



Manston Parish Council

Date: September 2020

To: Members of Manston Parish Council

You are hereby summoned to attend the Meeting of the Parish Council. The meeting will be held at the Manston Village Hall, on Monday 14th September 2020 at 7.00pm for the purpose of transacting the business mentioned below.

AGENDA

<u>Item No</u>	<u>Subject</u>
16/20-21	APOLOGIES FOR ABSENCE
17/20-21	DECLARATIONS OF INTEREST To register any new interests or de-registration by Members.
18/20-21	MINUTES OF PARISH COUNCIL MEETING for approval (Appendix A) To approve the minutes of the Parish Council Meeting held on 10 th August 2020.
19/20-21	FINANCIAL MATTERS for approval (To be tabled at Meeting) a) To note and resolve to agree receipts and payments as listed. Two Cllrs to sign cheques.
20/20-21	Chairman's Report to note
21/20-21	PLANNING to note (Appendix B) a) To note planning applications
22/20-21	HIGHWAYS to note a) To note any issues regarding the Rights of Way b) Flete Road update c) To receive any appropriate updates from the highways representative.
23/20-21	MANSTON PARK to note a. To review park check and matters arising .
24/20-21	INDIVIDUAL COUNCILLOR REPORTS to note To receive updates from a) County Councillor b) District Councillor c) PCSO d) Community Warden e) Clerk
25/20-21	Newsletter
26/20-21	Review of policies (Appendix C) a) Standing Orders b) Financial Regulations

c) Press & Media Policy

27/20-21 Review of Audit Report – to note (To be tabled at Meeting)

28/20-21 PUBLIC QUESTIONS/ITEMS FOR NEXT AGENDA

29/20-21 DATE OF NEXT MEETING 12th October 2020 at 7:00pm at Manston Village Hall

Manston Parish Council

Chairman: Cllr John Dearing

Clerk: Miss Ashley Jackson

Email: manstonparishcouncil@gmail.com

Minutes of the Parish Council meeting held on 10th August 2020 at 7.00pm At Manston Village Hall, Manston

Present **Parish Councillors** Cllrs John Dearing, Chairman, Roy Matthews, Robin Tritton and Vic Champs

In Attendance –, Ashley Jackson (Clerk/RFO), 8 residents

1/20-21 **APOLOGIES FOR ABSENCE**

Irene Dolan Vice Chair, Guy Wilson, Roger Gale MP, District Cllr Roper, Cllr Hurst, Cllr Hart, Cllr Pugh

2/20-21 **DECLARATIONS OF INTEREST & CO-OPTION OF NEW MEMBERS**

The Declarations of Interest Form was passed around for those in attendance to sign. No declarations were made.

3/20-21 **MINUTES OF THE PREVIOUS MEETING**

It was proposed by Cllr Dearing to accept the Minutes of the Parish Council Meeting held on 9th March 2020. Seconded by Cllr Tritton These were signed by Cllr Dearing as a true record.

4/20-21 **Approval of Risk Management Statement**

Proposed Cllr Dearing, seconded Cllr Matthews, all in favour.

5/20-21 **FINANCIAL MATTERS**

- a) Members resolved to approve the Schedule of Payments which was proposed by Cllr Champs, seconded by Cllr Tritton all in favour. Signed as appropriate by Cllr Champs and Cllr Dearing.
- b) The Council considered and approved the Statement of Internal Control for the year ending 31 March 2020. The Chair and Clerk signed the Statement on behalf of the Council.
- c) The Council considered and approved the Annual Governance Statement for 2019-20. The Chair and Clerk signed and dated the Statement on behalf of the Council.
- d) The Council considered and approved the Accounting Statements and supporting documents as provided by the Responsible Financial Officer who had prior to the meeting signed and dated Section 2 of the AGAR for 2019-20. The Chairman signed and dated the Accounting Statement on behalf of the Council.

6/20-21 **CHAIRMAN'S REPORT**

Welcome to the first monthly council meeting since March.

During the lock down, Thanet District Council organized a series of phone conferences with representatives of local parish councils. Each parish council was invited to give an update on the situation in their own area. My main concern, shared by other parishes, was a question of illegal dumping, as the recycling centres were closed and fly tipping was on the rise. Gavin Waite, head of recycling, street cleaning, the harbour etc., explained that 30% of his workforce were self isolating due to the virus, so he had concentrated his remaining workforce on the recycling

collections but, as a result of staff shortages, he had shut the recycling depots to the public.

