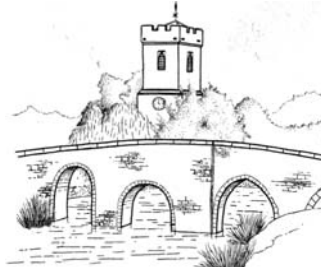


# BIDFORD ON AVON PARISH COUNCIL

## In the County of Warwickshire



To all Members of the Parish Council

You are hereby summoned to attend a Meeting of the Parish Council to be held at the Parish Council Meeting Rooms, Bramley Way on Monday 21<sup>st</sup> May 2018 after the closure of the Annual Meeting of the Parish Council to transact the following business

16<sup>th</sup> May 2018

Elisabeth Uggerløse  
Clerk to the Parish Council



### **AGENDA**

- 1. To receive** and accept apologies
- 2. To receive** any Declaration of Interest on Items on the Agenda
  - i.** All members of the Council are respectfully reminded that in order to comply with the Code of Conduct adopted by the Parish Council on 18<sup>th</sup> December 2017, if any matter arises during the meeting in which they have declared an Interest, which could be personal or prejudicial, they should declare so and leave the room.
  - ii.** Written requests for Dispensations for DPI should be received by the Clerk no more than 24 hours prior to the meeting.  
Dispensations will be granted as appropriate
- 3. To approve** the Minutes of the Parish Council meeting held on 30<sup>th</sup> April 2018

4. **Youth Forum** – an opportunity for the young of the parish to put their concerns to members of the Parish Council. Approx 15 mins. (Public Participation at Council Meeting Guidance Notes apply)
5. **Public Forum** - questions from members of the public. Please be aware that Council will only be able to respond to issues relating to the business to be transacted at the meeting. Approx. 15 minutes in total; 3 minutes per person. (Public Participation at Council Meeting Guidance Notes apply). Please note that this is the **only** opportunity members of the public have to raise issues as, once the meeting has started, all discussions are limited to the Council and Officers.
6. **Councillor Forum** – questions from members of the Council in respect of items on the Agenda or Matter Arising (**Councillors should be aware this is not a forum when administrative issues are to be raised – this can be done directly with the Clerk and, if deemed appropriate, can be added to the Agenda as a separate item**)
7. **To receive** a report from the County Councillor
8. **To receive** a report from the District Councillors
9. **To receive** Clerk’s Report (if relevant)
10. **To receive** Reports from the Parish Council’s Working Groups (if relevant)
  - i. **Amenities WG** – Report with recommendations circulated
  - ii. **Business Development** – Report with recommendations circulated
  - iii. **Communication & Marketing** – Report with recommendations circulated
  - iv. **Accounts Review WG** – verbal report
11. **To receive and approve** report regarding the new GDPR legislation and the following policies relevant to it:
  - i. **Document Retention Policy**
  - ii. **Privacy Notice Policy**
  - iii. **Parish Councillor Device Policy**
12. **To review and approve** the following policies:
  - i. **Standing Orders**
  - ii. **Financial Regulations**
13. **To receive** report on Cycleways following the meeting at Salford Priors
14. **To receive** WALC May Newsletter – this has already been circulated and Councillors are requested to raise any issues they think are of particular importance.
15. **To consider** the following correspondence
  - i. Thank you letter from Stratford on Avon CAB for the grant
  - ii. Thank you letter from Broom village hall for the grant
16. **To approve** :
  - Accounts for the month of April 2018 (circulated)
  - this month’s payments (circulated)

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **Item 9 - CLERKS REPORT - May 2018**

#### **1. MATTERS ARISING**

**i. Bidford Youth Club area**

Met with the insurance Senior Underwriter on Friday 11<sup>th</sup> May on site and spent about 40 minutes.

I am waiting for her report to circulate to Council before setting up the agreed site visit as I believe her comments should be taken into consideration when having the site visit and making an informed decision.

**ii. School Admissions**

Letter sent to the Portfolio Holder (Cllr. Hayfield) with copy to Cllr Izzi Seccombe, Leader of the Council and Cllr Mike Brain, Bidford & Salford Ward representative

**iii. British Legion**

have advised the Parish Council is very keen to be involved in the preparations for this year's Remembrance Sunday Commemoration of the 100 year since Armistice Day

**iv. Broom - dropped kerbs**

Have spoken to the resident and identified the area where she would like the dropped kerb. Photos taken of the area and email sent to the relevant officer, with photos and copied to Cllr Mike Brain who is supporting this.

