

BRYNING WITH WARTON

PARISH COUNCIL

Standing Orders

Financial Regulations

Codes Of Conduct

March 2012

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BRYNING WITH WARTON

PARISH COUNCIL

STANDING ORDERS

1. Meetings
2. 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.
3. When calculating the 3 clear days for notice of a meeting to councillors and the public, 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 shall not count.
4. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.
5. Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
6. The period of time designated for public participation is at the Chairman’s discretion.
7. Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and not longer than such time allocated by the Chairman.
8. In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
9. In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
10. A record of a public participation session at a meeting shall be included in the minutes of that meeting.
11. A person shall raise his hand when requesting to speak and may be required to stand when speaking (except when a person has a disability or is likely to suffer discomfort).
12. Any person speaking at a meeting shall address their comments to the Chairman.
13. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
14. In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
15. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
16. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
17. Subject to standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
18. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (*See also standing orders 2 (h) and (i) below.*)
19. Unless standing orders provide otherwise, voting on any 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.
20. The minutes of a meeting shall record the names of councillors present and absent.
21. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
22. The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
23. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below*.)
24. 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 3.
25. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
26. Ordinary Council meetings

*See also standing order 1 above*

1. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
2. **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**
3. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
4. **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.** Additional meetings shall be held on the first Tuesday of each month or as otherwise directed by the Council.
5. **The election of the Chairman** and Vice-Chairman **of the Council shall be the first business completed at the annual meeting of the Council.**
6. **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
7. **The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
8. **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
9. **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
10. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
    * 1. In an election year, delivery by councillors of their declarations of acceptance of office.
      2. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
      3. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
      4. Review of the terms of references for committees.
      5. Receipt of nominations to existing committees.
      6. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
      7. Review and adoption of appropriate standing orders and financial regulations.
      8. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
      9. Review of representation on or work with external bodies and arrangements for reporting back.
      10. In a year of elections, if a Council’s period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
      11. Review of inventory of land and assets including buildings and office equipment.
      12. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
      13. Review of the Council’s and/or employees’ memberships of other bodies.
      14. Establishing or reviewing the Council’s complaints procedure.
      15. Establishing or reviewing the Council’s procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
      16. Establishing or reviewing the Council’s policy for dealing with the press/media
      17. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
11. Proper Officer
12. The Council’s Proper Officer shall be the Clerk or such other person as may be nominated by the Council to undertake the role of the Proper Officer during the Proper Officer’s absence. The Proper Officer and the person appointed to act as such during the Proper Officer’s absence shall fulfil the duties assigned to the Proper Officer in standing orders.
13. The Council’s Proper Officer shall do the following.
    1. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a** **meeting of a committee at least 3 clear days before the meeting.**

OR

Subject to written individual councillor preference and upon the Council having first resolved that service of summons on councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.

* 1. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee** or a sub- committee **(provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)**.
  2. Subject to standing orders 4(a)–(e) below, include in the agenda all motions unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it.
  3. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order** [**3(b)i**] OR [3(b)ii] **above**.
  4. Make available for inspection the minutes of meetings.
  5. **Receive and retain copies of byelaws made by other local authorities.**
  6. **Receive and retain declarations of acceptance of office from councillors.**
  7. Retain a copy of every councillor’s register of interests and any changes to it and keep copies of the same available for inspection.
  8. Keep proper records required before and after meetings;
  9. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council’s procedures relating to the same.
  10. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  11. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  12. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also standing orders 14(a) and (b).*)
  13. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council’s financial regulations.
  14. Record every planning application notified to the Council.
  15. Refer a planning application received by the Council to the Planning Committee Chairman or in his absence a member of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or Planning committee.
  16. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
  17. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

