

BESTWOOD VILLAGE PARISH COUNCIL

You are hereby SUMMONED to attend the First Annual Meeting of Bestwood Village Parish Council which will take place on **Tuesday 8 May 2018** at **St Marks Church, Church Walk, Bestwood Village**. The meeting will commence at 7:30 pm

If you are unable to attend the meeting, please submit your apologies to Gary Long, Interim Parish Clerk at clerk@bestwoodvillagepc.org

AGENDA

Page

1 Election of Chair for 2018/19

(The newly elected Chair will make a declaration of acceptance of office in the prescribed form and will assume the Chair)

2 Appointment of Vice-Chair for 2018/19

3 Apologies for absence.

4 Acceptance of Office

To note the completion of the declaration of acceptance of office forms by Parish Councillors.

5 Style and Title of Council

To note the style and title of the council:

Bestwood Village Parish Council.

6 Local Government Act 2000 - Ethical Framework Arrangements and Members' Code of Conduct. 5 - 16

A proposed Code of Conduct for adoption is attached.

The Code sets out the principles which govern the conduct of Members and co-opted Members of local authorities and a draft Code of Conduct, based on these principles, which contains the requirements of a Model Code of Conduct issued by the Secretary of State.

All parish councils are under a duty to pass a resolution adopting a Code of Conduct for Members containing the requirements of the Model Code.

It is **RECOMMENDED**:

That in accordance with the requirements of the Local Government Act 2000, the Parish Council adopts as its Members Code of Conduct as set out.

7 Powers, Duties and Responsibilities 17 - 18

The principal powers and duties of parish councils are set out.

RECOMMENDATION:

To note **the powers, duties and responsibilities of the parish council.**

8 Consideration of Planning Applications

One of the main areas of activity that the Parish Council will wish to become involved in is the planning function. The Council has the right to be consulted in respect of all planning applications within its area.

RECOMMENDATION:

That Gedling Borough Council is advised that the Parish Council wishes to be consulted on all planning applications affecting the area.

9 Adoption of Policies, Procedures and Regulations 19 - 74

The following are attached:

A Complaints Policy
A Persistent Complainants Policy
A Disciplinary Procedure
A Grievance Procedure

Financial Regulations
Standing Orders

It is **RECOMMENDED** that the Parish Council adopts the procedures set out with a view to reviewing all procedures once the Council becomes more established.

10 Appointment of Bank

To appoint a bank to be bankers to the Parish Council.

11 Appointment of Signatories.

To appoint signatories to sign cheques on behalf of the Parish Council

(minimum of two)

12 Appointment of Clerk to the Parish Council.

75 - 80

To consider arrangements for the appointment of a Clerk to the Parish Council.

The roles and responsibilities normally applied to Parish Clerks, as supplied by the Nottinghamshire Local Councils' Association, are attached.

It is **RECOMMENDED** to consider interim arrangements until a permanent appointment is made once the Council has become more established.

13 Nottinghamshire Association of Local Councils

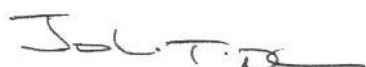
To note that the Council is a member of the Association until 31 March 2019

14 Meetings of the Parish Council

To fix dates and times of meetings of the Parish Council for 2018/2019.

It is **RECOMMENDED** that:

- 1) The next meeting of the Parish Council be held on (to be agreed); and
- 2) Future meetings for the municipal year 2018/2019 be held on the following dates (to be agreed)



John Robinson
Acting Proper Officer
Gedling Borough Council

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Members' Code of Conduct

PART 1

General Provisions

Introduction

1. (1) Bestwood Village Parish Council is committed to promoting and maintaining high standards of conduct by Members and co-opted Members of the Council. The actions of those who represent the Council impact on how the Council as a whole is viewed. Misconduct can seriously damage the effectiveness and reputation of the Council and will not be tolerated. Those serving their communities must adhere to the high standards expected of them to promote public confidence in local democracy.
- (2) This Code of Conduct has been adopted by the Parish Council under Section 27 of the Localism Act 2011 and sets out the standards that Members are expected to observe.

Interpretation

2. (1) This Code applies to you as a Member of the Parish Council.
- (2) It is your responsibility to comply with the provisions of this Code. Failure to do so may result in a sanction being imposed by the Parish Council. Failure to take appropriate action in respect of a disclosable Pecuniary Interest may result in a criminal conviction.
- (3) In this Code:
“meeting” means any meeting of:
 - (a) the Parish Council;
 - (b) the executive of the Parish Council;
 - (c) any of the Parish Council or its, sub-committees.

“Member” includes a co-opted member or an appointed member.

Scope

3. (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you:
 - (a) Conduct the business of the Parish Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Parish Council;and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of the Parish Council:

- (a) on another relevant authority, or Parish Council, you must, when acting for that other authority, or Parish council comply with that other authority's or Parish Council's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

The Seven Principles of Public Life

4. You must observe the following general principles:

Selflessness

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example.

General Obligations

5. (1) You must:
 - (a) treat others with respect, including the organisations and public you engage with and those you work alongside.
 - (b) value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.
- (2) You must not:
 - (a) do anything which may cause the Council to breach the Equality Act 2010;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness;
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with the Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
6. You must not:
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
8. You must:
 - (a) not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
 - (b) when using or authorising the use by others of the resources of the

Council:

- (i) act in accordance with the Council's reasonable requirements;
and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes);
- (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- (d) behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures.
9. (1) When reaching decisions on any matter you must listen to the interests of all parties and have regard to relevant advice provided to you by:
- (a) The Council's Chief Finance Officer; or
 - (b) The Council's Monitoring Officer;
- (where that officer is acting pursuant to his or her statutory duties) and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (2) You must:
- (a) exercise independent judgement and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member.
 - (b) contribute to making the Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account.
 - (c) be accountable for your decisions and co-operate when scrutinised internally and externally, including by local residents.
10. You must:
- (a) champion the needs of residents – the whole community and your constituents, including those who did not vote for you – and put their interests first.
 - (b) deal with representations, or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - (c) not allow other pressures, including your financial interests or others connected to you, to deter you from pursuing constituents casework, the interests of the Council's area or the good governance of the Council in a proper manner.
11. You must provide leadership by behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

PART 2

Interests

Disclosable Pecuniary Interests

12. (1) You have a disclosable pecuniary interest in any business of the Council where it is of a description set out in paragraph 12(2) and either:

- (a) it is an interest of yours; or
- (b) it is an interest of your spouse or civil partner and you are aware that the other person has the interest; or
- (c) it is an interest of a person with whom you are living as husband and wife and you are aware that the other person has the interest; or
- (d) it is an interest of a person with whom you are living as if you were civil partners and you are aware that the other person has the interest.

