

Little Leigh Parish Council

Governance and Administration

Standing Orders

May 2023

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Little Leigh Parish Council

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MAY 2023

SECTION ONE – STANDING ORDERS

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1 Meetings

RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the 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.

- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed () minutes without the consent of the chairman of the meeting.

DISORDERLY CONDUCT AT MEETINGS


- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman 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.

MEETINGS GENERALLY

Mandatory for full Council meetings	●
Mandatory for committee meetings	●
Mandatory for sub-committee meetings	●

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- c **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.

- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed a total time of 15 minutes.
- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j 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 Chairman may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
-  m Photographing, recording, broadcasting or transmitting the proceedings of a

meeting by any means is permitted under UK law.

- n In accordance with standing order 1(c) above, the press shall be provided
● reasonable facilities for the taking of their report of all or part of a meeting at which
● they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or
required to be done by, to or before the Chairman may in his absence be done by,
to or before the Vice-Chairman (if any).
- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent
from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman
and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the
Councillors present at the meeting shall preside at the meeting.
- q Subject to model standing order 1 (y) below, all questions at a meeting shall be
● decided by a majority of the Councillors present and voting thereon.
●
- r The Chairman may give an original vote on any matter put to the vote, and in the
● case of an equality of votes may exercise their casting vote whether or not they
● gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s Unless standing orders provide otherwise, voting on any question shall be by a
show of hands. At the request of a Councillor, the voting on any question shall be
recorded so as to show whether each councillor present and voting gave his vote
for or against that question. Such a request shall be made before moving on to the
next item of business on the agenda.
- t The minutes of a meeting shall record the names of councillors present and
● absent.
●
- u If prior to a meeting, a Councillor has submitted reasons for his absence at the
meeting which is then approved by a resolution, such resolution shall be recorded
in the minutes of the meeting at which the approval was given.

- v The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- w An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below.*)
- x No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.
- y If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- z Meetings shall not exceed a period of 2 hours.

2 Ordinary Council meetings

See also standing order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office or at such other convenient time including during May as the Council may direct.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7.00pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman of the Council shall be the first business completed

at the annual meeting of the Council.

- f The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.

- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.

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

- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review of the terms of references for committees.
 - v. Receipt of nominations to existing committees.
 - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
 - vii. Review and adoption of appropriate standing orders and financial regulations.

- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
- ix. Review of representation on or work with external bodies and arrangements for reporting back.
- x. (*England*) In a year of elections, if a Council's period of eligibility to exercise the power of wellbeing expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
- xi. Review of inventory of land and assets including buildings and office equipment.
- xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii. Review of the Council's and/or employees' memberships of other bodies.
- xiv. Establishing or reviewing the Council's complaints procedure.
- xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi. Establishing or reviewing the Council's policy for dealing with the press/media
- xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
 - i. Serve on councillors electronically or by post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a sub-committee at least 3 clear days before the meeting.
 - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a sub-committee (provided that the public notice with agenda of an extraordinary meeting of

- the Council convened by councillors is signed by them).
- iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 9 days before the meeting confirming their withdrawal of it.
 - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b)i above.
 - v. Make available for inspection the minutes of meetings.
 - vi. Receive and retain copies of byelaws made by other local authorities.
 - vii. Receive and retain declarations of acceptance of office from councillors.
 - viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
 - ix. Keep proper records required before and after meetings;
 - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
 - xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
 - xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
 - xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
 - xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
 - xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
 - xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 9 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 9 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i To appoint a person to preside at a meeting.

- ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes thereto).
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal signed by two councillors and witnessed.
(See standing orders 14(a) and (b) below.)
 - xvii. To authorise the payment of monies up to £500.00.
 - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
 - xix. To extend the time limit for speeches.
 - xx. To exclude the press and public for all or part of a meeting.
 - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
 - xxii. To give the consent of the Council if such consent is required by standing orders.
 - xxiii. To suspend any standing order except those which are mandatory by law.
 - xxiv. To adjourn the meeting.
 - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
 - xxvi. To answer questions from councillors.
- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons

of urgency or expedience.

