



**STANDING ORDERS
&
FINANCIAL REGULATIONS**

2024-25

DOWNEND & BROMLEY HEATH PARISH COUNCIL

www.dbhparishcouncil.uk

SECTION A

STANDING ORDERS

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1. DEFINITIONS

1.1. In these Standing Orders a number of terms and phrases are used. The following capitalised words shall mean the following wherever they are used in these Standing Orders:

1.1.1. **Chair:** means the Councillor currently elected to be the chair of the Parish Council;

1.1.2. **Clerk:** means the clerk currently appointed by the Parish Council;

1.1.3. **Committee(s):** means a committee(s) formed by the Parish Council in accordance with its standing orders;

1.1.4. **Councillor(s):** means a councillor or councillors (as the case might be) currently elected or co-opted to be a councillor of the Parish Council;

1.1.5. **District Council:** means: South Gloucestershire Council;

1.1.6. **Employee(s):** means employees including clerks, RFO's, Executive Officers, part-time, fixed-term and casual employees of the Parish Council;

1.1.7. **Parish Council:** means: Downend & Bromley Heath Parish Council;

1.1.8. **Proper Officer:** means: either (i) the Clerk or (ii) other Employee(s) nominated by the Parish Council to undertake the work of the Proper Officer when the Proper Officer is absent;

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

1.1.10. **Vice Chair:** means the Councillor currently elected to be the vice chair of the Parish Council; and

- 1.1.11. **Working Group(s):** means a working group(s) formed by the Parish Council in accordance with its standing orders.

2. ORDINARY PARISH COUNCIL MEETINGS

- 2.1. In an election year, the annual meeting of the Parish Council shall be held on or within 14 days following the day on which the Councillors elected take office.
- 2.2. In a year which is not an election year, the annual meeting of the Parish Council shall be held on such day in May as the Parish Council decides.
- 2.3. If no other time is fixed, the annual meeting of the Parish Council shall take place at 7pm.
- 2.4. In addition to the annual meeting of the Parish Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Parish Council decides.
- 2.5. The first business conducted at the annual meeting of the Parish Council shall be the election of the Chair and Vice-Chair (if there is one) of the Parish Council.
- 2.6. The Chair, 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 Parish Council.
- 2.7. The Vice-Chair, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair at the next annual meeting of the Parish Council.
- 2.8. In an election year, unless the current Chair has not been re-elected as a member of the Parish Council, he shall preside at the annual meeting until a successor Chair has been elected. The current Chair shall not have an

original vote in respect of the election of the new Chair but shall give a casting vote in the case of an equality of votes.

- 2.9. In an election year, if the current Chair has been re-elected as a member of the Parish Council, he shall preside at the annual meeting until a new Chair has been elected. He may exercise an original vote in respect of the election of the new Chair and shall give a casting vote in the case of an equality of votes.
- 2.10. Following the election of the Chair and Vice-Chair (if there is one) at the annual meeting, the business shall include:
 - 2.10.1. In an election year, delivery by the Chair and Councillors of their acceptance of office forms unless the Parish Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of his acceptance of office form unless the Parish Council resolves for this to be done at a later date.
 - 2.10.2. Confirmation of the accuracy of the minutes of the last meeting of the Parish Council.
 - 2.10.3. Receipt of the minutes of the last meeting of a Committee or Working Group.
 - 2.10.4. Consideration of the recommendations made by a Committee or Working Group.
 - 2.10.5. Review of delegation arrangements to Committees, Working Groups, Employees and other local authorities.
 - 2.10.6. Review of the terms of reference for Committees or Working Groups.
 - 2.10.7. Appointment of members to existing Committees or Working Groups.
 - 2.10.8. Appointment of any new Committees or Working Groups in accordance with standing order 13.