(2) Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council:</p> <ul style="list-style-type: none">(a) under which goods or services are to be provided or works are to be executed; and(b) which has not been fully discharged. <p><i>For this purpose "body in which you or they have a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest. "Director" includes a member of the committee of management of an industrial and provident society.</i></p>

Land	<p>Any beneficial interest in land which is within the Council's area.</p> <p><i>For this purpose "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</i></p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.</p>
Corporate tenancies	<p>Any tenancy where (to your knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the Council's area; and (b) either: <ul style="list-style-type: none"> i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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 you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class. <p><i>For this purpose, "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.</i></p>

Disclosable Pecuniary Interests in matters considered at meetings

13.(1) Subject to sub-paragraph (2) and (3), where you are:

- (a) present at a meeting of the Council; and
- (b) have a disclosable pecuniary interest in any matter to be considered, or being considered at the meeting; and
- (c) you are aware that you have such an interest, you must:
 - (i) disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council's register of interests of members and co-opted members or for which you have made a pending notification; and
 - (ii) not participate or participate further, in any discussion of the matter at the meeting; or participate in any vote, or further vote, taken on the matter at the meeting; and
 - (iii) in accordance with the Council's Standing Orders, withdraw from the room or chamber where a meeting considering the business is being held:
 - aa) in the case where sub-paragraph (3) applies, immediately after making representations, answering questions or giving evidence;
 - bb) in any other case, wherever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from the Council's Standards Committee or Monitoring Officer.

(2) Where you have a disclosable pecuniary interest which by virtue of paragraph 19 is considered to be a sensitive interest, you must indicate to the meeting that you have a disclosable pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.

(3) Where you have a disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(4) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date of the meeting.

Disclosable Pecuniary Interests in matters considered by a single member

14. (1) Where:

- (a) a function of the Council may be discharged by you acting alone;
- (b) you have a disclosable pecuniary interest in any matter to be to be dealt with, or being dealt with, by you in the course of discharging that function; and
- (c) you are aware that you have such an interest,

you must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(2) Where the interest is not entered in the Council's register of interests of members and co-opted members and is not the subject of a pending notification, you must notify the Council's Monitoring Officer of the interest in writing before the end of 28 days beginning with the date when you became aware that the condition in sub-paragraph 14(1)(c) is met in relation to the matter.

Criminal offences relating to Disclosable Pecuniary Interests

15. (1) You will commit an offence if, without reasonable excuse, you –

- (a) Fail to notify the Council's Monitoring Officer within 28 days of your election of any disclosable pecuniary interests which you have at the time when the notification is given.
- (b) Fail to disclose a disclosable pecuniary interest in any matter to be considered, or being considered, to the meeting where that interest is not entered in the Council's register of interests of members and co-opted members.
- (c) Fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have disclosed to a meeting, where that interest is not already entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date of the meeting.
- (d) Are an executive member and you fail to notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have in any matter to be to be dealt with, or being dealt with, by you in the course of discharging that executive function, where that interest is not entered in the Council's register of interests of members and co-opted members or subject to a pending notification, before the end of 28 days beginning with the date that you became aware of such an interest.

- (e) participate, or participate further, in any discussion of a matter in which you have a disclosable pecuniary interest, or participate in any vote, or further vote, taken on any such matter.
- (f) Are an executive member and you take any steps, or any further steps, in relation to any matter to be to be dealt with, or being dealt with, by you in the course of discharging that executive function in which you have a disclosable pecuniary interest (except for the purpose of enabling the matter to be dealt with otherwise than by you).
- (g) Provide information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting and you:
 - i.i. know that the information is false or misleading, or
 - i.ii. are reckless as to whether the information is true and not misleading.

Interests other than Disclosable Pecuniary Interests

Non-pecuniary Interests

16. (1) You have a non-pecuniary interest in any business of the Council where either:

(a) It relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

of which you are a member or in a position of general control or management;

- (iii) any employment, office, trade, profession or vocation carried on by you not for profit or gain;
- (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
- (v) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

or

(b) A decision in relation to that business might reasonably be regarded as

affecting your well-being or financial position or the well-being or financial position of:

- (i) a member of your family or any person with whom you have a close association;
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

Disclosure of Non-pecuniary Interests

17. (1) Subject to sub-paragraph (2) to (6), where you have a non-pecuniary interest in any business of the Council and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a non-pecuniary interest in any business of the Council which relates to or is likely to affect a person described in paragraph 16(1)(a)(i) or 16(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
- (4) Where you have a non-pecuniary interest but, by virtue of paragraph 19 it is considered to be a sensitive interest, you must indicate to the meeting that you have a non-pecuniary interest in the matter concerned, but need not disclose the details of the interest to the meeting.
- (5) Where you have a non-pecuniary interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (6) In this paragraph “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under Section 22 of the Local Government Act 2000.
- (7) Subject to paragraphs (8) and (9) below, if you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to

prejudice your judgement of the public interest.

- (8) If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.
- (9) Where you have a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph (7) above, you may remain in the room or chamber where a meeting considering the business is being held for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Gifts and Hospitality

17. (1) You must, within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25.00 which you have accepted as a member from any person or body other than the authority.
- (2) Any gifts or hospitality notified to the Monitoring Officer will be included in the register of interests of gifts and hospitality.
- (3) The duty to notify the Monitoring officer does not apply where the gift or hospitality comes within any description approved by the Council for this purpose.

PART 3

Register of interests of members and co-opted members

18.(1) Subject to paragraph 19, you must, within 28 days of:

- (a) this Code being adopted by the Council, or
- (b) your election or appointment to office (where that is later),

register in the Council's register of interests of members and co-opted members (maintained under Section 29(1) of the Localism Act 2011) details of all disclosable pecuniary interests and non-pecuniary interests you have at the time the notification is given by providing written notification to the Council's Monitoring Officer.

- (2) Where you become a member or co-opted member of the Council as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests not entered in the Council's register of interests of members and co-opted members when the notification is given.
- (3) You must, within 28 days of becoming aware of any new interests or change to any interests registered under paragraph (1), register details of that new interests or change by providing written notification to the Council's Monitoring Officer.
- (4) You are obliged to register details of disclosable pecuniary interests in accordance with paragraphs 13(4) and 14(2).
- (5) Any interests notified to the Monitoring Officer will be included in the register of interests of members and co-opted members.
- (6) A copy of the register will be available for public inspection and will be published on the Council's website.

Sensitive Interests

19.(1) This paragraph applies where you have an interest (whether or not a disclosable pecuniary interest) and the nature of the interest is such that you and the Council's Monitoring Officer, consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence or intimidation ("sensitive interest").

- (2) If the sensitive interest is entered in the Council's register of interests of members and co-opted members, copies of the register that are made available for inspection, and any published version of the register, will not include details of the interest (but may state that you have an interest the details of which are withheld under Section 32(2) of the Localism Act 2011).
- (3) You must, within 28 days of becoming aware of any change of circumstances which means that an interest excluded under paragraph 19(2) is no longer a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in copies of the register that are made available for inspection, and any published version of the register.

