

Killamarsh Parish Council

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Draft minutes are subject to approval at the next Full Council Meeting
Minutes of the Annual Meeting of Killamarsh Parish Council
Held on Monday 30th May 2022 at the Parish Suite, Killamarsh

Commenced: 7pm – Concluded: 7.53pm

Councillors Present: Steve Clough, Nick Challenger, Brian Clamp, David Drabble, Susan Jackson, Alex Platts, Mo Potts, Eva Thompson, Wendy Tinley, John Windle

Absent Councillors: Chris Curzon, Carol Lacey, Tony Lacey, Bill Rice

District and County Councillors: None present

Officers: Cllr. Steve Clough, nominated and approved temporary Responsible Person/Proper Officer. Judy France [Deputy Parish Clerk, minute taker].

Members of the Public: Six members of the public were present, plus PC Michelle Wheelwright from Derbyshire Police.

2022/086 **Item 1: Election of Parish Council Chairman**
 (FC) **Item 1.1** - To elect a Parish Council chairman for the 2022/23 municipal year.

Cllr Steve Clough was nominated by Cllr Platts and seconded by Cllr Drabble. No other nominations were made. All were in favour.

RESOLVED:

- 1) That Cllr Steve Clough be elected as Chair of the Council for the 2022/23 municipal year.

Item 1.2 - To receive the Chairman's Declaration of Acceptance of Office, to be signed in the presence of the Proper Officer and the Chairman's opening announcements.

The Chairman read out the declaration of acceptance of office which was signed in the presence of the Acting Proper Officer and the Deputy Parish Clerk.

2022/087 **Item 2: Election of Parish Council Vice-Chairman**
 (FC) **Item 2.1** - To elect a Parish Council vice-chairman for the 2022/23 municipal year.

Cllr Challenger was nominated by Cllr Tinley and seconded by Cllr Drabble. No other nominations were made. All were in favour.

RESOLVED:

- 1) That Cllr Nick Challenger be elected as Vice-Chair of the Council for the 2022/23 municipal year.

Item 2.2 - To receive the Vice - Chairman's Declaration of Acceptance of Office, to be signed in the presence of the Proper Officer.

The Chairman read out the declaration of acceptance of office which was then signed in the presence of the

Signed Chair: *A. J. Clough*

Dated: 27/06/22

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Acting Proper Officer.

2022/088
(FC)

Item 3: Apologies for Absence

To receive and approve apologies for absence and reasons given to the Proper Officer prior to the meeting.

Apologies for absence were received from Cllr Curzon (work related), Cllr C Lacey (family illness), Cllr T Lacey (illness) and Cllr Rice (illness).

RESOLVED:

- 1) **To accept apologies of absence from Cllr Curzon, Cllr C Lacey, Cllr T Lacey, Cllr Rice**

2022/089
(FC)

Item 4: Declarations of Disclosable Pecuniary and Other Interests

Item 4.1 - To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011 (section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

Note: Members must generally declare a disclosable pecuniary interest which he or she has in any item on the Agenda. A Member with a disclosable pecuniary interest may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting. In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.

Cllr Thompson declared an interest in agenda item 9.2 due to her association with Killamarsh Conservation Society who had put in a Section 137 grant application.

Item 4.2 - To receive, consider and record Councillors requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.

None declared.

2022/090
(FC)

Item 5: Adjournment for Public Participation

To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.

PC Michelle Wheelwright gave an update with regards to the recent theft of motorbikes in Killamarsh and asked all members to report any suspicious behavior to the police. Members asked a number of questions, which were answered or PC Wheelwright said she would follow up. These included issues around burnt out cars on Hut Lane, quad bikes, general crime statistics and stolen vehicles.

2022/091
(FC)

Item 6: Minutes

Item 6.1 - To approve the draft minutes of the full council meeting held on Monday 25th April 2022.

Cllr Windle moved and Cllr Drabble seconded that the minutes be approved. Cllr Thompson abstained and all others were in favour.

RESOLVED:

- 1) **That the draft minutes of the full council meeting held on Monday 25th April 2022 be approved**

Item 6.2 - To note the minutes of Annual Full Parish Council meeting held on the 24th May 2021,

which were subsequently approved at next Full Parish Council meeting on Monday 28th June 2021.

The minutes were noted.

2022/092
(FC)

Item 7: Appointment of Committees

Item 7.1 - To appoint members to committees in accordance with the Scheme of Delegation containing the committee terms of reference. The Chair will inform members of the committee preference results (to follow). A Ballot will be undertaken where there are more than the prescribed number of members for committees. The council will need to formally agree the appointment of members to committees. Unlike a principal authority, the composition of the committees and sub-committees of a local council is not required to represent the same proportions in which the council as a whole may be politically divided. (The Local Government (Committees and Political Groups) Regulations 1990).

- Environment and Climate Change Committee 6 members
- Events & Communications Committee 6 members
- Finance Committee 6 members
- Health, Safety and Wellbeing Committee 6 members

Note: In accordance with Standing Order 8: Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

The Acting Proper Officer handed out a committee preference summary sheet, which listed where members had indicated they would like to serve on a particular committee, and whether they would like to be Chair of said committee. Three of the committees had reached the required amount of 6 members, and the Finance Committee 4 members. Cllr Potts proposed that she would be willing to serve on the Finance Committee and this was seconded by Cllr Drabble.

Cllr Windle moved and Cllr Challenger seconded that it should be agreed that the committee members for 2022/23 were as follows. All were in favour.

RESOLVED:

1) Committee members for 2022/23:

- **Environment and Climate Change Committee**
Cllr Steve Clough
Cllr David Drabble
Cllr Carol Lacey
Cllr Mo Potts
Cllr Wendy Tinley [Chair]
Cllr John Windle
- **Events & Communications Committee**
Cllr Nick Challenger
Cllr Steve Clough
Cllr Carol Lacey
Cllr Alex Platts [Chair]
Cllr Wendy Tinley
Cllr John Windle
- **Finance Committee**
Cllr Steve Clough [Chair]

Cllr David Drabble
Cllr Alex Platts
Cllr Mo Potts
Cllr Wendy Tinley
x1 vacancy

- **Health, Safety and Wellbeing Committee**
Cllr Chris Curzon
Cllr David Drabble
Cllr Tony Lacey
Cllr Alex Platts [Chair]
Cllr Wendy Tinley
Cllr John Windle

2022/093
(FC)

Item 8: Review of Representation on outside bodies

To consider the appointment of members to act as representatives on external bodies for the ensuing year. Members appointed onto outside bodies are required to report to full Council.

Members acting as representatives must not make any decisions on behalf of the Council.

- Veolia Norwood x2 members
- Chesterfield Canal Trust x1 member
- Bread Charity x1 member
- NEDDC/Parish Liaison x1 member

RESOLVED:

1) That the following members to be appointed as representatives on outside bodies:

- Veolia Norwood Cllr Clough and Cllr Windle
- Chesterfield Canal Trust Cllr Thompson
- Bread Charity New appointment not required this year
- NEDDC/Parish Liaison Cllr Potts

2022/094
(FC)

Item 9: Section 137 Grant

9.1 To receive a report on the Section 137 grant issued to:

- Killamarsh Heritage Society

A report was presented as follows:

Report to Killamarsh Parish Council from Killamarsh Heritage Society on a project to erect a plaque to mark the location of where High Moor Colliery was situated.

In 2014 Killamarsh Heritage Society erected a memorial to Westthorpe Colliery in recognition of the villages mining history. Killamarsh Heritage Society paid for this and it was made by Daynes Monumentals.

Since that date attempts have been made to mark the location of High Moor Colliery. This has been a difficult and lengthy task and unachievable due to the site being at the junction of Hut Lane and Mansfield Road and the traffic constraints this presented. Any ideas we had for this project were unsuccessful.

So that we could still put a memorial to High Moor Colliery (also known as Blue Bell Pit) the current project is to put a plaque on the wall of the brick built planter on the grass verge near to the junction. Killamarsh Parish Council have agreed to a plaque being put on the back of the 'Killamarsh' planter.

Signed Chair: 

Dated:..... 27/06/22

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The plaque is on order from Freeman Daynes on a suitable design for the plaque.

The outer circular of the plaque is polished blue pearl granite with a white circular inlaid centre, sized 24" in diameter. The designs are coloured enamel with the inscription in silver and the dates in black.

A plaque in the same blue granite material with 'KILLAMARSH HERITAGE SOCIETY, ERECTED 2022' will sit below the circular plaque.

The plaque will be erected as soon as production is complete.

Killamarsh Parish Council has awarded Killamarsh Heritage Society a grant of £200 as a contribution to this project (40%).

Killamarsh Heritage Society will cover the remaining 60%.

In addition to the plaque being erected on the wall, Killamarsh Heritage Society will plant up the top and around the base of the planter with seasonal plants and will maintain them. Killamarsh Heritage Society will purchase the plants and carry out the maintenance at their own expense.

If any more information is needed about the project Killamarsh Heritage Society will be pleased to provide it.

*Margaret Mitchell
Secretary, Killamarsh Heritage Society
30th May 2022*

9.2 To consider the grant applications received in during April 2022 (attached).

RESOLVED:

- 1) The following members were nominated by full council to meet and discuss the grant applications in a separate meeting: Cllr Clough, Cllr Tinley and Cllr Windle**

2022/095
(FC)

Item 10: Review of Standing Orders, Financial Regulations and Council Policies & Procedures

To note that no changes have been recommended or made to the documents (except minor ones to the Scheme of Delegation (attached)) prior to the writing of this agenda, as such it is recommended that the documents previously circulated and listed below, are approved for the preceding year 2022/23.

- Standing Orders
- Financial Regulations
- Scheme of Delegation

All documents listed above can be found on the Parish Council's website.

All current existing policies will continue to be operational until they are reviewed throughout the year.

Cllr Tinley moved and Cllr Platts seconded that the listed documents be approved with the minor changes proposed. All were in favour.

RESOLVED:

- 1) That the Standing Orders, Financial Regulations and Scheme of Delegation be approved for 2022/23**

2022/096
(FC)

Item 11: Committee Delegated Budgets 2022/23

To approve the Committee Delegated Budgets for 2022/23 (copy attached).

Cllr Potts asked a question with regards to electricity costs for a CCTV camera, which the Chair answered.

Cllr Drabble moved and Cllr Platts seconded that the budgets be approved. All were in favour.

RESOLVED:

- 1) **That the Committee Delegated budgets for 2022/23 be approved**

2022/097
(FC)

Item 12: Meeting Schedule 2022/23

To agree the proposed schedule of meeting dates and times for 2022/23. The frequency of meetings has been prepared in accordance with the Scheme of Delegation.

Cllr Drabble moved and Cllr Potts seconded that with some slight amendments the proposed schedule was agreed. All were in favour.

RESOLVED:

- 1) **To amend and confirm the schedule at the next meeting of Full Parish Council**

2022/098
(FC)

Item 13: Planning

The following applications have been raised by members for consideration by Full Council.

- **Application Number:** 22/00380/FL
Proposal: Proposed change of use from shop & house to 9no bed house of multiple occupation (HMO)(amended title)
Address: 205 - 207 Sheffield Road Killamarsh Sheffield S21 1DX
Applicant: MR KARMJIT SINGH

RESOLVED:

- 1) **To object to this planning application around concerns over parking and to obtain more detail around the purpose of the building**

- **21/00690/FL** | Proposed conversion of existing stable block into a 3 bedroom dwelling (re submission of **20/00364/FL**) (private drainage system) (Amended Plans) | Stables West Of Walnut Drive Off Field Lane

RESOLVED:

- 2) **To object to this planning application for reasons of concern around highway safety**

2022/099
(FC)

Item 14: Village Green

To receive the latest information on the village green and decide on the best way forward. (Legal documents attached)

A discussion took place over issues with people parking cars on the village green that were causing obstructions to highway safety and were damaging the ground. Some potential solutions were discussed to prevent parking on there including wooden blocks, chain fencing or curb raising. It was noted that access would still be needed for grass maintenance purposes, and that it was important to be aware of not moving the parking issue elsewhere.