- 2.10.9. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- 2.10.10. Review of representation on or work with external bodies and arrangements for reporting back.
- 2.10.11. In an election year, to make arrangements with a view to the Parish Council becoming eligible to exercise the general power of competence in the future.
- 2.10.12. Review of inventory of land and other assets including buildings and office equipment.
- 2.10.13. Review of the Parish Council's and/or Employees subscriptions.
- 2.10.14. Determining the time and place of ordinary meetings of the Parish Council up to and including the next annual meeting of the Parish Council.
- 2.11. At least once a year and on such a date as the Parish Council decides, the Parish Council business at an ordinary meeting shall include:
 - 2.11.1. Review and adoption of appropriate standing orders and financial regulations.
 - 2.11.2. Confirmation of arrangements for insurance cover in respect of all insurable risks.
 - 2.11.3. Review of the Parish Council's complaints procedures.
 - 2.11.4. Review of the Parish Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation.
 - 2.11.5. Review of the Parish Council's policy for dealing with the press/media.

2.11.6. Review of the Parish Council's employment policies and procedures.

2.11.7. Review of the Parish Council's expenditure incurred under S137 of the Local Government Act 1972 or the general power of competence.

3. EXTRAORDINARY MEETINGS OF THE PARISH COUNCIL, COMMITTEES OR WORKING GROUPS

3.1. The Chair may convene an extraordinary meeting of the Parish Council at any time.

3.2. If the Chair does not call an extraordinary meeting of the Parish Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Parish Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.

3.3. The chair of a Committee may convene an extraordinary meeting of the Committee at any time.

3.4. If the chair of a Committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the Committee, any 2 members of the Committee may convene an extraordinary meeting of the Committee.

4. MEETINGS GENERALLY

- 4.1. 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.
- 4.2. The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a Bank holiday or a day appointed for public thanksgiving or mourning.
- 4.3. The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- 4.4. If a Councillor fails throughout six consecutive months to attend meetings of the full Parish Council, he/she ceases automatically to be a Councillor, unless either:
 - 4.4.1. he/she has a 'statutory excuse' or his/her failure is due to a reason approved by the Parish Council; or
 - 4.4.2. he/she attended as a representative of the Parish Council at a meeting of any body of persons (such as a county association of local councils).
- 4.5. For the purposes of standing order 4.4 above the period begins with the last meeting attended.
- 4.6. Attendees will be expected to switch off all mobile phones for the duration of the Parish Council unless dispensation is given by the Chair.
- 4.7. A meeting shall not exceed a period of 3 hours.

5. MOTIONS AND RESOLUTIONS AT MEETINGS

Previous Resolutions

- 5.1. A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 Councillors to be given to the Proper Officer in accordance with standing orders 5.3-5.10, or by a motion moved in pursuance of the recommendation of a Committee.
- 5.2. When a motion moved pursuant to standing order 5.1 has been disposed of, no similar motion may be moved for a further six months.

Motions for a Meeting that Require Written Notice to the Proper Officer

- 5.3. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Parish Council's statutory functions, powers and obligations or an issue which specifically affects the Parish Council's area or its residents.
- 5.4. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 3 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- 5.5. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 5.4, correct obvious grammatical or typographical errors in the wording of the motion.
- 5.6. If the Proper Officer considers the wording of a motion received in accordance with standing order 5.4 is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 3 clear days before the meeting.
- 5.7. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as

the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- 5.8. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- 5.9. Motions received shall be recorded and numbered in the order that they are received.
- 5.10. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

Motions at a Meeting that Do Not Require Written Notice

- 5.11. The following motions may be moved at a meeting without written notice to the Proper Officer:
 - 5.11.1. to correct an inaccuracy in the draft minutes of a meeting;
 - 5.11.2. to move to a vote;
 - 5.11.3. to defer consideration of a motion;
 - 5.11.4. to refer a motion to a particular Committee;
 - 5.11.5. to appoint a person to preside at a meeting;
 - 5.11.6. to change the order of business on the agenda;
 - 5.11.7. to proceed to the next business on the agenda;
 - 5.11.8. to require a written report;
 - 5.11.9. to appoint a Committee or Working Group and their members;
 - 5.11.10. to extend the time limits for speaking;

- 5.11.11. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- 5.11.12. to not hear further from a Councillor or a member of the public;
- 5.11.13. to exclude a Councillor or member of the public for disorderly conduct;
- 5.11.14. to temporarily suspend the meeting;
- 5.11.15. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- 5.11.16. to adjourn the meeting; or
- 5.11.17. to close the meeting.