LOCAL COUNCIL POWERS AND DUTIES

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para.2
Baths (Public)	Power to provide public swimming baths	Public Health act 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to Provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss.9 and 10 Local Government Act 1972, s.214 Parish councils & Burial Authorities (Miscellaneous Provisions) Act 1970, s.1 Local Government Act 1972, s.214 (6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: <ul style="list-style-type: none"> • Places of public recreation • Cycle parks • Public swimming baths • Open spaces and burial grounds • Mortuaries and post-mortem rooms 	<ul style="list-style-type: none"> • Public Health Act 1875, s.164 • Road Traffic Regulations Act 1984, s.57 (7) • Public Health Act 1936, s.223 • Open Spaces Act 1906, s.15 • Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities Power to act as charity trustees	Charities Act 2011, ss. 298-303 Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to Inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Community centres	Power to provide & equip buildings for use of clubs having athletic, social or educational objectives Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government (Miscellaneous Provisions) Act 1976 s.19 Local Government Act 1972, s.133
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Crime prevention	Power to spend money on crime detection & prevention measures	Local Government and Rating Act 1997, s.31
Ditches & Ponds	Power to drain & maintain ponds & ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment & arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti & offences under dog control orders	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations including those in place before or after introduction of general power of competence	Localism Act 2011, ss.1-8
Gifts	Power to accept gifts	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridleways Power to light roads and public places Power to provide parking places for vehicles, bicycles and motor-cycles Power to enter into agreement as to dedication and widening Power to provide roadside seats and shelters Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act 1980, sections. 43,50 Parish councils Act 1957, s.3; Highways Act 1980, s.301 Road Traffic Regulation Act 1984, ss.57,63 Highways Act 1980, ss.30,72 Parish Councils Act 1957, s.1 Highways Act 1980, ss.47,116

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Agenda Item 7

LOCAL COUNCIL POWERS AND DUTIES

	Power to complain to district council as to protection of rights of way and roadside wastes	Highways Act 1980, s.130
	Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
	Power to plant trees etc. and to maintain roadside verges	Highways Act 1980, s.96
Honorary titles	Power to admit to be honorary freemen/freewomen of council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area	Local Government Act 1972, s.249 (5), s.249 (9)
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	Power to acquire by agreement, to appropriate, to dispose of	Local Government Act 1972, ss.124, 126, 127
	Power to accept gifts of land	Local Government Act 1972, s.139
Litter	Provision of bins	Litter Act 1983, ss.5,6
Lotteries	Powers to promote	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within their area & provide a market place & market buildings	Food Act 1984, s.50
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Neighbourhood Planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order	Localism Act 2011, Sch. 9; Town & Country Planning Act 1990, ss.61E -61Q, Sch. 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire & maintain land for public recreation	Public Health Act 1875, s.164
	Power to acquire and maintain land for open spaces	Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to receive and retain	Local Government Act 1972, s.226
	Duty to deposit certain published works in specific deposit libraries	Legal Deposit Libraries Act 2003, s.1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
	Provision of boating pools	Public Health Act 1961, s.54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Town and County Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the councils area	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, ss.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water Supply	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142

COMPLAINTS POLICY AND PROCEDURE

AIM OF THE POLICY

The aim of this Policy is to explain the procedure by which complaints will be dealt with by the Bestwood Village Parish Council. It should be noted that this does not affect an elector's statutory right to object to the Parish Council's audit of accounts pursuant to section 16 of the Audit Commission Act 1998. Nor will it apply to criminal activity (which should be reported to the police), conduct of councillors (which should be submitted in accordance with procedures within the Code of Conduct) or employee conduct which will be dealt with under the Parish Council's Disciplinary Procedure.

1. The complainant should raise the complaint informally with the Clerk or Chairman.
2. If the complaint is not resolved satisfactorily then the complainant should put the complaint in writing to the Clerk or Chairman.
3. The Clerk or Chairman will acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Parish Council. The complainant will be advised whether the complaint will be treated as confidential or not. Complaints naming councillors, staff, or other residents will be treated as confidential.
4. The complaint will be discussed by the Chairman, Clerk and any named Councillor and, if possible, resolution offered. This will be communicated in writing.
5. If not resolved, the complainant shall be invited to attend a meeting and to bring with them a representative if they wish.
6. Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on. The Parish Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

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At the Meeting

The meeting will be in private.

The Chairman will introduce everyone and explain the procedure.

The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by members at the meeting

The Clerk or Chairman will have an opportunity to explain the Parish Council's position and questions may be asked by (i) the complainant and (ii) members.

The Clerk or Chairman and then the complainant should be offered the opportunity to summarise their position.

The complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.

The complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

The decision should be confirmed in writing within seven working days together with details of any action to be taken.

The resulting decision will be made public by notices and on the website.

Unreasonably persistent or vexatious complaints.

On occasions certain complaints can be difficult to resolve and can cause anxiety and distress to both complainants and employees of the Parish Council. Whilst the aim of the Parish Council is always to try to find a way to resolve matters, on occasions complainants are encountered who become unreasonably persistent or vexatious in their actions to obtain the outcome that they want.

The Parish Council wants to ensure that in using the complaints procedure complainants who are unreasonable or vexatious are dealt with fairly but also that the Parish Council's resources are used as effectively as possible and that other service users or Parish Council employees do not suffer any detriment as a result of their behaviour.

Unreasonably persistent or vexatious complaints will be viewed under a separate policy.

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DEALING WITH PERSISTENT AND VEXATIOUS COMPLAINANTS

THE VAST MAJORITY OF PEOPLE WHO COMPLAIN ARE GENUINE WITH GENUINE COMPLAINTS.

1. AIM OF THE POLICY

To deal fairly, honestly and properly with persistent complainants while ensuring that other service users, officers or the Council as a whole do not suffer any detriment and that the resources of the Council are used as effectively as possible.

2. WHAT IS A PERSISTENT COMPLAINANT?

A persistent complainant may have a genuine grievance, but take inappropriate steps to seek redress. A persistent complainant is a member of the public who complains about issues the complainant considers are within the remit of the council and whose behaviour is characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious and/or
- b) insistence upon unreasonably pursuing unmeritorious complaints and/or unrealistic outcomes, or
- c) insistence upon pursuing meritorious complaints in an unreasonable manner.

A persistent complainant may exhibit one or more of the behaviours outlined in appendix one. The danger is that their complaint, even if meritorious, is treated without a significant degree of seriousness and consideration, which compounds their complaint and leads to criticism of the Council.

3. REQUEST FOR SERVICE DELIVERY

A persistent complainant is likely to start by being dissatisfied with the level of service delivery and persist in demanding levels of service from the Council. It is for the Council to decide whether or not the service received has been reasonable. Any relevant guidelines or service standards or legislative requirements will be considered by the Council.

If the Council considers that further investigation is unjustified, consideration should give to whether this policy should be applied to that individual and the complainant should be warned that the Council will not necessarily respond to further service requests. If the complainant persists with requests for service then one of the options for action is to put the complaint through stage two of the Councils complaints procedure. Appendix two outlines considerations for determining if this policy should be applied.

4. PERSISTENT COMPLAINANTS AND THE COMPLAINTS PROCEDURE

A persistent complainant may use the complaints procedure excessively either at a stage one or at a higher level. Appendix three outlines techniques for dealing with persistent complainants.