- v. 6 x dog bins and 6 x recycling bins have been orders

**2. Broom - Dog bins**

At the request of residents in the new development in Broom, 2 new bins will be installed:

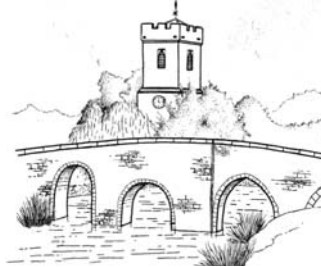
- i. Mill Lane (east end)
- ii. Bidford Road – between the two entrances to Apsley Way

**3. Defibrillator training**

Have sent emails to all the care homes in Bidford and have had no response. In view of this, and with Council's approval, I will open to the rest of the village on a "first come, first serve" basis. Appro 10 places available

# BIDFORD ON AVON PARISH COUNCIL

## In the County of Warwickshire



### Item 10 i) - REPORT/RECOMMENDATIONS FROM THE AMENITIES WORKING GROUP

#### 1. BIG MEADOW ELECTRICITY – update

- a. Contract with Npower has been set up
- b. 3 phase meter – they have come to install it but said he was unable to do so as there was no board!! This was incorrect, he could have done it but as there were no electricians on site at the time, he got away with it.  
Board is being installed and Npower will return.
- c. Due to health and safety issues, as trenches having to be dug for cabling to the various areas where electricity will be required, for example the toilet block, this work will not be able to take place until after the Big Meadow closes.  
However, electricity to the hut can be installed.

**Recommendation – to note**

#### 2. BIG MEADOW FENCING

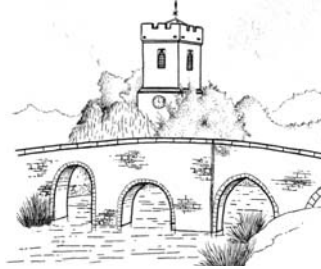
The Parish Council agreed the installation of the final part of the fencing on the Big Meadow at the last meeting (Ref. Item 10i) Amenities report April 2018/4) subject to quotation being approved at this meeting.

**Quotation £3,725 approx.**

**Recommendation – to approve the cost**

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **Item 10ii) Business Development WG Report and Recommendations**

**The BDWG met on Wednesday 16<sup>th</sup> May @ 3.00 pm at the Parish Council Small Meeting Room**

**Present: Cllrs. Mrs Taylor (Chairman); Atkins and Knight (Cllr Pound had sent his apologies)  
Mrs E Uggerloese, Clerk in attendance**

#### **British Legion site:**

As a result of the Stratford Herald article we extended the survey and received many more responses. The survey has now closed and a focus group will be held at the end of May. We expect the full survey report in June.

We are contacting Stratford Planning, our local District Councillors and Stratford Enterprise to discuss the future of the site.

#### **Bidford Community Interest Company:**

We have 2 firm expressions of interest in becoming a director from members of the business community. Other potential directors are currently being approached.

#### **Giant Summer Market & Food Festival:**

Bidford Businesses are being individually handed forms to encourage them to have stalls at the event .

It was promoted in the flyers at the recent Steam & Vintage gathering.

**Grant Potential:**

We are working with SDC to ascertain what grants are available to support village projects and aspirations.

**Banner Group:**

Are being encouraged to come up with a constitution to enable them to open their own bank account and have control of their own finances.

**High Street Bank:**

With local banks constantly being looked at for potential closure we recommend writing to the Regional Manager for our local branch of Lloyd's to put the arguments for our branch staying open, including:

- Ageing demographic in Bidford, most of whom don't use online banking.
- Need for local charities to use the bank as they are not permitted to bank online.
- Distance to the next nearest bank
- Lack of public transport.

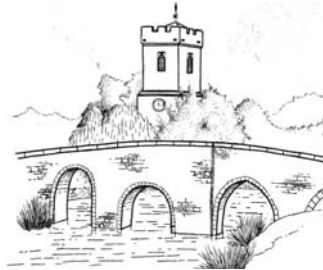
**Recommendation:** The Parish Council writes to the Regional Manager of Lloyd's, copy to the CEO to put the case for keeping Bidford's branch open.





# BIDFORD ON AVON PARISH COUNCIL

## In the County of Warwickshire



### Item 10 iii) REPORT FROM THE COMMUNICATION & MARKETING WORKING GROUP 17.40 May 16th 2018

**Members:** Cllrs. Ms Deacon – Chairman, Cllr Fleming and Cllr Ms Randell.  
**Attendant:** Mrs E Uggerløse - Clerk

#### **1. Dementia Friendly Community project 2018**

Consider actions for Dementia action week 21-27 May 2018 & potential for further Dementia Friends Information Sessions

Consider an audit of the Parish Council to identify “Dementia Friendly “ actions

Consider ways of engaging with key local organisations business about creating a more “Dementia Friendly Community “ & how small actions that make a big difference.