6. PUBLIC PARTICIPATION AT MEETINGS

- 6.1. 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.
- 6.2. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- 6.3. The period of time designated for public participation at a meeting in accordance with standing order 6.2 shall not exceed 15 minutes unless directed by the chairman of the meeting.

- 6.4. Subject to standing order 6.3, a member of the public shall not speak for more than 5 minutes.
- 6.5. In accordance with standing order 6.2, a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- 6.6. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.
- 6.7. A person who speaks at a meeting shall direct his comments to the chair of the meeting.
- 6.8. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

7. REPORTING AT MEETINGS AND PRESS RELATIONS

- 7.1. Subject to standing order 7.2, a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- 7.2. A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- 7.3. The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.

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

8. CHAIR AND VICE-CHAIR

- 8.1. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in his absence be done by, to or before the Vice-Chair of the Parish Council (if there is one).
- 8.2. The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.

9. QUORUM OF MEETINGS AND VOTING

- 9.1. No business may be transacted at a meeting unless at least one-third of the whole number of members of the Parish Council are present and in no case shall the quorum of a meeting be less than three.
- 9.2. 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.
- 9.3. Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-councillors with voting rights present and voting.
- 9.4. 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.
- 9.5. 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.

- 9.6. A Councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Councillor's Code of Conduct in the Employee and Councillor Handbook a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- 9.7. Where more than two persons have been nominated for a position to be filled by the Parish 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.
- 9.8. Voting for the appointment of the Chair or Vice Chair of the Parish Council shall be by a show of hands or, if at least two members so request, by signed ballot.

10. MINUTES OF MEETINGS

- 10.1. The minutes of a meeting shall include an accurate record of the following:
 - 10.1.1. the time and place of the meeting;
 - 10.1.2. the names of Councillors who are present and the names of Councillors who are absent;
 - 10.1.3. interests that have been declared by Councillors and non-councillors with voting rights;
 - 10.1.4. the grant of dispensations (if any) to Councillors and non-councillors with voting rights;
 - 10.1.5. whether a Councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered; and

- 10.1.6. if there was a public participation session; and
the resolutions made.

11. DRAFT MINUTES

- 11.1. If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 11.2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5.11.1.
- 11.3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- 11.4. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
- “The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”*
- 11.5. If the Parish Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
- 11.6. Subject to the publication of draft minutes in accordance with standing order 11.5 and standing order 17.1 and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

12. RULES OF DEBATE AT MEETINGS

- 12.1. 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.
- 12.2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- 12.3. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- 12.4. 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.
- 12.5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- 12.6. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- 12.7. 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.
- 12.8. 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.
- 12.9. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- 12.10. Subject to standing order 12.11, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- 12.11. 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.
- 12.12. A Councillor may not move more than one amendment to an original or

substantive motion.

- 12.13. The mover of an amendment has no right of reply at the end of debate on it. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- 12.14. Unless permitted by the chair of the meeting, a Councillor may speak once in the debate on a motion except:
- 12.14.1. to speak on an amendment moved by another Councillor;
 - 12.14.2. to move or speak on another amendment if the motion has been amended since he last spoke;
 - 12.14.3. to make a point of order;
 - 12.14.4. to give a personal explanation; or
 - 12.14.5. to exercise a right of reply.
- 12.15. During the debate on a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- 12.16. A point of order shall be decided by the chair of the meeting and his decision shall be final.
- 12.17. When a motion is under debate, no other motion shall be moved except:
- 12.17.1. to amend the motion;
 - 12.17.2. to proceed to the next business;
 - 12.17.3. to adjourn the debate;
 - 12.17.4. to put the motion to a vote;
 - 12.17.5. to ask a person to be no longer heard or to leave the meeting;
 - 12.17.6. to refer a motion to a committee or working group for consideration;

- 12.17.7. to exclude the public and press;
 - 12.17.8. to adjourn the meeting; or
 - 12.17.9. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- 12.18. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- 12.19. Excluding motions moved under standing order 12.17, 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.