RESOLVED:

- 1) **To look at possible barriers/fencing for around the village green**
- 2) **To contact DCC with regards to potentially raising the curb**

2022/100 Item 15: Any items for discussion for a future agenda
(FC) To notify the Acting Proper Officer of any matters for inclusion on the agenda for future meetings.

RESOLVED:

- 1) To include CCTV, Speed Indicator Devices and Defibrillators on the agenda for the next meeting

2022/101 Item 16: Date of the Next Council Meeting
(FC) To note the date of the next full council meeting scheduled for Monday 27th June 2022 at 7.00pm

These draft minutes were approved as a true record at the Full Council meeting

Held on:30/05/22..... *with the agreed additions/deletions: None / Yes (list amendments below)

Signed (Chair).....*A.J. [Signature]*..... Print: ...S.J. [Signature]!..... Dated 27/06/22.....

*Loose leaf pages to be initialled

* The copy signed by the Chair to contain the alterations, recorded in longhand, with the changes (agreed by the meeting) signed and dated. Signed Copy of the minutes to be filed in the minute book.

*Agreed Amendments (Additions/Deletions) to the Draft Minutes:

Signed Chair:*A.J. [Signature]*.....

Dated:27/06/22.....



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MINUTES OF THE FULL COUNCIL MEETING HELD ON WEDNESDAY 26 APRIL 2023

Those present :

Chair : Cllr S Clough

Vice-Chair : Cllr N Challenger

Councillors : Cllr B Clamp, Cllr C Curzon, Cllr D Drabble, Cllr S Jackson, Cllr A Platts, Cllr M Ritchie, Cllr W Tinley

Non Councillors : Cllr C Renwick, Cllr M Foster

Officers : Mrs G Blank, Mrs J France, Miss H Johnson, Mrs C Watson

22/262 Chair's Announcements

The Chair welcomed everyone to the final meeting of the current Parish Council.

22/263 Apologies for Absence

Apologies have been received from Cllr C Lacey, Cllr T Lacey, Cllr B Rice, Cllr E Thompson, Cllr J Windle and the reasons given were accepted.

Cllr M Potts was also absent from the meeting.

22/264 Declaration of Disclosable Pecuniary & Other Interests

a. To receive declarations of disclosable pecuniary interests (DPI) and personal and prejudicial interests from members on matters to be considered at the meeting in accordance with the Localism Act 2011

(section 30 to 33). Officers are required to make a formal declaration about council contracts where the employee has a financial interest in accordance with the LGA 1972, s117.

None received.

b. To receive, consider and record Members requests for DPI dispensation (section 31 Localism Act 2011) in connection with items on this agenda. Applications for this must be made in writing to the Clerk prior to the meeting.

None received.

22/265 Adjournment for Public Participation

To adjourn the meeting for 15 minutes to allow members of the public, 3 minutes each, to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.

Three members of the public raised issues around the maintenance and grass cutting at Killamarsh Cemetery, with one person highlighting the potential dangers to visitors of slipping on the grass cuttings that are left in situ when the grass is cut. Two of the residents stated that they were not happy with the state of the cemetery and thought it looked untidy and uncared for. They understood that the Parish Council contracted out the maintenance, but strongly felt that the residents of Killamarsh were not getting value for money and felt it was disrespectful to their loved ones who were buried there.

The Clerk explained that currently the Parish Council do not pay for the maintenance as such, it is

contained within an agreement with North East Derbyshire District Council who manage the cemetery and the internments on behalf of the Parish Council. The Clerk stated she had attended a meeting with NEDDC in January and had asked for a breakdown of income received from internments and costs expended in the maintenance, but as yet had not received the information. The Chair said the Parish Council had been trying for a considerable period of time to put a service level agreement in place with NEDDC.

One member of the public stated that Mark Hewitt of Killamarsh wished to formerly offer to cut and maintain the grass at the cemetery, including removing the grass cuttings and supply a small skip for visitors to dispose of old flowers. The Chair said he had spoken to Mark and thanked him for his offer, which would be seriously considered if the relevant certificates and insurance could be provided.

The Chair thanked the members of the public for raising this important issue.

22/266

Reports from County and District Councillors & Invited Guests

Cllr Renwick (Derbyshire County Council) was in attendance and updated on the following:

- Minerals plan consultation draft plan due early May 2023 and a 500 metre buffer zone had been agreed around residential areas with regards to fracking.
- DCC are asking for residents views on how they want to shape local transport for a Local Transport Plan refresh.
- Active Travel Funding is available for the improvement of cycle paths.
- DCC are contributing £200,000 to the project to restore the Chesterfield Canals missing link at Renishaw and a full masterplan is being developed to reinstate the canal in other areas including Killamarsh.
- DCC would like all Derbyshire residents and organisations to get involved with there mission to plant one million trees.
- That the move of Killamarsh Library into the Killamarsh Active building had increased footfall.
- That she was pleased the parking restrictions had been removed for now from Killamarsh Active car park, however she was aware that a longer term proposal was needed to ensure people attending the sports centre were able to have access to parking. Cllr Tinley mentioned that she had spoken to a local resident who thought a paid for residents parking pass for overnight parking was a good idea.
- She thanked the Parish Council for their input into the minor road programme, by highlighting issues within Killamarsh.
- DCC have received government funding for local housing regeneration, with post war social housing a particular focus with external wall insulation.

Cllr Foster (Derbyshire County Council) was in attendance and expressed his thanks to the Parish Council for all their support and hard work over the last four years.

Cllr Foster thanked the Cllrs who had shown their support in the appeal against the Uppertorpe housing development application, in particular Cllrs Clough, Platts, Curzon, Thompson and Clamp. He also expressed his thanks to Paul Johnson and RAGE. Cllr Foster expressed his disappointment that no opposition Cllrs had attended the appeal meeting as representatives of their constituents in Killamarsh in this matter.

22/267

Exclusion of the Press and Public - Public Bodies (Admissions to Meetings Act) 1960

- To consider and resolve any agenda items that require the exclusion of the Press and Public in accordance with the Public Bodies (Admissions to Meetings) Act 1960 for matters appertaining to confidential or exempt information.

It was agreed that Item 13 should be moved to closed session due to confidential unapproved

tender figures being quoted.

22/268 **RESOLVED: It was resolved that Item 13 - Parish Suite - required the exclusion of press and public. Minutes from the previous meeting**

a. To approve the draft minutes of the Full Council meeting held on 27th March 2023.

RESOLVED: That the minutes of the Full Council meeting held on 27th March 2023 are a true and accurate record.

b. To receive an update on any ongoing issues not covered as an agenda item.

The Clerk updated on the following items from the last meeting:

22/245 - The £25, 000 grant funding from the NED UK Shared Prosperity Fund has been received for the development of the play area at Norwood and there will be a planning visit on 3rd May.

22/245 - The new automated and DDA compliant doors, towards which a grant had been awarded, will be fitted at the entrance to the Parish Suite on 16th May.

22/251 - No further update as yet on the application for Killamarsh to become a designated neighbourhood plan area.

22/255 - The Clerk has received a positive response from the resident at Canal Bridge and has asked for a lease to be drawn up as per the Councils instructions.

22/269 **Events & Communications Committee**

a. To receive the unapproved minutes of the Events and Communications Committee meeting held on the 11th April 2023.

Received with no comments.

b. To consider and approve the selling price of the 2024 Parish Council Calendar.

RESOLVED: That the Parish Council calendar should be on sale at a price of £4.95.

c. To consider and approve which Charity to support with the profit from the 2024 Parish Council Calendar.

RESOLVED: To do a Facebook poll for residents to vote on which local charity should be awarded any profits from the parish calendar.

22/270 **Finance Committee**

a. To receive the unapproved minutes of the Finance Committee meeting held on the 17th April 2023.

Received with no comments.

b. To receive the April to March 2023 budget report.

Received. The Chair stated that the Parish Council is currently in a healthy position with regards to finances.

22/271 Planning

- To receive the list of Planning applications and decision notices previously circulated to Councillors and decide upon any action needed to be taken.

Cllr Tinley said she was pleased about the decision on application 21/00384/FL.

The Chair informed the Council that he had called in a change of use application for the conversion of a four bedroom property into a children's home, as he didn't think it was an appropriate site for it. He is waiting on a decision from the legal department at North East Derbyshire District Council.

22/272 Section 137 - Approval of Grants

- To consider and approve the panel to review the section 137 grant applications.

One application has been received so far, with the closing date of the end of April for this round of funding.

RESOLVED: Cllrs Clough, Tinley and Platts would meet on 3rd May to consider the applications.

22/273 Motions requested by Members

a. Cllr M Ritchie

Could the Parish Council please consider the approval of large permanent 'Keep Killamarsh Clean' signs for the village. The Killamarsh Wombles were given small signs as a temporary measure in 2022 until larger signs could be arranged.

Ideally we would like one at all entry points to Killamarsh:

- Attach one to existing Killamarsh sign posts on Sheffield Road/Forge Lane.*
- Coming in to the village from Wales Bar - Rotherham Road (A618) past Rother Valley Entrance/at the bridge/border or nearby.*
- Coming in to the village from Pebley (A618) if this falls within Killamarsh area; alternatively, one at High Moor.*
- Another would be good on Hut Lane near the top before people speed up coming down the hill into the village.*
- Long Lane suffers a lot of litter from people parking up and dropping cans/take-away stuff...possibly a slightly smaller sign so as not to spoil the natural beauty.*

Bolsover District council would have to be contacted if we wanted one near Green Lane/Spinkhill Road junction as this doesn't seem to fall within Killamarsh PC.

The Clerk asked if this could go on the agenda for the next meeting of the Environment and Climate Change Committee as costs and land ownership would need to be investigated. The Chair said he was happy to support the motion, but agreed that further investigation is needed.

Cllr Renwick advised the Council that permission may not be granted by the District due to their policy to minimise signage in the area. Cllr Renwick suggested that use of CCTV was a much more affective way of catching the culprits.

RESOLVED: That the motion to erect some permanent 'Keep Killamarsh clean' signs should go on the agenda of the next Environment and Climate Change Committee.

b. Cllr W Tinley

Although the Environment and Climate Change Committee have discussed and agreed the cemetery

SLA, there doesn't seem to be any rush for NEDDC to finalise the document, so it can be signed off.

With this in mind, and with the more recent poor deliver of service from the mowing section; I propose that the Parish Council look to obtain quotations from local suppliers to carry out the grass cutting, and remove the grass cutting element and cost from the agreed SLA.

This will hopefully resolve the poor quality of work being undertaken and allow the Parish Council tighter control of how work is undertaken in future, ensuring a nice pleasant environment to visit.

Cllr Tinley asked the Chair if she should withdraw her motion due to the offer from Mark Hewitt to cut the cemetery grass. The Chair said that the motion was valid as it is part of a wider issue regarding the Cemetery SLA and that the appropriate certification would need to be requested from Mark Hewitt. The Clerk confirmed she would continue to chase NEDDC for a breakdown of costs so that an informed decision could be made. A member of the public asked if the Parish Council would be willing to pay for a local supplier to cut the grass if necessary the Chair said yes. When all relevant documentation had been received a proposal would be put to Full Council for approval.

RESOLVED: That the Clerk would contact NEDDC for an update on the SLA and full costings for cemetery maintenance and that Mark Hewitt would be asked to supply all relevant documentation, including insurance, to the Parish Office.

22/274

Parish Suite

- To receive the report from the Parish Clerk - confidential due to unapproved tender figures being quoted.
- To consider the recommendations from the Clerk and approve them where applicable.

This item was discussed in closed session.

The Clerk provided an update on the current costs and options for the refurbishment of the Parish Suite. The Clerk recommended option two to the Parish Council, which is:

- to approve the refurbishment costs in principle, subject to a successful outcome of the FCC community grant funding application.
- to commit to fund the shortfall using the funds identified in the Clerks report, again subject to a successful outcome of the FCC community grant funding application.
- should the funding application be unsuccessful then the works would need to be scaled back to fit with the funding available to the Council until further funding becomes available.

Eight Cllrs present were in favour of option two with one abstention.

RESOLVED: That the Clerks recommendations are approved.