**ACTION** i) E.U. to circulate on Facebook the web link for Alzheimers Society & post a request for potential of attendees for Dementia Friends Information Sessions

ii) A.D to arrange visit from Joe Edwards Dementia Friendly Communities Officer – West Midlands

iii) A.D. to continue further contact with Doctors Surgery & Budgens

**Recommendation** To Note

#### **2. Promotion of future events - Market status & August Market**

August Market promotion flyer inserted into all programmes at the Vintage event  
To finalise wording of village Advertising Gate usage policy to provide absolute clarity of usage.

This had unanimous support

**Recommendation** To approve the policy circulated

#### **3. Village walks & maps -update**

Awaiting response from M. Yapp for maps to a for the Four local walk routes

**ACTION** i) B..F. to follow up & to explore alternative source of maps with Ramblers group

**Recommendation** To note

#### **4. Press contacts update**

Excellent advancement in creating relationships have seen several recent articles published for the Parish Council as a result of B.F's efforts with :-

Evesham Journal e-mail address [sebastian.richards@newsquest.co.uk](mailto:sebastian.richards@newsquest.co.uk)

Stratford Observer e-mail address [editor@stratfordobserver.co.uk](mailto:editor@stratfordobserver.co.uk)

Stratford Herald e-mail address [news@stratford-herald.com](mailto:news@stratford-herald.com)

**Recommendation** To note

### **5. Local Branch Banks - current situation**

Recent closure of numerous of Branch Banks e.g. Broadway, Winchcombe, Henley in Arden, within the wider vicinity begged clarification of the Bidford Lloyds Branch. Data figures of customer usage of every branch is continually reviewed, & is the basis of closure decisions by banks

**Action** i) A.D. met with Bidford Lloyds bank manager & to quote " the branch currently safe for another year" based upon current footfall numbers. All data for any branches under review is readily available on the Lloyds Bank plc website.

ii) Raise awareness within our Parish, & consider preparing an action plan validated by the NDP .

This had unanimous support

**Recommendation** To approve action ii)

### **6.Youth project**

Considered exploring good model example from Castle Cary Somerset who have an active Youth Council

**Action** i) A.D. to make initial contact

**Recommendation** To note

### **7. Review of website**

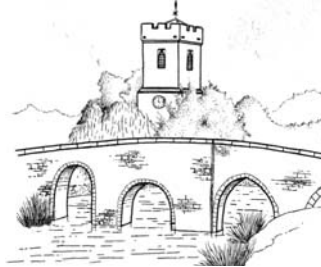
Consider a review of the Parish Council website by the end of 2018

**Recommendation** To note



# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **Item 11 - REPORT ON GDPR**

The General Data Protection Regulation (GDPR) comes into effect on 25<sup>th</sup> May 2018. Although an EU legislation, a Bill, which will encompass the same requirements, is currently being considered by Parliament.

The GDPR updates the current Data Protection Act 1998 and takes into account, amongst other things,

- Developments in technology
- Amount of data and types of data
- Improved rights of individuals
- Accountability
- Consent no longer inferred from silence, pre-ticked boxes or inactivity

However, Parish and Town Councils are considered a “low risk body” as the information it holds is rarely “sensitive” personal data such as:

- Racial or ethnic origins of the data subject
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Trade Union membership (or non-membership)
- Physical or mental health or condition
- Sex life
- Sexual orientation

The Parish Council is the Data Controller as it collects, stores and uses personal data and the Clerk is the officer in charge of ensuring that the Parish Council

- Only collects information that is needed for a purpose
- Keeps it secure

Item 11 GDPR Report May 2018

- Ensures it is relevant and up to date
- Only holds as much as is needed and only for as long as it is needed
- Allows the subject of the information to see it on request

Parliament has agreed that Parish and Town Councils are exempt from employing a Data Protection Officer which would have incurred unnecessary costs.

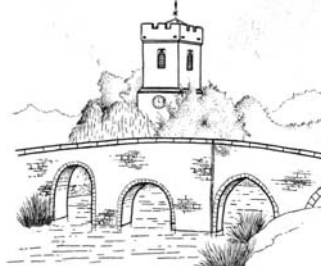
The Parish Council is taking the following measures to adhere to the new legislation:

- The information relating to Parish Council business on its office computers is held by a host company based in Plymouth (and is, therefore, GDPR compliant) not on the hard disc
- This host company has employed a third party to monitor any potential weakness in the system as well as advise them of any breaches
- Emails are encrypted
- All Group emails are sent as “blind copies”
- Details of senders of correspondence are deleted when forwarding the information/query to third parties unless authorisation has been sought
- The Council is considering/approving the following policies at this meeting:
  - Document Retention Policy
  - Privacy Notice
  - Parish Council Device Policy

Further updates and policies may be introduced in future as required.

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **DOCUMENT RETENTION POLICY** **(as approved on 21<sup>st</sup> May 2018)**

#### **1. MINUTES**

Original signed paper copies of Council Minutes of meetings must be kept for an **indefinite** period in safe storage.