1. Motions requiring written notice
2. In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council’s Proper Officer at least 10 clear days before the next meeting.
3. The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
4. If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) 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 in clear and certain language at least 7 clear days before the meeting.
5. If the wording or nature of a proposed motion is considered unlawful or 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 or rejected in the agenda.
6. Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
7. Notice of every motion received in accordance with the Council’s standing orders shall be numbered in the order received and recorded, Records of which shall be open to inspection by all councillors.
8. Every motion rejected in accordance with the Council’s standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection, which shall be open to inspection by all councillors.
9. Every motion and resolution shall relate to the Council’s statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council’s area or its residents.
10. Motions not requiring written notice
11. Motions in respect of the following matters may be moved without written notice.
12. To appoint a person to preside at a meeting.
13. To approve the absences of councillors.
14. To approve the accuracy of the minutes of the previous meeting.
15. To correct an inaccuracy in the minutes of the previous meeting.
16. To dispose of business, if any, remaining from the last meeting.
17. To alter the order of business on the agenda for reasons of urgency or expedience.
18. To proceed to the next business on the agenda.
19. To close or adjourn debate.
20. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
21. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
22. To receive nominations to a committee or sub-committee.
23. To dissolve a committee or sub-committee.
24. To note the minutes of a meeting of a committee or sub-committee.
25. To consider a report and/or recommendations made by a committee or a sub- committee or an employee.
26. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
27. To authorise legal deeds signed by two councillors and witnessed.

*(See standing orders 14(a) and (b) below.)*

1. To authorise the payment of monies up to £ 500.
2. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
3. To extend the time limit for speeches.
4. To exclude the press and public for all or part of a meeting.
5. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
6. To give the consent of the Council if such consent is required by standing orders.
7. **To suspend any standing order except those which are mandatory by law.**
8. To adjourn the meeting.
9. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
10. To answer questions from councillors.
11. If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.
12. Rules of debate
13. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman’s direction for reasons of expedience.
14. Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
15. Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
16. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
17. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
18. Any amendment to a motion shall be either:
19. to leave out words;
20. to add words;
21. to leave out words and add other words.
22. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
23. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
24. Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
25. Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
26. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
27. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
28. The mover of a motion or the mover of an amendment shall have a right of reply, for as long as the chairman decides.
29. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
30. Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
31. During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
32. A point of order shall be decided by the Chairman and his decision shall be final.
33. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
34. Subject to standing order 6(o) above, when a councillor’s motion is under debate no other motion shall be moved except:
35. to amend the motion;
36. to proceed to the next business;
37. to adjourn the debate;
38. to put the motion to a vote;
39. to ask a person to be silent or for him to leave the meeting;
40. to refer a motion to a committee or sub-committee for consideration;
41. to exclude the public and press;
42. to adjourn the meeting;
43. to suspend any standing order, except those which are mandatory.
44. In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover’s right of reply at the resumption.
45. Code of conduct

*See also standing orders 1(d)–(i) above*

1. **All councillors shall observe the code of conduct adopted by the Council.**
2. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
3. Minutes
4. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
5. Draft Minutes circulated to Councillors remain confidential until confirmed as accurate by resolution.
6. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
7. Minutes, including any amendment to correct their accuracy, 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.
8. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the

( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings.”

1. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
2. Disorderly conduct
3. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
4. If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
5. If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.
6. Rescission of previous resolutions
7. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
8. When a special motion or any other motion moved pursuant to standing order 10(a) above has been disposed of, no similar motion may be moved within a further 6 months.
9. Voting on appointments
10. Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman’s casting vote.
11. Expenditure
12. Any expenditure incurred by the Council shall be in accordance with the Council’s financial regulations.
13. **The Council’s financial regulations shall be reviewed once a year.**
14. **The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.**
15. Any motion which is moved otherwise than in pursuance of a recommendation of the finance Committee or other Committee after recommendation by the finance Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under management of or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon and the finance Committee shall report on the financial aspect of the matter.
16. Execution and sealing of legal deeds

*See also standing order 5(a)(xvi) above*

1. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
2. **In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
3. Committees

*See also standing order 1 above*

1. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
2. shall determine their terms of reference;
3. may permit committees to determine the dates of their meetings;
4. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
5. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
6. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
7. may in accordance with standing orders, dissolve a committee at any time.
8. The Chairman and Vice Chairman shall be ex-offico Members of every Committee, Sub Committee.
9. Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman, if not already appointed, and vice chairman (if required) who shall hold office until the next annual meeting of the Council.
10. Sub-committees

