



## Kingsbrook Parish Council agenda

Date: Thursday 18 June 2020

Time: 7.00 pm

Venue: Via Virtual Meeting (MS Teams)  
NOTE: If you would like to join the meeting please contact  
[craig.saunders@buckinghamshire.gov.uk](mailto:craig.saunders@buckinghamshire.gov.uk) who will send an email invitation)

### Membership:

B Chapple OBE, M Collins, C Paternoster and J Ward

If you have any queries regarding this, please contact the monitoring officer at  
[monitoringofficer@buckinghamshire.gov.uk](mailto:monitoringofficer@buckinghamshire.gov.uk).

Agenda Item	Page No
<b>1 APOLOGIES</b>	
<b>2 PARISH COUNCILLORS – Temporary Appointments</b> On 13 May, 2020, the Buckinghamshire Council made an Order under Section 91(1) of the Local Government Act 1972 to appoint Councillors B Chapple OBE, M Collins, C Paternoster and J Ward to act as Members of Kingsbrook Parish Council until an election can be held or co-option is agreed to fill such vacancies as shall constitute and establish a quorum in the respective Parish Council, whereupon such appointments will cease.	
<b>3 ELECTION OF CHAIRMAN</b>	
<b>4 DECLARATIONS OF INTEREST</b>	
<b>5 CREATION OF THE NEW PARISH COUNCIL</b> A Re-organisation Order has been made establishing the Parish and the Parish Council. A copy of this Order is attached for information.	<b>5 - 10</b>
<b>6 CODE OF CONDUCT</b> Attached as an appendix is a copy of the model Code of Conduct which the Parish Council is recommended to adopt.	<b>11 - 42</b>

Note: The Parish Council is required to adopt a Code of Conduct.

Also attached is a Code of Conduct guide for Town and Parish Councils.

**7 MEMBER TRAINING**

It would be helpful to know if the Parish Council might be interested in participating in any training.

**8 STANDING ORDERS / FINANCIAL REGULATIONS**

**43 - 90**

Attached as appendices are the National Association of Local Councils (NALC) model Standing Orders and Financial Regulations, which the Parish Council may wish to adopt initially. Further consideration can then be given in the coming months to the refinement of these for use in the longer term.

**9 BUDGET**

**91 - 92**

A precept has been set for the first year based on the anticipated needs of the new Parish Council. Attached as an appendix a copy of the detailed budget.

**OPERATIONAL ISSUES**

**10a PARISH INSURANCE**

Parish Council insurance which includes public liability indemnity insurance has been arranged and put in place through Came and Company at a cost of £939.40.

**10b Buckinghamshire and Milton Keynes Association of Local Councils (BALC)**

The Parish Council may wish to consider joining BALC, an association that represents the majority of local parish and town councils in Buckinghamshire and provides a range of advisory and support services for its members. Annual membership, which is calculated on the number of electors, would be £198.36 (a provision for such memberships has been made in the draft budget under subscriptions).

**10c Appointment of Parish Clerk**

It is usual for the Parish Council to make arrangements to appoint a Clerk who will also act as the responsible financial officer.

**10d Calendar of Meetings**

It is suggested that a Calendar of Council and Committee meetings should be prepared for the whole year so that dates can be included in diaries. To do this the frequency and start time of meetings will need to be determined.

#### **10e Bank Account**

A bank account will need to be set up by the Parish Council. The first half of the precept can then be transferred from the District Council.

#### **11 Co-option of Parish Councillors**

**93 - 98**

To receive a verbal report from Craig Saunders, Democratic Manager, Aylesbury Vale area. The procedure used for the co-option of Parish Councillors is attached.

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Craig Saunders -  
[craig.saunders@buckinghamshire.gov.uk](mailto:craig.saunders@buckinghamshire.gov.uk) .

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**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**  
**with**  
**LOCAL GOVERNMENT AND RATING ACT 1997**  
**and**  
**The Aylesbury Vale (Reorganisation of Community Governance)**  
**Order 2020**

Made: 29<sup>th</sup> January 2020

Coming into force in accordance with article 1(2)

Aylesbury Vale District Council ("the Council") in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"), has undertaken a community governance review and made recommendations dated 7<sup>th</sup> January 2020.

The Council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4) and 240(10) of the 2007 Act.

**Citation and commencement**

1. (1) This Order may be cited as the Aylesbury Vale (Reorganisation of Community Governance) Order 2020
2. (2) This Order comes into force:-
  - (a) for the purpose of proceedings preliminary or relating to the election of councillors, on the day after it is made;
  - (b) for all other purposes, the Order comes into force on the ordinary day of election of councillors in 2020.

## **Interpretation**

3. In this Order -

- “district” means the district of Aylesbury Vale;
- “existing” means existing on the date this Order is made;
- “map” means the map marked “Map referred to in the Aylesbury Vale (Reorganisation of Community Governance) Order 2020” and deposited in accordance with Section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;
- “new Parish Council” means the Parish Council constituted by article 5
- “new Parish Meeting” means the Parish Meeting constituted by article 9;
- “ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983 as amended by “The Districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe (Changes to Years of Elections) Order 2018 (2018 No. 1355)”.
- “registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.
- “renamed Berton Parish Council” means the Parish Council constituted by article 8

## **Effect of Order**

4. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

## **Constitution of parish of Kingsbrook**

5. A new Parish Council to be known as Kingsbrook Parish Council

### **Number of parish councillors for the parish of Kingsbrook**

6. The number of councillors to be elected for the parish of Kingsbrook shall be 9 (nine).

### **Calculation of budget requirement for the parish of Kingsbrook**

7. For the purpose of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Kingsbrook in the sum of £35.00 for a Band D rated property.

### **Constitution of the parish of Bierton**

8. The former Bierton with Broughton Parish Council which includes Broughton Crossing to be renamed Bierton Parish Council and to comprise the wards Bierton and Oldham Meadow. The number of councillors to be elected for the parish of Bierton shall be 9, and as follows:-  
Bierton Ward : 8 councillors  
Oldhams Meadow Ward : 1 councillor

### **Parish Meeting**

9. The Broughton Hamlet Ward of Bierton Parish Council become a new Parish Meeting known as Broughton Hamlet.

### **Election for the parishes of Bierton and Kingsbrook**

10. The election of all parish councillors for the parishes of Bierton and Kingsbrook shall be held on the ordinary day of election of councillors in 2020.