At regular intervals of not less than 5 years. Consider them being archived and deposited with the Higher Authority

**Reason** - Archive

#### **2. AGENDAS**

To be kept for a period of 5 years thereafter to be disposed as confidential waste

**Reason** – Management

#### **3. ACCIDENT/INCIDENT REPORTS**

To be kept for a period of 20 years thereafter to be disposed as confidential waste

**Reason** – Potential claims

#### **4. RECEIPT AND PAYMENT ACCOUNTS**

To be kept indefinitely

**Reason** – Archive

#### **5. RECEIPT BOOKS OF ALL KINDS**

To be kept for a period of 6 years and then binned

**Reason** - VAT

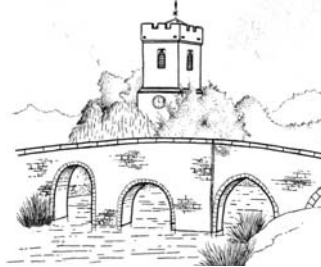
- 6. BANK STATEMENTS INC. DEPOSIT AND SAVINGS ACCOUNTS**  
Last completed audit year and then disposed of as confidential waste  
**Reason** – Audit
- 7. BANK PAYING IN BOOK**  
Last completed audit year and then disposed of as confidential waste  
**Reason** – Audit
- 8. CHEQUE BOOK STUBS**  
Last completed audit year and then disposed of as confidential waste  
**Reason** – Audit
- 9. QUOTATIONS AND TENDERS**  
Successful quotations/tenders to be kept for 6 years.  
Unsuccessful ones to be disposed of as confidential waste after confirmation of the successful bid  
After 6 years, it will be disposed of as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulation.  
**Reason** – Limitations Act 1980 (as amended)
- 10. PAID INVOICES**  
To be kept for 6 years then disposed of as confidential waste  
**Reason** – VAT
- 11. PAID CHEQUES**  
To be kept for 6 years then disposed of as confidential waste  
**Reason** – Limitations Act 1980 (as amended)
- 12. VAT RECORDS**  
To be kept for 6 years except for rents when it shall be kept for 20 years then disposed of as confidential waste  
**Reason** – Vat
- 13. PETTY CASH, POSTAGE AND TELEPHONE BOOKS**  
To be kept for 6 years and then disposed of as confidential waste  
**Reason** – Tax, VAT, Limitations Act 1980 (as amended)

14. **TIMESHEETS**  
last completed audit year 3 years then binned  
**Reason** – Audit (requirement) Personal Injury (best practice)
15. **PAYROLL**  
To be kept for 12 years and then disposed of as confidential waste  
**Reason** - superannuation
16. **INSURANCE POLICIES**  
While valid then binned  
**Reason** - Management
17. **INSURANCE COMPANAY NAMES AND POLICY NUMBERS**  
Indefinite  
**Reason** – Management
18. **EMPLOYERS LIABILITY CERTIFICATES**  
40 years from date on which insurance commenced or was renewed the binned  
**Reason** – The Employers Liability (Compulsory Insurance) Reg. 1998 (SI 2753); Management
19. **PLAY EQUIPMENT INSPECTION REPORTS**  
21 years
20. **CAR PASS APPLICATIONS**  
6 years then disposed of as confidential waste  
**Reason** - Management
21. **CORRESPONDENCE**  
To be disposed of as confidential waste as soon as the issue has been resolved  
**Reason** – GDPR – no justification in holding on to personal details



# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **PRIVACY NOTICE**

This sets out the type of information we collect (or are supplied with). It tells you how the information is held, who we share it with and how it is used. There are contact details for queries about your personal information. All personal data collected (or supplied) will be treated in accordance with current data protection laws in the UK

#### **What information do we collect and what information are we supplied with?**

- When you contact us, we create a record of your name, to that record we add information that you give us.
- We keep records when you contact us.
- We collect and use information about councillors and employees.
- We are supplied with a copy of the register of electors by the district council.
- We do not sell personal information to other organizations

**The Data Controller for your personal data is Bidford-on-Avon Parish Council**

#### **How do we use your information?**

We used your personal information in the following ways:

- To process enquiries and applications (such as allotments, burial plots etc.)

- To provide services to residents including sending you information about current and future services. This includes lists of current allotment holders and waiting lists. It includes mailing lists for newsletters, agendas and minutes
- To carry out market research to help us plan and improve our services. We may contact you ourselves or ask outside research agencies to do so on our behalf.
- To produce aggregated statistical information

### **Who might we share the information with?**

We might share the information with the district/county council or emergency services where we consider this should be necessary or helpful. We would seek your explicit consent to this other than where such sharing was considered necessary in an emergency or for health and safety reasons.

If you write to us your letter will be in the public domain unless you make it clear you do not wish it **and** we are able to justify confidentiality under the relevant legislation (this is very unlikely to be the case in planning matters).