*See also standing order 1 above*

1. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee.
2. The Chairman and Vice Chairman of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.
3. Extraordinary meetings

*See also standing order 1 above*

1. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
2. **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**
3. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
4. Advisory committees

*See also standing order 1 above*

1. The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
2. Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.
3. Accounts and Financial Statement
4. All payments by the Council shall be authorised, approved and paid in accordance with the Council’s financial regulations, which shall be reviewed at least annually.
5. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council’s receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.
6. Estimates/precepts
7. **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.
8. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.
9. Canvassing of and recommendations by councillors
10. Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
11. A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate’s ability, experience or character for submission to the Council with an application for appointment.
12. This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.
13. Inspection of documents
14. Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors.
15. Unauthorised activities
16. Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
17. inspect any land and/or premises which the Council has a right or duty to inspect; or
18. issue orders, instructions or directions.
19. Confidential business
20. Members should direct any correspondence and/ or intended for the Council, to the Clerk to the Council .In the Absence of the Clerk to the Deputy Clerk
21. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
22. A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
23. Power of well-being
24. **Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
25. **The Council’s period of eligibility begins on the date that the resolution under Standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.**
26. **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council’s preceding period of eligibility referred to in standing order 25(b) above.**
27. Matters affecting council employees
28. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
29. Subject to the Council’s policy regarding absences from work, the Council’s most senior employee shall notify the Chairman of the Employment committee or, in his absence, the Vice-Chairman of the committee of any absence occasioned by illness or urgency and that person shall report such absence to the Employment committee at its next meeting.
30. The Chairman of the Employment committee or in his absence, the Vice-Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the employee’s job title and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Employment committee.
31. Subject to the Council’s policy regarding the handling of grievance matters, the Council’s most senior employee (or other employees) shall contact the Chairman of the Employment committee or in his absence, the Vice-Chairman of the committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Employment committee.
32. Subject to the Council’s policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the employee’s job title] relates to the Chairman or Vice-Chairman of the Employment committee, this shall be communicated to another member of the Employment committee, which shall be reported back and progressed by resolution of the Employment committee.
33. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
34. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
35. Records documenting reasons for an employee’s absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
36. Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25(g) and (h) above if so justified.
37. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(g) and (h) above shall be provided only to (post holder) and/or the Chairman of the Council OR the Employment committee.
38. Freedom of Information Act 2000
39. All requests for information held by the Council shall be processed in accordance with the Council’s policy in respect of handling requests under the Freedom of Information Act 2000.
40. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Communications committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing order 3(b)(x) above.
41. Relations with the press/media
42. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council’s policy in respect of dealing with the press and/or other media.
43. In accordance with the Council’s policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.
44. Liaison with District and County or Unitary Councillors
45. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the Borough Councillor representing its electoral ward.
46. Financial matters
47. 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:
48. the accounting records and systems of internal control;
49. the assessment and management of financial risks faced by the Council;
50. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
51. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments;
52. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £5,000.
53. **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £5,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
54. Any formal tender process shall comprise the following steps:
55. a public notice of intention to place a contract to be placed in a local newspaper;
56. a specification of the goods, materials, services and the execution of works shall be drawn up;
57. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
58. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
59. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
60. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
61. **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**
62. Allegations of breaches of the code of conduct
63. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman of the Council or in their absence the Vice Chairman.
64. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
65. Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
66. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman of the Employment committee) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
67. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
68. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
69. Ensure that the public and press are excluded from meetings as appropriate.
70. Ensure that the minutes of meetings preserve confidentiality.
71. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
72. Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman of the Employment committee or otherwise) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
73. The Employment committee shall have the power to:
74. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
75. seek and share information relevant to the complaint;
76. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
77. References in standing order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
78. Variation, revocation and suspension of standing orders
79. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
80. A motion to add to or vary or revoke one or more of the Council’s standing orders, not mandatory by law, shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
81. Standing orders to be given to councillors
82. The Proper Officer shall provide a copy of the Council’s standing orders to a councillor upon delivery of his declaration of acceptance of office or at such times as any resolved amendment to standing orders is made.
83. The Chairman’s decision as to the application of standing orders at meetings shall be final.
84. A councillor’s failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

