



BURNISTON PARISH COUNCIL

STANDING ORDERS AND FINANCIAL REGULATIONS

As amended and adopted 4th November 2014

INCLUDING

MODEL CODE OF CONDUCT

(ADOPTED 4th SEPTEMBER 2012)

CATEGORIES OF CONFIDENTIAL BUSINESS

ROLE OF CLERK & COUNCILLORS

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INFORMATIVE

Some matters for which a Council would normally make a standing order have been laid down in Acts of Parliament and are therefore compulsory (and as such cannot be varied, suspended or revoked). Standing orders which incorporate mandatory statutory requirements are therefore printed in **heavy type**.

References to “he” should also be construed to mean “she”. The words “Chairman and Vice Chairman, are used regardless of gender.

Notes are printed in *italics*.

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PART I

STANDING ORDERS

MEETINGS

- SO1** (a) Smoking (including the use of devices intended to imitate smoking) is not permitted at any meeting of the Council.
- (b) All mobile phones must be switched to off or silent for the duration of the Council meeting.
- SO2** **The Statutory Annual Meeting shall be held in accordance with the Local Government Act 1972, schedule 12, paragraph 7 (1) and (2).**
- SO3** **At least three other statutory meetings shall be held in each year as the Council may direct.**

CHAIRMAN OF MEETING

- SO4** **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

PROPER OFFICER

- SO5** Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, it shall be the Clerk to the Council:-
- (a) To receive declarations of acceptance of office.
 - (b) To receive and record notices disclosing interests at meetings.
 - (c) To receive and retain plans and documents.
 - (d) To sign notices or other documents on behalf of the Council.
 - (e) To receive copies of bylaws made by another local authority.
 - (f) To certify copies of bylaws made by the Council.
 - (g) To sign and issue the summons to attend meetings of the Council.
 - (h) To keep proper records for all Council meetings.

In any other case the Proper Officer shall be the person nominated by the Council and, in default of nomination, the Clerk to the Council.

QUORUM

- SO6** **Three members shall constitute a quorum.**
- SO7** If a quorum is not present or if, during a meeting, the number of Councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such day as the Chairman may fix.

VOTING

- SO8** Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
- SO9** **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.** Such a request must be made before moving on to the next business.
- SO10** (a) **Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.**
- (b) **If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**
- (c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS

- SO11** In an election year, before the Annual Meeting commences Councillors should execute Declarations of Acceptance of Office in the presence of the Proper Officer.
- SO12** **At each Annual Meeting the first business shall be**
- (a) **To elect a Chairman of the Council.**
- (b) **To receive the Chairman's declaration of acceptance of office.**
- (c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- (d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- (e) To elect a Vice-Chairman of the Council.
- (f) To appoint committees and sub-committees.
- (g) To consider the payment of any subscriptions falling to be paid annually.
- (h) To appoint representatives to outside bodies.

- (i) To appoint co-ordinators of specified matters [eg. footpaths].

And shall thereafter follow the order set out in Standing Order 15.

SO13 At every meeting, other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent.

SO14 In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees. (See also Standing Order 35).

SO15 After the first business has been completed, the order of business unless the Council otherwise decides on the grounds of urgency, shall be as follows:-

- (a) To read and consider the Minutes, provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

(b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

(c) To deal with business expressly required by statute to be done.

- (d) To dispose of business, if any, remaining from the last meeting.

(e) Public Open Forum - to receive items raised by members of the public

(f) To consider matters raised in the Public Open Forum

(g) To receive reports from the Police, County and Borough Councillors

(h) To answer questions from Councillors (see Orders 23-26 below)

(i) Other business specified in the summons.

SO16 A motion to vary the order of business on the ground of urgency

(a) may be proposed by the Chairman or any member and, if proposed by the Chairman, may be put to the vote without being seconded, and

(b) shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

SO17 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice in writing of its terms

and has delivered the notice to the Clerk not later than seven clear days before the next meeting of the Council.