- 4.1 The first step is to consider whether a dissatisfied complainant is raising legitimate concerns:
 - a) has the complaint been investigated properly?
 - b) was any decision reached the right one?
 - c) have communications with the complainant been satisfactory?
 - d) is the complainant now providing any significant new information that might affect the Council's view of the complaint.
- 4.2 If circumstances permit, before deciding to apply restrictions, the complainant should be given a warning that, if specified behaviour or actions continue, the Council may have to consider applying some or all of the actions set out in paragraph 6 of the policy and why. In urgent cases this may not be feasible. This step should not be taken below Finance and General Purposes committee level.
- 4.3 If a decision is taken to apply the policy, the complainant should be informed of the decision and what it means for their contacts with the Council, how long any restriction will last and what the complainant can do to have the decision reviewed. A copy of this policy should be sent with the letter.
- 4.4 Records of all contacts with persistent complainants should be kept.
- 4.5 Any decision to apply the policy, or to make an exception to the policy once it has been applied, should be properly recorded.
- 4.6 When a decision has been taken not to carry on responding to correspondence, any further letters, faxes or e-mails from the complainant should be read to pick up any significant new information.
- 4.7 When persistent complainants make new complaints about new issues these should be treated on their merits and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.
- 4.8 Reviews of decisions to restrict a complainant's contact or the authority's responses to them should be taken with advice from the Head of Legal Services, as the Council's Monitoring Officer of Broxtowe Borough Council.
- 4.9 No decisions restricting the access of persistent complainants to staff or services should ever be taken lightly. In each case, the interests of the complainant need to be balanced against the effects which their behaviour or actions are having on staff, other service users and the efficient use of resources.

5. CLOSURE

If a complainant continues to express dissatisfaction with the Council's final response to a complaint:

- a) If further clarification of the outcome is ineffective, the complainant should be reminded of their right to refer the complaint to the Local Government Ombudsman. In addition the complainant should be reminded of the availability of independent legal advice.
- b) If the complainant continues to complain, the Council should repeat the advice in (a) above and add that the matter is now at an end and that the Council will not enter into any further communication unless it relates to a fresh complaint unrelated to the current complaint.
- c) If the complaints continue then the Council should send a response stating that there is nothing more that can be added to the Council's letter set out in (b) above.
- d) If contact continues, subject to advice from the Head of Legal Services, the Council should decline to comment further.

Any correspondence received from the complainant should be monitored closely to ensure that it does not contain a new complaint or fresh, relevant information about a previous complaint that the complainant either knew or ought to have known about at the time of making that previous complaint.

If a fresh issue is raised that needs to be addressed it should first be referred to the senior officer dealing with the complaint to consider.

6. OPTIONS FOR ACTION

Any restrictions applied to a complainant should be appropriate and proportionate to the nature of their contacts with the Council at that time. The following list provides options for managing a complainant's involvement with the Council from which one or more might be chosen and applied, *if warranted*:

- a) placing time limits on telephone conversations and personal contacts
- b) restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week)
- c) limiting the complainant to one medium of contact (telephone, letter, e-mail etc)
- d) requiring the complainant to communicate only with a named member of staff
- e) if a complaint is currently going through the authority's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed
- f) requiring any personal contacts to take place in the presence of a witness
- g) closing the investigation into a complaint
- h) providing the complainant with acknowledgements only of further letters, faxes, or e-mails received after a particular point

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- i) banning a complainant from some or all of an authority's premises
- j) the threat or commencement of civil proceedings in the courts (for harassment, defamation etc)
- k) in cases where the authority believes the complainant has committed a criminal offence (for example, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave the authority's premises, the involvement of the police.

In deciding which options to apply, members should be particularly careful to balance the rights of the individual with the needs of the Council. In particular, no decision to restrict access to the Complaints Procedure for more than 6 months should be taken without the advice of the Monitoring Officer.

RECORDING, MONITORING AND REPORTING

A central register of those subject to the persistent complainants' policy will be kept by the Clerk.

LINKS TO OTHER POLICIES

This policy should be used in conjunction with other Council policies and procedures aimed at protecting officers and the Council, for example the harassment at work policy, and the health and safety at work procedures. Attention should also be paid to the Council's obligations under the Human Rights Act 1998 to ensure that it is within its right to take any action with regard to a persistent complainant.

Examples of behaviour

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Attempting to use the complaints procedure to pursue a personal vendetta against a member or officer of the Council.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced by a senior officer or with a person named by the complainant.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Refusal to accept information provided, for no apparently good reason.
- Making statements the complainant knows are not true or persuading others to do so.
- Supplying manufactured `evidence` or other information the complainant knows/believes is incorrect.
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being in different stages of the complaints procedure.
- Demanding outcomes, which the complaint procedure cannot in itself provide (for example the overturning of decisions of the court, dismissal or criminal prosecution of staff, or actions which would be illegal or infringe the rights of others).
- Using obscene, racist, abusive, offensive, unreasonable or threatening language in written correspondence.
- Seek to coerce or intimidate staff, or abusing or distressing them by the language and tone of telephone communications.

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- Threatening or aggressive or abusive behaviour in direct personal contacts with staff.
- Threatening, abusive or violent behaviour or actions directed at other people involved in the events which gave rise to the complaint.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Using the vehicle of valid new complaints to resurrect issues, which were included in previous complaints.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Persistence in sending letters/faxes/emails which demand responses, or making telephones calls or seeking interviews with staff, long after the authority has closed the investigation into a complaint and all rights if review and appeal have been exhausted.
- Combinations of some or all of these.

APPENDIX TWO

Issues for consideration before applying the unreasonable persistent complaints policy:

The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied members should be satisfied that:

- the complaint is being or has been investigated properly via the complaints procedure. If the complainant asks the same question due to failure by the council to adequately answer the question this cannot be considered as a persistent complaint;
- any decision reached on it is the right one and all evidence placed on file will corroborate action taken via the unreasonable persistent complaints policy, for example details of any abusive phone calls (or other Appendix One examples) All file notes should be comprehensive and objective containing date/time/telephone call/meeting/officer;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the authority's view on the complaint.

Even if these points are satisfied consideration should be given to whether further action is necessary prior to taking the decision to designate the complainant as unreasonably persistent. Examples might be:

- If no meeting has taken place between the complainant and an officer/Council, and provided that the Council is not aware of anything about the complainant that would make this inadvisable, offering the complainant a meeting with an officer of appropriate seniority may be a consideration. Such meetings may dispel misunderstandings and move matters towards a resolution.
- If more than one staff member is being contacted by an unreasonably persistent complainant, consideration may be given to:
 - setting up a strategy meeting to agree a joint approach; and
 - designating a key officer to co-ordinate the authority's response(s).
- If the complainant has special needs, an advocate might be helpful to both parties.
- Before applying any restrictions the complainant should be given a warning that if his/her actions continue the Council may decide to treat him/her as an unreasonably persistent complainant, and an explanation why given.