Mr. A. J. Wood

Clerk to the Council Dated 5th March 2013

Chairman……………………….. Dated…………………

*\*Revised in accordance with the Localism Act 2011 & Adoption of the Fylde Borough Council, Codes of Conduct . Based on LALC Model Standing Orders for Local Councils (1st edition 2010) & Previous Official Standing Orders of Bryning with Warton Parish Council\**

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**BRYNING WITH WARTON PARISH COUNCIL**

**FINANCIAL REGULATIONS**

These Financial Regulations were adopted by the Council at its Meeting held on 4th October, 2011

**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. 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 financial control which facilitates the effective exercise of the council’s functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.

1.2 The Clerk has been appointed as Responsible Financial Officer (RFO) for this council and these regulations will apply accordingly. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.

1.3 The RFO shall produce financial management information as required by the council.

1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.

1.6 In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners’ Guide which is published jointly by NALC and SLCC and updated from time to time.

**2. ANNUAL ESTIMATES (BUDGET)**

2.1 Each Committee shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and all sources of funding for the following financial year not later than the end of November each year.

2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.

2.3 The Council shall review the budget not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.

2.4 The annual budgets shall form the basis of financial control for the ensuing year.

2.5 The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

**3 BUDGETARY CONTROL**

3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.

3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. 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.

3.3 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.

3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report the action to the Council as soon as practicable thereafter.

3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.

3.6 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.

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

**4. ACCOUNTING AND AUDIT**

4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.

4.2 The RFO shall complete the annual financial statements of the Council, including the council’s annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.

4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.

4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a annual basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.

4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.

4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

**5. BANKING ARRANGEMENTS AND CHEQUES**

5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be reviewed annually for efficiency.

5.2 A schedule of the payments required, forming part of the Agenda for the Meeting shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialed by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.

5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by three members of the Council, in accordance with the Bank Mandate, or at least two members of Council and countersigned by the Clerk when a third member of the Council is unavailable to act as signatory.

5.4 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 PAYMENT OF ACCOUNTS

6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.

6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.

6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.

6.4 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 there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

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

6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by three 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.

## 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 salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

**8 LOANS AND INVESTMENTS**

8.1 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.

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

8.3 All investments of money under the control of the Council shall be in the name of the Council.

8.4 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 terms and conditions of borrowings shall be reviewed at least annually.

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

**9 INCOME**

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

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

9.3 The Council will review all fees and charges 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 (g) below.

10.4 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 these regulations shall not apply to contracts which relate to items (i) to (vi) below:

(i) for the supply of gas, electricity, water, sewerage and telephone services;

1. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
2. 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 £250 (in excess of this sum the Clerk shall act after consultation with the Chairman and Vice Chairman of Council);

(vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

(b) Where it is intended to enter into a contract exceeding £5,000 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 invite tenders from at least three firms, where applicable, to be taken from the appropriate approved list.

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

(d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post.

(e) Council Members will not be advised of individual tenders until presented before the respective full or committee meeting to consider tenders.

(f) If less than three tenders are received for contracts above £5,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(f) Any invitation to tender issued under this regulation shall contain a statement to the effect of these Financial Regulations on the Tendering procedure.

(g) When it is to enter into a contract less than £5,000 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 RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.

(h)The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

**12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

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

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

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

**13 STORES AND EQUIPMENT**

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

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

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

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

**14 ASSETS, PROPERTIES AND ESTATES**

14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned 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 property shall be 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 £50.

14.3 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.

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

15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

1. **CHARITIES**

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

**17 RISK MANAGEMENT**

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

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

**18 REVISION OF FINANCIAL REGULATIONS**

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

A. J. Wood \* \* \* \* Clerk to the Council

**Code of Conduct for Members**

As Drafted by Fylde Borough Council.