- SO18** The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given unless the member giving the notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- SO19** If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall be treated as withdrawn and not moved without fresh notice.
- SO20** If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- SO21** Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

- SO22** Resolutions dealing with the following matters may be moved without notice:-
- (a) To appoint a Chairman of the meeting.
 - (b) To correct the Minutes.
 - (c) To approve the Minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a committee.
 - (h) To appoint a committee or members thereof.
 - (i) To adopt a report.
 - (j) To authorise the sealing of documents.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a motion or an amendment.
 - (m) To extend the time limit for speeches.

- (n) To exclude the press and public. (see order 63 below).
- (o) To silence or eject from the meeting a member named for misconduct. (see order 36 below).
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. (see order 73 below).
- (s) To adjourn the meeting.

QUESTIONS

- SO23** A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- SO24** Questions not connected with the business under discussion shall be not be asked except during the part of the meeting set aside for questions.
- SO25** Every question shall be put and answered without discussion.
- SO26** A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- SO27** No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- SO28**
 - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
 - (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
 - (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
 - (d) No speech by a mover of a resolution shall exceed 4 minutes, and no other speech shall exceed 3 minutes except by the consent of Council.
 - (e) An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

(f) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

(g) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

(h) The mover of a resolution or of an amendment shall have a right of reply not exceeding 3 minutes.

(i) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution, except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move closure.

(j) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.

(k) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission had been asked for its withdrawal unless such permission has been refused.

(l) When a resolution is under debate no other resolution shall be moved except the following:-

- (i) To amend the resolution.
- (ii) To proceed to the next business.
- (iii) To adjourn the debate.
- (iv) That the question now be put.
- (v) That a member named be not further heard.
- (vi) That a member named do leave the meeting.
- (vii) That the resolution be referred to committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

SO29

(a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

(b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.

(c) Whenever the Chairman is speaking all other members shall be seated and silent.

CLOSURE

- SO30** At the end of any speech a member may, without comment, move "that the question now be put", "that the debate be now adjourned" or "that the Council do now adjourn". If such a motion is seconded the Chairman shall put the motion but, in the case of a motion "to put the question", only if he is of the opinion that the question before Council has been sufficiently debated. If the motion "that the question be now put" is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of a reply at the resumption.

RIGHT OF REPLY

- SO31** The mover of a resolution shall have the right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

ALTERATION OF RESOLUTION

- SO32** A member may, with the consent of his seconder, move amendments to his own resolution.

RESCISSION OF A PREVIOUS RESOLUTION

- SO33** (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution, the written notice whereof bears the names of at least four members of the Council.
- (b) When a special resolution moved under the provisions of paragraph (a) of this order has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

- SO34** Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

- SO35** If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (see Standing Order 63 below)

CONDUCT

- SO36** (a) All members must observe the Code of Conduct which was adopted by the Council on 4th September 2012, a copy of which is annexed to these Standing Orders.
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RESOLUTIONS ON EXPENDITURE

- SO37** Any motion which, if carried, would, in the opinion of the Chairman, as advised by the Responsible Financial Officer, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of the Council or of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

EXPENDITURE

- SO38** (a) The Responsible Financial Officer, shall be responsible for prescribing the financial regulations of the Council and for the proper administration of the Council's financial affairs.
- (b) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, or to an employee.

(c) The Council's financial regulations shall be reviewed regularly and may only be varied or amended by resolution of the Council.

ACCOUNTS AND FINANCIAL STATEMENT

SO39 (a) Except as provided in paragraph (b) of this Standing Order, or by PART II (Financial Regulations) or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

(b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness by the Responsible Financial Officer & the approval of the Chairman or Vice-Chairman of the Council sought.

(c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments laid before the Council.

ESTIMATES

SO40 The Council shall approve written estimates for the coming financial year no later than its meeting in the month of January.

SEALING OF DOCUMENTS

SO41 (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

(b) In accordance with a resolution made under standing order 22(j) above, **any two members of the Council, may seal, on behalf of the Council, any document required by law to be issued under seal and the Proper Officer must witness their signatures.**

COMMITTEES

SO42 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

(a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,

(b) May appoint persons other than members of the Council to any Committee;

(c) May subject to the provisions of Order 33 above at any time dissolve or alter the membership of a committee.

By resolution of full Council the committees may be suspended for a period to be determined by Council. Where this is invoked then

reference to committee shall be interpreted, where relevant, as meaning full council.