Techniques for dealing with unreasonably persistent complainants

- √ Communicate clearly and consistently. Do what you say you will do and if you are unable to do so, say so and explain why.
- √ Clarify the issues at an early stage.
- √ Consider calling an early strategy meeting as soon as a potentially unreasonable persistent complainant situation is identified.
- √ Arrange regular meetings with any other officers directly involved with the potential unreasonable persistent complainant to guarantee everyone directly effected is updated expeditiously
- √ Be mindful of the implications relating to Health and Safety at Work Act 1974, The Human Rights Act 1998, The Data Protection Act 1998 and the Freedom of Information Act 2000 and any other relevant enactments.

Operating the policy

If a decision is taken to apply the policy, write to inform the complainant that:

- the decision has been taken;
- what it means for his or her contacts with the authority;
- how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

Enclose with the letter a copy of the policy.

Keep adequate records of all contacts with unreasonable and unreasonably persistent complainants, for example:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or
- when a decision is taken not to put a further complaint from such a complainant through its complaints procedure for any reason; or
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

DISCIPLINARY PROCEDURE

1. INTRODUCTION

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to: -

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the Parish Council's image and reputation with the public.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive. These are examples only:

- i. Unsatisfactory time keeping.
- ii. Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- iii. Failure to comply with rules and regulations applicable to job requirements.
- iv. Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the Parish Council.
- v. Insubordination.
- vi. Any other conduct that from time to time is defined by the Parish Council as amounting to misconduct.

1.2 For first instances of minor misconduct the designated Parish Councillor may speak to the employee informally before implementing a formal disciplinary procedure. However there is no obligation for the designated Parish Councillor to do this.

2. SCOPE

The procedure applies to all employees of Bestwood Village Parish Council.

3. VERBAL WARNINGS

Verbal Warnings are issued for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Parish Council. A note confirming the Verbal Warning will be placed on the employees personnel file and a copy will be provided to the employee. A Verbal Warning will normally remain in force for 6 months.

The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

4. FIRST WRITTEN WARNING

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the designated Parish Councillor and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or failure by the employee to improve his / her conduct to an acceptable standard;
- iii. that further offences will result in more serious disciplinary action; and
- iv. the employee's right of appeal.

A First Written Warning will normally remain in force for [6 months].

The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

5. FINAL WRITTEN WARNING

If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning. A Final Written Warning will be issued by the designated Councillor and will set out:

- i. the nature of the offence and the improvement required (if appropriate) and over what period;
- ii. the likely consequences of any further offence or a failure by the employee to improve his / her conduct to an acceptable standard;

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- iii. that further offences will result in more serious disciplinary action up to and including dismissal; and
- iv. the employees right of appeal.

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months.

6. STANDARD PARISH COUNCIL DISCIPLINARY PROCEDURE

- 6.1. In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Parish Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.
- 6.2. The Parish Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- 6.3. The Parish Council will set out in writing the alleged conduct or other circumstances which lead the Parish Council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 6.4. Disciplinary meetings will normally be convened within 5 working days of the Parish Council sending the employee the written statement referred to in 6.3 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The Parish Council will be represented by the designated Parish Councillor.
- 6.5. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees companion should he or she wish to be accompanied to the meeting pursuant to 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.
- 6.6. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the designated Parish Councillor time to consider their decision.

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- 6.7. After the meeting the Parish Council will inform the employee of their decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 6.8. If the employee wishes to appeal against the decision he or she must notify the Parish Council in writing within 5 days of receiving written notice of the decision.
- 6.9. If the employee notifies the Parish Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Finance and General Purposes Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 6.10. A disciplinary appeal meeting will normally be convened within 7 working days of the Parish Council receiving notification that the employee wishes to appeal pursuant to 6.8 above. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.
- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Parish Council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Parish Council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Parish Council's Finance and General Purposes Committee time to consider its decision.
- 6.11. After the disciplinary appeal meeting the Parish Council will inform the employee of its final decision within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

7. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

- 7.1. The following list provides examples of conduct that will normally be regarded by the Parish Council as Gross Misconduct. This list is not exhaustive. These are examples only:

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- i. Refusal or repeated failure by an employee to carry out his or her duties.
 - ii. Falsification of documents or information (including expense claims).
 - iii. Unauthorised disclosure of confidential information.
 - iv. Assaulting a fellow employee or any other person whilst acting or purporting to act on behalf of the Parish Council.
 - v. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Parish Council.
 - vi. Serious or repeated harassment (including sexual and racial harassment).
 - vii. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
 - viii. Wilful damage to Parish Council property.
 - ix. Theft, unauthorised use or possession of Parish Council property or theft of the property of a fellow employee.
 - x. Conduct bringing the Parish Council into disrepute.
 - xi. Any other conduct that from time to time is defined by the Parish Council as amounting to gross misconduct.
- 7.2. If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 10 working days unless there are exceptional circumstances.
- 7.3. The Parish Council will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.
- 7.4. If the Parish Council believes the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.
- 7.5. The Parish Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the Parish Council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employees right to appeal against the Parish Council's decision.

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- 7.6. If the employee wishes to appeal against the Parish Council's decision he or she must notify the Parish Council in writing within 5 working days of receiving notice of the Parish Council's decision pursuant to 7.5 above.
- 7.7. If the employee appeals the Parish Council will invite the employee to attend a disciplinary appeal meeting before the Council's Finance and General Purposes Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 7.8. Any disciplinary appeal meeting will normally be convened within 7 working days of the Parish Council receiving notice from the employee that he or she wishes to appeal pursuant to 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.
- i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the Parish Council. The original disciplinary penalty will be reviewed.
 - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
 - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Parish Council takes effect. If the employee's appeal is against dismissal and the appeal is successful he or she will be reinstated and continuity of employment will be preserved.
 - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Parish Council's Finance and General Purposes Committee time to consider its decision.
- 7.9. After the disciplinary appeal meeting the employee will be informed of the Parish Council's final decision within 5 working days. The meeting may be reconvened for this purpose. The Parish Council's decision will be confirmed to the employee in writing.

8. GENERAL PROCEDURAL INFORMATION

- 8.1. Verbal Warnings and Written Warnings will normally be issued by the designated Parish Councillor. Disciplinary proceedings raised under the standard Parish Council disciplinary procedure will also normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the designated Parish Councillor.

*This Legal Topic Note was provided by Ian Mark, Senior Legal Executive
National Association of Local Councils*

GRIEVANCE PROCEDURE

1. INTRODUCTION

- 1.1. This procedure applies to all employees of the council.
- 1.2. The objectives of the procedure are: -
 - To foster good relationships between the council and its employees by discouraging the harbouring of grievances;
 - To settle grievances as near as possible to their point of origin;
 - To ensure the council treats grievances seriously and resolves them as quickly as possible; and
 - To ensure that employees are treated fairly and consistently throughout the council.
- 1.3. Matters excluded from this procedure are as follows: -
 - Appeals against salary or gradings;
 - Appeals against disciplinary actions;
 - Income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
 - Rules of pension schemes; and
 - A grievance about a matter over which the council has no control.

2. INFORMAL GRIEVANCE PROCEDURE

In the interests of maintaining good working relations the employee is encouraged to first discuss any grievance with the designated Parish Councillor with a view to resolving the matter informally if appropriate. If the employee feels that this is not appropriate or he or she wishes to pursue a formal grievance they should follow the procedure detailed below.

