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:

- v. **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**
- vi. **granting the dispensation is in the interests of persons living in the council's area or**
- vii. **it is otherwise appropriate to grant a dispensation.**

## **14. Code of Conduct Complaints**

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.

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 and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.

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; or
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

Upon notification by the District or 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

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.

The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.** See *standing order 3(b) above for the meaning of clear days for a meeting 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 received unless a councillor has given written notice at least 5 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. in respect of non-major planning applications that are received by the Council and where a response is required before the next meeting of the Council, the Proper Officer will send details of the application to all councillors by email and shall select two councillors to comment on the application by a nominated date. The Councillors selected should not live close to the application site, while recognising that all Councillors are likely to have some proximity, and will review whether he or she has any conflict of interest which would prohibit them from commenting on the application before submitting comments, or making known their conflict, to the Proper Officer by the requested date.
- xv. In respect of major planning applications which are likely to have a major impact on Nash or a significant number of residents the Proper Officer will discuss with all Councillors how the Council wishes to respond and whether the application should be considered at a meeting of the Council before a comment is made; and
- xvi. manage access to information about the council via the publication scheme.

## **16. Responsible Financial Officer**

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**

"Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.

All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.

The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the council's receipts and payments for each quarter;
- ii. the council's aggregate receipts and payments for the year to date;
- iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- iv. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
- v. 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.

The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## **18. Financial Controls and Procurement**

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) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.

Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

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 £25,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.

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:

- vi. a specification for the goods, materials, services or the execution of works shall be drawn up;
- vii. 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;
- viii. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- ix. 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;
- x. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

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 matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 11 above.

Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of any committee or sub-committee or, if he is not available, the vice-chairman of the committee or sub-committee, of absence occasioned by illness or other reason and that person shall report such absence to the committee or sub-committee at its next meeting.

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.

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.

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.

Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Proper Officer and the Chairman of the Council.

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
  
- b *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- a The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
  
- b The Council shall have a written policy in place for responding to and managing a personal data breach.

- c The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- d The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- e The Council shall maintain a written record of its processing activities.

## **22. Relations with the Press/Media**

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

## **23. Execution and Sealing of Legal Deeds**

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

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.

## **24. Communicating with District and County Councillors**

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

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

## **25. Restrictions on Councillor Activities**

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.

## **26. Standing Orders Generally**

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.

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 3 councillors to be given to the Proper Officer in accordance with standing order 9 above.

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.

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

# **FINANCIAL REGULATIONS**

## **1. General**

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 orders and any individual financial regulations relating to contracts.

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.

The council's accounting control systems must include measures:

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

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

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.

A breach of these Regulations by an employee is gross misconduct.

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.

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.

The RFO;

- v. acts under the policy direction of the council;
- vi. administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;

- vii. determines on behalf of the council its accounting records and accounting control systems;
- viii. ensures the accounting control systems are observed;
- ix. maintains the accounting records of the council up to date in accordance with proper practices;
- x. assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- xi. produces financial management information as required by the council.

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 (England) Regulations 2011/817.

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

- xii. 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;
- xiii. a record of the assets and liabilities of the council; and
- xiv. 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.

The accounting control systems determined by the RFO shall include:

- xv. procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- xvi. procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- xvii. identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- xviii. 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
- xix. measures to ensure that risk is properly managed.

The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding the following shall be matters for the full council only:

- xx. setting the final budget or the precept (Council Tax requirement);
- xxi. approving accounting statements;
- xxii. approving an annual governance statement;
- xxiii. borrowing;
- xxiv. writing off bad debts;
- xxv. declaring eligibility for the General Power of Competence; and
- xxvi. addressing recommendations in any report from the internal or external auditors.

In addition the council must:

- xxvii. determine and keep under regular review the bank mandate for all council bank accounts;
- xxviii. approve any grant or a single commitment in excess of £5,000; and
- xxix. 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.

*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)**

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.

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

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.

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.

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.

The internal auditor shall:

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

Internal or external auditors may not under any circumstances:

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

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.

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.

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**

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 December each year including any proposals for revising the forecast.

The RFO must each year, by no later than December, 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 council.

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.

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.

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

#### **4.1. Budgetary Control and Authority to Spend**

- a. Expenditure shall be approved by:
  - i. the Council for all items over £5,000;
  - ii. the Clerk, in conjunction with another councillor who is on the Council's bank mandate if payment is by cheque (unless payment is to the Clerk in which case two councillors will authorise and sign the cheque) or if by internet banking transfer electronic then in accordance with 4.2. below; and
  - iii. the Clerk for any items below £100 if payment is by internet banking transfer.