22/275

Reports from Members

- To receive reports from Parish Councillors who have attended recent meetings or events on behalf of the Parish Council including representation on external bodies:

a. Veolia Norwood

No meeting has taken place recently.

b. Chesterfield Canal Trust

No representatives present.

c. Community Support for Killamarsh (Bread Charity)

No update.

d. NEDDC/Parish Liaison

No update.

22/276 Items for discussion for a future agenda

- Approval of the AGAR report (Annual Governance and Accountability Return).

22/277 Date of the Next Council Meeting

The date of the next meeting of Full council is Monday 22nd May.

Cllr Tinley thanked the Chair for all his hard work over the last four years, including the twelve months as Acting Proper Officer, over which has been a very challenging time with the pandemic and the handing over of the sports centre to NEDDC.

The Chair thanked everyone and said it had been an honour and a privilege to serve the residents of Killamarsh. He also noted that during his time as Chair he had abolished the Chairman's allowance.

Cllr Renwick (DCC) also expressed her thanks to the Chair for all the work he had done for Killamarsh.

The meeting closed at 8pm.



Killamarsh Parish Council

Killamarsh Parish Council

STANDING ORDERS

Version: Killamarsh Standing Orders 2023

Based on NALC

MODEL STANDING ORDERS 2018 FOR ENGLAND

(REVISED 2020) [England]

Date Adopted by Killamarsh Parish Council: Monday 15th May 2023

Review Date: To be reviewed annually and adopted at the Annual Meeting of the Parish Council

Version History:

- 28 January 2019 - Standing Orders Reviewed and Adopted
- 26 February 2020 – A review of Standing Orders considered at Full Parish Council Meeting held on minute reference (7f).
- 28 June 2021 - A review of Standing Orders considered at Full Parish Council Meeting – amendments suggested
- 26th July 2021 – Updated and Revised Standing Orders Presented and adopted by Full Council
- 30th May 2022 – Adopted with no changes made

Introduction

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Standing orders that are in bold type contain statutory requirements. Standing orders not in bold are designed to help councils operate effectively but do not contain statutory requirements. For convenience, the word "councillor" is used in the standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

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

Killamarsh Parish Council Standing Orders

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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 discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other

irregularity in the proceedings of the meeting he is concerned by.

q A point of order shall be decided by the Chair of the meeting and their decision shall be final.

r When a motion is under debate, no other motion shall be moved except:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be no longer heard or to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair 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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.

b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

c If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council and Extra-Ordinary meetings



Committee meetings



Sub-committee meetings



- a ● Meetings shall not take place in premises which are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b ● The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c ● The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting, unless the meeting is convened at shorter notice.

- d
 - Meetings shall be open to the public unless their presence is prejudicial to the public interest
 - by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l
 - In England only, The Openness of Local Government Bodies Regulations 2014 amended section 1 of the 1960 Act with effect from the 6th August 2014. Unless the meeting has resolved to exclude the public, the 1960 Act permits any person (including the press) who attends the meeting to report on the proceedings of the meeting. The new provision of the 1960 Act addresses the existence of different means of reporting which include the use of social media. 'Reporting' is defined in section 1 (9) of the 1960 Act to include: filming, photographing or making an audio recording at a meeting; using any other means for enabling people not present at a meeting to see or hear proceedings as it takes place or later; written reporting or commentary on the proceedings during or after a meeting or oral reporting or commentary after the meeting. Section 1 (4A) of the 1960 Act confirms that a person present at the meeting does not have a right to give an oral report or commentary during the meeting. This is because such oral commentary could be disruptive to the meeting. A person providing a verbal or written report of a meeting will need to make sure that such commentary does not give rise to a libel claim and that the recording of individuals is made in accordance with the Data Protection Act 1998. There is an expectation that reporting will focus on the proceedings of the meeting and those who are participating rather than those who are simply attending.
 -
- 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

- o ● of a meeting at which they are entitled to be present.
- p ● Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).
- q ● The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- r ● Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- s ● The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
● *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- t ● 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.
- u ● The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- v ● A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- w ● No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.
See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.
- x ● If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be

- closed. The business on the agenda for the meeting shall be adjourned to another meeting.
-

x A meeting shall not exceed a period of 2 hours.

4. COMMITTEES AND SUB-COMMITTEES

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

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

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

d The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer prior to the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**

b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**

c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

- d** In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e** The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.
- f** The Chair of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g** The Vice-Chair of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h** In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i** In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- j** Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business may include:
 - i.** In an election year, delivery by the Chair 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 Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;

- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within 3 days of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

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

8. VOTING ON APPOINTMENTS

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 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 Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);

- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

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

12. DRAFT MINUTES

| | |
|--|---|
| Full Council and Extra-Ordinary meetings | • |
| Committee meetings | • |
| Sub-committee meetings | • |

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

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

- e
 - **If the Council's gross annual income or expenditure (whichever is higher) does not exceed**
 - **£25,000, it shall publish draft minutes on a website which is publicly accessible and free of**
 - **charge not later than one month after the meeting has taken place.**

- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

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

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

14. CODE OF CONDUCT COMPLAINTS

- a** Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b** Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c** The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;**
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;**
- d** **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

- a** The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b** The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - serve on councillors by mail delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chair or in his absence the Vice-Chair (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16. RESPONSIBLE FINANCIAL OFFICER

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

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

- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to**

Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
- ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
- iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
- vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

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

f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 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 £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

a A matter personal to a member of staff that is being considered by a meeting of Council OR the Personnel committee is subject to standing order 11.

b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel committee.

- c The Chair of the Personnel committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of The Proper Officer. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff or other members of staff shall contact the Chair of the Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the Chair, this shall be communicated to another member of the Personnel committee, which shall be reported back and progressed by resolution of Personnel committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. REQUESTS FOR INFORMATION

- a. Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair of the council. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21 RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 22.

- 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.**

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.

- b** The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c** The Council shall have a written policy in place for responding to and managing a personal data breach.
- d** The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e** The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f** The Council shall maintain a written record of its processing activities.

23. RELATIONS WITH THE PRESS/MEDIA

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

24. EXECUTION AND SEALING OF LEGAL DEEDS

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

- a** A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b** Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

25. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

26. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a** Unless duly authorised no councillor shall:
 - i.** inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii.** issue orders, instructions or directions.

27. STANDING ORDERS GENERALLY

- a.** All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council’s standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 7 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 Chair of a meeting as to the application of standing orders at the meeting shall be final.

Signed.....Chair of Council

APPENDIX A

NOTES TAKEN FROM THE NALC (National Association of Local Councils) Model Standing Orders 2018 (Revised 2020) (England). These are for guidance for Councillors

INTRODUCTION

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

HOW TO USE MODEL STANDING ORDERS

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

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

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

DRAFTING NOTES

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

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

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



Killamarsh Parish Council

FINANCIAL REGULATIONS 2023

Version: Adopted from the NALC Model Financial Regulations 2019 [England]

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The Financial Regulations were adopted by the council at its meeting held: 15th May 2023

The Financial Regulations must be read together with the Councils Standing Orders, Scheme of Delegation and adopted Policies and Procedures.

Review Date: To be reviewed annually and adopted at the Annual Meeting of the Parish Council

Version History:

28 January 2019 – Financial Regulations reviewed and adopted

26 February 2020 - Financial Regulations reviewed and adopted

28th June 2021 – Financial Regulations revised and presented to Council – amendments adopted

30th May 2022 – Financial Regulations presented to Council with no amendments adopted

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 orders¹ and any individual financial regulations relating to contracts.

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

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

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

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

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

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

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

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

1.9. The RFO;

- 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;

¹ Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

- 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

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;

- approve any grant above £2,000 or a single commitment in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

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

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

2. Accounting and audit (internal and external)

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

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

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

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

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

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;

- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the council

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

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

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

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

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

2.11. Ensure The Local Authorities (Data Transparency) Code 2015 is followed and ensure the following information is published:

- expenditure exceeding £500
- Government Procurement Card (GPC) transactions
- procurement information (tenders and contracts)
- grants to voluntary, community and social enterprise organisations.
- waste contracts

3. Annual estimates (budget) and forward planning

3.1. The aim of the budget process is to arrive at a precept that will fulfil the corporate objectives of the council, be sufficient for the council to undertake its statutory duties, service contractual obligations and work for the benefit of the people of Killamarsh whilst remaining a financially sound organisation. The Council shall be kept informed throughout this process and ultimately approve the budget.

3.2 Each committee shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit draft detailed proposals for the following financial year to the Finance committee no later than the end of [October] each year including any proposals for revising the forecast.

3.3 The RFO must each year, by no later than [November], 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 which shall include the draft budget proposals submitted by committees. The draft budget prepared by

the RFO shall be presented to the Finance committee for consideration by the 30th November. The Finance committee may request a second version of the budget to be prepared by the RFO no later than its December meeting. The recommended budget by the Finance committee must be capable of meeting all financial commitments and disclose the level of precept.

3.4. 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.

3.5. 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 December 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.

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

4. Budgetary control and authority to spend

4.1 The Finance committee shall monitor the income and expenditure of the Council to oversee that it does not overspend its budget in total and shall receive the budget monitoring reports. It is not responsible for the close control of other committees spend. Any income or expenditure that is not the responsibility of another committee shall be the responsibility of the Finance committee.

4.2. 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:

- a) the council for all grants above £2,000 or a single commitment in excess of [£5,000];
- b) A duly delegated committee of the Council for all items of expenditure within their delegated committee budgets and subject to the authorisation parameters identified above [4.2a].
- c) the Parish Clerk, for any items below £1,000 (within budget approved parameters).
- d) The Deputy Parish Clerk for any items below £500.00.
- e) Events/Business Manager for any items below £500.00.
- f) The Handyperson for any items below £100.00.

Such authority for the expenditure above is to be evidenced by a committee minute reference or authorisation reference stipulated within these regulations or the Councils approved Scheme of Delegation which is to be inserted on all purchase orders and invoices for payment and duly signed by the Chair.

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

4.3. Committees with an allocated budget are responsible for the proper management of that budget and may only incur expenditure up to the amount included in the approved budget. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. Adhering to these regulations will assist committees in the proper management

of their allocated budget. 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').

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

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

4.6. 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 [£3,000]. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.7. 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.

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

4.9. The RFO shall regularly provide each spending committee 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.

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

5. Banking arrangements and authorisation of payments

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The council shall seek credit references in respect of members or employees who act as signatories. The Council's signatories shall comprise of the Chair and Vice-Chair of the council, the Chair and Vice-Chair of the Finance Committee and a member of the full council. In total the council will operate with five signatories. During a period of changeover, the signatories may continue to be valid until the bank has completed the changeover process, subject to them remaining as a member of the parish council.

5.2. The Councils bank accounts must not hold funds on behalf of any individual or organisation except where the Council is the nominated accountable body for a joint committee or funding body of local councils.

5.3. 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, which present expenditure previously authorised and in accordance with FR 5.6.

5.4. 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.

5.41.

a) As payments become due the RFO will, without reference to the Council, enter such payments into the online banking system in order for two Councillors to approve the transactions/payments. The payments cannot be released by the system until authorisations have been completed. The RFO will scan the invoices due for payment and email those to the Councillors who will be authorising the payments, so they have the documentation as proof, before authorising.

b) For each monthly meeting of the Council the RFO will prepare a schedule of payments (with personal payments aggregated/anonymised), forming part of the agenda for the meeting and present the schedule to Council. The Council will review the schedule and having satisfied itself that all is in order, approve the schedule, which shall be signed by the Chairman (of the meeting) and appended to the minutes.

5.5 The RFO shall submit to each spending committee for review and approval, a monthly schedule of payments made in accordance with FR 5.6. In addition, the Finance committee or full council will review for compliance, the monthly schedule of payments made for all committees. The approved schedules for each spending committee 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 payments were reviewed and approved. 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.

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

a) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments made shall be submitted to the next appropriate meeting of council; and

b) Any items of expenditure authorised under 4.2 (above) provided that a list of such payments shall be submitted to the next appropriate meeting of the council or committee with a delegated budget.

5.7. 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 4.2 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance Committee.

5.8. 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.

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

5.10. 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.

5.11. 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.

5.12. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by at least two Members.