### **Annual meeting of Kingsbrook Parish Council**

11. The annual meeting of the new Kingsbrook Parish Council shall be convened by the Buckinghamshire Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### Electoral register

12. The registration officer of the district shall make such rearrangement of, or adaption of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

### Order date


13. This Order is in accordance with article 1(2) for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

The COMMON SEAL of AYLESBURY VALE  
DISTRICT COUNCIL was hereunto affixed  
On ~~February 2020~~ in the presence of:

29<sup>th</sup> January 2020

Judy Brandis

Chairman

  
Head of Legal and Monitoring Officer



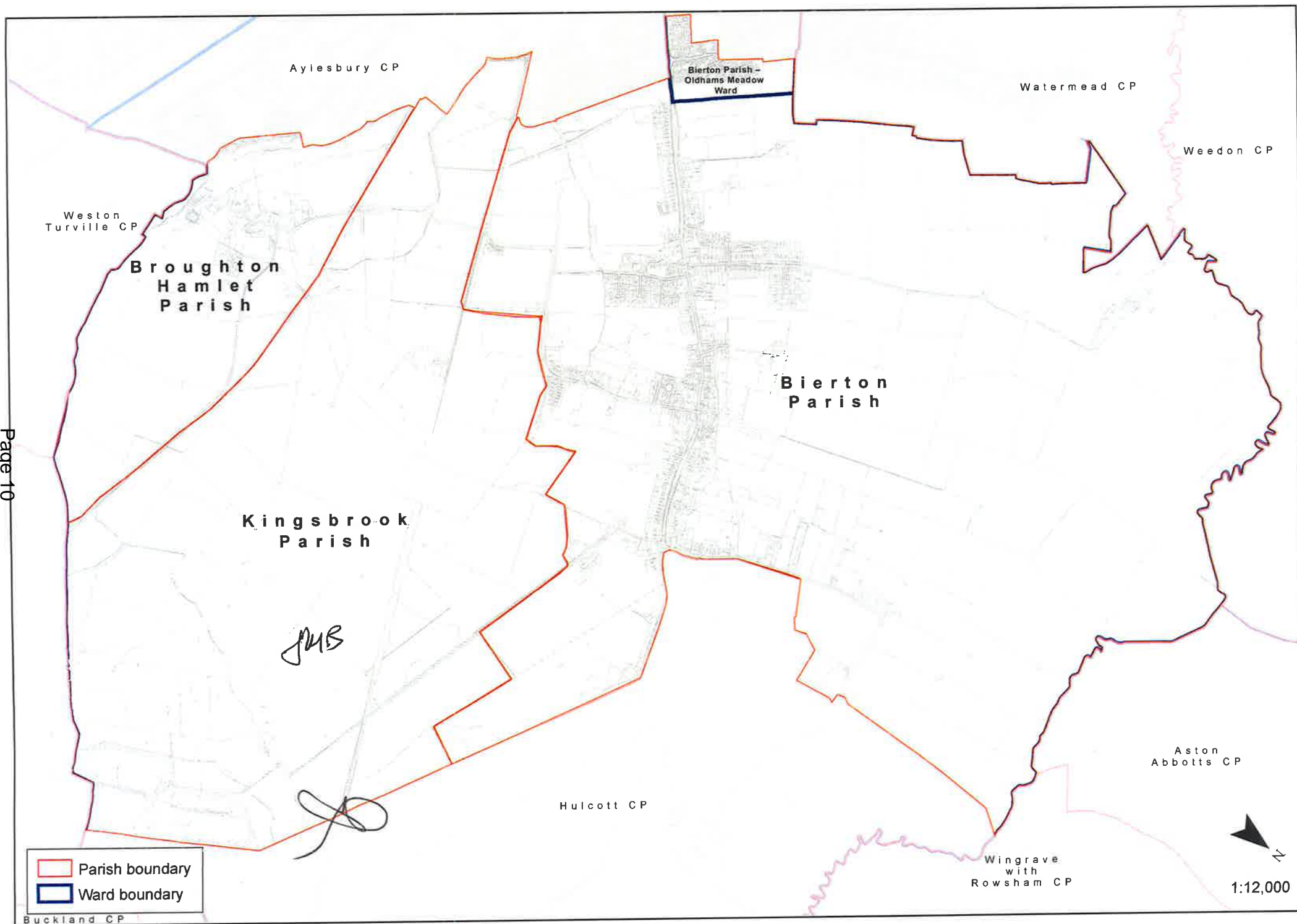
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**EXPLANATORY NOTE**  
**(This is not part of the Order)**

This Order gives effect to recommendations made by Aylesbury Vale District Council for the constitution of a new parish council of Kingsbrook the renaming of Bierton with Broughton Parish council to Bierton Parish Council and Broughton Hamlet Ward becoming a Parish Meeting

Article 9 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.



Parish boundary  
Ward boundary



1:12,000

*Parish Council –friendly version of Buckinghamshire Council’s Code of Conduct*

**[ABC] Parish Council**  
**Code of Conduct adopted on .....**

## **Code of Conduct for Councillors**

### **Part 1 – General Provisions**

#### **Introduction**

- 1.1. The Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) to promote and maintain high standards of behaviour by its councillors and co-opted members whenever they conduct the business of the Council including the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.
- 1.2. This Code of Conduct complies with Section 28 of the Act and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

#### **Scope**

- 1.3. This Code of Conduct applies to you whenever you are acting in your capacity as a councillor of [ABC ] Parish Council, or giving the impression you are, including: –
  - a. at formal meetings of the Council, its Committees and Sub-Committees;
  - b. when acting as a representative of the Council;
  - c. in discharging your functions as a Parish Councillor;
  - d. at briefing meetings with officers;
  - e. at site visits; and
  - f. when corresponding with the authority other than in a private capacity.
- 1.4. Where you act as a representative of the Council:-
  - a. on another authority, you must when acting for that authority, comply with that other authority’s code of conduct; or

- b. on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 1.5. Where you are acting as a co-opted member of a Council Committee or Sub-Committee of the Council.
- 1.6. When using social media or the internet and/or in relation to your online presence if you refer in any way to your role as a councillor or co-opted member or could reasonably be perceived as acting in any of the above capacities when doing so.

## **General Obligations**

- 1.7. You must:
  - a. provide leadership to the Council and communities within its area, by personal example;
  - b. respect others and not bully any person;
  - c. recognise that officers (other than political assistants) are employed by and serve the whole Council;
  - d. respect the confidentiality of information which you receive as a councillor or co-opted member and –
    - i not disclose confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
    - ii not obstruct third parties' legal rights of access to information;
  - e. not conduct yourself in a manner which is likely to bring the Council into disrepute;
  - f. use your position as a councillor or co-opted member in the public interest and not for personal advantage;
  - g. act in accordance with the Council's reasonable rules on the use of the resources of the Council for private or political purposes;
  - h. exercise your own independent judgement, taking decisions for good and substantial reasons –
    - i attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups;
    - ii paying due regard to the advice of officers, and in particular to the advice of the Parish Clerk and Responsible Financial Officer
    - iii stating the reasons for your decisions where those reasons are not otherwise apparent;
  - i. account for your actions
  - j. ensure that the Council acts within the law.

## **Part 2 – Interests**

### **Personal Interests**

1.8. In addition to the statutory requirements under the Act in relation to Disclosable Pecuniary Interest's (DPI's) and as set out in Paragraph 1.20 and Appendix A below and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 1.9 to 1.19 shall also apply.

1.9. You have a personal interest in any business of the Council where either-

- a. it relates to or is likely to affect –
  - i Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
  - ii Any body –
    - Exercising functions of a public nature
    - Directed to charitable purposes; or
    - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)Of which you are a member or in a position of general control or management;
  - iii Any person or body who employs or has appointed you;
  - iv The interests of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25;
- b. A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision or where there are no wards, the whole of the council's area.

1.10. In sub-paragraph 1.9 b. above, a relevant person is –

- a. A member of your family or any person with whom you have a close personal association; or
- b. Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- c. Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- d. Any person or body of a type described in sub-paragraph 1.9 a.

## **Disclosure of Personal Interests**

- 1.11. Subject to Paragraphs 1.12 to 1.15, where you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 1.12. Where you have a personal interest in any business of the Council which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial (see Paragraphs 1.16 to 1.19).
- 1.13. Where you have a personal interest in any business of the Council of the type mentioned in Paragraph 1.9 a.iv, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 1.14. Paragraph 1.11 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 1.15. Having declared a personal interest you may continue to speak and vote on the item of business concerned.