- SO43** The Chairman and Vice-Chairman ex officio shall be members of every committee unless they signify they do not wish to so serve.
- SO44** Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
- SO45** The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- SO46** Except where ordered by the Council the quorum of a committee shall be a minimum of 3 members for a committee consisting of at least 2 ordinary members plus the Chairman and Vice Chairman as ex-officio members.
- SO47** (1) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee meetings.
- SO47** (2) Where a member of the Council is present at a committee meeting but is not an appointed member of that committee, then they do not have an automatic right to speak to the motions. However, with the permission of the Chairman, they may, if asked to do so by the committee, impart any relevant information or particular knowledge or experience, in order to assist the committee in arriving at its decision, but in doing so must not seek to express an opinion on the decision to be taken.
- SO47** (3) In order to avoid confusion, especially for members of the public who attend meetings, as to which Councillor is a member of a committee, then non-members shall be seated separately and apart from the members of the committee. Councillors are only entitled to inspect committee documents or have committee papers for those committees of which they are a member.

VOTING IN COMMITTEES

- SO48** Members of committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
- SO49** **Chairmen of committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- SO50** A member who has proposed a resolution which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

DELEGATED POWERS

- SO51** The Council delegates full executive powers, as follows:-
- (a) In the case of matters requiring an immediate or speedy decision in the interests of the efficient and effective discharge of any of the Council's functions, the Clerk shall be authorised, in consultation with the Chairman and/or Vice Chairman, to exercise that function.
- (b) In the case of a planning matter, where the deadline for Council's comments falls before the next scheduled Council meeting and an extension cannot be obtained from the planning authority, the Clerk shall obtain the comments of the Chairman or Vice Chairman plus any two councillors and their comments will form the basis of the Parish Council's comments to the planning authority. The submitted comments should be reported to the next scheduled council meeting for confirmation. Where there are sufficient planning applications to warrant calling a planning applications only meeting then the Clerk may call a meeting. In the case of an application which the Clerk considers is likely to be contentious or create considerable local interest, then he shall call a meeting.
- (c) A report of the action carried out under 51(a) or (b) shall be made to the next meeting of the Council for formal endorsement and recording in the minutes. The Council will indemnify the Clerk, when acting *bona fides* in the exercise of delegated powers, in any proceedings brought in respect of any acts done in the discharge of a delegated function.
- SO52** The Council delegates financial authority to the Clerk & RFO as laid out in the Council's Financial Regulations.

DECLARATION OF INTERESTS AT MEETINGS

- SO53** Where a matter arises at a meeting which relates to an interest in Appendix A of the Council's adopted Code of Conduct the member shall:
- (a) declare what his interest is (if not already entered into his/her Register);
- (b) not participate in a discussion or vote on the matter;
- (c) leave the room entirely while the matter is discussed and voted upon unless:-

- (i) The disability imposed upon him by those sections has been removed by means of a lawfully granted dispensation; or
- (ii) The Council invite him to remain.

SO54 Subject to Standing Order 53, where a matter arises at a meeting which relates to an interest in Appendix A of the Council's adopted Code of Conduct which is a sensitive interest, the member shall disclose that he has an interest but not the nature of it.

SO55 Where a matter arises at a meeting which relates to an interest in Appendix B of the Council's adopted Code of Conduct, the member:

- (a) shall declare what his/her interest is (if not already entered into his Register or if he speaks on the matter);
- (b) may speak on the matter only if members of the public are also allowed to speak at the meeting
- (c) shall not vote on the matter.

SO56 Subject to Standing Order 55, where a matter arises at a meeting which relates to an interest in Appendix B of the Council's adopted Code of Conduct which is a sensitive interest, the member shall disclose he has an interest but not the nature of it.

SO57 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A of the Council's adopted Code of Conduct), the member:

- (a) shall disclose the nature of the interest
- (b) may speak on the matter only if members of the public are also allowed to speak at the meeting
- (c) shall not vote on the matter.

If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

SO58 On each occasion an interest is declared a member shall complete a form giving particulars of any interest declared. These forms will be retained by the Clerk, who will record within the minutes all declarations of interest made.

SO59 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 58 shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

SO60 (a) Canvassing of members of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this subparagraph of this Standing Order to every candidate.