6. Instructions for the making of payments

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

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

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

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

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

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council 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 in the Councils safe in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

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

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

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

6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the council shall

identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

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

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

6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of [£1000] unless authorised by council or finance committee in writing before any order is placed.

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

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

6.21 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses which are not practical to be paid via the normal ordering and invoicing procedure. Any committees requiring the use of a temporary petty cash float must request this facility from the RFO with at least one week's notice. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement. No reimbursements shall be made from the petty cash float without an appropriate voucher to justify the payment.

- a) The RFO shall maintain a petty cash float of £150.00 for the purpose of defraying operational and other expenses. Receipts for payments made from petty cash shall be kept substantiating the payment.
- b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to the Finance committee.
- d) An appropriate system for signing of petty cash given or change required should be administered and checked by the R.F.O. on a monthly basis and also clearly identifies the budget codes where the expenditure should be allocated.
- e) In addition to the RFO, the Clerk or appropriate officer shall reconcile the petty cash on a regular basis and shall sign the petty cash schedule to confirm verification of the reconciliation carried out.

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

8.2. 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.

8.3. The RFO will arrange for the Chairman to receive copies of the Council's bank and investment statements. The Chairman will, at each meeting of the Council (if the Chairman is present), cross reference the statements with the Bank Reconciliation Sheet (supplied for the meeting) and initial the bank statements and reconciliation sheet to acknowledge that the documents match. The annotated statements and reconciliation sheet will be appended to the minutes.

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

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

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

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

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

9. Income

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

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

9.3. The relevant committee shall review all fees and charges (within their terms of reference) at least annually, who will consider the advice of the Clerk and RFO.

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 Risk Assessments are in place to ensure care is taken in the security and safety of individuals banking such cash.

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

10. Orders for work, goods and services

All orders for work, goods or services shall conform with the requirements of the Public Contract Regulations 2015 (see Standing Orders)

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. Order forms/books shall be controlled by the RFO.

10.2. No orders shall be raised or commitment entered into unless explicit written authority is given by an officer within their delegated limits or by a resolution of a committee or council (subject to the limits in the resolution). Where resolutions are in 'draft' officers supporting committees or council (or in their absence the Committee Chair) should confirm to the RFO that a commitment to be entered into accords with the resolution of the committee or council.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the council, unless appointed Temporary Interim Proper Officer.

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.

10.6 Orders may be placed for goods and services that will be used by the Council and should be allocated a budget at the time of ordering and where relevant a minute reference or authorisation reference in the case of officer delegated expenditure shall be included in the purchase order.

11. Contracts

11.1. Procedures as to contracts are laid down as follows and subject to compliance with the Public Contracts Regulations 2015:

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

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes; 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 or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations².

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

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

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

² 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

³ Thresholds currently applicable are:

- a) For public supply and public service contracts 214,000 Euros (£189,330)
- b) For public works contracts 5,350,000 Euros (£4,733,252)

supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

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

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders 2021, Section 18d and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £1,000 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. The decision and reasons for not procuring from a supplier who is the cheapest must be recorded.

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.

k) All tenders, quotations and estimates above £1,000 shall be recorded in the council or committee minutes. Officers shall record all tenders, quotations and estimates in a database created by the RFO.

l) Contract clauses must be carefully checked to ensure that the Council is not committing to excessive risk. Clarity should be sought from the Clerk who will, if necessary, refer the item to Council. In exceptional circumstances, a legal opinion may be required.

m) Should a conflict of interest arise when evaluating tenders, quotes and estimates or when awarding a contract or otherwise submitting an order for the supply of goods and services, this must be recorded with the Clerk and in the minutes of the Council meeting that intends to appoint a contractor. The officer or member should withdraw from the procurement process unless a dispensation is given by the council.

12. Payments under contracts for building or other construction works

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

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out

under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

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

13. Stores and equipment

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

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

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

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

14. Assets, properties and estates

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

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Finance Committee, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed [£250.00]. Where the value of an Asset is in excess of £500.00, then the decision of its disposal must be recommended to Council for authorisation together with any consents required by law. All disposals must be carried out in accordance with the Councils Asset Register and Disposal Policy.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

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

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

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

15. Insurance

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

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

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

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

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

16. Charities

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

17. Risk management

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

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

18. Suspension and revision of Financial Regulations

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

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

Signed..... Chair of Council

Date: 15th May 2023



Killamarsh Parish Council

Killamarsh Parish Council
Code of Conduct
Reviewed May 2023

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for Councils to adopt in whole and/or with local amendments.

All Councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

The LGA can also offer support, training and mediation to Councils and Councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to Town and Parish Councils.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of Killamarsh Parish Council. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, Killamarsh Parish Council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.



Killamarsh Parish Council

General Principals of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including Ministers, Civil Servants, Councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty.
- I act lawfully.
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community.
- I do not improperly seek to confer an advantage, or disadvantage, on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with Killamarsh Parish Council's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor.
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings.
- at online or telephone meetings.
- in written communication.



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- in verbal communication.
- in non-verbal communication.
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and always show leadership when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and Parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat Killamarsh Parish Council employees and representatives of partner organisations and those volunteering for the Parish Council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Killamarsh Parish Council employees, where concerns should be raised in line with Killamarsh Parish Council's councillor-officer protocol.



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2. Bullying, Harassment and Discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage, and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to Killamarsh Parish Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of Officers of the Council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, Killamarsh Parish Council.

Officers work for Killamarsh Parish Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.



Killamarsh Parish Council

4. Confidentiality and Access to Information

As a Councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe or ought reasonably to be aware, is of a confidential nature, unless:
 - i. I have received the consent of a person authorised to give it.
 - ii. I am required by law to do so.
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest.
 2. made in good faith and in compliance with the reasonable requirements of Killamarsh Parish Council; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the Parish Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or Killamarsh Parish Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or the Parish Council and may lower the public's confidence in you or the Parish Council's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Parish Council into disrepute.

You can hold Killamarsh Parish Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.



Killamarsh Parish Council

6. Use of Position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of Killamarsh Parish Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Killamarsh Parish Council Resources and Facilities

As a Councillor:

7.1 I do not misuse Council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with Killamarsh Parish Council's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of Killamarsh Parish Council or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by Killamarsh Parish Council to assist you in carrying out your duties as a Councillor. Examples include:

- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Parish Council's policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by Killamarsh Parish Council.



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- 8.2 I co-operate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in Killamarsh Parish Council or its governance. If you do not understand or are concerned about the Parish Council's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your Reputation and the Reputation of Killamarsh Parish Council

9. Interests

As a Councillor:

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, Killamarsh Parish Council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and Hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or**



Killamarsh Parish Council

do business with Killamarsh Parish Council or from persons who may apply to the local authority for any permission, licence, or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

To protect your position and the reputation of Killamarsh Parish Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.



Killamarsh Parish Council

Appendices

Appendix A - The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



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Appendix B - Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or 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.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non Participation in Case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest' you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest' you do not have to disclose the nature of the interest.



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Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest' you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**:

- a. your own financial interest or well-being.
- b. a financial interest or well-being of a relative, close associate; or
- c. a body included in those you need to disclose under Other Registerable Interests as set out in **Table 2**.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest' you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.



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Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

| Subject | Description |
|--|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her 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. |
| Contracts | Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land and Property | Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income. |
| Licenses | Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer. |
| Corporate Tenancies | Any tenancy where (to the Councillor's knowledge) - (a) the landlord is the Council; and (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |



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| | |
|--------------------------|---|
| <p>Securities</p> | <p>Any beneficial interest in securities* of a body where -</p> <p>(a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either -</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |
|--------------------------|---|

- * 'director' includes a member of the committee of management of an industrial and provident society.
- * 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

| |
|---|
| <p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <p>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority.</p> <p>b) any body</p> <ul style="list-style-type: none"> i) exercising functions of a public nature; ii) any body directed to charitable purposes; or iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union). |
|---|



Killamarsh Parish Council

Appendix C - the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of these recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies.
- The introduction of sanctions.
- An appeals process through the Local Government Ombudsman.
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- Updates to the Local Government Transparency Code.
- Changes to the role and responsibilities of the Independent Person.
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best Practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best Practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

Best Practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best Practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.

Best Practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best Practice 6: Councils should publish a clear and straightforward public interest against which allegations are filtered.

Best Practice 7: Local authorities should have access to at least two Independent Persons.

Best Practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.



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Best Practice 9: Where Killamarsh Parish Council makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best Practice 10: Killamarsh Parish Council should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best Practice 11: Formal standards complaints about the conduct of a Parish Councillor towards a Clerk should be made by the Chair or by the Parish Council, rather than the Clerk in all but exceptional circumstances.

Best Practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: Killamarsh Parish Council should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior Officers should meet regularly with political group leaders or groupwhips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

| DETAILS OF POLICY | |
|-------------------------------------|---|
| Policy No | KPC63 |
| Policy Title | Protocol on Councillor, Clerk & Employee Relations |
| Committee/Working Party Responsible | Full Parish Council |
| Version | 1 |
| Adoption Date | 31/10/2022 |
| Details of Revisions | May 2023 |

The Policy

Introduction

This protocol is intended as a guide for Councillors, the Clerk and employees in their dealings with one another and as a supplement to the Councillors' Code of Conduct. To a large extent the protocol is a statement of practice and convention which is intended to provide clarity.

The reputation and integrity of the Council is significantly influenced by the effectiveness of the Councillor, the Clerk and other staff working together to support each other's roles. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

In this document Council refers to Killamarsh Parish Council and Councillor refers to Councillors of Killamarsh Parish Council. Clerk refers to the Parish Clerk and employees refers to all other staff at Killamarsh Parish Council.

1 General Principles

- 1.1. A good working relationship is best defined as a partnership of Councillors, Clerk and employees working together to achieve the overall aims of the Council.
- 1.2. Councillors, Clerk and Employees should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.
- 1.3. Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable.
- 1.4. In general, Councillors make proposals and the Clerk and employees implement the Council's resolutions. In most cases Councillors should avoid becoming involved in the operational and administrative aspects of service delivery and avoid coming into the office unless they are coming on Council business or have a meeting with the Clerk.
- 1.5. Councillors, Clerk and employees share a responsibility to work together to achieve and implement decisions in the interests of the Council and the area it serves.
- 1.6. All dealings between Councillors, Clerk and employees should be conducted courteously and no-one should seek to take advantage of their position.
- 1.7. To ensure high standards of conduct Councillors are required to abide by the Council's Code of Conduct and officers and employees are required to abide by the Staff Handbook.
- 1.8. If the Clerk or employee is concerned about the behaviour of a Councillor, or if a Councillor is concerned about the behaviour of an employee the nature of the concern should be brought to the attention of the Clerk.
- 1.9. If an employee or a Councillor is concerned about the behaviour of the Clerk, the matter should be brought to the attention of the Chairman of the Council.



2. Councillors

2.1. Councillors have four main areas of responsibility:

- To determine Council policy and provide community leadership.
- To monitor and review Council performance in delivering services.
- To represent the Council externally.
- To act as advocates for their constituents.
- To abide by the Council's Code of Conduct.
- To attend meetings to which they are summoned.

2.2. Councillors make decisions in Council, Committee & Sub-Committee meetings (when the topics discussed will be in accordance with the Committee's Terms of Reference).

2.3. A Councillor acting as an individual cannot give instructions to the Clerk or to an employee.

2.4. Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility and the Clerk will be acting on instructions from the Council or its Committees & Sub-Committees, within an agreed job description. Progress on actions will be reported to the Council or to the relevant committee.

2.5. Any document provided for a Councillor and marked as "Confidential" or "Not For Publication" shall be exclusively for the use of that Councillor and shall not be disclosed to any other person if not kept confidential by members this will result in a breach of the Council's Code of Conduct and may result in being reported to the Monitoring Officer at NEDCC.

2.6. Councillors must not seek to influence the appointment of Council staff other than where they are properly appointed to a selection panel.

3. Parish Clerk and Employees

3.1. The role of officers is to give advice and information to Councillors and to implement the policies determined by the Council. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Clerk and employees to express their own professional views and recommendations. The Clerk may report the views of individual Councillors on an issue, but any recommendation should be the Clerk's own. If a Councillor wishes to express a contrary view they should not pressurise the Clerk to make a recommendation contrary to the Clerk's professional view, nor victimise the Clerk for discharging their responsibility.