6 Rules of debate

- s Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- t Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- u Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- v A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- w A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- x Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- y A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- z Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- aa Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

- bb Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- cc If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- dd If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- ee The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- ff Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- gg Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- hh During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- ii A point of order shall be decided by the Chairman and his decision shall be final.
- jj With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- kk Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
 - x. to amend the motion;
 - xi. to proceed to the next business;
 - xii. to adjourn the debate;

- xiii. to put the motion to a vote;
- xiv. to ask a person to be silent or for him to leave the meeting;
- xv. to refer a motion to a committee or sub-committee for consideration;
- xvi. to exclude the public and press;
- xvii. to adjourn the meeting;
- xviii. to suspend any standing order, except those which are mandatory.

t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

7 Code of conduct

- a. All councillors shall observe the code of conduct adopted by the Council.
- b. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c. If paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- d. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room.

8 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.

- c Every question shall be put and answered without discussion.

9 Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 5(a)(iv) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the to that effect:
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

10 Disorderly conduct

- d No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- e If, in the opinion of the Chairman, there has been a breach of standing order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- f If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

11 Rescission of previous resolutions

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12 Voting on appointments

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

13 Expenditure

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

14 Execution and sealing of legal deeds

See also standing order 5(a)(xvi) above

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

- b In accordance with a resolution made under standing order 14(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

(The above is applicable to a Council without a common seal.)

15 Committees

See also standing order 1 above

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. may permit committees to determine the dates of their meetings;
 - iii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer 3 days before the meeting that they are unable to attend;
 - v. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with standing order 15(a)(iv) above) shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
 - vi. may in accordance with standing orders, dissolve a committee at any time.

16 Sub-committees

See also standing order 1 above

- a Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be

determined by resolution of the committee.

17 Extraordinary meetings

See also standing order 1 above

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

18 Advisory committees

See also standing order 1 above

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

19 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at

least annually.

- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20 Estimates/precepts

- a The Council shall approve written estimates for the coming financial year at its meeting before the end of January where this is possible.
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December.

21 Canvassing of and recommendations by councillors

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

were a candidate for an appointment.

22 Inspection of documents

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

23 Unauthorised activities

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

24 Confidential business

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

25 Power of well-being

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

26 Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence at its next meeting.

27 Freedom of Information Act 2000

- a All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

28 Relations with the press/media

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

29 Liaison with Borough Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of Cheshire West and Chester council representing its electoral ward.
- b Unless the Council otherwise orders, a copy of each letter sent to Cheshire West and Chester Council shall be sent to the ward councillors representing Marbury ward.

30 Financial matters

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
 - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c Any formal tender process shall comprise the following steps:
 - i. a public notice of intention to place a contract to be placed in a local newspaper;
 - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

31 Allegations of breaches of the code of conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
 - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
 - iii. Ensure that the public and press are excluded from meetings as appropriate.
 - iv. Ensure that the minutes of meetings preserve confidentiality.
 - v. Consider any liaison that may be required with the person or body with

statutory responsibility for the investigation of the matter.

- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Council shall have the power to:
 - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the full Council.
- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

32 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 2 councillors.

33 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings

shall be final.

- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing orders.

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SECTION TWO – Financial Standing Orders/Regulations

FINANCIAL STANDING ORDERS/REGULATIONS

1. General

- a. These financial standing orders/regulations shall govern the conduct of financial transactions of the Council and may only be amended or varied by resolution of the Council.
- b. The Responsible Financial Officer (RFO) shall be responsible for the production of financial management information.

2. Annual estimates

- a. Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account shall be prepared each year by the RFO.
- b. The RFO shall submit them to the Council not later than the end of January in each year and shall advise the Council on the precept to be levied for the ensuing year. The RFO shall supply each member with a copy of the approved estimates.

3. Budgetary control

- a. The RFO shall periodically provide the Council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- b. 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.
- c. The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500 and approval by the Chairman. The Clerk shall report the action to the Council as soon as practicable thereafter.
- d. No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Council is satisfied that it is contained in the rolling capital programme and that the necessary funds are available, or the requisite borrowing approval can be obtained.
- e. All capital works shall be administered in accordance with the Council's standing orders and financial orders/regulations relating to contracts.

4. Accounting and audit

- a. All accounting procedures and financial records of the Council shall be determined by the RFO as required with the Accounts and Audit Regulations 2003.
- b. The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.

5. Banking arrangements and cheques

- a. The Council's banking arrangements shall be made by the RFO and approved by the Council.
- b. A schedule of the payment of money required shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order, payment be authorised by resolution of the Council.
- c. Cheques drawn on the bank account in accordance with the schedule referred to in the previous paragraph shall be signed by any two of the duly authorised officers or councillors.