(b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

INSPECTION OF DOCUMENTS

SO61 Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council, and request a copy for the same purpose. The minutes of meetings of the Council shall be available for inspection by councillors.

UNAUTHORISED ACTIVITIES

SO62 Unless previously authorised by resolution of the Council, no Councillor shall, in the name of or on behalf of the Council

(a) inspect any lands or premises which the Council has a right or duty to inspect, or

(b) issue orders, instructions or directions, or

(c) incur any expenditure.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

SO63 **The public shall be admitted to all meetings of the Council which may, however, temporarily exclude the public** by means of the following resolution pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 as amended:

"it be resolved that, because of the special/confidential nature of the business about to be transacted, the public and the press leave the meeting]".

(Note: If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.)

Note 1. The categories of business likely to be deemed of a special or confidential nature, are set out on page 43 of these Standing Orders.

- SO64** **Reporting of a meeting may only take place in accordance with the Public Bodies (Admissions to Meetings) Act 1960 as amended and Section 3 of The Openness of Local Government Bodies Regulations 2014.** Any person who breaches this standing order will be warned and if they persist will be excluded from the meeting and/or dealt with in accordance with Standing Orders and the Council's adopted Code of Conduct.
- SO65** The Clerk shall afford to accredited members of the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- SO66** If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the Council Chamber.
- SO67** A record of a public participation session at a meeting shall be included in the minutes of that meeting.

CONFIDENTIAL BUSINESS

- SO68** (a) Councillors shall not disclose to any person who is not a member or employee of the Council any business declared to be confidential by the Council, or information given in confidence or which they believe or ought to be aware is of a confidential nature.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

- SO69** A notice of council meetings shall be sent together with an invitation to attend to the County Councillor for the county division and to the District Councillor or Councillors for the district ward.

PLANNING APPLICATIONS

- SO70** (a) Details of all planning applications will be held electronically and will contain the following data:-
- (i) the proposal
 - (ii) name of the applicant(s)
 - (iii) site location
 - (iv) planning application number

(b) The data collated in SO70(a) will be incorporated into the agenda for the next available meeting. Councillors are expected to look at all internet-based planning applications prior to attending the Council meeting. Where held, the original documents and plans will be made available for inspection by members.

COMPLAINTS PROCEDURE

- S071** Complaints regarding Council's administration and procedures shall be dealt with in accordance with Council's adopted Complaints Policy.
- S072** Complaints regarding alleged breaches of the Council's adopted Code of Conduct shall be referred to the Monitoring Officer at Scarborough Borough Council.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- S073** Any or every part of these Standing Orders, **except those printed in bold type**, may be suspended by resolution in relation to any specific item of business.
- S074** A resolution to permanently add to, vary, or revoke a Standing Order which does not incorporate mandatory statutory requirements shall, when proposed and seconded,
- (a) stand adjourned without discussion to the next ordinary meeting of the Council, and
- (b) not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

STANDING ORDERS TO BE GIVEN TO MEMBERS

- S075** A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office.
- S076** The Chairman's decision as to the application of standing orders at meetings shall be final.

OFFICE OF THE CLERK & RESPONSIBLE FINANCIAL OFFICER

- S077** No Member shall have the right to ask or demand that the Clerk carry out any act or deed which is not in fulfilment of a resolution of the Council, in fulfilment of his obligations as the Responsible Financial Officer of the Council or in pursuance of the legitimate aims or best interests of the Council.

SO78 Where any additional work or duties are required of the Clerk, Members must agree such work with the Chairman or Vice Chairman of the Council prior to it being carried out and the Chairman or Vice Chairman will instruct the Clerk accordingly.

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PART II

FINANCIAL REGULATIONS

1 GENERAL

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO) shall be the Clerk to the Council.
- 1.3 The RFO under the direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 1.4 The RFO shall be responsible for the production of financial management information.
- 1.5 The council shall periodically conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.7 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in "Governance and Accountability in Local Councils in England and Wales — a Practitioners Guide" which is published jointly by NALC and SLCC and updated from time to time.