## **Prejudicial Interest Generally**

- 1.16. Subject to Paragraph 1.17, where you have a personal interest in any business of the Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 1.17. You do not have a prejudicial interest in any business of the Council where that business—
  - a. does not affect your financial position or the financial position of a person or body described in Paragraph 1.9;
  - b. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 1.9; or
  - c. relates to the functions of the Council in respect of—
    - i an allowance, payment or indemnity given to councillors;
    - ii any ceremonial honour given to councillors; and
    - iii setting council tax or a precept under the Local Government Finance Act 1992.

## **Effect of Prejudicial Interests on Participation**

- 1.18. Subject to Paragraph 1.19, where you have a prejudicial interest in any business of the Council—
- a. you must declare the existence and nature of your interest and withdraw from the room or chamber where a meeting considering the business is being held—
    - i in a case where Paragraph 1.19 applies, immediately after making representations, answering questions or giving evidence;
    - ii in any other case, whenever it becomes apparent that the business is being considered at that meeting;
  - b. you must not exercise executive functions in relation to that business; and
  - c. you must not seek improperly to influence a decision about that business.
- 1.19. Where you have a prejudicial interest in any business of the Council you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## **Disclosable Pecuniary Interest**

- 1.20. A Disclosable Pecuniary Interest (DPI) is as defined in ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012’ (The Regulations) and the categories of interest are set out in Appendix A.
- 1.21. Councillors or co-opted members who have a Disclosable Pecuniary Interest in any item of business being considered at a meeting of the Council, its Committees, or Sub-Committees must leave the room or chamber including the public gallery during the whole of the consideration of that item except where a councillor or co-opted member is permitted to remain as a result of the grant of a dispensation.

## **Part 3 – Registration of Interests**

### **Registration and Disclosure of Interests**

- 1.22. Subject to Paragraph 1.26, you must, within 28 days of this Code of Conduct becoming applicable or your election or appointment to office register in the council’s register of members’ interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category mentioned in Paragraph 1.9 a., by providing written notification to Buckinghamshire Council’s Monitoring Officer.
- 1.23. Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of

section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a councillor for a period not exceeding 5 years.

- 1.24. Subject to Paragraph 1.26, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under Paragraph 1.22, register details of that new DPI and/or personal interest or change by providing written notification to Buckinghamshire's Council's Monitoring Officer.
- 1.25. Subject to Paragraph 1.26, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the register or pending registration so the minutes can be duly noted.

## **Sensitive Interest**

- 1.26. Where you consider that you have a sensitive interest (whether or not a DPI), and Buckinghamshire Council's Monitoring Officer agrees, if the interest is entered in the Council's register, copies of the register that are made available for inspection and any published version of the register, must not include details of the interest (but may state that the councillor or co-opted member has an interest the details of which are withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.
- 1.27. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 1.26 is no longer a sensitive interest, notify Buckinghamshire Council's Monitoring Officer asking that the interest be included in the Council's register of members' interests.
- 1.28. In this Code, "sensitive interest" means an interest, the nature of which is such that you and Buckinghamshire Council's Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

## **Dispensations**

- 1.29. On a written request made to the council's proper officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of councillors or co-opted members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that it is otherwise appropriate to grant a dispensation.



## **Appendix A**

### **Disclosable Pecuniary Interests**

The duties to register, disclose and not to participate in respect of any matter in which a councillor or co-opted member has a DPI are set out in Chapter 7 of the Act.

DPI's are defined in the Regulations 2012 as follows –

<b><i>Interest</i></b>	<b><i>Prescribed description</i></b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p>

<b><i>Interest</i></b>	<b><i>Prescribed description</i></b>
	(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

# **THE CODE OF CONDUCT**

**Guide for Town and Parish Members  
May 2020**

# PREFACE

This guide provides an overview of Buckinghamshire Council's code of conduct and is relevant if Town or Parish Councils adopted a code based on the Buckinghamshire Council model. Please check with your Clerk if you are unsure whether this applies.

The code applies to all members and co-opted members of the council, and all members are required to comply with it when acting in their official capacity. The code of conduct does not apply to the actions of the council as a whole or to the conduct of its officers and employees, who are covered by a separate code of conduct or to members when acting in their personal capacity.

The following guide aims to provide you with a general understanding of the code of conduct and its requirements. Section 2 outlines your general obligations under the code, referencing specific paragraphs of the code for further information. Sections 3 and 4 deal with general issues surrounding interests, and aim to clarify a number of provisions which you will find in Part 2 of the code.

However, it is your responsibility to take specific advice from the Clerk where appropriate and to make a decision as to the most suitable course of action.

If you have any queries about the code of conduct or the information in this Guide, please speak to your Clerk in the first instance.

If the Clerk has any queries they can contact one of Buckinghamshire Council's deputy monitoring officers. Contact details are:-

Former **Aylesbury Vale area** parish and town councils  
email: Maria Damigos - [monitoringofficer.av@buckinghamshire.gov.uk](mailto:monitoringofficer.av@buckinghamshire.gov.uk)

Former **Chiltern and South Bucks areas** parish and town councils  
Joanna Swift – [monitoringofficer.csb@buckinghamshire.gov.uk](mailto:monitoringofficer.csb@buckinghamshire.gov.uk)

Former **Wycombe area** parish and town councils  
Jenny Caprio – [monitoringofficer.wyc@buckinghamshire.gov.uk](mailto:monitoringofficer.wyc@buckinghamshire.gov.uk)

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# 1. INTRODUCTION

## Adopting the code of conduct

The standards framework for local government is set out in the Localism Act 2011 and came into force in July 2012. All councils have a duty to promote and maintain high standards of conduct by their members and co-opted members.

In discharging this duty the council must adopt a code dealing with the conduct expected of members when they act in their official capacity. The Localism Act does not prescribe a national model code and therefore each council has discretion on the wording of its local code.

Buckinghamshire Council recommends that parish and town council's adopt a similar code to the version adopted at unitary level. The code adopted by the council should be available for public inspection and published on the council's website (if it has one).

## The seven principles of public life

The Localism Act requires the council's code to be consistent with the seven principles of conduct in public life set out by the Nolan Committee on Standards in Public Life (see Table below). These principles define the standards that members should uphold, and serve as a reminder of the purpose of the code of conduct.

These principles do not create a statutory obligation for members, but you should be aware that a failure to act in accordance with these general principles may amount to a breach of the code of conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct could be regarded as bringing the council into disrepute under paragraph 1.7e of the code of conduct.

### The seven principles of public life

**Selflessness** – you should act solely in terms of the public interest

**Integrity** – you must avoid placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions to gain financial or other material benefits for yourself, your family or your friends. You must declare and resolve any interests and relationships.

**Objectivity** – you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability** – you are accountable to the public for your decisions and actions and must submit to the scrutiny necessary to ensure this.

**Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so

**Honesty** – you should be truthful

**Leadership** – you should exhibit these principles in your own behaviour. You should actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs

## **Deciding when the code of conduct applies to you**

The code of conduct applies to you whenever you act in your official capacity, including whenever you conduct the business of the council or act, claim to act, or give the impression you are acting, in your official capacity or as a representative of the council.

You may also act as a representative of the council on another body, for example on a local charity. When acting for that other body, you must comply with the council's code of conduct, unless it conflicts with lawful obligations of the other body.

## **2. GENERAL OBLIGATIONS UNDER THE CODE OF CONDUCT**

### **Provide leadership**

[See paragraph 1.7 a]

You must provide leadership to the council and communities within its area, by personal example in terms of your conduct and adherence to the principles of public life.