6. Payment of accounts

- a. Apart from petty cash all payments shall be effected by cheque or other order drawn on the Council's bankers.
- b. All invoices for payment shall be examined, verified and certified by the RFO. Before certifying an invoice the RFO shall satisfy themselves that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- c. The RFO shall examine all invoices in relation to arithmetic accuracy and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.

7. Payment of salaries and wages

- a. Arrangements for the proper payment of all salaries and wages shall be made by the RFO.

8. Loans and investments

- a. All loans and investments must be authorised by the Council prior to any negotiation by the RFO in the name of the Council and shall be for a set period of time approved by the Council. Changes to loans and investments must be approved by the Council.
- b. All investments of money under the control of the Council shall be in the name of the Council.
- c. All borrowings authorised by the Council shall be effected in the name of the Council.
- d. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9. Income

- a. The collection of all sums due to the Council shall be the responsibility of the RFO.
- b. Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- c. The Council will review all fees and charges annually, following a report of the RFO.
- d. All sums received on behalf of the Council shall be paid into the Council's authorised bank account by the RFO.
- e. Personal cheques shall not be cashed out of money held on behalf of the Council.
- f. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with the VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

10. Orders for work, goods and services

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

11. Contracts

- a. All contracts must be negotiated and approved by the Council. The RFO to be responsible for supervision of such contracts. Any amendment to any contract must be subject to the Council's approval.
- b. Where applicable the Council shall invite 3 tenders for all contracts to the specification agreed by the Council. 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 last date by which such tenders shall reach the RFO.
- c. If less than three tenders are received for contracts valued above £500 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.
- d. When necessary a contract may be negotiated without competition. The reason shall be embodied in a recommendation to the Council.
- e. The Council shall not be obliged to accept the lowest or any tender.

Properties and estates

12.

- a. 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.
- b. No property shall be sold, leased or otherwise disposed of without the authority of the Council.

Insurance

13.

- a. The RFO shall effect all insurances and negotiate all claims on the Council's insurers in consultation with the Council.
- b. The Council shall give prompt notification to the RFO of all new risks and of any alterations affecting existing insurances.
- c. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- d. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- e. All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

Risk management

14.

- a. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.

- b. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

Revision of financial regulations

15.

- a. It shall be the duty of the Council to review the Financial Orders/Regulations of the Council from time to time.

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SECTION THREE – Contract Standing Orders

1. Contracts

1.1 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these Standing Orders, and no exceptions shall be made otherwise than in an emergency provided that these rules shall not apply to contracts which relate to items (i) to (vi) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

- (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £1,000 (in excess of this sum the Clerk and Financial Officer shall act after consultation with the Chairman and Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
 - (c) When applications are made to waive Standing Orders relating to contracts to enable a price to be negotiated without competition the reasons shall be embodied in a full report to the Council.
 - (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tenderer shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of Council. Those present will initial and date each tender when opened.
 - (f) If less than three tenders are received for contracts above £20,000 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.
 - (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 44 and 46. For the sake of clarity, any attempt to influence a decision on a tender by canvassing or offering any inducement, however minor, will disqualify.
 - (h) When it is intended to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £100 the Clerk shall strive to obtain 3 estimates.
 - (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate but where a tender other than the lowest is to be accepted a full report setting out the reasons therefor shall be made to the Council.

2. Payments under contracts for building or other construction works

- 2.1 Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk upon authorised certificates of the architect or other appropriate consultant engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 2.2 Where contracts provide for payment by instalments the Clerk shall maintain a record of all such payments. In any case where it is estimated that the total cost of work

carried out under a contract, excluding agreed variations, will exceed the contract sum by 5% or more a report shall be submitted to the Council.

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

Note 1: The values inserted in any of the paragraphs should be reviewed annually by the Council and updated as necessary to take account of changes in circumstances and inflation and the changes made formally confirmed.

Note 2: In cases where an approved list is needed or specified this can usually be sourced from the County Council where lists of contractors are maintained up-to-date (and after status checks) according to categories of work.

3. Appendices

3.1 APPENDIX 1 - EUROPEAN COMMUNITY REGULATIONS - PUBLIC PROCUREMENT

The following is a brief summary of the EC Directives on Public Procurement. The text is intended to give an overview of the regulations that apply and does not quote the regulations verbatim.

3.1.1 TYPES OF CONTRACT

- (a) **Public Supply Contracts** - Contracts for the purchase, lease, rental or hire purchase of products between a supplier and a contracting authority.
- (b) **Public Works Contracts** - Contracts for the carrying out of building or civil engineering works for a contracting authority.
- (c) **Public Services Contracts** - Contracts under which a contracting authority engages a person or persons to provide services. These services include Computing, Investment Services, Accounting, Management Consultancy and Cleaning.