2 ANNUAL ESTIMATES (BUDGET)

- 2.1 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the Council.
- 2.2 The Council shall review the budget not later than the end of December each year and shall fix the precept to be levied for the ensuing financial year no later than the January meeting. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.3 The annual budgets shall form the basis of financial control for the ensuing year.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall when requested 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.
- 3.4 The Clerk & RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £250 on the Clerk's own initiative or £500 in conjunction with the Chairman or Vice Chairman of Council. The Clerk shall report the expenditure to the next Council Meeting for approval in accordance with Standing Order SO51(c).
- 3.5 The Clerk and RFO may, subject to the prior agreement of either the Chairman or Vice Chairman of the Council, authorise expenditure in excess of £500 only where it is necessary to do so to ensure that the Council meets its legal and contractual obligations (for example on annual renewal of insurance cover falling to be paid between Council Meetings) and all such expenditure incurred must be reported to the next Council Meeting for approval in accordance with Standing Order SO51(c).
- 3.6 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4 ACCOUNTING AND AUDIT

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

- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis by way of internal audit reports. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5 BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. A cheque account shall be maintained, other monies shall be invested & maintained in such other financial vehicles as may be approved by the Council, and regularly reviewed.
- 5.2 Except as provided in 5.3 below, the RFO shall present to the Council for approval a schedule of all accounts for payment and claims upon the Council. Transfer of monies to and from accounts and investments must be approved by Council.

- 5.3 Where it is necessary to make a payment before it has been approved by the Council, such payment shall be certified as to its correctness and urgency by the RFO with the approval of the Chairman or Vice Chairman of the Council. Payments made under this Standing Order shall be included separately in the next schedule of payments laid before the Council.
- 5.4 Cheques drawn on the bank accounts in accordance with the schedule referred to in the previous paragraphs shall be signed by two Councillors, who must also initial the cheque stub.

6. PAYMENT OF ACCOUNTS

- 6.1 Apart from petty cash payments all payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, checked for arithmetical accuracy and certified by the RFO. Before certifying an invoice the RFO shall satisfy himself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3 When the RFO is satisfied that invoices are in order they shall be entered on the schedule referred to in 5.2 above.
- 6.4 The RFO may provide petty cash to Officers and Councillors for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement:
- (a) The RFO shall maintain a petty cash float to a limit of £30 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - (b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - (c) Payments to maintain the petty cash float shall be shown separately on the schedule of the payment of money presented to the appropriate committee (under 5.2 above).

7 PAYMENT OF SALARIES

- 7.1 As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as

agreed by Council. The RFO will be responsible for compliance with PAYE & National Insurance legislation.

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

8 LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 All investments of money under the control of the Council shall be in the name of the Council.
- 8.3 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed from time to time.
- 8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges periodically, following a report of the RFO.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year and a resolution passed to this effect and recorded in the minutes of the meeting at which the decision was taken.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.

- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made quarterly (providing the amount to reclaim exceeds the reclaim limit) with the final claim coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10 ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. petty cash purchases. Copies of orders issued shall be maintained.
- 10.2 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.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down in the Council's Standing Orders as follows:
- (a) Every contract made by the Council shall comply with these Financial Regulations, and no exception from any of the following provisions of these Financial Regulations shall be made otherwise than by direction of the Council provided that these Financial Regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) For the supply of gas, electricity, water, sewerage and telephone services.
- (ii) For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
- (iii) For work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery, equipment, property or plant.

(iv) For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.

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

(vi) For additional audit work of the External Auditor up to an estimated value of £250 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman or Vice Chairman of the council).

(b) Where it is intended to enter into a contract:

(i) Exceeding £10,000 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 Responsible Financial Officer shall invite tenders from at least three firms.

Such invitation to tender shall state the general nature of the intended contract and the RFO 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 RFO and the date and time by which such tenders should reach the RFO.

(ii) Exceeding £1,000 but not exceeding £10,000 in value for the supply of goods, materials or the execution of works, other than such, goods, materials, works or specialist services as are excepted as set out in paragraph (a), the Clerk shall attempt to obtain 3 estimates.

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

(d) All sealed tenders shall be opened at the same time on the prescribed date by the RFO or the properly authorised deputy in the presence of at least one member of the Council.

(e) If less than three tenders are received for contracts valued above £10,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

(f) Any invitation to tender issued under this Standing Order shall contain a statement of the effect of Standing Order nos. 59 and 60.