13. COMMITTEES AND WORKING GROUPS

- 13.1. Unless the Parish Council determines otherwise, a Committee may appoint a Working Group whose terms of reference and members shall be determined by the Committee.
- 13.2. The members of a Committee may include non-councillors unless it is a Committee which regulates and controls the finances of the Parish Council.
- 13.3. Unless the Parish Council determines otherwise, all the members of an advisory Committee and a Working Group of the advisory Committee may be non-councillors.
- 13.4. The Parish Council may appoint standing Committees or other Committees as may be necessary, and:
- 13.4.1. shall determine their terms of reference;
 - 13.4.2. shall determine the number and time of the ordinary meetings of a standing Committee up until the date of the next annual meeting of the Parish Council;
 - 13.4.3. shall permit a Committee, other than in respect of the ordinary meetings of a Committee, to determine the number and time of its

meetings;

- 13.4.4. shall, subject to standing orders 13.2 and 13.3, appoint and determine the terms of office of members of such a Committee;
- 13.4.5. may, subject to standing orders 13.2 and 13.3, appoint and determine the terms of office of the substitute members to a Committee whose role is to replace the ordinary members at a meeting of a Committee if the ordinary members of the Committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
- 13.4.6. shall, after it has appointed the members of a standing Committee, appoint the chair of the standing Committee;
- 13.4.7. shall permit a Committee other than a standing Committee, to appoint its own chairman at the first meeting of the Committee;
- 13.4.8. shall determine the place, notice requirements and quorum for a meeting of a Committee and a Working Group which, in both cases, shall be no less than three;
- 13.4.9. shall determine if the public may participate at a meeting of a Committee;
- 13.4.10. shall determine if the public and press are permitted to attend the meetings of a Working Group and also the advance public notice requirements, if any, required for the meetings of a Working Group;
- 13.4.11. shall determine if the public may participate at a meeting of a Working Group that they are permitted to attend; and
- 13.4.12. may dissolve a Committee or a Working Group.

14. DISORDERLY CONDUCT AT MEETINGS

- 14.1. All Councillors must observe the Code of Conduct set out in the Employee and Councillor Handbook.
- 14.2. 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.

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

14.4. If a resolution made under standing order 14.3 is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

15. FILMING AT MEETINGS

15.1. The Parish Council retains the right to exclude the press and public from parts of the Parish Council's meetings for contractual and Employee confidentiality reasons.

15.2. Members of the public are permitted to film or record Parish Council meetings, to which they are permitted access, in a non-disruptive manner but are requested to inform the chair of meeting that it is being recorded. The chair of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner.

15.3. The use of digital and social media recording tools, for example Twitter, blogging or audio recording, is allowed as long as it is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate at the Parish Council meeting.

15.4. While those attending the Parish Council meeting are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998 and GDPR.

15.5. Any person or organisation choosing to film, record, audio record or broadcast a meeting of the Parish Council, Working Group or a Committee is responsible for any claims or other liability from them so doing.

- 15.6. The Parish Council asks those recording proceedings not to edit the film or recording in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Parish Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show lack of respect towards those being filmed or recorded.
- 15.7. The Parish Council will display this policy and any associated material relating to filming, recording and broadcasting on its website, and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
- 15.8. The Parish Council may itself photograph, film, record or broadcasting at its meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies.

16. MANAGEMENT OF INFORMATION

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

17. RESPONSIBILITIES TO PROVIDE INFORMATION

- 17.1. In accordance with freedom of information legislation, the Parish Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Parish Council.
- 17.2. The Parish Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

18. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

- 18.1. The Parish Council shall appoint a Data Protection Officer, if required by law.
- 18.2. The Parish Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- 18.3. The Parish Council shall have a written policy in place for responding to and managing a personal data breach.
- 18.4. The Parish Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- 18.5. The Parish Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- 18.6. The Parish Council shall maintain a written record of its processing activities.