3.2. The Clerk and employees are required to discharge their responsibilities in a professional manner and without political bias or favour.

3.3. Employees are expected to declare any prejudicial interests relating to their work to the Clerk.

3.4. The Clerk and employees must not normally lobby Councillors e.g. about personal employment matters or budgetary matters; such issues should be taken through agreed procedures.

3.5. Council equipment or supplies e.g. stationery provided to the Clerk and employees must only be used to assist them in their role as Clerk or employees of the Council.

3.6. The Clerk has responsibilities in law over and above their obligations to the Council and individual Councillors, which must be discharged. These duties are set out in various documents, such as but not restricted to, Contract of Employment, Standing Orders and Financial Regulations.

3.7. The Clerk, on receipt of a Councillors email asking a question/request for information, will forward the reply to all members to ensure that everyone is in receipt of the information at the same time and for transparency.



4. Expectations

What Councillors can expect from the Clerk and Employees:

- A commitment from the Clerk and employees to the Council as a whole, and not to any individual Councillor, group of Councillors, political group or pressure group.
- An effective and co-operative working partnership with the Clerk and Employees.
- The Clerk and employees to understand and support respective roles, workloads and pressures.
- Respect, courtesy, integrity and appropriate confidentiality from the Clerk and employees.
- Training and development opportunities to help them carry out their role effectively (records of any such training will be kept by the Clerk).
- Not to have personal issues raised with them by Councillors outside the Council's agreed procedures.
- That the Clerk and employees will not use their contact with Councillors to advance their personal interests or to influence decisions improperly.
- Using their knowledge, skills and expertise to deliver the best services possible.
- Listening to views and trying their best to understand and solve problems.
- Taking responsibility for problems and getting back to people when they say they will.
- Being honest about what they can and can't do.
- Being courteous, respectful and helpful.
- Recognition of Councillors' areas of expertise.
- Respond to emails within 7 working days (with the exception of annual leave and sickness days).

What Councillors should not expect from the Clerk and employees:

- Giving excuses not reasons.
- Not responding in a polite and timely way to queries and complaints (within 7 days).
- Making assumptions and not checking them out.
- Being secretive and withholding information unless the information is confidential e.g. Staffing matter.
- Being patronising or condescending.
- Discrimination of any sort.

What the Clerk and employees can expect from Councillors:

- An effective and co-operative working partnership.
- An understanding of, and support for, respective roles, workloads and pressures.
- Leadership and direction.
- Respect, courtesy, integrity, supportive and appropriate confidentiality.
- Not to be bullied or put under undue pressure.
- That Councillors will not use their position or relationship with the Clerk and employees to advance their personal interests or those of others or to influence decisions improperly.
- That Councillors will at all times comply with the Council's adopted Code of Conduct.
- Being challenged in a constructive way at the right time and place.

What the Clerk and employees should not expect from Councillors:

- Inappropriate level of challenge in public meetings without prior discussion.
- Bullying.
- Blaming.
- Criticising in public.
- Discrimination of any sort.



Killamarsh Parish Council

Scheme of Delegation incorporating Committee Terms of Reference

This scheme of delegation forms part of the Councils Standing Orders and Financial Regulations.

This scheme of delegation sets out how the Council delegates some of its powers and duties to the Parish Clerk and other Officers within the Council.

This scheme of delegation authorises the Standing Committees and Sub-committees of the Council to act within the delegated authority in the specific circumstances detailed.

This scheme of delegation will be reviewed by Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

Prepared by: Gail Blank – Clerk and RFO

Date adopted by Full Council: 15th May 2022

Document Status: Draft

Last amendment and approval: 28th March 2022

Date of annual review: May 2023 (To be reviewed annually and re-adopted at the Annual Council Meeting)

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1. DISCHARGE OF THE SCHEME

- 1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and Standing Orders and will be reviewed at least annually or earlier, for example when there are staffing changes.
- 1.2 One of the purposes of the document is to clearly define the parameters within which Officers of the Council can act without reference to either their line managers or Members.
- 1.3 Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.
- 1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.
- 1.5 The other purpose of the document is to capture the various delegated powers throughout the Council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

2. THE POWER TO DELEGATE

- 2.1 The power to delegate functions by local councils is set out in the Local Government Act 1972 S.101. Local Government Act 1972 S. 101 Arrangements for discharge of function by local authorities
 - (1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions: (a) by a committee, a sub-Committee or an officer of the authority, or (b) by any other local authority.
 - (2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee of the authority, then unless the local authority or the committee otherwise direct, the subcommittee may arrange for the discharge of any of those functions by an officer of the authority.
 - (3) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2) above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities.
 - (4) A local authority's functions with respect to issuing a precept for a rate or borrowing money shall be discharged only by the authority.

3 OFFICERS CONFLICTS OF INTEREST

- 3.1 Under the Local Government Act 1972, section 117; Officers must make a formal declaration about council contracts where the employee has a financial interest. Every officer is responsible for identifying whether he/she has any conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Parish Clerk.
- 3.2 Where an employee is unsure whether an interest should be declared, they should speak to the Parish Clerk in the first instance. If the employee is advised not to declare their interest, a record of the discussion should be kept by both parties. Failure to disclose such an interest, may result in disciplinary action being taken which could lead to dismissal.
- 3.3 Employees are also required to disclose any other employment that they wish to undertake in addition to their primary post with the Council.
- 3.4 All employees must identify and disclose any actual or potential personal, financial, business, or other interest or close personal relationship which might reasonably be perceived as a conflict of interest.
- 3.5 Where an Officer has a conflict of interest in any matter, he/she shall not participate in that matter in his/her capacity as an Officer except with the prior approval of the Parish Clerk. Any approval granted by the Parish Clerk shall be formally recorded in the Council minutes. Where such approval has been granted for the Officer to participate in a Council meeting of that subject matter, he/she must ensure that the disclosure of interest is also declared at the start of the Council meeting under the disclosures of interests for members and officers.

4 COUNCIL RESERVED POWERS & SAFEGUARDS

- 4.1 Each Committee has delegated authority to decide matters within their terms of reference as incorporated in this delegation scheme except for the following matters, which are to be resolved only by Full Council:
- a) To appoint the Chair and Deputy Chair of the Parish Council
 - b) To adopt and change the Standing Orders, Financial Regulations, Scheme of Delegation, and other Council policies.
 - c) Approval of budget and setting the precept
 - d) Approval of the Annual Return and Audit of Accounts
 - e) Considering the external auditors report made in the public interest.
 - f) To determine the Council's corporate priorities.
 - g) To agree and/or amend the terms of reference for Committees, deciding on their composition and making appointments to them.
 - h) Filling of any vacancies occurring on any committee of the Council during the council year
 - i) To adopt the schedule of meetings for the ensuing year.
 - j) Declaring the eligibility of the General Power of Competence (to be confirmed by a resolution subject to satisfactory criteria met)
 - k) Adopting and revising the council's code of conduct.
 - l) Approve any grant above £2,000, or single commitment in excess of £5,000.

- m) Addressing any recommendations in any report from the internal or external auditors
 - n) Appointment or nominating Council representatives to outside bodies
 - o) Agreement to take on new, including devolved services, subject in all cases to a fully costed business plan, to be recommended by the relevant committee.
 - p) To consider the recommendations of any Remuneration Panel (where one is in existence) and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties.
 - q) To determine matters involving expenditure for which budget provision is not made or is exceeded.
 - r) To determine matters affecting or likely to affect, another committee or where consultation with or approval of that other committee is required.
 - s) To determine any matters referred to it by a committee in accordance with Standing Orders.
 - t) Approval of borrowing
 - u) To determine matters which do not fall within the remit of any committee.
 - v) To receive statutory reports (e.g., AGAR) from the Parish Clerk/Responsible Financial Officer
 - w) To consider all other matters which must, by law be considered by Full Council
- 4.2 The Council may, at any time without prejudice to executive action taken already, revoke any executive power delegated to a committee or Officer.
- 4.3 In accordance with the Standing Orders, the Council may, under specified conditions, reverse a committee (or Council) decision within 6 months either by a special motion, bearing the names of at least 6 Councillors of the Council, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- 4.4 Members will be advised by the Parish Clerk whether or not a particular item under discussion is within the Committee's (or Sub-Committee's) delegated powers. The minutes will then record the decision as "RESOLVED." If it is not, then the minutes will show the decision as "RECOMMENDATION." The Parish Clerk will then add the recommendation on to the next full council agenda meeting where the item can be discussed in full by the Parish Council and voted by members.
- 4.5 In any case where a committee (or Sub) Chair and Vice Chair are either unsure whether any matter falls within delegated powers, or whether or not any matter should be determined by them, they should refer that matter to the next highest level of decision. A power delegated does not always have to be exercised.

5 DELEGATION TO COMMITTEES

- 5.1 The following matters are delegated to the Council's committees to make decisions on behalf of the Council. The delegated decision making by committees must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget. Where they are delegated to the committee, so far as is legally permissible, they be deemed the acts and proceedings of the Council.
- 5.2 The Council may at any time, following resolution, revoke any delegated authority, without prejudice to executive action already taken.
- 5.3 Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a committee has no delegated power to decide it makes a recommendation to Council.
- 5.4 The members of a committee may include non-councillors unless it is a committee which regulates and controls the finance of the Council. The appointment of non-councillors will be on a strictly non-voting basis.
- 5.5 The Council and each committee is authorised to establish sub-committees and working groups, and to appoint advisers as and when necessary to assist in its work.
- a) A committee can arrange for the discharge of any of their delegated powers to a sub-committee. The delegated powers will be decided by the committee at the time it is formed detailing the delegated powers. The collective decision-making responsibilities in the committee and sub-committee are limited by the terms of reference of the committee.
 - b) The appointment of members to a sub-committee shall comprise of members appointed to the parent committee. The chair of a committee or subcommittee may be elected by the committee from amongst its members.
 - c) The work of a working group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each working group will report back with recommendations to the Council or the committee that formed it. Working parties or groups have no delegated powers.
- 5.6 The Standing committees shall be:
- a) Environment and Climate Change committee
 - b) Events & Communications committee
 - c) Finance committee
 - d) Health, Safety and Wellbeing committee
- 5.7 The detailed arrangements for the committee structure, and appointment of committees are set out in the Standing Orders, Appendix A.

Definition of "Oversee" regarding the Scheme of Delegation for each committee.

To monitor and supervise the responsibilities of officers for a given area and provide instruction or direction or recommendations to officers when appropriate. This will include committees receiving appropriate reports and information from officers to make informed decisions.

(A) ENVIRONMENT AND CLIMATE CHANGE

Membership: Minimum of Six Parish Councillors

Quorum: Three Parish Councillors with voting rights

Non-Councillors: Permitted

Meetings: Monthly

Terms of Reference:

- 1) Full Council to elect committee members and a Chair with the Vice Chair being elected from within its own membership. Where Chair and Vice Chair are not present at the committee then a temporary Chair for one meeting, will be voted in by the committee members present.
- 2) To consider where appropriate alternative external funding on council projects on request by a committee or Council.
- 3) To oversee the management of the Allotments sites owned by the Council and managed by the councils Deputy Clerk and to consider an annual repairs, maintenance, and improvements program for ring fenced allotment monies to be used on allotments sites only.
- 4) To oversee the development and implementation of the neighborhood plan and make recommendations to full Council as and when required.
- 5) To work with other authorities responsible for housing, parking, economic development including employment which affect the parish.
- 6) To liaise with organisations involved with regeneration and initiate negotiations on such issues as devolution, local area agreements and any relevant legislation.
- 7) To liaise with providers on any issues relating to the community/village public transport services.
- 8) To oversee the maintenance of the bus shelters owned by the parish council.
- 9) To work with other authorities responsible for traffic calming and signage, car parking, and other highway matters.
- 10) To liaise with local police on anti-crime initiatives and partnerships, recommending ways in which the Council can assist in crime prevention.
- 11) To consider any maintenance and repair works on footpaths and public rights of way. This should not include pavements on the highway.
- 12) To consider for approval external funding bids for environmental projects.
- 13) To oversee the provision and maintenance of dog waste and litter bins, refuse and litter picking issues under the control and responsibility of the parish council.
- 14) To oversee matters relating to street cleansing, cleansing of public areas and security under the responsibility of the Parish Council.
- 15) To oversee matters relating to the environment, grounds maintenance of open spaces, street scene (including street furniture) and to oversee and manage any service level agreements with North East Derbyshire District Council including CCTV in the village.
- 16) To oversee the safety inspections of the play areas and to consider any remedial actions arising from the safety and annual inspection reports.
- 17) To consider the future development of all open spaces in the village (with or without play areas).
- 18) To oversee matters relating to the war memorial's upkeep and maintenance and to support

the Church with the Remembrance Day services.