3. FORMAL GRIEVANCE PROCEDURE

STANDARD COUNCIL GRIEVANCE PROCEDURE

- 3.1. The employee must set out his/her grievance in writing (“Statement of Grievance”) and provide a copy to the designated Parish Councillor.
- 3.2. Once the council has had a reasonable opportunity to consider its response to the information provided in the Statement of Grievance the employee will be invited to attend a grievance meeting to discuss the matter.
 - (i) The employee must take all reasonable steps to attend the meeting.
 - (ii) Grievance meetings will normally be convened with 14 days of the council receiving the Statement of Grievance.
 - (iii) The employee has the right to be accompanied to a grievance meeting by a fellow employee or by a Trade Union representative.
 - (iv) If the meeting is inconvenient for either the employee or his or her companion, the employee has the right to postpone the meeting by up to 5 working days.
- 3.3. A grievance meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the designated Parish Councillor time to consider the decision.
- 3.4. After the meeting the employee will be informed of the council’s decision within 5 working days. The meeting may be reconvened for this purpose. The council’s decision will be confirmed to the employee in writing.
- 3.5. If the employee wishes to appeal against the council’s decision he or she must inform the council within 5 working days of receiving the decision.
- 3.6. If the employee notifies the council that they wish to appeal, the employee will be invited to attend a grievance appeal meeting before the Council’s Finance and General Purposes Committee. The employee must take all reasonable steps to attend that meeting. The employee has the right to be accompanied to a grievance appeal meeting by a fellow employee or by a Trade Union representative.
- 3.7. A grievance appeal meeting will normally be convened within 7 working days of the council receiving notice that the employee wishes to appeal pursuant to 3.5. above. If the meeting time is inconvenient for the employee or his or her companion, the employee may ask to postpone the meeting by up to 5 working days.
- 3.8. After the grievance appeal meeting the employee will be informed of the council’s final decision within 5 working days. The meeting may be

Bestwood Village Parish Council

reconvened for this purpose. The council's decision will be confirmed to the employee in writing.

4. MODIFIED COUNCIL GRIEVANCE PROCEDURE (FOR FORMER EMPLOYEES)

- 4.1. If an ex-employee wishes to raise a grievance, he or she must set out their grievance and the basis for that grievance in writing and provide a copy to the Chairman of the Council's Finance and General Purposes Committee within 3 months of their final date of employment.
- 4.2. Following receipt of a statement of grievance pursuant to 4.1. above, the Council will either write to the ex-employee inviting him or her to attend a meeting to discuss the grievance, or to ask for the ex-employee's agreement to the Council responding to the grievance in writing.
 - 4.2.1. If the ex-employee does not agree to the matter being dealt with by correspondence within 7 working days of the council writing to them pursuant to 4.2. above steps 3.1. to 3.4. of the standard Council grievance procedure will be followed. The meeting will be conducted by the Council's Finance and General Purposes Committee.
 - 4.2.2. If the ex-employee does agree to the matter being dealt with by correspondence, the Council's Finance and General Purposes Committee will consider his or her grievance and will respond to the ex-employee in writing within 14 days of the receipt of such confirmation setting out the basis for the council's decision.

5. GENERAL PROCEDURAL INFORMATION

- 5.1. Grievances raised under the Standard Council Grievance Procedure will normally be investigated, and any meetings to discuss the grievance conducted by the designated Parish Councillor.
- 5.2. If an employee's grievance is about the designated Parish Councillor they should raise the matter with the Chairman of the Council's Finance and General Purposes Committee. All investigations and any grievance meeting will be conducted by the Council's Finance and General Purposes Committee and any grievance appeal meeting will be conducted by 3 Members of the Council who do not sit on the Finance and General Purposes Committee.
- 5.3. A copy of the Statement of Grievance, a note of the decision taken at the first stage of the procedure, any notice of appeal and appeal decision will be placed on the employee's / ex-employees personnel file, together with any notes or evidence taken or compiled during the course of the procedure.

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**BESTWOOD VILAGE PARISH COUNCIL
FINANCIAL REGULATIONS**

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These Financial Regulations were adopted by the Council at its Meeting held 8 May 2018

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
 - identify 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. A breach of these Regulations by an employee is gross misconduct.
- 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.

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- 1.8. The Clerk has been appointed as Responsible Financial Officer (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;
 - maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:

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

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

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

shall be a matter for the full council only.

1.14. In addition the council must:

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

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

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

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 1.16. 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.
- 1.17. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chair 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.
- 1.18. 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.

- 1.19. 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.
- 1.20. 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.
- 1.21. 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;
 - demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 1.22. 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.
- 1.23. 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.

- 1.24. 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.
- 1.25. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 1.26. Each committee (if any) shall review its forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast.
- 1.27. The RFO must each year, by no later than January 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 Finance committee and the council.
- 1.28. The council shall consider annual budget proposals in relation to the council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 1.29. 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 February 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.
- 1.30. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

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

- the council for all items over £500
- the Clerk, in conjunction with Chair of Council for any items below £500.

Such authority is to be evidenced by a minute by an authorisation slip duly signed by the Chair.

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

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

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

1.34. The salary budgets are to be reviewed at least annually for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of Council.

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

- 1.36. 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.
- 1.37. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 1.38. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of variances.
- 1.39. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 1.40. 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
- 1.41. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chair of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 1.42. 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.

- 1.43. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 1.44. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- 1.1.1.a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council .
 - 1.1.1.b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council
 - 1.1.1.c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 1.45. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council [or Finance Committee].
- 1.46. 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.
- 1.47. 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.
- 1.48. 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.

- 1.49. 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.
- 1.50. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 1.51. The council will make safe and efficient arrangements for the making of its payments.
- 1.52. 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.
- 1.53. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 1.54. 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 three member[s] of council in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 1.55. 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.
- 1.56. 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.

- 1.57. 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 three members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 1.58. 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 three 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.
- 1.59. 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 three 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.
- 1.60. 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.
- 1.61. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chair of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 1.62. 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.
- 1.63. 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.

- 1.64. 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.
- 1.65. Where internet banking arrangements are made with any bank, the Clerk and 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.
- 1.66. 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.
- 1.67. 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 three Councillors and the Clerk and RFO. A programme of regular checks of standing data with suppliers will be followed.
- 1.68. Any Debit Card issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed.
- 1.69. 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.

7. PAYMENT OF SALARIES

- 1.70. 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.

- 1.71. 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.
- 1.72. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council. 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:
- 1.1.a) by any councillor who can demonstrate a need to know;
 - 1.1.b) by the internal auditor;
 - 1.1.c) by the external auditor; or
 - 1.1.d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 1.73. 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.
- 1.74. An effective system of personal performance management should be maintained.
- 1.75. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 1.76. Before employing interim staff the council must consider a full business case.

8. LOANS AND INVESTMENTS

- 1.77. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for

borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

- 1.78. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 1.79. 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 Chair of the council at the same time as one is issued to the Clerk and RFO.
- 1.80. 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.
- 1.81. 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.
- 1.82. All investments of money under the control of the council shall be in the name of the council.
- 1.83. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 1.84. 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

- 1.85. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 1.86. 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.