19. CODE OF CONDUCT AND DISPENSATIONS

- 19.1. All Councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Parish Council (set out in the Employee and Councillor Handbook).
- 19.2. Unless he has been granted a dispensation, a Councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- 19.3. Unless he has been granted a dispensation, a Councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Parish Council's Code of Conduct (set out in the Employee Handbook). He may return to the meeting after it has considered the matter in which he had the interest.
- 19.4. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- 19.5. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- 19.6. A dispensation request shall confirm:
 - 19.6.1. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates; whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - 19.6.2. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - 19.6.3. an explanation as to why the dispensation is sought.
- 19.7. Subject to standing orders 19.4 and 19.6, a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- 19.8. A dispensation may be granted in accordance with standing order 19.5 if having regard to all relevant circumstances any of the following apply:

- 19.8.1. 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;
- 19.8.2. granting the dispensation is in the interests of persons living in the Parish Council's area; or
- 19.8.3. it is otherwise appropriate to grant a dispensation.
- 19.8.4.

20. CODE OF CONDUCT COMPLAINTS

- 20.1. Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor or non-councillor with voting rights has breached the Parish Council's Code of Conduct, the Proper Officer shall, subject to standing order 16, report this to the Parish Council.
- 20.2. Where the notification in standing order 20.1 relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of this fact, and the Chair shall nominate another Employee to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Parish Council has agreed what action, if any, to take in accordance with standing order 20.4.
- 20.3. The Parish Council may:
 - 20.3.1. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - 20.3.2. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- 20.4. Upon notification by the District or Unitary Council that a Councillor or non-councillor with voting rights has breached the Parish Council's Code of Conduct, the Parish Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

21. PROPER AND RESPONSIBLE FINANCIAL OFFICERS

21.1. The Proper Officer shall be either

21.1.1. the Clerk; or

21.1.2. other Employee(s) nominated by the Parish Council to undertake the work of the Proper Officer when the Proper Officer is absent.

21.2. The Proper Officer shall:

21.2.1. at least three clear days before a meeting of the Parish Council, a Committee or a Working Group,

21.2.1.1. serve on Councillors by delivery by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (unless the Councillor has requested it be posted to their residence), and

21.2.1.2. provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).

21.2.2. subject to standing order 5.3-10, include on the agenda all motions in the order received unless a Councillor has given written notice at least 1 day before the meeting confirming his withdrawal of it;

21.2.3. convene a meeting of the Parish Council for the election of a new Chair, occasioned by a casual vacancy in his office;

21.2.4. facilitate inspection of the minute book by local government electors;

21.2.5. receive and retain copies of byelaws made by other local authorities and parish councils;

21.2.6. hold acceptance of office forms from Councillors;

21.2.7. hold a copy of every Councillor's register of interests;

21.2.8. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Parish Council's relevant policies and

procedures;

- 21.2.9. liaise, as appropriate, with the Parish Council's Data Protection Officer;
- 21.2.10. receive and send general correspondence and notices on behalf of the Parish Council except where there is a resolution to the contrary;
- 21.2.11. assist in the organisation of, storage of, access to, security of and destruction of information held by the Parish Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- 21.2.12. arrange for legal deeds to be executed;
- 21.2.13. to receive and retain plans and documents, to sign notices or other documents on behalf of the Parish Council;
- 21.2.14. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Parish Council in accordance with its financial regulations;
- 21.2.15. record every planning application notified to the Parish Council and the Parish Council's response to the local planning authority in a book for such purpose;
- 21.2.16. refer a planning application received by the Parish Council to the chair or in his absence the Vice-Chair (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the planning Committee;
- 21.2.17. manage access to information about the Parish Council via the publication scheme;
- 21.2.18. retain custody of the seal of the Parish Council (if there is one) which shall not be used without a resolution to that effect;
- 21.2.19. to keep proper records of all meetings;

- 21.2.20. to update the Parish Council's website; and
 - 21.2.21. to receive and record notices disclosing interests.
- 21.3. The Parish Council shall appoint appropriate Employee(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

22. ACCOUNTS AND ACCOUNTING STATEMENTS

- 22.1. All payments by the Parish Council shall be authorised, approved and paid in accordance with the law, proper practices and the Parish Council's financial regulations.
- 22.2. The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
- 22.2.1. the Parish Council's receipts and payments (or income and expenditure) for each quarter;
 - 22.2.2. the Parish Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - 22.2.3. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
 - 22.2.4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - 22.2.4.1. each Councillor with a statement summarising the Parish Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - 22.2.4.2. to the Parish Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

- 22.2.5. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Parish Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all Councillors at least 14 days prior to anticipated approval by the Parish Council. The annual governance and accountability return of the Parish Council, which is subject to external audit, including the annual governance statement, shall be presented to the Parish Council for consideration and formal approval before 30 June.