Adopted by Bryning with Warton Parish Council July 2012

### THE CODE OF CONDUCT FOR MEMBERS -

### effective from 1st July 2012

# The Ten General Principles of Public Life

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

### Part 1 -

### General provisions

**Introduction and interpretation**

**1.** — (1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the ten principles of public life.

(3) It is your responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest, may result in a criminal conviction and a fine of up to £5,000 and/ or disqualification from office for a period of up to 5 years.

(4) In this Code —

"meeting" means any meeting of —

(a) the authority;  
  
 (b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

## Scope

**2**. — (1) Subject to sub-paragraphs (2) and 3, you must comply with this Code whenever you —

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority —

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## General obligations

**3.** — (1) You must treat others with respect.  
  
     (2) You must not —

(a) do anything which may cause your authority to breach the Equality Act 2010 (or subsequent legislation).

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be —

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

**4.** You must not —

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where —

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is —

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6.** You —

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority —

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

**7.** — (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by —

(a) the Council’s chief finance officer; or

(b) the Council’s monitoring officer, where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**Part 2 -**

**Disclosable Pecuniary Interests**

This part explains the statutory requirements of the Localism Act 2011 (Sections 29- 34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction.

**8. Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’. A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) of the following descriptions:

(a) Details of any employment, office, trade, profession or vocation carried on for profit or gain

(b) Details of any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(c) Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.

(d) Details of any beneficial interest in land which is within the area of the relevant authority.

(e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

(f) Details of any tenancy where (to your knowledge) the landlord is the relevant authority; and the tenant is a body in which the relevant person has a beneficial interest.

(g) Details of any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For the purposes of the foregoing:

“relevant authority” means the Council;

“relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of your disclosable pecuniary interest, and “relevant person” means you or your spouse or partner as defined above.

**9. Non participation in case of disclosable pecuniary interest**

a) If you are present at a meeting of the Council, Cabinet, or any committee, subcommittee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

* You may not participate in any discussion of the matter at the meeting.
* You may not participate in any vote taken on the matter at the meeting.
* If the interest is not registered, you must disclose the interest to the meeting.
* If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

**10. Dispensations**

The Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

**11. Offences**

It is a criminal offence to:

* Fail to notify the Monitoring Officer of any disclosable pecuniary interest within

28 days of election

* Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register
* Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
* Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
* As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
* Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

**12. Notification of changes**

Whilst not a requirement of the statute, the Council under this Code of Conduct requires you to notify the Monitoring Officer within 28 days of any new disclosable pecuniary interest, or any change to a disclosable pecuniary interest already notified/registered.

**Part 3 -**

**Other Interests**

**13. Notification of Other Interests**

In addition to the foregoing, you must, within 28 days of this Code being adopted by or applied to your authority; or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your interests within the following categories, for inclusion in the register of interests:

(a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(b) Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor.

You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

**14. Disclosure of Other Interests**

(1) Subject to sub-paragraphs (2) to (5), where you have an interest described in paragraph 13 above or in paragraph (2) below in any business of your authority and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) You have an interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.

(3) Where you have an interest in any business of the authority of the type mentioned in paragraph 13(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Where you have an interest by virtue of paragraph 13 but, by virtue of paragraph 17, sensitive information relating to it is not registered in the register of members’ interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.

(5) Where you have an interest in any business of your authority by virtue of paragraph 13 or 14 (2), and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

**15. Non participation in case of certain other interests**

(1) Where you have an interest in any business of your authority by virtue of paragraph 13 or 14(2) AND the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest AND where that business:

(a) affects your financial position or the financial position of a person or body through whom the interest arises ;or

(b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises, you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

**Note**: In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

(2) Where you have an interest in any business of your authority to which paragraph 15(1) applies, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

(3) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 15(1) that relates to the functions of your authority in respect of —

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) an allowance, payment or indemnity given to members;

(iii) any ceremonial honour given to members; and

(iv) setting council tax or a precept under the Local Government Finance Act 1992.

(4) Where, as an executive member, you may discharge a function alone, and you become aware of an interest under paragraph 15(1) in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

**Part 4 -**

**Registration of Members' Interests**

**16. Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the Council’s website.

**17. Sensitive interests**

Where you consider that disclosure of the details of an interest (disclosable pecuniary interest or 'other' interest) could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.