- 19) To oversee matters relating to the Cemetery provision.
- 20) To oversee matters relating to the management of the grit bins in the village including replenishment and requests for new grit bins in accordance with the Councils grit bin policy.
- 21) To discuss the work of the Handyperson within the scope of Environmental matters and to oversee the van vehicle/maintenance.
- 22) To oversee matters relating to the maintenance and upkeep of the parish clock.
- 23) To encourage and wherever possible deliver local interventions that will help assist North East Derbyshire District Council and Derbyshire County Council in achieving its stated Carbon Dioxide emission neutral date and to actively participate in partnership initiatives seeking to reinforce this objective.

Sub-Committees

- 1) To appoint sub-committees as and when required:
 - a. The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.
 - b. The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision-making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
 - c. The Chair of the sub-committee shall be appointed by the parent committee at the time the sub-committee is appointed.
 - d. The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation & Responsibility:

- 1) To be responsible for any allocation of budgets delegated by Full Council (in accordance with the approved council budget).
- 2) To agree and approve expenditure for projects and match funding bids for Environmental Projects within delegated financial budgets.
- 3) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
- 4) To review and approve the committee payments list for compliance in accordance with the Financial Regulations and Scheme of Delegation.
- 5) To receive the committee financial statements for monitoring purposes and to ensure that officers do not exceed its overall delegated budget.
- 6) To assemble and submit to the Finance committee, estimates of income and expenditure for the proceeding 3 years in respect of services of this committee no later than 30th October each year.

(B) Events & Communications Committee

Membership: Minimum of Six Parish Councillors

Quorum: Three Parish Councillors with voting rights

Non-Councillors: Permitted

Meetings: Bi-Monthly

- 1) Full Council to elect Committee members and a Chair with the Vice Chair being elected from within its own membership. Where Chair and Vice Chair are not present at the Committee then a temporary Chair for one meeting, will be voted in by the Committee members present.
- 2) To consider where appropriate alternative external funding on council projects on request by a committee or Council.
- 3) To oversee the management for the parish suite, bar, and catering facilities, and where required to consider external contractors to facilitate the service. Management areas include:
 - a) Hall Hire and room booking system and procedures and annual review of charges.
 - b) Catering services and food hygiene including food environment inspections.
 - c) Licensing and purchasing of alcohol and sales.
 - d) Maintenance, repairs, and renewals (parish suite, signage, kitchen, committee room, foyer, toilets)
 - e) Cleaning of the parish suite (hall, rooms, kitchen, toilets, outside lighting, and patio area)
 - f) Financial management and procedures including payment methods, audit and banking having regards to GDPR and customer details.
 - g) Vending Machine and Bar and Catering stock ordering and stock takes.
 - h) Wi-Fi in public areas
 - i) Events managed and Co-Ordinated by the parish council.
 - j) Any other management matters falling within the scope of the Parish Suite.
- 4) To oversee and direct the promotional and marketing aspects on behalf of the council, including:
 - a) Notice boards and external displays
 - b) Press Release in accordance with any press policies
 - c) Promotion of council services and activities
 - d) Social Media posts in accordance with any social media policies
 - e) Parish Council website
 - f) Publication and distribution of the annual newsletter in conjunction with the Parish Clerk. Members of other committees are required to provide an input on their committee and ward work subject to be consideration/approval by this committee.
- 5) To oversee the co-ordination of community events including the Christmas lights Switch On and to promote events, entertainments, the arts, recreational matters tourism by or on behalf of the Parish Council and in liaison or partnership with external bodies and in consultation with the delegated Events Officer who will be the lead person/organiser of each event on behalf of the Parish Council.
- 6) To oversee the Christmas and festival lights/decorations and to ensure officers have maintained and inspected in accordance with Health and Safety requirements.

Sub-Committees

- 1) To appoint sub-committees as and when required:
 - a. The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.
 - b. The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision-making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
 - c. The Chair of the sub-committee shall be appointed by the parent committee at the time the sub-committee is appointed.
 - d. The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation & Responsibility:

- 1) To be responsible for any allocation of budgets delegated by Full Council in accordance with the approved council budget.
- 2) To agree and approve expenditure for projects and match funding bids within agreed financial budgets falling within the scope of the committee's delegated authority.
- 3) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
- 4) To review and approve the committee payments list for compliance in accordance with the Financial Regulations and Scheme of Delegation.
- 5) To receive the committee financial statements for monitoring purposes and to ensure that officers do not exceed its overall budget.
- 6) To assemble and submit to the Finance Committee, estimates of income and expenditure for the proceeding 3 years in respect of services of this Committee no later than 30th October each year.

(C) Finance Committee

Membership: Minimum of Six Parish Councillors

Quorum: Three Parish Councillors with voting rights

Non-Councillors: Non-councillors cannot be appointed on this committee as it regulates and controls the finances of the Council.

Meetings: Bi-Monthly

- 1) Full Council to elect Committee members and a Chair with the Vice Chair being elected from within its own membership. Where Chair and Vice Chair are not present at the Committee then a temporary Chair for one meeting, will be voted in by the Committee members present.
- 2) To consider where appropriate alternative external funding on council projects on request by a committee or Council.
- 3) To annually review any recommendations from the Clerk in relation to subscriptions, service provision/level agreements with suppliers and providers with a view to their continued necessity, suitability and value for money and where required, consult with the relevant committee.
- 4) To approve the use of a variable direct debit which shall be renewed by resolution of the council at least every two years.
- 5) To review the effectiveness of the internal audit in accordance with the Internal Audit Policy.
- 6) To appoint the internal auditor for the Parish Council on an annual basis.
- 7) The Clerk will undertake the work of the Responsible Financial Officer and the committee will provide direction, governance, and an audit & scrutiny function.
- 8) To oversee that there is adequate insurance cover in place for council assets and appropriate fidelity guarantee for members and officers which shall cover the maximum risk exposure which it to be recommended annually by the Clerk, for the committee to consider.
- 9) To annually review the council corporate risk assessment in accordance with the risk assessment policy and recommend to Council for adoption.
- 10) To review the effectiveness of internal control to part comply with section two of the annual governance statement, to be carried out twice a year (once every six months) and to oversee that adequate and effective system of internal controls is in place to secure the integrity of finance and any other information, including the introductions of effective systems of risk management.
- 11) To recommend to Council the approval of the Annual Return (sections one and two) inclusive of the financial statements and supporting documentation.
- 12) To be responsible for approval of tangible moveable property exceeding the value of £100.00 shall be sold, leased, or otherwise disposed of, without approval of the Finance committee. Where the value of an asset is more than £2,000 then the decision of its disposal must be recommended to full Council for authorization together with any consents required by law.
- 13) To be responsible for the engagement of specialist consultants and advisors subject to a supported business case to support the proposal provided by the relevant committee.
- 14) To consider all policy and governance documents affecting the Parish Council as advised by Clerk/RFO and to keep committees up to date on implications.
- 15) To be responsible for reviewing the Council's Standing Orders, Financial Regulations and other council policies and procedures (as and when it appears necessary) and recommend

any changes to Full Council.

- 16) To be responsible for approving all grant applications in accordance with their terms and conditions. Any grant exceeding £2000.00 must be recommended for approval by full council.

Sub-Committees

- 1) To appoint sub-committees as and when required:
 - a. The sub-committee must comprise of three members of the parent committee and cannot exceed the responsibilities on it by the parent committee and the quorum shall be three.
 - b. The terms of reference delegated to a sub-committee shall be agreed by the parent committee at the time the sub-committee is appointed and the collective decision-making responsibilities in the committee or sub-committee must not exceed the terms of reference of the parent committee.
 - c. The Chair of the sub-committee shall be appointed by the parent committee at the time the sub-committee is appointed.
 - d. The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Budget Process:

- 1) To review the committee bids submitted by each committee for inclusion in the draft budget (each spending committee must have regards to its three-year forecast of revenue and capital receipts).
- 2) To consider the draft budget prepared by the RFO detailing all estimates of receipts and payments including the use of reserves for the following financial year. The draft budget will include the committee bids submitted by each committee.
- 3) The committee may request a second version of the budget to be prepared by the RFO, but the committee must reach an agreement on the draft budget to be recommended to full Council.
- 4) To ensure that the budget process outlined in the committee terms are carried out in accordance with the councils Financial Regulations.

Financial Delegation & Responsibility:

- 1) To be responsible for any budgets delegated by Full Council in accordance with the approved council budget.
- 2) To review and approve the committee payments list for compliance in accordance with the Financial Regulations and Scheme of Delegation.
- 3) To consider sponsorship and contributions to jointly funded projects that may be made that fall outside of the grant criteria but within the committee's terms of reference.
- 4) To receive and recommend approval of the monthly schedule of payments incorporating all council expenditure to full council having satisfied that all payments represent previously authorized expenditure in accordance with the committee delegated budget, Financial Regulations, and the Scheme of Delegation.
- 5) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
- 6) To receive and review, estimates of income and expenditure for the proceeding 3 years in respect of services of this Committee no later than 31st October each year.
- 7) To be responsible for the review of expenditure not delegated to any other standing committee.

(D) Health, Safety and Wellbeing Committee

Membership: Minimum of Six Parish Councillors

Quorum: Three Parish Councillors with voting rights

Non-Councillors: Permitted

Meetings: Quarterly (or as required)

- 1) Full Council to elect Committee members and a Chair with the Vice Chair being elected from within its own membership. Where Chair and Vice Chair are not present at the Committee then a temporary Chair for one meeting, will be voted in by the Committee members present.
- 2) To consider where appropriate alternative external funding on council projects on request by a committee or Council.
- 3) To oversee the health, safety and building compliance management for all council buildings under the parish councils responsibility including:
 - a) Risk Assessments and Fire Risk Assessment
 - b) Pest Protection
 - c) Music License
 - d) PAT Testing
 - e) Kitchen Extraction Fan Cleaning
 - f) Roller Shutters maintenance
 - g) Fire Procedures:
 - Fire Alarm Test (Weekly)
 - Fire Alarm Service Record (Quarterly, where required, six monthly and annual)
 - Emergency Lighting, Inspection, test, and maintenance (monthly and annual)
 - Fire and Emergency Evacuation Record, fire alarm drill (Twice yearly)
 - Fire Extinguisher Training Record (Routine)
 - Fire Procedures Review (annual – more often in higher risk premises)
 - Action Log (record any issues found during checks, tests, drills, assessments etc. carried out) and recording them in a log (continuous requirement)
 - h) Reception/Visitor Signing in procedures.
 - i) Internal Signage
 - j) Disabled Access
- 4) To oversee the service charges as set out in lease schedule to North East Derbyshire County Council (part B services) which include:
 - a) 40% of the 11.58% service charge percentage to be billed quarterly, covering:
 - Supply of gas and electricity; Water rates; Gas testing; Insurance; Asbestos surveys; Provision of sanitary bins; Alarms; NNDR unless the Premises are rated separately to the remainder of the Landlord's Building; Legionella testing. Electrical testing; Fixed wire only; Cleaning repair maintenance and landscaping where relevant of the Common Parts; Maintenance, repairs, and improvements (where beyond reasonable repair) to the drainage, pipes heating

and systems, electrical and mechanical, apparatus and vents

b) 100% of the 11.58% service charge percentage to be billed quarterly, covering:

- Maintenance, repairs and improvements (where beyond reasonable repair) to that part of the structure and exterior of the Landlord's Building which immediately touches the Premises including but not exclusively, the frames, walls (including cladding), floors, roofs, barge boards, windows and doors SAVE THAT where work also includes maintenance repair and improvements to parts of the Landlord's Building not immediately touching the Premises the Service Charge will be calculated based on the proportionate area of the Landlord's Building affected.
- 5) To oversee all health and safety matters not otherwise delegated to other council committees.
 - 6) To review recommendations of health and safety for all council employees and contractors.
 - 7) To oversee the procurement of employment health and safety support services.
 - 8) The Clerk will answer to the full Parish Council but the Chair of the committee or the Chair of the Council will act as the day-to-day contact support for the Parish Clerk (Line Manager), to approve annual leave or sick leave in accordance with the Council policies and overtime in exceptional circumstances (within budget approved parameters). In the absence of the nominated member, the committee Chair (or another member of the Personnel committee) will act as the day-to-day contact support (Line Manager).
 - 9) To review staffing structures and levels and make recommendations to the Council.
 - 10) To authorise overtime for staff in exceptional circumstances subject to budget parameters.
 - 11) To receive reports from the Parish Clerk for the management of other Council employees.
 - 12) To confirm the appointment of appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent considering the employees job descriptions.
 - 13) To oversee the Clerks responsibilities for contracts of employment, job descriptions and person specifications for employed staff and to oversee the execution of new employment contracts and changes to contracts.
 - 14) To consider and approve pay awards, increments and payroll management including payroll service level provision.
 - 15) To review staff pension arrangements.
 - 16) To consider and approve appropriate training and continual professional development programs are in place for the staff of the Council, and that these are underpinned by a robust performance appraisal scheme which is created, designed by the Clerk, and monitored by this committee.
 - 17) To review staff salaries and terms of employment and make recommendations to Council if required. The committee will take into consideration recommendations to Society of Local Council Clerks (SLCC) or the National Association of Local Council Clerks (NALC).
 - 18) To be responsible for the recruitment and appointment of all staff posts including the post of Parish Clerk and Responsible Financial Officer.
 - 19) Should the Clerk's position become vacant, the deputy Clerk would assume temporary responsibility for HR matters, including recruitment process and will report any material matters to this Committee. In the absence of both the Clerk and Deputy Clerk roles, this Committee along with the Appointed Temporary Responsible Person will assume HR responsibilities or seek delegated responsibility where possible.
 - 20) To appoint from its membership a recruitment panel when necessary. Recruitment panels will

normally include three members and Chair of Council in the case of appointment to the Parish Clerk or RFO posts; and two members of the Committee plus the Clerk for all other posts. The recruitment panel must report its findings to this committee prior to the offer of employment being made to the candidate.

- 21) To oversee any process leading to the dismissal of staff (including redundancy).
- 22) To monitor and address regular or sustained staff absence.
- 23) To consider a grievance or disciplinary matter (and any appeal).
- 24) To consider any staffing matters referred to the Committee or by the Council.
- 25) To review all Council policies that relate to staff employment on an annual basis.
- 26) The Clerk to ensure the Council complies with all legislative requirements relating to the employment of staff and provides monitoring reports to this Committee.
- 27) To review the Employee Handbook and make amendments as and when required.

Sub-Committees (Grievance, Disciplinary and Appeal Panels):

- 1) To appoint a grievance or disciplinary sub-committee comprising of no less than three members to consider grievance or disciplinary matters (not including any appeals) in accordance with the council's grievance or disciplinary policies/procedures. The members appointed must not previously been involved in the case.
- 2) The Chair of the sub-committee shall be appointed by the parent committee at the time the sub-committee is appointed.
- 3) To be responsible for any appeals which must be heard by a panel of three members of this committee who have not previously been involved in the case. There may be insufficient members of this committee who have not previously been involved. If so, the appeal panel will appoint a member of the Council by consent.
- 4) The Standing Orders shall regulate the proceedings of the committee and sub-committees.

Financial Delegation & Responsibility:

- 1) To be responsible for any budgets delegated by Full Council (in accordance with the approved council budget).
- 2) To review and approve the committee payments list for compliance in accordance with the Financial Regulations and Scheme of Delegation.
- 3) To receive the committee financial statements for monitoring purposes and to ensure that the committee does not exceed its overall budget.
- 4) To assemble and submit to the Finance Committee, estimates of income and expenditure for the proceeding 3 year in respect of services of this Committee no later than 31st October each year.

6 DELEGATION TO OFFICERS

The delegations to officers in this scheme should not be construed as a job description for individual members of staff. This is a Scheme that sets out specific delegations to officers to act within defined parameters on behalf of the council. Delegated actions for officers shall be in accordance with Standing Orders, Financial Regulations, and this Scheme of Delegation and with directions given by the Council from time to time.

a. Parish Clerk (Proper Officer)

- 1) The Parish Clerk is designated and authorised to act as the Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a proper officer.
- 2) As Proper Officer, to sign all documents on behalf of the Council including the Summons to Elected Members to attend Council Meetings in accordance with paragraph 4 and Schedule 12 of the Local Government Act, 1972
- 3) The Clerk may authorise another officer or officers of the Council to exercise the powers of the Clerk in his/her absence, without removing the overall responsibility of the Clerk for any such decisions.
- 4) In the extended absence of the Proper Officer the Deputy Parish Clerk may assume this role and responsibility under agreement and in consultation with the Chair of Health, Safety and Wellbeing Committee and will have the delegated powers to act as the Parish Clerk, in the absence of the Parish Clerk. The powers exercised by the Deputy Parish Clerk in such circumstances shall be recorded in a delegation register.
- 5) The Proper Officer shall be responsible for signing all the Council's Official Notices and for sealing Council documents as set out in the Standing Orders.
- 6) The Clerk is responsible for processing declarations of acceptance of office.
- 7) The Clerk is responsible for retaining a copy of every Councillors Register of Interests.
- 8) The Clerk is responsible for dealing with dispensation requests from Members of the Council.
- 9) The Clerk has delegated authority to take appropriate steps to ensure the Council does not exceed its powers.
- 10) The Clerk has delegated authority to delegate any delegated responsibilities to any member of staff as appropriate.
- 11) The Clerk has responsibility for ensuring the Council follows the Public Contracts Regulations 2015, as laid down in the Council Finance Regulations Section 11.

Day to Day Administration

- 12) The Clerk is responsible for day-to-day administration of services, together with routine inspection and control.
- 13) The Clerk is responsible for placing orders and incurring expenditure on revenue items in accordance with the approved scheme of delegation and Finance Regulations, on behalf of the Council up to the amounts included in the approved budget and where required, in consultation with the relevant Chair of the committee.
- 14) The Clerk is responsible for the management for all staff employed by the Council and is

given delegated authority to manage the council staff in accordance with the Council's policies, procedures, and budget.

- 15) The Clerk has authority to release press statements on any activities of the Council in accordance with the Council's Communication policy in agreement with the relevant committee Chair or the Council Chair or in his/her absence the Deputy Council Chair.
- 16) To be responsible for editorial control of the Parish Council websites and social media accounts.
- 17) The Clerk shall have authority to issue written authorisation to individual officers to act as the Council's authorised officers in the performance of their statutory or other duties.
- 18) The Clerk/RFO is afforded delegated powers, as defined in the Financial Regulations, to be able to practically deal with the need to place orders and make payments from the Bank Account(s) as required and to transfer between Bank Accounts and Investment accounts to optimise cash flow and interest income generation.

Council Assets & Emergency Expenditure

- 19) 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 there is any budgetary provision for the expenditure, in accordance with the approved scheme of delegation and shall report to the Chair as soon as possible and to the Council as soon as practicable thereafter.
- 20) In the case of an emergency, the Clerk shall have the authority to take reasonable steps to secure the Council's assets or position, following consultation with the Chair (if practicable in the circumstances).
- 21) The Clerk will have authority to act immediately on all Health and Safety or emergency issues without waiting for endorsement by the council or committee.
- 22) Delegations to The Proper Officer in relation to the letting of contracts are set out in the Standing Orders.
- 23) Delegations to The Proper Officer in respect of land and premises are set out in the Standing Orders.
- 24) The Clerk will have the authority to dispose of the Council's assets (excluding land and building assets) subject to the estimated value of any one tangible; moveable item does not exceed £250.00 in accordance with the Council's Asset Policy.

Training for Officers & Members

- 25) The Clerk is required to identify training needs for all staff and seek approval from the Chair of Health, Safety and Wellbeing Committee to agree these.
- 26) The Clerk is authorised to book training courses for themselves and council staff within the budget approved parameters or as directed by the Health, Safety and Wellbeing Committee.
- 27) The Clerk is authorised to book training courses for members of the Council in accordance with the members training policy.

(b) Responsible Financial Officer

- 1) The Clerk will be the Responsible Financial Officer and will be responsible for all financial

records of the Council and the careful administration of its finances and accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time and with the policies and procedures set by the Council and within the law.

- 2) The Responsible Financial Officer shall ensure the approved precept is issued to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3) The Responsible Financial Officer will have the authority to release any financial related report or document to the Council or it's committees in discharge of the Responsible Financial Officer responsibilities.
- 4) The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- 5) The RFO will be responsible for maintaining a petty cash float of £200 and ensuring it is managed in line with Financial Regulations 6.21.

(c) Deputy Parish Clerk

- 1) The Deputy Parish Clerk has the delegated responsibility to issue the meeting summons agenda for any Council or committee meetings under the direction of the Parish Clerk or in the absence of the Parish Clerk.
- 2) The Deputy Parish Clerk is given delegated responsibility to manage and support all administration in relation to the Council services and activities and to support the Clerk to the Council in the execution of all Council business to meet the Parish Council's statutory requirements. This will include attending meetings, minute taking, events management support, maintaining records, supporting the Parish Clerk with day-to-day management of the Council, and ensuring that all legal requirements are complied with.
- 3) The Deputy Parish Clerk shall have the delegated powers of the Proper Officer in the Absence of the Proper Officer. The powers exercised by the Deputy Parish Clerk in such circumstances shall be recorded in the delegations register.
- 4) Responsible for the administration and management of allotments:
 - a) collection of fees and charge
 - b) Letting of vacant plots
 - c) Ensuring that the rules and regulations are adhered to (Rules and regulations in the use of the Council's allotments by plot holders are set out in the Tenancy Agreements signed by all tenants)
 - d) Resolution of disputes
 - e) Promotion of allotments
 - f) Reporting to the Environment committee on allotments management including the submission of a formal allotments management report.
 - g) Ensuring that all allotment sites are maintained, and repairs undertaken and reported back to the Environment Committee.
 - h) To instruct the Handypersons to carry out site visits and inspections on allotment sites.
- 5) To incur expenditure on revenue expenditure items subject to approved budget parameters and to a maximum limit of £500.

(d) Events & Marketing Manager

- 1) Under the general supervision of the Clerk, the Events & Marketing manager shall have specific delegated responsibility for the following:
 - a) Delegated management responsibility for the parish suite including maintenance and provisions of hall hire and event services.
 - b) Revenue expenditure up to the maximum limit of £500.00 per order for the functions of the Parish Suite and event services. The Events and Communications Committee should be consulted on further expenditure and a full monthly report provided to the Committee, showing a full breakdown of income and expenditure.
 - c) Supervision of volunteers in accordance with the council policies
 - d) To act as the appointed Fire Warden and Co-Ordinator in the event of a fire in conjunction with the building fire safety regulations.
 - e) To work in conjunction with council employees to manage the parish suite functions.
 - f) In the absence of the Events & Marketing Manager, the Proper Officer will be responsible for delegating these responsibilities.

(e) Handypersons/Maintenance Officer

- 1) Under the general supervision of the Clerk and Deputy Clerk, the Handypersons shall have the authority within approved budgets, to incur revenue expenditure on maintenance and repairs on council land, assets including machinery and shall report to the Environment & Climate Change Committee from time to time.
- 2) To carry out allotment site visits and support allotments management as directed by the Deputy Parish Clerk.
- 3) To support the Parish Office to maintain all council services and activities.

(f) Consultants / Self-Employed Contractors

- 1) Consultants or self-employed contractors engaged by the Council do not have any delegation to make decisions or financial commitments on behalf of the Council.