23. FINANCIAL CONTROLS AND PROCUREMENT

- 23.1. The Parish Council shall consider and approve financial regulations (see section B) drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- 23.1.1. the keeping of accounting records and systems of internal controls; the assessment and management of financial risks faced by the Parish Council;
 - 23.1.2. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - 23.1.3. the inspection and copying by Councillors and local electors of the Parish Council's accounts and/or orders of payments; and
 - 23.1.4. whether contracts with an estimated value below £60,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- 23.2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- 23.3. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £60,000 but less than the relevant thresholds in standing order 23.6 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Parish Council to

advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.

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

23.4.1. a specification for the goods, materials, services or the execution of works shall be drawn up;

23.4.2. an invitation to tender shall be drawn up to confirm:

23.4.2.1. the Parish Council's specification;

23.4.2.2. the time, date and address for the submission of tenders;

23.4.2.3. the date of the Parish Council's written response to the tender;
and

23.4.2.4. the prohibition on prospective contractors contacting Councillors or Employees to encourage or support their tender outside the prescribed process;

23.4.2.5. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;

23.4.2.6. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

23.4.2.7. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;

23.4.2.8. tenders are to be reported to and considered by the appropriate meeting of the Parish Council or a Committee or Working Group with delegated responsibility.

23.5. Neither the Parish Council, nor a Committee or a Working Group with delegated responsibility for considering tenders, is bound to accept the lowest value tender, but should seek best value for money.

- 23.6. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £214,904 for a public service or supply contract or in excess of £5,372,609 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- 23.7. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

24. HANDLING STAFF MATTERS

- 24.1. A matter personal to an Employee that is being considered by a meeting of Parish Council or the Finance & General Purposes Committee is subject to standing order 16.
- 24.2. Subject to the Parish Council's policy regarding absences from work, the Parish Council's most senior Employee shall notify the chair of the Finance & General Purposes Committee or, if he is not available, the vice-chair (if there is one) of the Finance & General Purposes Committee of absence occasioned by illness or other reason and that person shall report such absence to the Finance & General Purposes Committee at its next meeting.
- 24.3. The chair of the Finance & General Purposes Committee or in his absence, the vice-chair shall upon a resolution, conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance & General Purposes Committee.
- 24.4. Subject to the Parish Council's policy regarding the handling of grievance

matters, the Parish Council's most senior Employee (or other Employees) shall contact the chair of the Finance & General Purposes Committee or in his absence, the vice-chair of the Finance & General Purposes Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance & General Purposes Committee.

- 24.5. Subject to the Parish Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an Employee relates to the chair or vice-chair of the Finance & General Purposes Committee, this shall be communicated to another member of the Finance & General Purposes Committee, which shall be reported back and progressed by resolution of the Finance & General Purposes Committee.
- 24.6. Any persons responsible for all or part of the management of Employees shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- 24.7. In accordance with standing order 16.1, persons with line management responsibilities shall have access to staff records referred to in standing order

25. EXECUTION AND SEALING OF LEGAL DEEDS

- 25.1. A legal deed shall not be executed on behalf of the Parish Council unless authorised by a resolution.
- 25.2. Subject to standing order 25.1, any two Councillors may sign, on behalf of the Parish Council, any deed required by law and the Proper Officer shall witness their signatures.

26. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

27. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- 27.1. Unless duly authorised no Councillor shall:
 - 27.1.1. inspect any land and/or premises which the Parish Council has a right or duty to inspect; or
 - 27.1.2. issue orders, instructions or directions.

28. STANDING ORDERS GENERALLY

- 28.1. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- 28.2. A motion to add to or vary or revoke one or more of the Parish Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with standing order 5.3-5.10.
- 28.3. The Proper Officer shall provide a copy of the Parish Council's standing orders to a Councillor as soon as possible.
- 28.4. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

SECTION B

FINANCIAL REGULATIONS

Downend And Bromley Heath Parish Council - FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on 16/05/2024.