### **Respect others and not bully any person**

[See paragraph 1.7b]

- You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairmen of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

- You must not bully any person

This includes other councillors, council officers or members of the public.

Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

This can be contrasted with the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

It is important that you raise issues about poor performance in the correct way and proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.



## **Recognising that officers are employed by and serve the whole council**

[See paragraph 1.7 c]

You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council.

You should not approach or pressure anyone who works for, or on behalf of, the council to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## **Respect the confidentiality of information you receive as a member**

[See paragraph 1.7d]

You must not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:

- You have the consent of the person authorised to give it.
- You are required by law to do so.
- The disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person.
- The disclosure is in the over-riding public interest. This is only justified in limited circumstances, when all of the following four requirements are met:
  1. the disclosure must be reasonable
  2. the disclosure must be in the public interest
  3. the disclosure must be made in good faith
  4. the disclosure must be made in compliance with any reasonable requirements of the council

In relation to the disclosure of confidential information in the over-riding public interest, the four requirements to be met are outlined in more detail below.

1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:
  - Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.
  - Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
  - The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.
  - The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
  - The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
  - The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing, or is likely to re- occur.
  - Whether the disclosure involves the council failing in a duty of confidence owed to another person.
2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:
  - a) A criminal offence is committed.
  - b) The council or some other person fails to comply with any legal obligation to which they are subject.
  - c) A miscarriage of justice occurs.
  - d) The health or safety of any individual is in danger.
  - e) The environment is likely to be damaged.
  - f) That information tending to show any matter falling within (a) to (e) is deliberately concealed.
3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party political advantage or to settle a score with a political opponent.
4. The fourth requirement, that you comply with the reasonable requirements of the council, means that before making the disclosure you must comply with the council's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors which may justify its disclosure despite these potential consequences.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

**Before disclosing any confidential information you are strongly advised to seek advice from the Clerk.**

## **Obstructing access to information**

[See paragraph 1.7 d ii]

You must not obstruct third parties' legal rights of access to information.

Under the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 the public have a right to attend council meeting and see agendas and minutes of meetings. There are exceptions to this where the meeting or decision involves information of a confidential nature and is therefore dealt with in private.

The public also have a right to attend open meetings of the council and use media tools to record those meetings unless this causes disruption to the proceedings.

Under the Freedom of Information Act the public have a legal right to request disclosure of unpublished information which the council holds subject to certain exceptions to protect information which is personal data, confidential or where disclosure could be prejudicial to individuals or to the carrying out of council business (subject to a test of public interest).

**You are advised to seek advice from the Clerk if you have any queries about disclosure of council information.**

## **Disrepute**

[See paragraph 1.7e]

You must not misconduct yourself in a manner which is likely to bring the council into disrepute while acting in your official capacity:

As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in your public life might have an adverse impact on the council. Dishonest and deceitful behaviour in your role as a member may bring the council into disrepute.

## **Using your position in the public interest and not for personal advantage**

[See paragraph 1.7f]

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a member.

In addition to paragraph 1.19 is also relevant to the proper use of your position. Paragraph 1.19 supports your role as a community advocate, representing and speaking for the concerns of your community, even where you have a prejudicial interest. This right applies to you at meetings where you have a statutory right to speak or you are provided with the same opportunity to speak as ordinary members of the public would be allowed. If the council does not allow members of the public to attend the relevant meeting for the purpose of speaking to it, paragraph 1.19 will not apply to you unless you have a statutory right to speak on the matter.

You must leave the room or chamber immediately after you have made the representations, given your evidence, or answered questions, and make no further attempt to influence the decision. If the meeting decides that you must stop speaking to the meeting, even if you have more to say, you must stop and leave the room. If you fail to comply with the meeting's direction or paragraph 1.19 of the code of conduct, you may be found to have improperly influenced the decision.

## **Using the council's resources**

[See paragraph 1.7g]

You must act in accordance with the council's reasonable rules on the use of the resources for private or political purposes.

Where the council provides you with resources (for example iPads and other IT facilities, transport or support from council employees), you must only use these resources or employees for carrying out your council business and any other activity which the council has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by the council. Failure to comply with the council's rules is likely to amount to a breach of the code of conduct.

You must make sure you use the council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the council's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the *Local Government Act 1986*.

You should never use council resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

## **Exercising independent judgment and giving reasons**

[See paragraph 1.7 h]

You must exercise your own independent judgment, taking decision for good and substantial reasons. In particular, you must attach appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups.

You must have due regard to advice from council officers, and in particular to advice from the Clerk and Responsible Financial Officer.

If you seek advice, or advice is offered to you, for example, on whether or not you should register a personal interest, you should have regard to this advice before you make your mind up.

Where members disagree with officer recommendations in making a decision, members will need to take particular care in giving clear reasons for the decision.

## **Account for your actions**

[See paragraph 1.7 i]

You must account for your actions. In accordance with the principle of accountability in public office you must be prepared to account for and give reasons for your decisions to the public and local community.

## **Ensure the council acts within the law**

[See paragraph 1.7 j]

As statutory bodies all local authorities must act within their statutory powers and comply with the duties set down in the many statutes, regulations and statutory codes governing their functions and responsibilities. Failure to comply with the law can leave the council open to legal proceedings, complaints to the local government ombudsman and in some cases criminal proceedings against the council and /or individual employees.

The council also has legal responsibilities as a public authority and employer. You must therefore ensure the council acts within these laws including any equality laws.

Equality laws prohibit discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation and age.

The provisions of these laws are quite complex but in summary, there are four main forms of discrimination:

- Direct discrimination: treating people differently because of their sex, race, disability, religion or belief, sexual orientation or age.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their sex, race, disability, religion or belief, sexual orientation or age, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of sex, race, disability, religion or belief, sexual orientation or age, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Equality laws also impose positive duties to eliminate unlawful discrimination and harassment and to promote equality. They also impose specific positive duties on certain authorities.

Under equality laws, the council may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner.

You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders the council's fulfilment of its positive duties under equality laws. Such conduct may cause the council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the code of conduct.

### 3. DISCLOSABLE PECUNIARY INTERESTS

Within 28 days of becoming a member or co-opted member, you must notify Buckinghamshire Council's monitoring officer of any 'disclosable pecuniary interests' (DPI). This will though the Clerk.

#### What are disclosable pecuniary interests?

The Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 say that a DPI is an interest of the member in question, or of his or her spouse or civil partner, or of someone with whom the member is living as husband and wife or as if they were civil partners.

There are seven categories of interests:

- Any employment, office, trade profession or vocation carried out for profit or gain
- Any sponsorship – any payment of expenses as a member or election expenses
- Any contract between an individual or a body in which they have a beneficial interest and the authority for the provision of goods and services or the execution of works
- Any land in the authority's area
- Any licences to occupy land in the area for a month or longer
- Any tenancy where the authority is the landlord and the individual has a beneficial interest in the body that is the tenant
- Any beneficial interest in securities in a body over a prescribed value where the body has a place of business or land in the authority's area

The descriptions of interests are subject to the following definitions:

<i>"body in which the relevant person has a beneficial interest"</i>	- means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest
<i>"director"</i>	- includes a member of the committee of management of an industrial and provident society
<i>"land"</i>	- excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
<i>"securities"</i>	- means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

#### Interests you must register

- The name of your employer or people who have appointed you to work for them.
- The name of any person, company or other body which has a place of business or land in the council's area, and in which you have a shareholding of more than £25,000 (nominal value) or have a stake of more than 1/100th of the share capital of the company.