These conferences may have been helpful to towns and larger parishes, but I didn't think they were of much benefit to smaller parishes like Manston. Some ideas, floated by different parish councils, were either dismissed or ignored and the approach to opening public toilets, when the summer weather arrived, seemed rather naïve. It was no surprise, with restaurants closed and limited, or no access, to public toilets, that some members, of the visiting public, used the beaches as toilets.

Newsletter. Early, in the lock down, David Steed, a good friend of the parish and an ex chairman, asked if we still had a newsletter as he had a number of postcards and photos of Manston. In the past, Linda Samme, our late chairman, would compile the monthly newsletter, no one else was involved. When the revenue from advertising fell below the cost of printing the magazine, Linda decided to stop the magazine. There was also the problem of delivering the magazines. Delivery to people in Manston Village was not a problem, but finding volunteers, to deliver to the outlying areas, was a challenge. In the recent discussions, some suggestions were made to make distribution much easier. A shop and café are planned within the village, and it was suggested that a number of copies could be left in the shop and café for distribution. Also, copies could be left at the caravan park receptions if the owners were agreeable. Until the shop or a café become realities, we decided to try an online version. Ray Owen, who puts our minutes on to the Manston website, agreed to put a newsletter on the website. If anyone has items that they feel would be of interest to members of the parish, they can send them to Hazel who will collate the material into a presentable package, contained in a single file then send it onto Ray.

Fly tipping. In May, someone kindly donated an old bath, together with its fittings, and left it in Manston Park car park. We arranged removal.

June was an eventful month. We had an email from Phil Spain of the Ramsgate tunnel group. On checking the records, they discovered that Manston also retained a Second World War siren and warned us, in the email, that their own siren was very badly corroded when it was first taken down and suggested that we should check the condition of our own siren. It was a timely warning as, to my knowledge, no one had carried out any maintenance for seven years. And the only person to comment on its condition was Doug, chairman of the RAF history museum, at a Parish Council meeting last year. We thanked Phil Spain and arranged the removal of the Manston siren, by our friendly steel fabricators, CR Steel, with a view to them renovating it. The siren is now up at their workshop and close inspection revealed that the Siren's mounting plate is in very poor condition being heavily corroded. If the mounting plate had broken free in a storm, a hundredweight (50 kgs) of siren could have crashed into the road or on to the Jolly Farmer car park. Many thanks to Phil Spain for his timely warning.

There had been a discussion about where to put it after renovation. Whether to recondition the siren to working order and give it to the RAF history museum, or install it in the park. I was firmly against returning the siren to its original site as its close proximity to the very busy Manston road would make access for maintenance problematic and possibly dangerous. It has now been decided to renovate the siren, for both safety and appearance and install it in Manston Park. It will not be renovated to working order.

At the same time, there had been a change of chairmanship at the RAF history museum and the new chairman, Peter Steele, told our Clerk, that we could no longer have our meetings in the museum due to planned renovation work. We would also need to find another place to store our filing cabinet. The meeting room problem was quickly resolved when I contacted Karen of the Village Hall Committee and explained our problem. She happily agreed that we could use the hall on the second Monday of each month for a very reasonable price. While the Leys Committee kindly allowed us to store our filing cabinet in their office.

Roof Repairs. Later in June, one of our Councillors was accused of reporting someone for having their roof repaired in the Leys without first consulting the planning department at TDC. In fact, a senior building control inspector had spotted the work being carried out on the roof of the flat, checked that planning permission had not been requested, and sent a letter to the resident. And the resident had jumped to the

wrong conclusion, blaming our councillor. While this might not be considered as parish council business, it raises an issue that I was not aware of nor, I suspect, are most other people. If you have major repair work carried out on your roof, you need to contact the building control department first as it is considered a structural problem, and the work needs to be checked by a building control officer to ensure it meets required standards.

Linda's bench. Last Friday, I had a call from Lee, a council contractor. He had just installed Linda's bench in Manston Park. Yesterday at the park, I met Terry, Linda's husband, and one of his daughters, Lesley, to see the bench. We were all pleased with the results, a fitting tribute to a brave lady who was totally dedicated to the welfare of the parish.