Other than payments requiring approval from the Council all payments will be reported to the Council at the meeting immediately after payment (or if not already paid then will be approved at that meeting) as above and shall be approved by the Council (the Council may withhold approval of a payment already made if it has not been made in accordance with 4.1.a. above but otherwise will approve all payments already made) and a record of all payments will be recorded in each case in the minutes of the relevant meeting.

- b. No expenditure may be authorised that will exceed the amount provided in the budget for that class of expenditure other than by resolution of the Council. 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.
- c. The salary budget is to be reviewed annually in January for the following financial year.
- d. In cases of 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 £500. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.

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.

- g. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- h. 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.
- i. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **4.2. Banking Arrangements and Authorisation of Payments**

- a. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for safety and efficiency.

The RFO shall prepare a schedule of payments (both those already paid in accordance with these Standing Orders and those to be paid) requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council which will be recorded in the minutes of the meeting and such minutes will be signed by the Chairman at the subsequent meeting. 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.

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

- e. The Clerk/RFO shall have delegated authority to authorise the payment of items in accordance with 4.1.a above.
- h. In respect of grants these will only be authorised by the Council at a meeting of the Council.

### **4.3. Instructions for the Making of Payments**

- a. The council will make safe and efficient arrangements for the making of its payments.
- b. Following authorisation under Financial Regulation 5 above, the Council or, if so delegated, the Clerk/RFO shall give instruction that a payment shall be made.
- c. All payments shall be effected by cheque or by electronic transfer or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- d. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council shall be signed by one member of Council and countersigned by the Clerk. If a member who is a bank signatory has declared a pecuniary interest or has any other interest in the matter in respect of which the payment is being made then the cheque shall be signed by another councillor. The Clerk/RFO is authorised to sign for payments other than for payments to himself where two Councillors signatures are required.
- e. Payment by internet banking transfer may be made by the Clerk on the following basis:
  - i. For payments above £100 authorisation for the payment of the bill or invoice will be given by the Chairman and Vice-Chairman (or in their absence by another councillor or councillors) by email. The Clerk will retain a copy of the emails authorising payment and endorse on the bill or invoice the initials of those authorising payment. Payment may then be made by the Clerk.
  - ii. For payments under £100 the Clerk may pay these without authorisation.

- iii. In each case details of the payment will be presented to the Council at the subsequent meeting for approval in accordance with 4.1.a. above.
- f. If considered 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 or standing order provided that the instructions are signed by two members and any payments are reported to Council as made.
- g. 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 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.

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.
- h. 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.
- i. 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. 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.
- j. 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.

- k. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the.
- I. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk/RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **5. Loans and Investments**

- a. 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.
- b. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (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.
- c. 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/RFO.
- d. 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.
- e. 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.
- f. All investments of money under the control of the council shall be in the name of the council.
- g. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- h. 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).

## **6. Income**

- a. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- b. 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 who shall then be responsible for the collection of all accounts due to the council.
- c. The council will review all fees and charges at least annually, following a report of the Clerk.
- d. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

- e. 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.
- f. The origin of each receipt shall be entered on the paying-in slip.
- g. Personal cheques shall not be cashed out of money held on behalf of the council.
- h. 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.
- i. 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.
- j. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below)].

## **7. Orders for Work, Goods and Services**

- a. 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.
- b. Order books shall be controlled by the RFO.
- c. 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 below.
- d. A member may not issue an official order or make any contract on behalf of the council.
- e. 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.

## **8. Contract Procedures**

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:

1. for the supply of gas, electricity, water, sewerage and telephone services;
2. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
3. 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;
4. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
5. 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
6. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b. Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than goods, materials, works or specialist services as are excepted as set out in paragraph 11.a the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.

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

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

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

- f. If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- h. Any invitation to tender issued under this regulation shall be subject to Standing Order 18.d and shall refer to the terms of the Bribery Act 2010.
- i. 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 11.a the Clerk/RFO shall obtain three quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk/RFO shall strive to obtain three estimates. Otherwise Regulation 10.c above shall apply.
- j. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- k. Should it occur that the Council 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.
- l. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

## **9. Payments under Contracts for Building or Other Construction Works (Public Works Contracts)**

- a. 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).
- b. 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.
- c. 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.

## **10. Stores and Equipment**

- a. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- b. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- c. Stocks shall be kept at the minimum levels consistent with operational requirements.
- e. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## **11. Assets, Properties and Estates**

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.