- Any contracts between the council and yourself, your firm (if you are a partner) or a company (if you are a paid director or if you have a shareholding as described above) including any lease, licence from the council and any contracts for goods, services or works. Where the contract relates to use of land or a property, the land must be identified on the register.
- Any land and property in the council's area in which you have a beneficial interest (or a licence to occupy for more than 28 days) including, but not limited to, the land and house you live in and any allotments you own or use.

## **What to do if you have a disclosable pecuniary interest**

If you have a DPI in an item of business at a meeting of the council, you must disclose the existence and nature of that interest before the item is discussed or when your interest becomes apparent. You may not participate in any discussion or any vote taken on the matter at the meeting.

You may attend a meeting where an item in which you have a DPI is discussed but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. You must leave the room when you have finished making representations, answering questions or giving evidence.

## **Offences**

It is a criminal offence if a member, without reasonable excuse:

- Fails to notify the monitoring officer of any DPI within 28 days of election
- Fails to disclose a DPI at a meeting if it is not already included on the register of interests
- Fails to notify the monitoring officer within 28 days of a DPI that is not on already included in the register of interests and that they have disclosed at a meeting
- Participates in any discussion or vote on a matter in which they have a DPI
- Knowingly or recklessly provided information that is false or misleading in notifying the monitoring officer of a DPI or in disclosing such interest to a meeting

The criminal penalties available to a court if a member is convicted of an offence are an unlimited fine and disqualification from being a councillor for up to 5 years.

If Buckinghamshire Council's monitoring officer receives a complaint about non-disclosure of a DPI the matter may be referred to the police to investigate because of the criminal nature of the alleged breach. It is not a matter which the monitoring officer has statutory authority to investigate.



## 4. CODE INTERESTS

### Personal interests

Key points:

#### **The code covers 2 types of personal interest**

You have a **personal interest** in any business of the council where it relates to or is likely to affect:

- a) An interest that you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the council more than it would affect the majority of:
  - inhabitants of the ward affected by the decision (in the case where there are parish or town wards)
  - inhabitants of the council's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a **prejudicial interest**.

What constitutes a prejudicial interest is outlined in the next section.

#### **Effect of having a personal interest in a matter**

You must declare that you have a personal interest, and the nature of that interest, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies. When an exemption may be applied is explained below.

#### **Exemption to the rule on declaring a personal interest to the meeting**

An exemption applies where your interest arises solely from your membership of, or position of control or management on:

1. any other body to which you were appointed or nominated by the council
2. any other body exercising functions of a public nature (for example another local authority)

In these exceptional cases, provided that you do not have a prejudicial interest, you only need to declare your interest if and when you speak on the matter.

Example: if you are attending a parish/town council debate on a Buckinghamshire Council consultation and are also a member of Buckinghamshire Council, you would only need to declare an interest if and when you decided to speak during the debate. If you do not want to speak to the meeting on the decision, you may vote on the matter without making a declaration.

If you have sensitive employment, which you would like to withhold from the register of interests, please see below for more information.

## Interests you must register

### Key points:

All members have to provide a record of their interests in a public register of interests.

You must tell the Clerk in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the code outlined below. The Clerk will then notify Buckinghamshire Council's monitoring officer

You need to register your interests so that the public and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest.

The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

As previously mentioned, you must tell the Clerk in writing within 28 days of taking office, or within 28 days of any change to your register of interests, of any interests which fall within the categories set out in the code. These categories include:

- Your membership or position of control or management in:
  - any other bodies to which you were appointed or nominated by the council
  - any bodies **exercising functions of a public nature** (described below), or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party or trade union
- Any gift or hospitality over the value of £25 that you receive as a member and the person you believe to be the source of the gift or hospitality.

If you have sensitive employment, which you would like to withhold from the register of interests, please see below for more information.

### What is “a body exercising functions of a public nature”?

The phrase “a body exercising functions of a public nature” has been subject to broad interpretation by the courts for a variety of different purposes. Although it is not possible to produce a definitive list of such bodies, some of the criteria to consider when deciding whether or not a body meets that definition are listed below:

- Does that body carry out a public service?
- Is the body taking the place of local or central government in carrying out the function?
- Is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?

- Is the function exercised under legislation or according to some statutory power?
- Can the body be judicially reviewed?

Unless you answer 'yes' to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.

Examples of bodies included in this definition: other councils, public health bodies and school governing bodies.

If you need further information or specific advice on this matter, please contact the Clerk.

## Interests that are not on your register

Key points:

You have a personal interest in a matter if that matter affects the **well-being or financial position** of you, members of your **family**, or people with whom you have a **close association**, more than it would affect the majority of people in the **ward** affected by the decision, or in **the council's area**.

You must also look at how any matter would affect your interests or those of members of your family or close associates. This includes:

- your and their jobs and businesses
- your and their employers, firms you or they are a partner of, and companies you or they are a director of
- any person or body who has appointed you, members of your family or close associates, to any position
- corporate bodies in which you or they have a shareholding of more than £25,000 (nominal value)

## What does “affecting well-being or financial position” mean?

The term 'well-being' can be described as a condition of contentedness and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.

A personal interest can affect you, your family or close personal associates positively and negatively. So if you or they have the potential to gain or lose from a matter under consideration, a personal interest would need to be declared in both situations.

## Who is a member of your family or close associate?

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable

member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

## What if I belong to a Council without wards?

If your parish council does not have wards, you will need to declare a personal interest whenever you consider a matter in a meeting of the council if it affects the well-being or financial position of you, your family, or people with whom you have a close association, more than it would affect other people in the parish as a whole.

## What if I am not aware of my personal interest?

Your obligation to disclose a personal interest to a meeting only applies when you are aware of or ought to be aware of the existence of the personal interest.

Clearly you cannot be expected to declare something of which you are unaware. It would be impractical to expect you to research into the employment, business interests and other activities of all your close associates and relatives. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware.

## Prejudicial interests

### What is a prejudicial interest?

Key points:

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions.
- b) The matter affects **your financial interests** or relates to a **planning application, regulatory approval or a property consent/licence**.
- c) A member of the public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

An explanation of each of these points follows.

### Exempt categories of decisions

Paragraph 1.17 c of the code of conduct states that a member will not have a prejudicial interest if the matter relates to any of the following functions of the Council:

- An allowance, payment or indemnity given to councillors.
- Any ceremonial honour given to councillors.
- Setting a precept.

## Financial interests and licensing or regulatory matters

You can only have a prejudicial interest in a matter if it falls into one of the following two categories:

- a) The matter affects your financial position or the financial position of any person or body through whom you have a personal interest.

**Examples:** an application for grant-funding to a body on your register of interests; a contract for services between the council and that body; or leasing a property to or from a close associate or member of your family. Your financial position can be affected directly or indirectly, favourably or unfavourably, substantially or marginally.

- b) The matter relates to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest.

**Example:** considering a consultation on a planning application made by you or a body on your register of interests

## What is so significant that it is likely to prejudice your judgement?

If a reasonable member of the public with knowledge of all the relevant facts would think that your judgement of the public interest might be prejudiced, then you have a prejudicial interest.

You must ask yourself whether a member of the public – if he or she knew all the relevant facts – would think that your personal interest was so significant that it would be likely to prejudice your judgement. In other words, the interest must be perceived as likely to harm or impair your ability to judge the public interest.