- 1.87. The council will review all fees and charges at least annually, following a report of the Clerk.
- 1.88. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 1.89. 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.
- 1.90. The origin of each receipt shall be entered on the paying-in slip.
- 1.91. Personal cheques shall not be cashed out of money held on behalf of the council.
- 1.92. 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.
- 1.93. 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

- 1.94. 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.
- 1.95. Order books shall be controlled by the RFO.
- 1.96. 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.

- 1.97. A member may not issue an official order or make any contract on behalf of the council.
- 1.98. 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

- 1.99. Procedures as to contracts are laid down as follows:
 - a.i.1.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:
 - a.i.1.a.i. for the supply of gas, electricity, water, sewerage and telephone services;
 - a.i.1.a.ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - a.i.1.a.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;
 - a.i.1.a.iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - a.i.1.a.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 Chair and Vice Chair of council); and
 - a.i.1.a.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.
 - e. 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.
 - f. If less than three tenders are received for contracts above £60,000 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.
 - g. Any invitation to tender issued under this regulation shall be subject to Standing Order [17], and shall refer to the terms of the Bribery Act 2010.
 - h. When it is to enter into a contract of 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 and RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk and RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
 - i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
 - j. Should it occur that the council, 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. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 1.100. 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).
- 1.101. 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.
- 1.102. 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. ASSETS, PROPERTIES AND ESTATES

- 1.103. 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.
- 1.104. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

- 1.105. 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).
- 1.106. 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).
- 1.107. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 1.108. 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.

14. INSURANCE

- 1.109. Following the Annual Financial Risk Assessment, the RFO shall effect all insurances and negotiate all claims on the council's policy.
- 1.110. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 1.111. 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.
- 1.112. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

15. RISK MANAGEMENT

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

16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 1.115. It shall be the duty of the council to review the Financial Regulations of the council annually as per 1.5 and 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.
- 1.116. 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.

* * *

Bestwood Village Parish Council

– standing orders

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting for reasons of expedience.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda 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 under consideration.
- f If an amendment to the original motion is carried, the original motion 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.
- j Subject to standing order 1 (k) below, 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 The number of amendments to an original or substantive motion that may be moved by a councillor is limited to one.
- 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 of 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 of a motion except to speak on an amendment moved by another councillor , or to move another amendment if the motion has been amended since he last spoke 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 Chair of the meeting and his decision shall be

final.

- r When a motion is under debate no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting;
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory 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 waive 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 5 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 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) above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include a temporarily suspending or closing of the meeting.

3. Meetings generally

- a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b The minimum 3 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 3 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.

The period of time designated for public participation at a meeting in accordance with standing order 3 (d) above shall not exceed 15 minutes unless directed by the Chair of the meeting.

Subject to standing order 3 (e) above, a member of the public shall not speak for more than 4 minutes.

In accordance with standing order 3 (f) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of a meeting may direct that a written or oral response be given.

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 may at any time permit and person to be seated when speaking.

A person who speaks at a meeting shall address his comments to the Chair.

Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair shall direct the order of speaking.

Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted.

In accordance with standing order 3(d) 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.

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 any).

The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, 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.

Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.

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.

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.

The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. names of councillors and non-councillors present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session and
- vi. the resolutions made.

A councillor or a Non-councillor with voting rights who has a disclosable pecuniary interest or another interest in a matter being considered at a meeting which affects his right to participate in a discussion and vote on that matter is subject to statutory limitations or restrictions and any obligations in the code of conduct adopted by the Council.

- t 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.
- u 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 that regulates and controls the finance 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;
 - 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 6 (b) and (c) above appoint and determine the terms of office of members of such a committee;
 - v. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee .
 - vi. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than 3.
 - vii. shall determine if the public may participate at a meeting of a committee.
 - viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and if public notice is required for the meetings of a sub-committee.
 - ix. shall determine if the public may participate at a meeting of a sub- committee that they are permitted to attend.
 - x. may dissolve a 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 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 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 directs.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if any) 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, 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 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 must 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 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 must 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 any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:.

- a.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.
- a.ii. Confirmation of the accuracy of the minutes of the last meeting of the Council
- a.iii. Receipt of the minutes of the last meeting of a committee.
- a.iv. Consideration of the recommendations made by a committee.
- a.v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities.
- a.vi. Review of the terms of references for committees.
- a.vii. Receipt of nominations to existing committees.
- a.viii. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
- a.ix. Review and adoption of appropriate standing orders and financial regulations.
- a.x. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- a.xi. Review of representation on or work with external bodies and arrangements for reporting back.
- a.xii. (*England*) In a year of elections, to make arrangements with a view to the Council becoming eligible to exercise the power of general competence in the future .
- a.xiii. Review of inventory of land and assets including buildings and office equipment.
- a.xiv. Confirmation of arrangements for insurance cover in respect of all insured risks.
- a.xv. Review of the Council's and/or staff subscriptions to other bodies.
- a.xvi. Review of the Council's complaints procedure.
- a.xvii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- a.xviii. Review the Council's policy for dealing with the press/media
- a.xix. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
- a.xx. Determining the time and place of the ordinary meetings of standing committees up until the date of the next annual meeting of full Council.

- k District and County Councillors will, when present at a Full Council meeting have the right to contribute to a debate in accordance with these orders. They will not have voting rights nor will they be permitted to take part in confidential items

6. Extraordinary meetings of the Council and 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 or refuses to call an extraordinary meeting of the Council within 7 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 statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

- c The Chair of a committee [and a sub-committee] may convene an extraordinary meeting of the committee [and sub-committee] at any time.
- d If the Chair of a committee [and a sub-committee] does not or refuses to call an extraordinary meeting within (7) days of having been requested by to do so by a majority of members of the committee, any two members of the committee [and sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

- a A resolution shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of the majority of councillors of the Council, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion is moved pursuant to standing order 4 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

8. Voting on appointments

- 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. 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 it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days before the meeting. Clear days does not include the day of the notice or the day of the meeting, Sundays or bank holidays.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 7 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 or rejected in the agenda.
- f Having consulted the Chair or councillors pursuant to standing order 4(e) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the

Proper Officer for its rejection.

10. Motions at a meeting that do not require written notice to the Proper Officer

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

11. Handling confidential or sensitive information not in the public interest

- a The agenda, papers that support the agenda, a meeting and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons is not in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons is not in the public interest
- c 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.

12. Draft minutes

- a If the draft minutes of a preceding meeting has 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 raised in accordance with standing order 5(a)(iv) above.
- c The accuracy of draft minutes, including amendment(s) carried in accordance with standing order 9(b) above, 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 Bestwood Village Parish Council held on [date] in respect of [item] 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 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approve minutes exist shall be destroyed.