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.

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).

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).

Subject only to the limit set in Regulation 14.b 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.

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.

## **12. Insurance**

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

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

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.

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.

## **13.Charities**

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

## **14.Risk Management**

The council is responsible for putting in place arrangements for the management of risk. The Clerk/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.

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

## **15.Suspension and Revision of Financial Regulations**

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.

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.

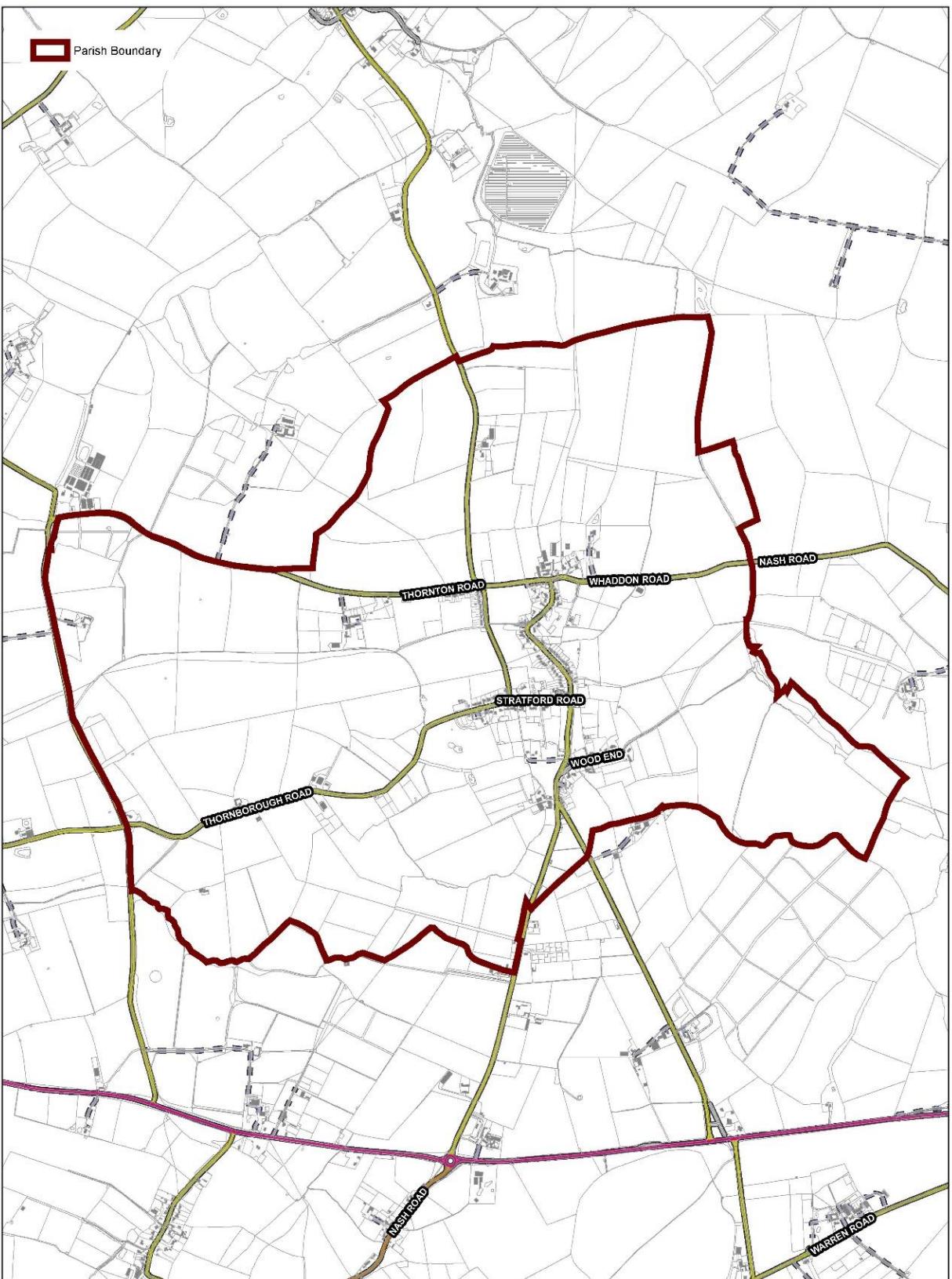


## APPENDIX 1 – PARISH BOUNDARY



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Nash Neighbourhood Area



## APPENDIX 2 – NASH CONSERVATION AREAS