Travellers sites. Cllr Reece Pugh is putting out a petition for TDC to abandon their plans to install travellers' sites at Shottendane Road and Potten Street car park and to find alternative, more suitable sites.

Finally, if lock down conditions are not reimposed, then parish council meetings will resume as normal, on the second Monday of every month, 7.00 pm, here, at the village hall.

7/20-21

PLANNING

No comments – Cllr Dearing asked Cllrs to ensure they send a comment to the Clerk even if they are in support of the application.

8/20-21

HIGHWAYS

We have now been given notification that work will shortly begin on installing a 30mph limit in part of Flete Rd. This will be in preparation for the Flete Road traffic calming.

No public rights of way to update

9/20-21

MANSTON PARK

Dog poo bin has now been emptied following complaints.

Hazel has been undertaking the park checks during lockdown. There is a latch missing on the southern gate. Cllr Matthews has had a look at it and it needs welding.

10/20-21

INDIVIDUAL COMMITTEE REPORTS

Update from Cllr Pugh via email

Temporary traveller sites:

Thanet District Council have moved forward with their plans to consult on the two prospective temporary traveller sites at Potten Street car park and land at Shottendane Road. A decision will be taken on this at the next Cabinet meeting and I do not feel that the Council has fully explored all options. Both of these sites are unsafe and destroying prime agricultural land at Shottendane Road for pitches is not necessary. I have started a petition and I hope, if the Parish Council shares my concerns, that you will share this amongst your contacts.

Missed waste collection:

Due to social distancing, waste collection crews are operating one person down and so it is taking them longer to complete their routes. If your bins have been missed, leave them out and they will be collected later that day or the next.

Green waste collection service:

Contrary to some residents that have contacted me, TDC still operates a green waste service and you can sign up to this on the Council website. All green waste is collected and should save residents time in waiting for slots at the tip.

Ramsgate Town Council:

Ramsgate Town Council have committed £5k-£10k to the judicial review to the DCO decision for Manston Airport. This is a gross misuse of public money but unfortunately, TDC has no power to prevent this. Manston Airport is a fantastic opportunity for thousands of jobs and £300million investment in Thanet and it's a shame that Ramsgate Town Council do not recognise this.

11/20-21

NEWSLETTER

Hazel will be collating it and sending the information to Ray. Clerk has offered to help with layout.

12/20-21

Scheme of Delegations – in light of Covid 19.

Proposed Cllr Dearing, Seconded Cllr Matthews. All agreed .

13/20-21

MANSTON AIRPORT JUDICIAL REVIEW

Cllr Dearing offered his personal opinion as he lived under the flight path for 16 years, truly under the flight path, where a back wash from a cargo plane could actually set off car alarms. Many people claim they lived under the flight path and the planes never bothered them. But you find, in most cases, they lived several 100 yards or more away from the main corridor of the flight path and, as a result, the noise and effect is greatly reduced . That meant that the seriously debilitating effects of aircraft noise, four aircraft an hour, affected a small proportion of Ramsgate's population, a considerable number, but easily outnumbered by the rest who can claim that it doesn't bother them.

Another objection was pollution. One person from another parish, who objected to the judicial review and supported River Oak's plans for the Airport, had previously been concerned about the amount of pollution that speed bumps caused. Cllr Dearing pointed out that a fully loaded cargo plane taking off, would burn 1.9 tonnes of kerosene in the first quarter of an hour, producing five tons of CO 2. Leaving behind a cloud to drift over Ramsgate and Manston. In River Oak's own report, "Appendix A, Technical Information on the Design Principles for Manston Airport", it suggested they would favour runway 10 for takeoffs, the easterly route over Ramsgate town, arguing that "... In urban areas the levels of background noise are likely to much higher than in rural areas. Consequently, aircraft noise may be masked because of higher noise levels associated with traffic..." . A patronising observation! Night flights. 7am to 11.00pm but the report states that night flights can take place if they have not exceeded their noise quota. The report also states.. "... The noisiest aircraft are banned from night flying altogether." Typical cargo planes like the Boeing 777 are not the noisiest available so would not be banned. In other words, this is a very misleading statement.