- (g) The Council shall not be obliged to accept the lowest or any tender.
- (h) Where it is proposed not to accept the lowest tender, the committee or Council, as appropriate, will set out a justification for the decision within the resolution to accept a higher tender.

12 PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract.
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13 ASSETS, PROPERTIES AND ESTATES

- 13.1 The RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item does not exceed £100.
- 13.3 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified periodically, possibly in conjunction with a health and safety inspection of assets.

14 INSURANCE

- 14.1 The RFO shall effect all insurances and negotiate all claims on the Council's insurers.

- 14.2 The Clerk shall give prompt notification to the Insurers of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurance's.
- 14.3 The RFO shall keep a record of all insurance effected by the Council and the property and risks covered thereby and periodically review it.
- 14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 14.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

15 CHARITIES

- 15.1 Where the Council is sole trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with charity law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by charity law or any governing document.

16 RISK MANAGEMENT

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk may 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 periodically reviewed by the council.
- 16.2 When considering any new activity, the Clerk may prepare a draft risk assessment including risk management proposals for consideration by the council.

17 ACCOUNTING PRINCIPLES

- 17.1 The following principles will apply to the annual accounts where they are prepared on an income and expenditure basis:
 - (a) Accruals and pre-payments of less than £10 shall be disregarded.
 - (b) The principle of "four quarterly bills" or "twelve monthly bills" in one financial year shall apply.
 - (c) If it known that the outstanding accounts in (b) above will vary by more or less than £10, an accrual will be made.

18 REVISION OF FINANCIAL REGULATIONS

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

19 DELEGATED AUTHORITIES TO CLERK & RFO

This section summarises the extent of the delegated financial authorities of the Clerk & RFO:

- 19.1 Urgent expenditure limit up to £250 on his/her own initiative and £500 in conjunction with the Chairman or Vice Chairman of Council (see FR 3.4)
- 19.2 With the agreement of the Chairman or Vice Chairman of Council, urgent expenditure exceeding £500 which is specifically for the purpose of ensuring Council meets its legal or contractual obligations (see FR 3.5)
- 19.3 Operate a Petty Cash Float in the sum of £30 (see FR 6.4)
- 19.4 Incur additional audit costs up to £250 (See FR 11.1(a)(vi)).

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PART III

CODE OF CONDUCT

The following is the NALC template code of conduct adopted by Burniston Parish Council on 4th September 2012 and by which every member of this council agrees to be bound.

INTRODUCTION

Pursuant to section 27 of the Localism Act 2011, Burniston Parish Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

DEFINITIONS

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

MEMBER OBLIGATIONS

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he has the following obligations.

1. He shall behave in such a way that a reasonable person would regard as respectful.
2. He shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He shall not seek to improperly confer an advantage or disadvantage on any person.
4. He shall use the resources of the Council in accordance with its requirements.

5. He shall not disclose information which is confidential or where disclosure is prohibited by law.

REGISTRATION OF INTERESTS

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.
8. A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

DECLARATION OF INTERESTS AT MEETINGS

10. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he has not notified the Monitoring Officer of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he has an interest but not the nature of it.
12. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He may speak on the matter only if members of the public are also allowed to speak at the meeting.
13. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he has not notified the Monitoring Officer of it or if he speaks on the matter. If he holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he shall declare the interest but not the nature of the interest.
14. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest in Appendix A), the member shall disclose the nature of the interest and not vote on the matter. He may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

DISPENSATIONS

15. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

APPENDIX A

Interests described in the table below.

<i>Subject</i>	<i>Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union & Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (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 the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

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

APPENDIX B

An interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

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CONFIDENTIAL BUSINESS

(See Standing Order 63, note 1)

Business to be transacted in the absence of the press and public is likely to fall into one of the following categories.

1. Employees, former employees and prospective employees.
2. Accommodation, services or financial assistance provided by the Council to an individual.
3. Details of the terms of contracts for the acquisition or disposal of property, or for the supply of goods and services.
4. Negotiations in labour relations.
5. Advice received, information obtained or action to be taken in connection with any legal proceedings involving the Council.
6. Action taken or to be taken in connection with the prevention, prosecution or investigation of a crime.
7. The identity of an individual who gives information to the Council about a criminal offence, breach of statutory duty, breach of planning control or a nuisance.
8. Information provided by a government department on terms that forbid disclosure to the public.
9. Information, the disclosure of which is prohibited by, or under, any enactment, or by order of a court.
10. Where publicity would be prejudicial to the public interest.