General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
 - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
 - "Approve" refers to an online action, allowing an electronic transaction to take place.
 - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
 - 'Proper practices' means those set out in *The Practitioners' Guide*
 - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
 - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Clerk has been appointed as RFO and these regulations apply accordingly. 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 control systems;
 - ensures the accounting control systems are observed;
 - ensures the accounting records are kept up to date;
 - seeks economy, efficiency and effectiveness in the use of council resources; and
 - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**
 - **setting the final budget or the precept (council tax requirement);**

- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £5,000; and

Risk management and internal control

1.8. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

1.9. The Clerk shall prepare, for approval by [the council], a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

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

1.11. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

1.12. **The accounting control systems determined by the RFO must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions and**
- **ensure division of responsibilities.**

1.13. 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 and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council

1.14. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

Accounts and audit

- 1.15. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 1.16. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonably accuracy at any time. In particular, they must contain:**
- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
 - **a record of the assets and liabilities of the council;**
- 1.17. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 1.18. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 1.19. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 1.20. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider 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.
- 1.21. The internal auditor shall be appointed by [the council] and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 1.22. The council shall ensure that the internal auditor:
- is competent and independent of the financial operations of the council;
 - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of the council
- 1.23. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions;

- provide financial, legal or other advice including in relation to any future 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.
- 1.24. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 1.25. 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 documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 1.26. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

Budget and precept

- 1.27. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**
- 1.28. Budgets for salaries and wages, including employer contributions shall be reviewed by [the council] at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council or relevant committee. The RFO will inform committees of any salary implications before they consider their draft their budgets.
- 1.29. No later than December each year, the RFO shall prepare a draft budget with detailed estimates of all [receipts and payments/income and expenditure] for the following financial year {along with a forecast for the following year taking account of the lifespan of assets and cost implications of repair or replacement.
- 1.30. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.
- 1.31. Each committee (if any) shall review its draft budget and submit any proposed amendments to the council finance committee not later than the end of November each year.
- 1.32. The draft budget with any committee proposals and three-year forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the finance committee and a recommendation made to the council.
- 1.33. Having considered the proposed budget and three-year forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.

- 1.34. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
- 1.35. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 1.36. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 1.37. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

Procurement

- 1.38. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 1.39. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 1.40. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 1.41. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 1.42. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:
- 1.43. For contracts estimated to exceed £60,000 including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.
- 1.44. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**
- 1.45. For contracts greater than £3,000 excluding VAT the Clerk shall seek at least [3] fixed-price quotes;
- 1.46. where the value is between £500 and £3,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

1.47. For smaller purchases, the clerk shall seek to achieve value for money.

1.48. Contracts must not be split into smaller lots to avoid compliance with these rules.

1.49. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes.
- ii. repairs to, or parts for, existing machinery or equipment.
- iii. works, goods or services that constitute an extension of an existing contract.
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

1.50. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to Finance Committee. Avoidance of competition is not a valid reason.

1.51. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

1.52. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
- the Clerk, in consultation with the Chair of the Council, for any items below £2,000 excluding VAT.
- a duly delegated committee of the council for all items of expenditure within their delegated budgets for items under £5,000 excluding VAT
- in respect of grants, a duly authorised committee within any limits set by council and in accordance with any policy statement agreed by the council.
- the council for all items over £5,000;

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

1.53. No individual member, or informal group of members may issue an official order unless instructed to do so in advance by a resolution of the council or make any contract on behalf of the council.

1.54. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference except in an emergency.

1.55. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

- 1.56. No expenditure shall be authorised, no contract entered into, or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 1.57. An official order or letter shall be issued for all work, goods and services above £250 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 1.58. Any ordering system can be misused and access to them shall be controlled by the RFO.