Councillor Dearing also pointed out that jobs will not be created for local people as Gatwick and Heathrow airports have furloughed large numbers of their staff, many of whom will be made redundant : trained and experienced ground staff looking for work and who River Oak will not need to train up for Manston.

Cllr Tritton advised that we will suffer the effects of covid for a couple of years. He has spoken to a driver previously who advised that it is quicker to use Manston than it is to use Heathrow. A cargo hub could be created, like the hub at Birmingham. Cllr Tritton advised that the airport will take along time to get going and will take years to build up to 17,000 flights. Derek Crow-Brown confirmed he had attended a meeting about the flight path and there are 3 different routes which will be used so residents cannot say the same flight goes over every day.

Cllr Champs said he thinks it is the best thing to happen to the district. Cllr Tritton proposed that we support to their objection to the judicial review. Seconded Cllr Champs – all in favour except Cllr Dearing who voted against the proposal.

12/20-21

PUBLIC QUESTIONS & AGENDA ITEMS

Cllr Crow-Brown confirmed that £12m has been confirmed for the Parkway.

Planning can the PC support the nesting of birds etc – planning already consider this as it is part of the conditions.

Resident asked if there was a response to Lydden Lodge, Valley Road and the waste pipe – query to building control.

Preston Road – could the road sweeper be instructed.

The Leys, 22 – could we clear an area to allow parking. Cllr Dearing to have a look.

The Leys the bushes at the back need cutting back – will have to wait to the end of the birding season.

Manston Court Road – new footpath who is responsible for cutting the hedgerows back. Ask Paul Valek.

Cycle byways – Cllr Crow-Brown – money available for cycle highways – would be good for Manston – however Cllr Dearing advised that it would make the road narrower, and land owners would have to be approached for the land, which would not be attractive to them. Cllr Dearing agrees with the idea, but the issues of trying to get a pavement caused a lot of problems.

Need defibrillator signs as sun has bleached them – Clerk to order some.

13/20-21

DATE/TIME OF THE NEXT MEETING

The next Parish Council Meeting will be held at 7:00pm 14th September in the Village Hall at Manston.

The meeting closed at approximately 8.15 pm.

Planning List –14th September 2020

Ref & Location	Description	MPC Action & Outcome
F/TH/20/0999 The Drome Garage, Manston Road, North, Manston	Raising of roof height to rear to allow installation of shutter door	



Manston Parish Council

Press and Media Policy Adopted 11th March 2019

1. INTRODUCTION

- 1.1. The purpose of this policy is to define the roles and responsibilities within the Council for working with the media and deals with the day-to-day relationship between the Council and the media.
- 1.2. It is not the intention of this policy to curb freedom of speech, or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.
- 1.3. This policy should be read in conjunction with *Open and accountable local government: A guide for the press and public on attending and reporting meetings of local government* (Department for Communities and Local Government, August 2014).

2. KEYS AIMS

- 2.1. The Council is accountable to the local community for its actions and this can only be achieved through effective two-way communications. The media – press, radio, TV, internet – are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.
- 2.2. It is important that the press have access to the Clerk/ Members and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will

ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

3. THE LEGAL FRAMEWORK

- 3.1. The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988, The Openness of Local Government Bodies Regulations 2014 (S.1.2014/...) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (S.1.2012/2089).
- 3.2. The Council will also have regard to the Government's Code of Recommended Practice on Local Authority Publicity and any other recommended guidance.
- 3.3. The Parish Council's adopted Standing Orders should be adhered to.

4. CONTACT WITH THE MEDIA

- 4.1. The Clerk and Members should always have due regard for the long-term reputation of the Council in all their dealings with the media.
- 4.2. Confidential documents, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who was responsible and appropriate action taken.
- 4.3. When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from a solicitor or advisor (e.g. KALC or Thanet District Council) before any response is made.
- 4.4. There are a number of personal privacy issues for the Clerk and Members that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Member contact details are in the public domain); disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Clerk before any response is made to the media.
- 4.5. When responding to approaches from the media, only the Clerk, Chair / Chairman, or Vice Chair / Chairman are authorised to make contact with the media.
- 4.6. Statements made by the Clerk, Chair / Chairman or the Vice Chair / Chairman should reflect the Council's opinion.