The mere existence of local knowledge, or connections within the local community, will not normally be sufficient to meet the test. There must be some factor that might positively harm your ability to judge the public interest objectively. The nature of the matter is also important, including whether a large number of people are equally affected by it or whether you or a smaller group are particularly affected.

Some general principles must be remembered when applying this test. You should clearly act in the public interest and not in the interests of family or close associates. You are a custodian of the public purse and the public interest and your behaviour and decisions should reflect this responsibility.

**Example:** you would have a prejudicial interest in a planning application proposal if a member of your family lives next to the proposed site. This is because your family member would be likely to be affected by the application to a greater extent than the majority of the inhabitants of the ward affected by the decision and this gives you a personal interest in the issue. The existence of the close family tie means a reasonable member of the public might think that it would prejudice your view of the public interest when considering the planning application. It does not matter whether it actually would or not.

## What to do when you have a prejudicial interest

Even where you have a prejudicial interest, the code supports your role as a community advocate and enables you in certain circumstances to represent your community and to speak on issues important to them and to you.

#### Key points:

If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent to you.

You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose.

However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

In addition, you must not seek to **improperly influence** a decision in which you have a prejudicial interest. This rule is similar to your general obligation not to use your position as a member improperly to your or someone else's advantage or disadvantage.

### Do I have a statutory right to speak to the meeting?

The code of conduct does not provide you with a general right to speak to a meeting where you have a DPI or a prejudicial interest. However, in limited circumstances, legislation may provide you with a right to speak (for example licensing hearings at the Buckinghamshire Council) which the Code of Conduct recognises. If so, you will be allowed to exercise that right to speak. The Clerk should be able to confirm whether this is relevant to your case.

### If I don't have a statutory right, will I be allowed to speak to the meeting?

The code of conduct provides members with the same rights as ordinary members of the public to speak on certain matters in meetings, despite having a prejudicial interest.

If an ordinary member of the public would be allowed to speak to a meeting about an item, for example at a Planning Committee, you should be provided with the same opportunity. You will be able to make representations, answer questions or give evidence, even if you have a prejudicial interest in the item. But you may not take part in the discussion or observe the vote.

### When must I leave the room where the meeting is held?

You must leave immediately after you have made your representations, given evidence or answered questions, and before any debate starts.

If the meeting decides that you should finish speaking, despite your intention to say more, you must comply with the meeting's decision. Although members of the public may be allowed to observe the discussion and vote on the matter, you are not allowed to do so and must leave the room immediately. Failure to do so may be viewed as an attempt to **improperly influence** the meeting.

### What does improperly influencing a decision mean?

You must not use your position or attempt to use your position improperly to further your own interests in a way that is not open to ordinary members of the public. Clear examples of improper influence would be using coercion, harassment, inducement or pressure to influence a matter.

It may also be improper if you refuse to leave the meeting, or continue to speak to a meeting, on a matter in which you have a prejudicial interest, after the meeting has decided that you must stop speaking and leave.

### **What if the public are not allowed to speak to the meeting on the matter?**

If an ordinary member of the public is not allowed to speak on the matter, you cannot do so if you have a prejudicial interest. You must leave the room where the debate is being held and not seek to influence the debate in any way.

This may be the case, for example, where the council is discussing a confidential matter in closed session or does not have procedure rules or standing orders in place that allow members of the public to speak at a meeting. Like the public, you are not allowed to participate if you have a prejudicial interest. However, where the public may be allowed to sit in the public gallery to observe the meeting, you will be required to leave the room during the debate and vote.

### **If I have a prejudicial interest, how else can I have my say?**

You can still present your views to the meeting through other means and influence the decision in a way that is not improper. For example, you could:

- Make written representations in your private capacity. You should not seek preferential consideration for your representations. Such written representations should be addressed to officers rather than other members of the council.
- Use a professional representative to make, for example, a planning application on your behalf.
- Arrange for another member of the council to represent the views of your constituents on matters in which you cannot do so because you have a prejudicial interest.

### **Dispensations**

#### **If I have a prejudicial interest, can I obtain a dispensation to allow me to take part in the meeting?**

Key points:

You can apply in writing to the Clerk for a dispensation on one of the following grounds:

- over 50 per cent of the council or committee members would be prevented from taking a full part in a meeting because of prejudicial interests
- the council considers that the dispensation is in the interests of persons living in the council's area
- it is otherwise appropriate to grant a dispensation

You must apply for a dispensation individually and not as a group. If the Clerk approves your application, dispensation must be given in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible.

## 5. SPECIAL CATEGORIES OF INTERESTS

### Gifts and hospitality

**Key points:**

You must register any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a member, and the source of the gift or hospitality.

You must register the gift or hospitality and its source within 28 days of receiving it.

Like other interests in your register of interests, you automatically have a **personal interest** in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a **prejudicial interest**.

Once three years have passed since you registered the gift or hospitality in your register of interests, your obligation to disclose that interest to any relevant meeting ceases.

#### Is the gift or hospitality connected to my official duties as a member?

You should ask yourself, would I have been given this if I was not on the council? If you are in doubt as to the motive behind a gift or hospitality, you are recommended to register it or speak to the monitoring officer.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position.

#### What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered.

### Sensitive information

**Key points:**

You may be exempt from having to include sensitive information on your register of interests. If your personal interest in a matter under discussion at a meeting is sensitive information, you will need to declare that you have a personal interest but you will not have to give any details about the nature of that interest.



Sensitive information may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create a serious risk of violence or intimidation against you or someone who lives with you.

You should provide this information to your Clerk and Buckinghamshire Council's monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if the monitoring officer agrees. Ultimately, you must decide what information to include on your publicly available register of interests.

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# **MODEL STANDING ORDERS 2018 (ENGLAND)**

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## **INTRODUCTION**

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

## **HOW TO USE MODEL STANDING ORDERS**

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council’s Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

## **DRAFTING NOTES**

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.

For convenience, the word “councillor” is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this '( )' requires information to be inserted by a council. A model standing order that includes brackets like this '[ ]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

## **1. RULES OF DEBATE AT MEETINGS**

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



- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed ( ) minutes without the consent of the chairman of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

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

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed ( ) minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than ( ) minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **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.**
- o **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 there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

- s **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.

- t 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 who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.

- u **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.**

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

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

- w **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.
- 
- x A meeting shall not exceed a period of ( ) hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the 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), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), 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 ( ) 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, in both cases, 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 or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

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

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business 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;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - 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 other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable 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 policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## 6. **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not 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 shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within ( ) days of having been requested to do so by ( ) members of the committee [or the sub-committee], any ( ) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## 7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least ( ) councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.



**8. VOTING ON APPOINTMENTS**

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

**9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least ( ) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least ( ) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

a The following motions may be moved at a meeting without written notice to the Proper Officer:

- i. to correct an inaccuracy in the draft minutes of a meeting;
- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other 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 or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**

*See also standing order 20.*

a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## 12. **DRAFT MINUTES**

Full Council meetings                      ●  
 Committee meetings                      ●  
 Sub-committee meetings                      ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- 
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- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].

- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

#### 14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary 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, report this to the Council.
- b Where the notification in standing order 14(a) 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).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### 15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.

- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (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) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least ( ) days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. liaise, as appropriate, with the Council's Data Protection Officer;
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
  - xii. arrange for legal deeds to be executed;  
(see also standing order 23);

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in his absence Vice-Chairman (if there is one) of the ( ) Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [( ) committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

#### 16. **RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### 17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;

- iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 18. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.



- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas,**

**oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

**19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the ( ) committee] OR [the ( ) sub-committee] is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of [the ( ) committee] OR [the ( ) sub-committee] or, if he is not available, the vice-chairman (if there is one) of [the ( ) committee] OR [the ( ) sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the ( ) committee] OR [the ( ) sub-committee] at its next meeting.
- c The chairman of [the ( ) committee] OR [the ( ) sub-committee] or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the ( ) committee] OR [the ( ) sub-committee].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of [the ( ) committee] OR [the ( ) sub-committee] or in his absence, the vice-chairman of [the ( ) committee] OR [the ( ) sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the ( ) committee] OR [the ( ) sub-committee].
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chairman or vice-chairman of [the ( ) committee] OR [the ( ) sub-committee], this shall be communicated to another member of [the ( ) committee] OR [the ( ) sub-committee], which shall be reported back and progressed by resolution of [the ( ) committee] OR [the ( ) sub-committee].
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21.*

- 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.**

OR

*[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

*(Below is not an exclusive list).*

*See also standing order 11.*

- a **The Council shall appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **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.**
- e **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.**
- f **The Council shall maintain a written record of its processing activities.**

22. **RELATIONS WITH THE PRESS/MEDIA**

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

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **[Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

*The above is applicable to a Council with a common seal.*

OR

**[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

*The above is applicable to a Council without a common seal.*

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

25.      **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a.      Unless duly authorised 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**

- a      All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b      A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least (    ) councillors to be given to the Proper Officer in accordance with standing order 9.
- c      The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d      The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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## **[ENTER COUNCIL NAME] MODEL FINANCIAL REGULATIONS 2019 FOR ENGLAND**

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These Financial Regulations were adopted by the council at its meeting held on [enter date].

## **1. General**

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.

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

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

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

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

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

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

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

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

1.9. The RFO;

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<sup>1</sup> Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)



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

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

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

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

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

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

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

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

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

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

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

## **2. Accounting and audit (internal and external)**

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

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

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

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

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

2.6. The internal auditor shall:

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

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

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

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

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

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

### **3. Annual estimates (budget) and forward planning**

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

3.2. The RFO must each year, by no later than [month], prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the [relevant committee and the] council.

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

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

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

### **4. Budgetary control and authority to spend**

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

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

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

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

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

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

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

4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of [£500]. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

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

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

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of [£100] or [15%] of the budget.

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

## **5. Banking arrangements and authorisation of payments**

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

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council [or finance committee]. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council [or finance committee]. The approved schedule shall be ruled off and initialled by the

Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

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

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

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

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

5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council [or Finance Committee].

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

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

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

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

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

## **6. Instructions for the making of payments**

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

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

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

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

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

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

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided



that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

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

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

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

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

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

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

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

6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those



accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

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

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

6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of [£500] unless authorised by council or finance committee in writing before any order is placed.

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

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

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

## **OR**

[6.22. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO shall maintain a petty cash float of [£250] for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.]

## **7. Payment of salaries**

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

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

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

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

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

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

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

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

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

## **8. Loans and investments**

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

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

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

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

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

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

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

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

## **9. Income**

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

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

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

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

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

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

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

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

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

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

## **10. Orders for work, goods and services**

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three

or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

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

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

## **11. Contracts**

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

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

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>2</sup>.

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

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

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

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

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

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

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

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

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

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<sup>3</sup> Thresholds currently applicable are:

a) For public supply and public service contracts 209,000 Euros (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)

<sup>4</sup> Based on NALC's Model Standing Order 18d ©NALC 2018

## **[12. Payments under contracts for building or other construction works]**

[12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).]

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

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

## **[13. Stores and equipment]**

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

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

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

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

## **14. Assets, properties and estates**

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

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

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each



case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

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

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

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

## **15. Insurance**

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

[15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.]

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

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

15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the council, or duly delegated committee.

## **16. [Charities]**

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



RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]

## **17. Risk management**

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

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

## **18. Suspension and revision of Financial Regulations**

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

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

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

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**PROPOSED KINGSBROOK PARISH COUNCIL**

**Budget for 2020/21 (approved by Buckinghamshire Parish Council on 07/01/2020 for precept purposes)**

<b>Administrative Expenses</b>	<b>£</b>
Clerk's salary	8,000
Subscriptions	500
Telephone	250
Postage	250
Publications	250
Audit	500
Insurance	1,200
Publicity / magazine	1,000
Website	1,000
Training	500
Stationery	500
Chairs allowance	500
Elections	1000
Expenses	500
Hall hire	700
Office equipment (rental)	1,000
Notice Board	400
Litter bins	400
Dog bins	400
Salt/grit	400
Flowers/plants	750
Community grants	1,000
	-----
	<b>21,000</b>
Initiatives	892.50
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<b>TOTAL</b>	<b>21,892.50</b>
Council Tax Band D equivalent	<b>£35.00</b>
(Council Tax base 625.5 (estimated))	

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### Kingsbrook Parish Council - Background

Kingsbrook is a community that will eventually comprise 2,450 homes to the east of Aylesbury that will include new schools, community centres, sports facilities and parks developed alongside the new homes.

Following a Community Governance Review held in the second half of 2019, approval was given by the Buckinghamshire Shadow Executive on [7 January 2020](#) for the establishment of the Kingsbrook Parish Council.

The Parish came into being through the making of the [Aylesbury Vale \(Reorganisation of Community Governance\) Order 2020](#). The Order provided for up to 9 Parish Councillors to be elected at the local elections to be held on 7 May 2020. Due to the Covid-19 outbreak, the elections have been postponed and will now be held on 6 May 2021. This effectively left the Parish Council inquorate and unable to function.

The Buckinghamshire Council's Cabinet on [21 April 2020](#) approved arrangements for making appointments to inquorate parish councils under section 91 of the Local Government Act 1972. Subsequently, the Council's Deputy Chief Executive has taken a decision to make a Section 91 Order and to appoint Buckinghamshire Council Councillors B Chapple OBE, M Collins, C Paternoster and J Ward on a temporary basis as Kingsbrook Parish Councillors to enable the parish council to start operating.

One of the first tasks for the new Parish Council will be to co-opt sufficient Parish Councillors to be quorate. This will be done at the first Parish meeting which it is proposed be held at **7.00pm on Thursday 11 June 2020**. Due to the current circumstances, this is likely to be a virtual meeting although the exact arrangements have not been finalised. The appointment of the temporary Parish Councillors will come to an end once sufficient Members have been co-opted to the Council.

The following pages set out the process that will be used to co-opt Members to the Parish Council, as well as an application form to apply to be co-opted as a Councillor onto the Kingsbrook Parish Council.

If you are interested in being co-opted you are asked to read the co-option information below carefully, including qualifications to be a Parish Councillor, and submit an application form by **Wednesday 3 June 2020** to [craig.saunders@buckinghamshire.gov.uk](mailto:craig.saunders@buckinghamshire.gov.uk)

If you have any queries please do not hesitate to contact Craig Saunders, Democratic Manager at the Buckinghamshire Council, The Gateway Offices, Gatehouse Road, Aylesbury HP19 8FF – Email: As above – Phone 01296 585043.

**(Please note:** Mr Saunders is currently working from home, like most staff, so if you send post to the above work address he is unlikely to receive it for some time).