Your information may be used to detect and prevent fraud in respect of public funding and we may release information to the police and other law enforcement agencies for crime prevention and detection purposes if required to do so.

### **How long do we keep data?**

Please refer to the Parish Council's Data Retention Policy available at

We will publish on our website any changes we make to our data protection/information management policies and notify you by other channels where appropriate.

Where you exercise your right to removal of your personal data, we will continue to maintain a core set of personal data to ensure we do not contact you inadvertently in the future. We may also need to retain some financial records about you for statutory purposes (e.g. anti-fraud and accounting matters). The "*right to be forgotten*" is a qualified right and the public interest test will always be applied when a request for deletion of personal data is made.

## How can I access the information you hold on me?

- You are entitled to know what personal information the council holds about you and how that information is processed.
- You are entitled to ask for your personal data to be corrected where you believe it is inaccurate
- You are entitled to withdraw your consent to the processing of your personal data by council.

However, if the processing is necessary to provide you with a service (or information) you have requested then withdrawal may mean you will not receive that service or information. We will make it clear if this is the case and discuss your concerns directly with you before we stop processing your data.

Please make any requests or complaints to:

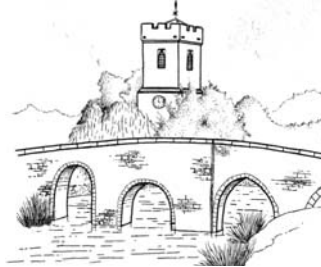
The Data Protection Officer  
Mrs Elisabeth Uggerløse, Clerk to the Parish Council  
Bidford-on-Avon Parish Council  
c/o Bidford Post Office  
Salford Road,  
Bidford-on-Avon  
B50 4AW  
Email: [info@bidfordonavon-pc.gov.uk](mailto:info@bidfordonavon-pc.gov.uk)

If you are dissatisfied with the handling of your request or complaint, you have the right to appeal to the Information Commissioner, There is no charge for making an appeal. Contact details are:

The Information Commissioner's Office  
Wycliffe House, Water Lane. Wilmslow, Cheshire, SK9 5AF  
Tel. No. 01625 545745 or 0303 123 1113 (local rate)  
Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **PARISH COUNCILLOR DEVICE POLICY IN RESPECT OF THE GDPR LEGISLATION**

The purpose of this policy is to ensure Parish Councillors do not hold unnecessary resident information on any of their devices that could be in breach of the new GDPR Legislation, which comes into force on 25<sup>th</sup> May 2018.

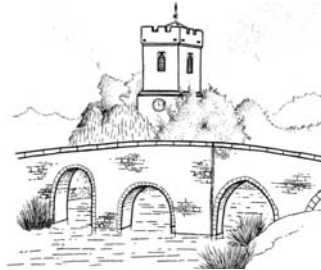
**Councillors are reminded that they are not able to act as individuals but only as part of the Council.** Therefore, in the event a resident contacts a Councillor either by email, letter or text, the Councillor should reply as soon as possible, copying the Clerk into the reply, informing the resident that his/her query has been forwarded to the Clerk who would be dealing with it. **The Councillor should then delete the message from all his/her devices to ensure the only computer holding the information is the Parish Council computer.** It should be noted that the Parish Council computer is "hosted" by a third party company based on Plymouth, so no information is held on the hard disc.

On receipt of the message, the Clerk will communicate with the resident as follows:

- If the query raised is administrative, the Clerk will deal with it and let the resident know what is being done;
- If the query requires a decision from council, the item will be added to the Agenda for the next meeting for Council to consider

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **STANDING ORDERS**

#### **For Bidford-on-Avon Parish Council**

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## **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 direction of the Chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved
- 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. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion
- e. 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
- f. 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
- g. A councillor may move an amendment to his own motion if agreed by the meeting.
- h. 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
- i. Subject to standing order 1(j), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- j. One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted on separately.
- k. A councillor may not move more than one amendment to an original or substantive motion.

- l.** The mover of an amendment has no right to reply at the end of the debate on it
- m.** Where a series of amendments to an original motion are carried, the mover of the original motion shall have the right of reply either at the end of the debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- n.** 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
  - v.** In exercise of a right to reply
- o.** During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by
- p.** A point of order shall be decided by the Chairman of the meeting and his/her decision shall be final
- q.** 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 working group for consideration
  - vii.** To exclude the public and press



- viii. To adjourn the meeting
- ix. To suspend particular standing order(s) excepting those which reflect mandatory statutory requirements
  
- r. 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/her right of reply
  
- s. Excluding motions moved under order 1(q) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

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

## **3. MEETINGS (GENERALLY)**

- 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 day 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.
- 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 special reasons. The public's exclusion from part or all of the meeting shall be by 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 business on the agenda.
- f.** The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed fifteen minutes unless directed by the Chairman of the meeting
- g.** Subject to standing order (f) above, a member of the public shall not speak for more than three minutes
- h.** In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given
- i.** A person shall raise his/her hand when requesting to speak and shall direct his/her comments to the Chairman of the

meeting

- j. A person who speaks at a meeting shall direct his/her 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 the standing order 3(m), a person who attends the 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 meetings 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 authorized or required to be done by, to or before the Chairman of the Council may in his/her absence be done by, to or before the Vice-Chairman of the Council.
- p. The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent for a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and Vice-Chairman are absent for a meeting, a councillor as chosen by councillors present at the meeting shall preside the meeting.