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Role of Clerk and Councillors

by Paul Clayden
past Chief Executive, Local Councils Advisory Service

The successful local council depends for its success on the councillors and the clerk playing complementary roles to ensure that the council devises appropriate policies and the clerk carries them out. This is particularly so where, as in most cases, the clerk is the only employee of the council and is, in effect, its chief executive.

It is therefore important that the clerk and councillors understand the importance of each other's role and that they work closely and harmoniously together. This is especially important in relation to the respective roles of the clerk and chairman. Without each party fully understanding their role and that of the other party, disagreements and misunderstandings may arise.

The role of the Councillor

As a general rule, the role of the councillor is likely to involve the following:

- The management of a small, medium or large enterprise, depending upon the resources available to the council and its level of activity. This in turn will involve one or more of the following -
- Fixing a budget. There is a statutory requirement for all councils to prepare an annual precept and, in practice, it is impossible to plan ahead without doing so. The responsibility for preparing the budget rests primarily on the clerk or financial officer (usually the same person) but the council must approve the final version.
- Making management policy decision. These are usually made by the council itself, but in some larger councils decision making is delegated to committees.
- Representing the council to the local community and the local community to others.
- To suggest new initiatives or developments of existing policies. For example, many councils have undertaken village appraisals in order to discover what local people want for their community, as a first step towards new policies.
- To ensure that the views of the community are put to the relevant persons or bodies and that the special interests of the community are protected or promoted.

The role of the chairman

As well as the foregoing, the chairman has a special position as the elected head of the council. The chairman must preside at council meetings (unless absent) and is responsible for seeing that meetings are conducted properly, with the aim of producing intelligible decisions. They also have to represent the council to the local community and the local community to others.

The role of the clerk

The clerk is the council's chief executive and has the prime responsibility for the administration of the council and for carrying out the council's decision. The clerk is not simply a clerical or secretarial officer whose role is merely to produce agendas

and minutes (important though these tasks are). By analogy with the chief executive of a principal council, the clerk also has the responsibility of advising the council before it takes a decision and warning it against proceeding with a course of action which is unlawful.

The clerk is an employee of the council and therefore takes instructions from, and is responsible to, the council and must carry out any lawful duties as instructed by a properly convened meeting of the council. The clerk is almost invariably designated the “proper officer” of the council and therefore has certain statutory duties to perform when the relevant legislation so provides.

The relationship between clerk and councillors

As indicated in the introduction, the smooth running of the council and its affairs depends on a harmonious and positive relationship between the clerk and councillors. It is essential that each party understands the role of the other and that, as far as possible, their respective roles do not overlap. It is thus incorrect for a councillor to undertake administrative tasks (eg. writing letters on behalf of the council) except in an emergency and with the authority of the council. In the same way it is incorrect for the clerk to usurp the role of councillors by, for example, seeking to impose their views on policy issues upon the council. The clerk must remember they are an employee of the council and councillors may sometimes make decisions with which the clerk does not agree.

It is not unknown for animosity to exist between one or more councillors and the clerk. This can arise because of the failure of the councillor(s) in question to understand that the clerk’s loyalty and responsibility is to the council as a whole and not to individual councillors. Such a situation can arise, for example, where a councillor wishes to be provided with information by the clerk in order to further a personal matter in which the council is not involved. A clerk should resist any request of this nature and, if necessary, obtain the support of the council.

The relationship between the clerk and the chairman

As a councillor, the chairman should have regard to the clerk/councillor relationship considerations dealt with above. In addition, the special position of the chairman means their relationship with the clerk is also special. Clerk and chairman often discuss the contents of a draft agenda for a meeting in order to help the meeting run efficiently. If the clerk has a grievance they approach the chairman; if a disciplinary issue arises, the chairman will take the matter up with the clerk.

“A council is only as good as its clerk”

“A council is only as good as its councillors”

“A council is only good if well led by its chairman”

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