Banking and payments

- 1.59. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Lloyds. The arrangements shall be reviewed annually for security and efficiency.
- 1.60. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised, and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 1.61. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO. Where the certification of invoices is done as a batch, this shall include a statement by the RFO that all invoices listed have been 'examined, verified and certified' by the RFO.
- 1.62. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 1.63. All payments shall be made by online banking, in accordance with a resolution of the council, unless the council resolves to use a different payment method.
- 1.64. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the council or a duly delegated committee may authorise in advance for the year.
- 1.65. A copy of this schedule of regular payments shall be signed by [two members] on each and every occasion when payment is made - to reduce the risk of duplicate payments.
- 1.66. A list of such payments shall be reported to the next appropriate meeting of the council or Finance Committee for information only.

- 1.67. The Clerk shall have delegated authority to authorise payments in the following circumstances:
- i. any payments of up to £500 excluding VAT, within an agreed budget.
 - ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
 - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Clerk certifies 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 or finance committee.
 - iv. Fund transfers within the council's 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 or finance committee.
- 1.68. The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council or finance committee. The council or committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

Electronic payments

- 1.69. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify 3 councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.
- 1.70. All authorised signatories shall have access to view the council's bank accounts online.
- 1.71. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 1.72. The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent [by email] to [two] authorised signatories.
- 1.73. In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.
- 1.74. Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 1.75. Evidence shall be retained showing which members approved the payment online.

- 1.76. A full list of all payments made in a month shall be provided to the next council meeting and appended to the minutes.
- 1.77. With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
- 1.78. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by [two authorised bank signatories, evidence is retained, and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 1.79. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by [two members], evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by [the council] at least every two years.
- 1.80. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk and a member of the council. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
- 1.81. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 1.82. Remembered password facilities other than secure password stores requiring separate identity verification should not be used on any computer used for council banking.

Cheque payments

- 1.83. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk.
- 1.84. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 1.85. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 1.86. Any signatures obtained away from council meetings shall be reported to the council or Finance Committee at the next convenient meeting.

Payment cards

- 1.87. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 1.88. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by [the council]. Transactions and purchases made will be reported to [the council] and authority for topping-up shall be at the discretion of [the council].
- 1.89. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and any balance shall be paid in full each month.
- 1.90. Personal credit or debit cards of members of staff shall only be used for expenses of up to £250 including VAT, incurred in accordance with council policy.

Petty Cash

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

Payment of salaries and allowances

- 1.92. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 1.93. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 1.94. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council or relevant committee.
- 1.95. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 1.96. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 1.97. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by [the finance committee] to ensure that the correct payments have been made.
- 1.98. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 1.99. Before employing interim staff, the council must consider a full business case.

Loans and investments

- 1.100. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the

minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.

- 1.101. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 1.102. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 1.103. All investment of money under the control of the council shall be in the name of the council.
- 1.104. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 1.105. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

Income

- 1.106. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 1.107. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk shall be responsible for the collection of all amounts due to the council.
- 1.108. Any sums found to be irrecoverable, and any bad debts shall be reported to the council by the Clerk and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 1.109. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 1.110. Personal cheques shall not be cashed out of money held on behalf of the council.
- 1.111. The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.
- 1.112. Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

Payments under contracts for building or other construction works

- 1.113. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 1.114. Any variation of addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

Stores and equipment

- 1.115. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 1.116. Stocks shall be kept at the minimum levels consistent with operational requirements.

Assets, properties and estates

- 1.117. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their 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.
- 1.118. 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.
- 1.119. No interest in land 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. In each case a written report 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 where required by law).

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, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

Insurance

- 1.120. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 1.121. The Clerk shall give prompt notification to all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

- 1.122. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers.
- 1.123. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

[Charities]

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

Suspension and revision of Financial Regulations

- 1.125. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 1.126. The council may, by resolution 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 presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 1.127. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

- 1) Any 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.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, 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. 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.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 23.4 and shall refer to the terms of the Bribery Act 2010.

Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, 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

ADOPTION

These Standing Orders and Financial Regulations were adopted by Downend & Bromley Heath Parish Council at the May 2024 Full Parish Council Meeting and are reviewed as required.

Signed:

Chair

Signed:

Clerk

Date:

Version History

Adopted by Parish Council	16 May 2024
Latest review	16 May 2024
Date of next review	2025

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