- q. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of councillors.**
- 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/her casting vote whether or not he/she gave an original vote**
- 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 name of the councillors who are absent
  - iii. interests that have been declared by councillors
  - iv. the grant of dispensations (if any) to councillors
  - v. Whether a councillor left the meeting when matters that they held interests in were being considered
  - vi. if there was a public participation session
  - vii. resolutions made
- u. **A councillor 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/her 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**
- 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 three hours

#### **4. COMMITTEES, SUB-COMMITTEE AND WORKING GROUPS**

- a. **Unless the Council determines otherwise, a committee may appoint a sub-committee or working group 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 members of an advisory committee and a sub-committee of the advisory committee may be non-councillors**
- d. The Council may appoint standing committees, committees or working groups 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) above, appoint and determine the terms of office of members

of such committees or working groups.

- 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 of the ordinary members of the committee confirm to the Proper Officer (7) before the meeting that they are unable to attend.
- vi. Shall, after it has appointed the members of the standing committee, appoint the chairman of the standing committee
- vii. Shall permit a committee or working group. other than a standing committee, to appoint its own chairman at a first meeting of the committee or working group
- viii. Shall determine the place, notice requirement and quorum for a meeting of the 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 of the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required to 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
- xii. May dissolve a committee or 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 new councillors elected take office
- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct
- c. If no other time is fixed, the annual meeting of the Council shall take place at 6.00 pm
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall take place 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 of the Council
- f. The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside the annual meeting until his/her successor is elected at the next annual meeting of the Council
- g. The Vice-Chairman of the Council unless he/she 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/she shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of 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/she shall preside at the meeting until the

**new Chairman of the Council has been elected. He/she 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 of the Council at the annual meeting of the Council, the business of the annual meeting shall include
  - i.** **In an election year, delivery of 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/her acceptance of office form unless the Council resolves for this to be done at a later date.**
  - ii. Review of delegation arrangements to committees, working groups, staff and other authorities
  - iii. Review of terms of reference for committees and working groups
  - iv. Appointment of members to existing committees and working groups
  - v. Appointment of any new committees or working groups in accordance with standing order 4
  - vi. Review and adoption of appropriate standing orders and financial regulations.
  - vii. Review of arrangements (if any) with other local authorities, not for profit bodies and businesses.
  - viii. Review of representation on or work with external bodies and arrangements for reporting back
  - ix. 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



- x. Review of inventory of land and other assets including buildings and office equipment.
- xi. Confirmation of arrangements for insurance cover in respect of all insurable risks
- xii. Review of the Council's and/or staff subscriptions to other bodies
- xiii. Review of the Council's complaints procedure
- xiv. Review of the Council's policies, procedures and practices in respect of its obligations under the freedom of information and data protection legislation
- xv. Review of the Council's policy for dealing with the press/media
- xvi. Review of the Council's employment policies and procedures
- xvii. Review and confirmation of the Council's payments by Direct Debit and/or Standing Order
- xviii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council

**6. EXTRAORDINARY MEETING OF THE COUNCIL AND 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 must be signed by the two councillors

- c. The chairman of a committee may convene an extraordinary meeting of the committee at any time
- d. If the chairman of a committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee. The public notice giving time, place and agenda for such a meeting must be signed by the two councillors.

## **7. PREVIOUS RESOLUTIONS**

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

## **8. VOTING ON APPOINTMENTS**

- a. When 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. The process shall continue until a majority of votes is given in favour on one person. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

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

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the

performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.

- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
  - c. The Proper Officer may, before including a motion received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
  - d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least seven clear days before the meeting.
  - e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
  - f. 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 for their rejection
10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. To correct an inaccuracy in the draft minutes of a meeting
  - ii. To move to a vote
  - iii. To defer consideration of a motion
  - iv. To refer a motion to a particular committee or working group
  - v. To appoint a person to preside 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 working group and their members
  - x. To extend the time limits for speaking
  - xi. To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest
  - xii. To not hear further from a councillor or member of the public
  - xiii. To exclude a councillor or member of the public for disorderly conduct
  - xiv. To temporarily suspend the meeting
  - xv. To suspend a particular standing order (unless it reflects mandatory statutory requirements)
  - xvi. To adjourn the meeting

xvii. To close the meeting

## **11. MANAGEMENT OF INFORMATION**

- 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 or electronic form. The Council's retention policy shall confirm the period of 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 the 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**

- 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 not 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/she 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 the minutes of the meeting of the ( ) held on (date) in respect of ( ) were a correct record but his/her view was not upheld by the meeting and the minutes were 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.**
- 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 and recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. CODE OF CONDUCT AND DISPENSATIONS**

- a. All councillors shall observe the code of conduct adopted by the Council
- b. Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c. Unless he/she has been granted dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the

Council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest

- d. Dispensation requests shall be in writing and submitted to the Proper Officer** at least 24 hours prior to the meeting.
- e. A decision as to whether to grant a dispensation shall be made by the Proper Officer and the 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 vote.
  - iii. The date of the meeting or the period (not exceeding four years) for which the dispensation is sought;
  - iv. An explanation as to why the dispensation is sought
- g. Subject to standing order 13(d) and (f) above, dispensation requests shall be considered by the Proper Officer before the meeting for which the dispensation is required.
- h. A dispensation may be granted in accordance with standing order 13(e) above, if having regard to all relevant circumstances the following applies:**
  - i. Without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business**
  - ii. Granting the dispensation is in the interests of the persons living in the council's area o

- iii. **It is otherwise appropriate to grant a dispensation**

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

- a. Upon notification by the District Council that it is dealing with a complaint that a councillor 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) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact, and the Chairman shall nominate a clerk from an adjacent council 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 of 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 Council that a councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.**



15. **PROPER OFFICER**

- a. The Proper Officer shall be the Clerk, or another Clerk, 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 or standing committee serve on councillors a summons, by delivery or post at their residences or by email authenticated in such a manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda; or by email, 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)**

- 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 five days before the meeting confirming his/her 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 of his/her office**
- iv. **Facilitate inspection of the minute book (files) by local government electors**
- v. **Receive and retain copies of byelaws made by other 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 the 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 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
- 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. Manage access to the information about the Council via the publication scheme;
- xv. Retain custody of the seal of the council (if there is one) which shall not be used without a resolution to that effect

## **16. RESPONSIBLE FINANCIAL OFFICER**

- a. The Council shall appoint a responsible party to undertake the work of a 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, the proper practices and the Council's Financial Regulations
- c. The Responsible Financial Officer shall supply each councillor as soon as practicable
  - i. The Council's receipts and payments for each month
  - ii. The Council's aggregate receipts and payments for the year to date
  - iii. The balances held at the end of the month being reportedwhich includes a comparison with the budget for the financial year and highlight 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 receipt and payments for last month the year to date for information
  - 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 for a 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 Council for consideration and formal approval before 30 June.

## 18. **FINANCIAL CONTROLS**

- 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 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 of below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial Regulations shall be reviewed at least once a year 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 contract Regulations 2015 which include 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 of contracts for the supply

of goods, material, 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 with delegated powers.
- e. Neither the Council nor a committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. A public contract regulated by the Public Contract 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 the OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulation 2016.**

**19. HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of the Council or the Staffing Panel is subject to standing order 11**
- b. Subject to the Council's policy regarding absences from work, the Proper Officer shall notify Council of absence occasioned by illness or other reason.**
- c. The Chairman of the Staffing Panel shall upon a resolution conduct a review of the performance and annual appraisal of work of the Proper Officer. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Council**
- d. Subject to the Council's policy regarding the handling of grievance matters, the Proper Officer shall contact the Chairman of the Staffing Panel in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by the Staffing Panel**
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Proper Officer relates to the Chairman of the Staffing Panel this shall be communicated to the Chairman of**

the Performance Panel and shall be reported back and progressed by resolution by the Performance Panel.

- f. Any person responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure
- g. 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**

- 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. 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**

- 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/her personal data
- c. The Council shall have a written policy in place for responding to and managing personal data breach
- d. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal 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 or councillors shall be handled by the Proper Officer in accordance with the Council's policy in respect of dealing with the press and/or media

**23. EXECUTION OF LEGAL DEEDS**

- a. A legal deed shall not be executed on behalf of the Council unless authorised by a resolution
- b. **Subject to standing order 22(a) above, any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures**

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

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda to the ward councillors of the County and District Council representing the area of the Council
- b. Unless the Council determines otherwise, a copy of each letter sent to the County or District Council shall be sent to the ward councillors representing the area of the Council



25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

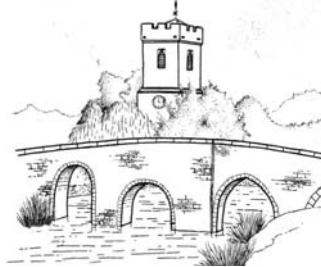
- a. Unless authorised by a resolution, no councillor shall
  - i. Inspect any land and/or premises which the Council has a right or duty to inspect
  - ii. Issue order, instructions or directions

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 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 three 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 a standing order at a meeting shall be final.