## Co-option Procedure – Kingsbrook Parish Council

Although the process for co-option is not prescribed in law it is important that all applicants be treated alike so that the arrangements are seen as open and fair. The co-option process to be used for the Kingsbrook Parish Council is as follows:

- (1) The Parish Council will advertise the vacancy (or vacancies) on the Parish Council noticeboards, and on the website of the Buckinghamshire Council. The notices will include:
- A contact point so that people considering putting their names forward for co-option can obtain more information on the role of a parish councillor;
  - The co-option process;
  - The closing date for all expressions of interest;
  - The date on which the Parish Council intends to make a decision.

**It is permissible for Parish Councillors (or any parishioner) to approach individuals to suggest that they might wish to consider putting their names forward for co-option.**

- (2) The applicant will complete an 'Application for Co-option' form (see below)
- (3) When an application is received, the Clerk to the Parish Council will consider the application, check that the individual meet the qualification requirements, and confirm that, if successful, they would be willing to accept the Code of Conduct and other obligations of a Parish Councillor.
- (4) Applicants may be invited to submit a short submission and/or a brief CV providing reasons why they should be considered for the vacancy. These submissions will be circulated to Parish Councillors before the meeting at which the decision will be made.
- (5) Applicants will be invited to meet with as many Councillors as possible prior to the Parish Council meeting<sup>1</sup> at which the Parish Council will make its decision on the co-option. The purpose of this meeting will be to determine the applicant's suitability by reference to the Person Specification (see below) and to respond to any question which the applicant might have.
- (6) Applicants will be informed of the date of the meeting at which the Parish Council will make its decision on the co-option.

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<sup>1</sup> **Note (April 2020)** – Due to the Covid-19 outbreak and in line with [SI 2020/392 The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) it is likely that Parish Council meetings during 2020/21 will be accessible only through remote means including (but not limited to) video conferencing, live webcast and live interactive streaming.

## Co-option meeting

Notice of the intention to co-opt should be included in the agenda for the meeting<sup>2</sup> of the Parish Council either beneath a dedicated heading or within 'Councillor Vacancies' or similar. Applicants may be invited to the meeting to introduce themselves and to provide Councillors with the opportunity to ask questions of them, or the Parish Council can decide to rely on any written submissions alone.

If applicants are not invited to speak at the co-option meeting they are welcome to, but are not required to, attend as members of the public.

**There are no special reasons which justify excluding the public during a council meeting, (s.1(2) Public Bodies (Admission to Meetings) Act 1960) when it is making decisions about a matter of public interest such as co-option.**

## Co-option Voting Process

The person co-opted must receive a majority of the votes of those Councillors present and voting at the meeting where the co-option takes place. Where there are two or more applicants for one vacancy, this rule means that a person must get a majority of votes over all the other applicants. Thus where applicant A receives four votes, and applicants B and C receive three votes and one vote respectively, A is not elected because he has the same number of votes as B and C put together and does not have a majority over their combined votes. Where there are more than two applicants it is desirable to eliminate the applicant with the least number of votes, so that the final vote is between two applicants only. After the Vote:

- (i) The Clerk will notify the applicants of the results as soon as practicable (unnecessary if they attend the meeting).
- (ii) Successfully co-opted applicants become Councillors in their own right, with immediate effect having signed their Declaration of Acceptance of Office, and are no different from any other member. Their term of office runs until the next quadrennial elections for the Parish Council (which in this instance will be on 6 May 2021).

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<sup>2</sup> **Note (April 2020)** – Due to the Covid-19 outbreak and in line with [SI 2020/392 The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020](#) it is likely that Parish Council meetings during 2020/21 will be accessible only through remote means including (but not limited to) video conferencing, live webcast and live interactive streaming.

## **Qualifications To be able to stand as a Parish Councillor**

An applicant must:

- be at least 18 years old on the day of nomination.
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union.
- meet at least one of the following four qualifications:
  - (i) They are, and will continue to be, registered as a local government elector for the parish from the day of their application onwards.
  - (ii) They have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of their application.
  - (iii) Their main or only place of work during the 12 months prior to the day of their application has been in the parish.
  - (iv) They have lived in the parish or within three miles of it during the whole of the 12 months before the day of their application.

## **Disqualifications**

Apart from meeting the qualifications for standing for election, they must also not be disqualified from standing. There are certain people who are disqualified from being elected to a parish council. They cannot be elected if at the time of their application:

- (i) They are employed by the parish council.
- (ii) They are the subject of a bankruptcy restrictions order or interim order.
- (iii) They have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before the day of their application.
- (iv) They have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or under the Audit Commission Act 1998.

The full range of disqualifications is complex and if the applicant is in any doubt about whether they are disqualified, they must do everything they can to check that they are not disqualified before submitting an application as they will be asked to sign an 'Application for Co-option' (see below) to confirm that they are not disqualified. It is a criminal offence to make a false statement on the application as to their qualification for being elected, so if they are in any doubt they should contact their employer, consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not they are disqualified.



<b>Kingsbrook Parish Council</b>		
<b>Parish Councillor Person Specification</b>		
<b>COMPETENCY</b>	<b>ESSENTIAL</b>	<b>DESIRABLE</b>
<b>Relevant knowledge, Education, Professional Qualifications &amp; Training</b>	Knowledge and understanding of local affairs and the local community	Relevant vocation, experience or professional qualifications
<b>Experience, Skills, Knowledge and Ability</b>	<p>Interest in local matters</p> <p>Ability and willingness to represent the Council and their community</p> <p>Good interpersonal skills</p> <p>Ability to communicate succinctly and clearly both orally and in writing</p> <p>Ability and willingness to work closely with other members and to maintain good working relationships</p> <p>Good reading and analytical skills</p> <p>Ability and willingness to work with the council's partners (e.g. voluntary groups, other parish councils, principal authority, charities)</p> <p>Ability and willingness to undertake relevant training</p> <p>Ability to work under pressure</p>	<p>Experience of working or being a member in a local authority or other public body</p> <p>Experience of working with voluntary and or local community / interest groups</p> <p>Basic knowledge of legal issues relating to town and parish councils or local authorities</p> <p>Good standard of computer literacy</p> <p>Good standard of numeracy</p>
<b>Circumstances</b>	<p>Ability and willingness to attend meetings of the council (or the meetings of other local authorities and bodies) in the evening and events in the evening and at weekends</p> <p>Enthusiasm for the benefit of the local community</p>	

Based on a template provided by NALC (Legal Briefing L15-08)

## APPLICATION FOR CO-OPTION TO KINGSBROOK PARISH COUNCIL

I .....(1) of .....  
 .....(2)

hereby apply for co-option to Kingsbrook Parish Council

I declare that on the date of application shown at (3) below:

- I am at least 18 years old.
- I am a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union
- I meet at least one of the following four qualifications (tick as appropriate)

I am registered as a local government elector for the parish of Kingsbrook in respect of the qualifying address shown at (2) above	
I have occupied as owner or tenant any land or other premises in the parish during the whole of the 12 months before the day of this application (shown at (3) below). Show description of land or other premises below.	
My main or only place of work during the 12 months prior to the day of this application (shown at (3) below) has been in the parish. Show address of place of work and, where appropriate, name of employer	
have lived in the parish or within three miles of it during the whole of the 12 months before the day of this application (shown at (3) below) Show address in full if different from address shown at (2) above	

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011.

<b>Applicant's signature</b>	.....Date (3)
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- (1) Insert the full name of the person making the application  
 (2) Insert the address of the person making the application