3.1.2 THRESHOLDS

All contracts have a threshold at which the regulations come in to force. The thresholds are linked to ECU's and from April 2006 equate to the following amounts (before VAT):

Contract type	Threshold (£)
Supply	144,371
Works,	3,611,319
Services	144,371

These amounts are cumulative over 3 years.

3.1.3 TENDERING PROCEDURES

- (a) **Open Procedure** - All interested suppliers/contractors can tender.
- (b) **Restricted Procedure** - The restricted procedure is a two-stage process:
 - (i) Advertise for applicants who may be interested in tendering for a specific contract.

- (ii) Vet applicants and draw up a short list of those who are to be invited to tender.

Only suppliers/contractors invited by the contracting authority can tender.

- (c) **Negotiated Procedure - A** contracting authority may consult and negotiate with suppliers of its choice. This procedure is only used in limited circumstances - for technical/artistic reasons, goods only supplied by certain manufacturers, protection of exclusive rights and extreme emergencies.

Note:

- (1) In the open and restricted procedure post tender negotiations are prohibited.
- (2) Where contracts are awarded using the restricted or negotiated procedures the awarding authority must draw up a written report justifying the use of that procedure which may be called for by the EC Commission.

3.1.4 PUBLICATION AND ADVERTISEMENT

When a contract (or aggregated value of similar contracts) is valued at more than the relevant threshold it has to be advertised in the Official Journal of the European Communities.

The process is split into three stages:

(a) **Prior Indicative/Information Notice**

The contracting authority must advertise its intention to seek tenders as soon as it has decided to offer a contract. Indicative Notices for Supplies and Services requirements are usually published at the beginning of the financial year. Information Notices for Works are usually published when a decision to invite tenders has been approved by committee. The threshold for Indicative Notices for Supplies and Services from 1 April 2006 is £144,371. The threshold for works is the same as the contracts threshold, £ 3,611,319 from 1 April 2006.

(b) **Tender Notice**

This notice provides the specific details of a contract to be awarded and calls for

- the submissions of tenders (open procedure); or
- applications to be included in an invitation to tender (restricted procedure); or
- applications to enter into negotiations (negotiated procedure).

(c) **Post Award Notice**

The authority must publicise the outcome of the tender exercise not later than 48 days after the award of the contract.

3.1.5 TIME LIMITS

The regulations set out time limits which must be adhered to. These time limits may be accelerated in certain circumstances (eg in extreme emergencies caused by circumstances beyond the control of the authority). The time limits are:

Tender type	Receipt of requests to participate		Receipt of tenders	
	Normal	Urgent	Normal	Urgent
OPEN	-	-	52 days *	-
RESTRICTED	37 days	15 days	40 days **	10 days
NEGOTIATED	37 days	15 days	-	-

NOTE: All time limits are minimum requirements.

* For Services and Works tenders, but not Supplies, 36 days if a prior indicative notice has been publicised.

** For Services and Works tenders, but not Supplies, 26 days if a prior indicative notice has been publicised.

3.1.6 CRITERIA FOR AWARD OF CONTRACT

Only two award criteria are permitted:

- (a) lowest price: or
- (b) economically most advantageous.

The criteria which a contracting authority may use to determine that an offer is the most economically advantageous may include, for example, price, period for completion, running cost, profitability, technical merit, etc. The criteria to be used must be publicised in the contract notice. If a criterion has not been publicised it cannot be used in the determination of the award no matter how fundamental it may be.

3.1.7 TECHNICAL STANDARDS

- (a) Specifications which refer to goods or supplies of a specific make or source or to a particular process or which favour or eliminate particular goods or supplies are prohibited.
- (b) Technical specifications (e.g. quality, performance or dimensions) must be stated in the Tender Notice and tender documents.
- (c) European standards must be used where they exist unless this would cause problems of compatibility with existing equipment.
- (d) In the absence of relevant European standards the following hierarchy of alternatives must be used:
 - national standard implementing international standards
 - any other national standards
 - any other standards

3.2 APPENDIX 2 - CONTRACTS PROCEDURES

3.2.1 Every contract shall be in the form legally determined and shall include all necessary contract provisions. Contractual provisions are given in Section 1 and 2 of the CSO's and in Appendix 2.

- (a) Every contract shall specify:
 - (i) the works to be performed or the supply or service to be provided,
 - (ii) the price to be paid or received, and
 - (iii) the time for performance for the contract.