4.7. Other Councilors' can talk to the media but must ensure that it is clear that the opinions given were their own and not necessarily those of the Council.

4.8. There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks. All correspondence must come from the Clerk.

5. ATTENDANCE OF MEDIA AT COUNCIL MEETINGS

5.1. The Local Government Act 1972 requires that agendas, reports and minutes are sent to the media on request.

5.2. The media are encouraged to attend Council meetings and seating and workspace will be made available.

5.3. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means by the press and the public is permitted. While no prior permission is required for this, it is advisable that any person wishing to film or audio record any public meeting should inform the Council so that any necessary arrangements can be made and those present at the meeting can be made aware.

5.4. The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of the Clerk and Members to look for opportunities where the issuing of a press release may be beneficial.

5.5. The Clerk or any Member may draft a press release, however they must all be issued by the Clerk in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.

6. PARISH COUNCIL WEBSITE AND SOCIAL MEDIA

6.1. The Parish Council website and other form of social media are a very useful way for the Council to connect with the electorate and increase public participation in the business of the Parish Council.

6.2. The Clerk has overall responsibility for maintaining the contents of the Parish Council website and will be supported in this task by a Website Support Volunteer

who will physically upload the content of the website. The content will either be provided by the Clerk or with his/her approval.

6.3. The Website Support Volunteer will also keep the Clerk updated with general developments in Parish Council websites and will advise and support the Parish Council to explore the options and use of web based communication and social media. A Facebook Moderator Volunteer may also be employed to assist with the Parish Council's social media activity.

6.4. The Website Support Volunteer and Facebook Moderator Volunteer will sign a written agreement to the effect that they will abide by Council policies and procedures and not act in any way to bring the Parish Council into disrepute.

Manston Parish Council

STANDING ORDERS

Adopted at Full Council On 11th September 2017

Reviewed and adopted 12th November 2018

Reviewed and adopted 11th November 2019

Records of Amendments

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1. MEETINGS

- a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b Meetings of the Council shall commence at 7.00pm unless the Council otherwise decides at a previous meeting. Meetings will finish at 9.00pm. Should further time be required there may be 2 extensions of 15 minutes each by proposal only.
- c Smoking is not permitted during Council Meetings
- d When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Saturday and a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- e 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.
- f By resolution of a meeting and subject to standing order 1e above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- g The period of time permitted for public participation in standing order 1(f) is at the Chairman's discretion but should not normally exceed 5 minutes per member of public, unless the matter is complex and the public participation session will not exceed 15 mins.
- h Subject to standing order 1f above, each member of the public is entitled to speak

once only in respect of business itemised on the agenda.

- i In accordance with standing order 1(f) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- j In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- k A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- l A person may stand when requesting to speak and when speaking, however they are permitted to remain seated if they wish. The Chairman may at any time permit an individual to be seated when speaking.
- m Any person speaking at a meeting shall address his comments to the Chairman.
- n Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- o Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted with the Council's knowledge by the press and public.
- p In accordance with standing order 1(e) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- q Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- r The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the

Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

- s All questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- t The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- u Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- v The minutes of a meeting shall record the names of councillors present and absent with any apologies for absence noted.
- w The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- x An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- y No business may be transacted at a meeting unless at least one third of the whole number of members, rounded up to a whole number, of the Council are present and in no case shall the quorum of a meeting be less than 3 or 2 for Committee meetings.
- z If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

- aa Although ordinary Council meeting dates are defined yearly as per rule 2.j.vi, the Council can collectively agree to change the meeting date in any month where it will suit council members, provided a meeting notice period of 14 days can be given.

2. 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 new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c The annual meeting of the Council shall take place at 7.00p.m
- 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 directs.
- e The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council. When more than one person stands for election voting will be by secret ballot, counted by The Clerk. The person with the lowest number of votes will be eliminated and the vote taken again with the remaining candidates until an outright winner emerges.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Receipt of nominations to existing committees.
 - iv. Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.
 - v. Receipt of nominations to represent CPC on or work with external bodies.
 - vi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.
 - vii. Any normal business of council that needs to be dealt with before the next full meeting.

3. Proper Officer

- a The Council's Proper Officer shall be The Clerk or such other person appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the person appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

- b The Council's Proper Officer shall do the following.
 - i. Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
 - iii. Subject to standing orders "Motions Requiring Written Notice " 4(a)–(e) below,

include in the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it.

- iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order "Proper Officer" (b)ii above.
- v. Make available for inspection the minutes of meetings.
- vi. Receive and retain copies of byelaws made by other local authorities.
- vii. Receive and retain declarations of acceptance of office from councillors.
- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Clerk to obtain DPI's every 6 months from Councillors to ensure they are correct.
- x. Keep proper records required before and after meetings;
- xi. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xiii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiv. Arrange for legal deeds to be signed by 2 councillors and witnessed as required by law.
- xv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xvi. Record every planning application notified to the Council and the Council's response to the local planning authority in an appropriate place for such purpose;
- xvii. Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within 2 working days of receipt and assist to facilitate any meeting requested by them in accordance with the CPC Planning Committee constitution.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4. Motions requiring written notice

- a In accordance with standing order "Proper Officer" (b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written

notice of its wording to the Council's Proper Officer at least 5 clear days before the next meeting.

- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order (a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order (a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order (d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5. Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of Councillors
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.

- ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or any councillors thereto.
 - xi. To receive nominations to a committee.
 - xii. To dissolve a committee .
 - xiii. To note the minutes of a meeting of a committee.
 - xiv. To consider a report and/or recommendations made by a committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds to be signed by two councillors and witnessed as required by law.
 - xvii. To authorise the payment of monies.
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of cancelling it.
 - xix. To extend the time limit for speeches by the public.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6. Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders "Motions Requiring Written Notice" (a)–(e) above, a motion

shall not be considered unless it has been proposed and seconded.

- c Subject to standing order "Proper Officer" (b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to (h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to (h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders (m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to (o) above, when a councillor's 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 silent or for him to leave the meeting;
 - vi. to refer a motion to a committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend any standing order, except those which are mandatory.
- t In respect of (s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall

call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7. Questions ^{}(NALC Para 8)**

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked if part of a meeting has been set aside for such questions, or should be put to the next meeting.
- c Every question shall be put and answered without discussion.

8. Allegations of breaches of the code of conduct ^{}(NALC Para 31)**

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to The Chairman or (if he is the one subject of the allegation) the Vice-Chairman.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council or (if he is the one subject of the allegation) the Vice-Chairman, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman or Vice-Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i Draft the summonses and agendas in such a way that the identity and subject

- matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 8(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 8(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman or Vice-Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Chairman or Vice-Chairman shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References to a 'notification' above shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

9. Minutes * (NALC Para 9)***

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order "Motions Not Requiring Written Notice" (a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an

accurate record of the meeting to which the minutes relate.

- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the parish council held on [date] in respect of [minute reference] were a correct record but his view was not upheld by the majority of the parish council and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- f To help prevent a situation as in (d) above occurring the Clerk will, within 14 working days of a full council or committee meeting, provide to members a draft copy of the minutes of that meeting. Each member will be invited to make one representation as to their accuracy to The Clerk. The Clerk can decide whether to accept any representations made and change the draft minutes or leave the matter to the next meeting.

10. Disorderly conduct ^{}(NALC Para 10)**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Chairman, there has been a breach of 11(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- c If a resolution made in accordance with 11(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11. Rescission of previous resolutions ^{}(NALC Para 11)**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least three councillors of the Council or by a motion moved in pursuance of

the report or recommendation of a committee.

- b When a special motion or any other motion moved pursuant to (a) above has been disposed of, no similar motion may be moved within a further 6 months.

12. Voting on appointments * (NALC Para 12)***

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

13. Expenditure * (NALC Para 13)***

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

14 . Accounts and Financial Statement * (NALC Para 19)***

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following

month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval at the June meeting.

15. Estimates/precepts ^{}(NALC Para 20)**

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January.
- b Any Committee or Working Party desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than end of October.

16. Execution and sealing of legal deeds ^{}(NALC Para 14)**

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution and in accordance with that resolution any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

17. Committees ^{}(NALC Para 15)**

- a The Council may, at its annual meeting, appoint representatives to standing working parties/committees and may at any other time appoint such other working parties/committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit working parties/committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may in accordance with standing orders, dissolve a committee at any time.
 - v. an ordinary member of a working parties/committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15 (a) (iii) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the

meeting;

18. Working Parties*(NALC Para 16)***

- a Unless there is a Council resolution to the contrary, every committee may appoint a working party whose terms of reference and members shall be determined by resolution of the committee.
- b The working party will report to the main Committee and not directly to Full Council.
- c The main Committee may dissolve any of its Working Parties at any time by passing a resolution to that effect.