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **BIDFORD-ON-AVON PARISH COUNCIL FINANCIAL REGULATIONS**

#### **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 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 willful 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 apply accordingly)
- 1.9. The RFO
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the council up to date in accordance with proper practices;
  - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or

management information prepared for the council from time to time comply with the Accounts and Audit Regulations

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

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

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

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

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

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000
- 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 Smaller Authorities in England* issued by the Joint Practitioners Advisory Group (JPAG) in March 2016, 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, the Accounts Quarterly Review Group shall verify bank reconciliations (for all accounts) produced by the RFO. The members shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
  - be competent and independent of the financial operations of the council;

- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
  - initiate or approve accounting transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

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

- 3.2. 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.
- 3.3. 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.
- 3.4. 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;
  - the Clerk for any items below £1,500.

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. 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. The RFO will inform the council 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 £1,500. 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 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council [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 £100,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council..
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants these shall be approved by full council on the recommendations of the Amenities Working Group
- 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 or, if so delegated, the RFO, shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council shall be signed by two members of council and countersigned by the Clerk, in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction 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 meeting. Any signatures

obtained away from such meetings shall be reported to the council at the next convenient meeting.

- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and

formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council.
- 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 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 members and the Clerk. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. 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, shall be refunded monthly.

## 7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
  - a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff the council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.



- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the Clerk and the Clerk shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the

council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (I) below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## **11. CONTRACTS**

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

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the council intends to procure or award a public supply contract, public service contract 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 (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 Contract Directive 2014/24/EU (which may change from time to time – thresholds currently are:

- i. For public supply and public service contracts £181,302
  - ii. For public works contracts £4,551,413 (or other thresholds determined by the European commission every 2 years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements of the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts finder website in in the OJEU
- 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 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 the council
  - g. Any invitation to tender issued under this regulation shall be subject to Standing Order 18 (d) and shall refer 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 shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.

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

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 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 £500.
- 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 Reg. 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 Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council.

## **16. RISK MANAGEMENT**

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

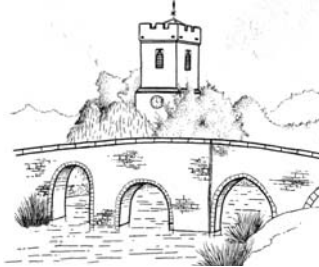
## **17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 17.1. 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.
- 17.2. 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.



# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **Item 13 - Cycle ways Meeting Report**

On Wednesday 25<sup>th</sup> April a meeting was held at Salford Priors Village Hall to discuss the opportunities that might be available to plan and construct a web of cycle ways and footpaths across parish boundaries. Cllrs Harvey, Deacon and Taylor attended and after a good discussion the following was proposed:

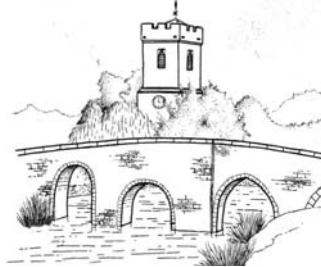
- Parish councils to discuss membership of a cross parish working group.
- Parish councils to agree to plan and carry out an audit of existing tracks/pathways, identify where possible land ownership and potential challenges to the project.

Cllr Harvey agreed to take these proposals forward to the next Council Meeting for consideration.

Joe Harvey

# **BIDFORD ON AVON PARISH COUNCIL**

## **In the County of Warwickshire**



### **EVENT ADVERTISING GATES POLICY**

The purpose of the Advertising Gates is to ensure Bidford businesses and local groups have an equal opportunity to advertise events without making the village look untidy with different types of advertising posters and banners.

The requirements are as follows:

- Must be booked via the Parish Council at least 4 weeks prior to the event, by contacting the Clerk on 01789 778653/07718628925 or emailing [info@bidfordonavon-pc.gov.uk](mailto:info@bidfordonavon-pc.gov.uk) giving the following information
  - Dates of the event being advertised
  - Dates the banners will be installed and taken down
  - Maximum period of advertising is 2 weeks – the period may be shorter if it coincides with another event being advertised.
- Advertising party is responsible for setting up and taking down the banner within 2 days of the event or 21 days from setting up
- Advertising party is responsible for the design and production of the banner which must be 1800 mm wide and 1000 high to fit on the gate (contact the Parish Council for details of cost and companies able to produce them)
- Bidford-on-Avon Parish events and local groups have precedence over those from outside the parish.
- Local businesses are able to advertise if the event advertising gates are available at a cost of £25 + VAT per gate per week. However, it should be noted that events will take precedence.