7. Summary of Financial Delegation to Officers in accordance with the Financial Regulations

| Authority | Officer | Limit | Scope of Decision Making |
|----------------------------------|----------------------------------|--|---|
| To incur expenditure (FR) | Parish Clerk | Within budget < £1,000. No single commitment exceeding £1,000. | As Proper Officer to the Council, the Clerk is tasked with enacting the decisions of the Council and does this within approved budget parameters. |
| | Deputy Parish Clerk | Within budget < £500. No single commitment exceeding £500 without further approval from the Parish Clerk. | As the Deputy Clerk to the Council, routine expenditure may need to be incurred and/or in the absence of the Parish Clerk. Expenditure is restricted to items less than £500. |
| | Events & Marketing Manager | Within budget < £500.00 per order for the functions of the bar and catering services. | For the management of the Parish Suite Bar and Catering Services. |
| | | Within budget < £250.00 for event management services. | For ad-hoc events managed by the council or on behalf of the council that requires a cost element. |
| | Handypersons/Maintenance Officer | Within budget < £100.00. No single commitment exceeding £100.00 without further approval from the Parish Clerk. | Expenditure on maintenance and repairs and purchase of machinery/tools. |
| Emergency Expenditure | Parish Clerk | Maximum of up to £3,000 with or without any budget provision | In cases of extreme risk to the council's services which in the Clerks judgement is necessary to carry out. |
| Certification of Invoices | Responsible Financial Officer | All invoices | RFO is responsible for carrying out the majority of data inputting on the accounts system and they are required to carry out another level of checks for compliance with the Financial Regulations whilst analysing and coding. |

Signed Clerk to the Council

Signed Chair of Council

Annual Meeting Schedule 2023/24



Killamarsh Parish Council

There are a total of **38** scheduled meetings in the 2023/24 municipal year including the next annual council meeting in May 2024.

There are no scheduled meetings for August to enable councillors and officers to take holidays. Chairs have the opportunity to call extraordinary meetings if required for urgent business only. Extraordinary council meetings require a minimum of three clear days' notice.

*Officer Support (PC) Parish Clerk; (RFO) Responsible Financial Officer; (DC) Deputy Clerk; (EM) Events Manager. **KCH – Killamarsh Community Hub, Stanley Street, Killamarsh S21 1EL

| Type | Date | Day | Officer | Venue | Time |
|------|------|-----|---------|-------|------|
|------|------|-----|---------|-------|------|

| Annual Parish Meeting 2024 (to be held between 1st March and 1st June inclusive) | | | | | |
|---|------------|--------------------|---------|-----|--------|
| Annual Parish | 20/05/2024 | Monday 20 May 2024 | PC & DC | KCH | 6.00pm |

| Annual Council Meeting 2024 - Election of Chair and Vice-Chair (In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office) | | | | | |
|--|------------|--------------------|---------|-----|--------|
| Annual Council | 20/05/2024 | Monday 20 May 2024 | PC & DC | KCH | 7.00pm |

| Events & Comms – Bi-monthly (Wednesday) | | | | | |
|--|------------|---|-------|-----|--------|
| Events & Comms | 07/06/2023 | Wednesday 7 th June 2023 | PC/EM | KCH | 6.30pm |
| Events & Comms | 06/09/2023 | Wednesday 13 th September 2023 | PC/EM | KCH | 6.30pm |
| Events & Comms | 01/11/2023 | Wednesday 1 st November 2023 | PC/EM | KCH | 6.30pm |
| Event & Comms | 10/01/2024 | Wednesday 10 th January 2024 | PC/EM | KCH | 6.30pm |
| Events & Comms | 06/03/2024 | Wednesday 6 th March 2024 | PC/EM | KCH | 6.30pm |

| Environment & Climate Change – Monthly (Wednesday) | | | | | |
|---|------------|--|----|-----|--------|
| Enviro & CC | 14/06/2023 | Wednesday 14 th June 2023 | DC | KCH | 6.30pm |
| Enviro & CC | 12/07/2023 | Wednesday 12 th July 2023 | DC | KCH | 6.30pm |
| Enviro & CC | 13/09/2023 | Wednesday 6 th September 2023 | DC | KCH | 6.30pm |
| Enviro & CC | 11/10/2023 | Wednesday 11 th October 2023 | DC | KCH | 6.30pm |
| Enviro & CC | 15/11/2023 | Wednesday 15 th November 2023 | DC | KCH | 6.30pm |
| Enviro & CC | 24/01/2024 | Wednesday 24 th January 2024 | DC | KCH | 6.30pm |
| Enviro & CC | 14/02/2024 | Wednesday 14 th February 2024 | DC | KCH | 6.30pm |
| Enviro & CC | 13/03/2024 | Wednesday 13 th March 2024 | DC | KCH | 6.30pm |
| Enviro & CC | 10/04/2024 | Wednesday 10 th April 2024 | DC | KCH | 6.30pm |

| Finance – Bi-monthly, except during key budget periods (Monday) | | | | | |
|--|------------|--|--------|-----|--------|
| Finance | 12/06/2023 | Monday 12 th June 2023 | PC/RFO | KCH | 6.30pm |
| Finance | 11/09/2023 | Monday 18 th September 2023 | PC/RFO | KCH | 6.30pm |

| | | | | | |
|---------|------------|--------------------------------------|--------|-----|--------|
| Finance | 13/11/2023 | Monday 6 th November 2023 | PC/RFO | KCH | 6.30pm |
| Finance | 11/12/2023 | Monday 4 th December 2023 | PC/RFO | KCH | 6.30pm |
| Finance | 15/01/2024 | Monday 15 th January 2024 | PC/RFO | KCH | 6.30pm |
| Finance | 11/03/2024 | Monday 11 th March 2024 | PC/RFO | KCH | 6.30pm |
| Finance | 08/04/2024 | Monday 8 th April 2024 | PC/RFO | KCH | 6.30pm |

Health, Safety & Wellbeing – Quarterly (Monday)

| | | | | | |
|----------------|------------|--------------------------------------|----|-----|--------|
| HS & Wellbeing | 03/07/2023 | Monday 3 rd July 2023 | PC | KCH | 6.30pm |
| HS & Wellbeing | 02/10/2023 | Monday 2 nd October 2023 | PC | KCH | 6.30pm |
| HS & Wellbeing | 29/01/2024 | Monday 29 th January 2023 | PC | KCH | 6.30pm |
| HS & Wellbeing | 29/04/2024 | Monday 29 th April 2023 | PC | KCH | 6.30pm |

Full Council - Monthly (fourth Monday of the month)

| | | | | | |
|--------------|------------|--|---------|-----|--------|
| Full Council | 22/05/2023 | Monday 22 nd May 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 26/06/2023 | Monday 26 th June 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 24/07/2023 | Monday 24 th July 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 25/09/2023 | Monday 25 th September 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 23/10/2023 | Monday 23 rd October 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 27/11/2023 | Monday 27 th November 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 18/12/2023 | Monday 11 th December 2023 | PC & DC | KCH | 7.00pm |
| Full Council | 22/01/2024 | Monday 22 nd January 2024 | PC & DC | KCH | 7.00pm |
| Full Council | 26/02/2024 | Monday 26 th February 2024 | PC & DC | KCH | 7.00pm |
| Full Council | 25/03/2024 | Monday 25 th March 2024 | PC & DC | KCH | 7.00pm |
| Full Council | 22/04/2024 | Monday 22 nd April 2024 | PC & DC | KCH | 7.00pm |

Killamarsh Parish Council

Report to Members of the Parish Council

| | |
|-----------------------|-------------------------------|
| TO: | Members of the Parish Council |
| MEETING DATE: | 15 th May 2023 |
| SUBJECT: | General Power of Competence |
| REPORT AUTHOR: | Gail Blank |

Item 14

Purpose of Report: To provide the Council with more information about the General Power of Competence

Background

Prior to the Localism Act 2011, Local Councils had to identify a specific statutory power before carrying out a function. Section 1 of the Localism Act 2011 provides that a local council has the power to do anything that an individual may do as long as it is not prohibited by other legislation – the General Power of Competence (GPC).

This means that Councils, once adopting the power, no longer need to ask whether they have a specific power to act. The General Power of Competence Localism Act 2011 S1 (1) gives Local Authorities including local councils "the power to do anything that individuals generally may do as long as they do not break any other laws".

It is a power of first resort. This means that when searching for a power to act, the first question to ask is whether you can use the GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. The GPC does not mean the Council can delegate decisions to individual Councillors as this is a procedural matter that remains enshrined in law.

The Government hoped that the GPC would give local councils confidence in their legal capacity to act for their communities and to encourage councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. A Council with the GPC could lend or invest money; it could trade; it could even sell energy to the National Grid.

If another authority has a statutory duty, then it remains their duty to provide that service (e.g. education, social services, policing) but a Council, with the GPC, would be permitted to spend money to help out.

The Council can undertake activities using the GPC anywhere – not just in the parish. Unlike s137, Local Government Act, the GPC does not necessitate that the activity is for the benefit of the council, the area or the community (s1(4c)) although, in practice, residents might object if they can't see the benefit. A Council that has adopted the GPC can no longer use s137 as a power for taking action for the benefit of the area or its community, as mentioned above, the GPC is the power of first resort.

As always, the Council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a Council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

2. Eligibility

There are eligibility criteria that are set out in the Parish Council (General Power of Competence) (Prescribed Conditions) Order 2012 (SI 2012/965). They are that:

- ✓ At least two thirds of the members of the council have been elected (i.e. not co-opted).
- ✓ The Clerk is suitably qualified (1).
- ✓ The Council is eligible and has resolved to adopt the GPC.

(1) The Clerk holds one of the following qualifications: Certificate in Local Council Administration, Certificate of Higher Education in Local Policy, Certificate of Higher Education in Local Council Administration; or the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire.

A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. A Council must confirm their eligibility by resolution at a meeting of the full council and must reaffirm that it meets eligibility at the 'relevant annual meeting', i.e. the Annual Meeting that takes places in an election year.

Potential Risks

The types of company structures which may be employed in trading or other activities under the GPC are restricted. This prevents the use of community interest companies or similar, which councils may find more appropriate.

Charges made under the GPC may only be made for discretionary services and should be set at a level which recovers costs and does not generate a profit or surplus, which limits the ability of the power to raise additional revenue.

The GPC does not extend the ability of councils to create byelaws or undertake enforcement. It is important to recognise that the GPC is a means to an end. Councils do not – nor should they – seek out opportunities to apply the new power. Rather, they should begin with what they want to achieve and then see if the GPC is a tool which will help them to get there.

Although Councils are encouraged to be innovative, it is important to be aware of the risks involved in using the power, in addition to a lack of money or community support.

For example:

- There is a risk of being challenged
- Trading activities could damage competing local activities
- The Council risks its reputation and public money if a project goes wrong

Related update

The Clerk presented the GPC report to Council in July 2022 who expressed some concerns around the Parish Council being able to fund activities outside of the Parish and asked the Clerk to find out what they can do to prevent this from happening.

The Clerk spoke to DALC to find out what steps the Council can take.

DALC responded by saying that, as with all decisions made by the Council, it has to be Full Council that makes decisions on how it spends its money and not individual Councillors. If all Councillors are in agreement that monies remain within the Parish boundary then there should be no issues.

DALC suggested that if the Council needed more reassurance that this could not happen then it should include a clause in its grants and donations policy.

When making a decision to spend money the Parish Council should always consider what power it is using to make that decision (appendix of powers attached). It is currently debatable whether the Parish Council has the necessary powers to provide things like grit salt for residents which the Clerk will need to look into. Having the General Power of Competence reduces the need for such measures to be taken as long as the Council is acting in a lawful manner.

In October 2022 the Council voted to adopt GPC and the following resolution was made:

“Killamarsh Parish Council resolves from 31st October 2022 until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence”.

The Council must revisit this and make a new resolution at every Annual Meeting following an ordinary election.

Please note that eligibility is maintained until the Annual Meeting following an ordinary election, even if the Clerk leaves and/or the number of 'elected members' falls below two-thirds.