13. Code of conduct and dispensations

- 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 if he has a disclosable pecuniary interest or another interest in a matter that is being considered which restricts his participation in a discussion or vote on that matter. He may return to the meeting after it has considered the matter in which he had the interest.
- c Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before, or failing that, at the start of the meeting that the dispensation is required for.
- d A dispensation request shall confirm:
 - i.i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - i.ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - i.iii. the date of the meeting or the period (not exceeding 4 years) for which the dispensation is sought and
 - i.iv. an explanation as to why the dispensation is sought.
- e Subject to standing orders 7 (c) and (d) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee that the dispensation is required at and its decision as to whether or not to grant the dispensation is final
- f A dispensation may be granted in accordance with standing order 7(f) if having regard to all relevant circumstances the following applies:
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
 - 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. Proper Officer

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

The Proper Officer shall:

- a. At least 3 clear days before a meeting of the Council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
- b. Give public notice of the time, place and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
- c. Subject to standing orders 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.
- d. Convene a meeting of full Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office, in accordance with standing order [3(b)i] OR [3(b)ii] above.
- e. Facilitate inspection of the minute book by local government electors.

- f. Receive and retain copies of byelaws made by other local authorities.
- g. Retain acceptance of office forms from councillors.
- h. Retain a copy of every councillor's register of interests.
- i. 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.
- j. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- k. Manage the organisation, storage of and access to and destruction of information held by the Council in paper and electronic form.
- l. Arrange for legal deeds to be signed by 2 councillors and witnessed.
- m. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- n. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- o. Manage access to information about the Council via the publication scheme.

15. Responsible Financial Officer

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

16. Accounts and Financial Statement

- 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 before 30 June.

17. 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 accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor 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;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c. Subject to the financial regulations of a Council, the tender process for contracts for the supply of goods, materials, services shall include the following steps:
 - i. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm the (i) Council's specification (ii) time and date and address for the submission of tenders and (ii) date of the

Council's written response to the tender (iii) prohibition on prospective contractors from contacting councillors or staff to encourage or support of 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 after the deadline for submission of tenders has passed by the Proper Officer in the presence of least one councillor ;
 - vi. tenders are to be reported to and considered by the appropriate meeting of Council or Committee or sub- committee.
- d Neither the Council, a committee or sub-committee, is bound to accept the lowest value tender.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

18. Handling staff matters

a A matter personal to a member of staff that is being considered by a meeting of Council committee is subject to standing order 12.

b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.

c Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk & RFO The reviews and appraisal shall be reported in writing and is subject to approval by the Council.

d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair or, if he is not available the Vice-Chair, or the Chair of the Personnel committee of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution.

e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Clerk & RFO relates to the Chair or Vice-Chair this shall be communicated to another member which shall be reported back and progressed by resolution

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

g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.

h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 26(g) and (h) above if so justified.

i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26 above shall be provided only to the Chair of the Council in his absence the Vice Chair.

19. Code of conduct complaints England and Wales

- a Upon notification by the District Council that it is investigating 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 21, report this to the Council.
- b Where the notification in standing order 20 (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 set out in the remainder of this standing order and who shall continue to act in respect of that matter until the complaint has been determined.
- c The Council may:
 - i. seek documentary and other evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
 - iii. grant the member involved an indemnity in respect of legal costs which is subject to approved by a meeting of the full Council
- d Upon notification by the District or Unitary Council that a councillor or non-councillor with rights has breached the Council's code of conduct, the Council may consider what if any action to take against him/her The Council cannot disqualify or suspend a person from office.

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 Council. The Council 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 in standing order 3(b)(x) above.

21. Relations with the press/media

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

22. Execution and sealing of legal deeds

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

23. Communicating with District and County 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.

24. Restrictions on councillor activities

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

25. Variation, revocation and suspension of standing orders

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration 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, not mandatory or that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice whereof bears the names of at least 5 councillors.

26. Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- b The decision of the Chair of a meeting as to the application of standing orders at the meeting 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.

JOB DESCRIPTION –

CLERK TO THE BESTWOOD VILLAGE PARISH COUNCIL

(Based on the Model Job Description provided by NALC and SLCC)

Overall Responsibilities

The Clerk to the Parish Council will be the Proper Officer of the Parish Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer.

The Clerk will be totally responsible for ensuring that the instructions of the Parish Council in connection with its function as a Local Authority are carried out.

The Clerk is expected to advise the Parish Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The person appointed will be accountable to the Parish Council for the effective management of all its resources and will report to them as and when required.

The Clerk will be the Responsible Financial Officer and responsible for all financial records of the Parish Council and the careful administration of its finances.

Bestwood Village Parish Council

Specific Responsibilities

1. To ensure that statutory and other provisions governing or affecting the running of the Parish Council are observed.
2. To monitor and balance the Parish Council's accounts and prepare records for audit purposes and VAT.
3. To ensure that the Parish Council's obligations for Risk Assessment are properly met.
4. To prepare, in consultation with appropriate members, agendas for meetings of the Parish Council and Committees. To attend such meetings and prepare minutes for approval.
5. To attend all meetings of the Parish Council and all meetings of its committees and sub-committees.
6. To receive correspondence and documents on behalf of the Parish Council and to deal with the correspondence or documents and bring such items to the attention of the Parish Council. To issue correspondence as a result of instructions of, or the known policy of the Parish Council.

Bestwood Village Parish Council

7. To receive and report on invoices for goods and services to be paid for by the Parish Council and to ensure such accounts are met. To issue invoices on behalf of the Parish Council for goods and services and to ensure payment is received.
8. To study reports and other data on activities of the Parish Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields and to produce reports for circulation and discussion by the Parish Council.
9. To draw up, both on his/her own initiative and as a result of suggestions by Councillors, proposals for consideration by the Parish Council and to advise on practicability and likely effects of specific courses of action.
10. To monitor the implemented policies of the Parish Council to ensure they are achieving the desired result and where appropriate suggest modifications.
11. To be available to members of the public regarding Parish Council business; this will include by telephone, email or in person. Meetings with the public at home are discouraged, a mutually agreed location should be identified.
12. To act as the representative of the Parish Council as required.
13. To issue notices and prepare agendas and minutes for the Parish Meeting: to attend the assemblies of the Parish Meeting and to implement the decisions made

Bestwood Village Parish Council

at the assemblies that are agreed by the Parish Council.

14. To prepare agendas and minutes Parish Council's Committees and sub-Committees; to implement the decisions made at Committees and sub-committees: to circulate copies of minutes of Committees and sub-Committees to all Parish Councillors.
15. To prepare, in consultation with the Chairman, press releases about the activities of, or decisions of, the Parish Council.
16. To ensure that the content of the noticeboards is current and regularly updated, and Councillors are instructed to update as needed.
17. To attend training courses or seminars on the work and role of the Clerk as required by the Parish Council.
18. To work towards the achievement of the status of Qualified Clerk as a minimum requirement for effectiveness in the position of Clerk to the Parish Council.
19. To continue to acquire the necessary professional knowledge required for the efficient management of the affairs of the Parish Council: Suggested is membership of your professional body 'The Society of Local Council Clerks'.
20. To attend the Conference of the National Association of Local Councils, Society of Local Council Clerks, and other relevant bodies, as a representative of the Parish Council as required.

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21. To perform any other duties reasonably falling within the purview of the post.

(This Contract and Job Description was produced April 2016)

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