19. Extraordinary meetings *(NALC Para 17)***

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- c The Chairman of a committee may convene an extraordinary meeting of that committee or any of its sub-committee's at any time.
- d If the Chairman of a committee does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors.

20. Advisory committees *(NALC Para 18)***

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any Working Parties may consist wholly of persons who are

non-councillors.

21. Canvassing of and recommendations by councillors ^{}(NALC Para 21)**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

22. Inspection of documents ^{}(NALC Para 22)**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or Working Parties shall be available for inspection by councillors.

23. Unauthorised activities ^{}(NALC Para 23)**

- a Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

24. Confidential business ^{}(NALC Para 24)**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A councillor in breach of the provisions of standing order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

25. Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the committee or the sub-committee has resolved to exclude the press and public from the meeting.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council or, in his absence the Vice-Chairman of the Council of any absence occasioned by illness or urgency and that person shall report such absence to the Council at the next meeting.
- c The Chairman or in his absence, the Vice-Chairman shall conduct an annual review of the performance and appraisal of The Clerk and shall keep a written record of it.
- d Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed in accordance with the adopted grievance procedure.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by any employee relates to the Chairman or Vice-Chairman this shall be communicated to another member of council which shall be reported back and progressed in accordance with the adopted grievance procedure.
- f The Clerk is responsible for all management of Council employees and shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records.
- j Access and means of access by keys and/or computer passwords to records of

employment above shall be provided only to The Clerk and the Chairman of the Council.

26. Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman or in his absence the Vice-Chairman of the Council. The Chairman or Vice-Chairman shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under CPC policy.

27. Relations with the press/media

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

28. Liaison 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 councillor of the District and County Council representing its electoral ward.

29. Variation, revocation and suspension of standing orders **** (NALC Para 32)**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the councillors (rounded up to the nearest whole number) at a meeting of the Council vote in favour of the same.

30. Standing orders to be given to councillors ^{}(NALC Para 33)**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

31. Power of well-being ^{}(NALC Para 25)**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 31 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 31(b) above.

THE NATIONAL ASSOCIATION OF LOCAL COUNCILS
109 GREAT RUSSELL STREET LONDON WC1B 3LD



Adopted 2nd September 2017
Reviewed and adopted 12th November 2018
Reviewed and adopted 11th November 2019

MODEL 2 (England)

D R A F T for consideration by Council

MANSTON PARISH COUNCIL

FINANCIAL REGULATIONS

These Financial Regulations were adopted by the Council at its Meeting held on 11TH September 2017

1. GENERAL

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. [The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.] The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.

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

2. ANNUAL ESTIMATES (BUDGET)

- 2.1 [Each Committee (if any) shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of November each year.]
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- 2.3 The Council shall review the budget not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary

provision for the expenditure, subject to a limit of [£500]. The Clerk shall report the action to the Council as soon as practicable thereafter.

- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.

- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Council [,and countersigned by the Clerk].
- 5.4 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6 PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO

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

- 6.5 The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.
- 6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) may be made by variable Direct Debit provided that the instructions are signed by 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.

7 PAYMENT OF SALARIES

- 7.1 As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

8 LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.

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

9 INCOME

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

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.

10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (l) below.

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

11 CONTRACTS

11.1 Procedures as to contracts are laid down as follows:

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

- (i) for the supply of gas, electricity, water, sewerage and telephone services;
- (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
- (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

(b) Where it is intended to enter into a contract exceeding [£50,000] in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite

tenders from at least three firms to be taken from the appropriate approved list.

- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- (g) If less than three tenders are received for contracts above [£50,000] or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 61, 63 and 64. [*check consistency*]
- (i) When it is to enter into a contract less than [£50,000] 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 [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- (j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

12. [PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS]

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.

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

13 [STORES AND EQUIPMENT

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

14 [ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.
- 14.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.]

15 INSURANCE

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [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 employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 [CHARITIES]

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

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