- (b) Every contract exceeding £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Council or its delegated sub-committee.
- (c) Every contract below £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Clerk.

3.2.2 In addition, every contract for the execution of works shall provide for:

- (a) the payment of liquidated damages by the contractor if the terms of the contract are not duly performed; and unless already provided for in the finally determined Form of Contract, shall contain the following provisions:
- (b) The Contractor shall not transfer, assign or underlet, directly or indirectly, the Contract or any part, or share any interest therein without the written consent of the Council which may be given under the hand of the Clerk, or (so far only as consent to the appointment of any Sub-Contractor by the Contractor or the nomination of a Sub-Contractor by the Council is concerned) under the hand of the Chairman of the Council or the Finance Officer and in any case where such consent is given or such nomination is made, the Contractor shall be held responsible for all work done by any such Sub-Contractor and for it being carried out under the same conditions as if executed by the Contractor; and
- (c) The Contractor shall not give, provide or offer any loan, fee, reward or gift or any emolument or advantage whatsoever to any Member, Officer or employee of the Council and in the event of any breach of this condition the Council may, without prejudice to any other right it may possess, forthwith cancel the contract and recover from the Contractor any loss or damage consequent upon such cancellation.
The Clerk shall be responsible for ensuring compliance by Contractors and Sub-Contractors with this Standing Order and shall comply with guidance issued from time to time by the Council's legal or other professional adviser in relation to the standard terms to be included in contracts valued at less than £20,000.

3.2.3 Supplies Contracts

The contract shall be signed either by the Clerk or by the Chairman of the Council.

3.2.4 Services Contracts

The contract shall be signed either by the Clerk or by the Chairman of the Council.

3.2.5 Works Contracts

- (a) The Council's Seal (if available) shall be affixed to every contract for works where the contract amount is over £20,000. In all other cases, contracts shall be signed either by the RFO or a duly authorised signatory previously empowered by decision of the Council to fulfil that role.
- (b) The RFO shall keep a register of sealed contracts for works and shall provide the Internal Auditor and external auditors with an abstract of each contract as soon as possible after signature (or sealing). Abstracts shall show the date, name of contractor, work to be done and the amount to be paid.

- (c) Payments on account for contracts over £20,000 shall be authorised on a certificate signed by the appropriate professional contract supervisor, showing the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount being certified for payment.
- (d) Every variation to a contract shall be specifically authorised, in writing, by the appropriate professional contract supervisor after seeking the approval of the Clerk, indicating to him/her the estimated cost or saving arising from that variation.
- (e) No certificate shall be issued if the total payment so certified exceeds the approved expenditure unless and until this has been approved by the Finance Committee and Council.
- (f) The final certificate on contracts above £ 20,000 shall not be issued until the Finance Officer has had an opportunity to examine the Contractor's final account.
- (g) Where contracts are supervised on behalf of the Council by professional advisers, the Clerk shall ensure that those persons comply with Contract Standing Orders as if they were officers of the Council.

3.2.6 In the event of any of the fundamental terms of an accepted tender not being observed by the successful tenderer or if any of the fundamental provisions of a contract are not complied with by the contractor, the Clerk shall report the matter to the full Council and agree the appropriate action to be taken.

3.2.7 Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions apply:

- (a) Tenders or quotations shall be invited in accordance with the normal procedures, as if the tender or quotation were for a contract with the Council. The terms of the invitation shall require that the tenderer will enter into a contract with the main contractor;
- (b) The Clerk shall ensure the maintenance of a record of all such tenders received;
- (c) The Clerk shall have the power to nominate the successful tenderer to the main contractor from the Council's approved list.

3.2.8 **Disclosure of interests in contracts**

If a Member of the Council or any Officer or employee of the Council who has received any money, loan or gift from a person holding or seeking to obtain a contract with or without any approval or consent from the Council remains present at any meeting of the Council or of any Committee of the Council (held within two years of the receipt by him/her of such money or gift or while such loan is still outstanding and in existence) at which such contract or other matter is the subject of consideration he/she shall at such Meeting and before taking part in any such consideration disclose the facts of such transaction. Further it is a breach of Standing Orders and Financial Regulations and an irregularity for any Member to use his/her vote or influence or for any Officer to use his/her influence to affect a decision either in a Committee or the Council or when exercising delegated powers for his/her own gain, personal advantage or interest.

3.2.9 If any Member or Officer has, to his/her knowledge a prejudicial or pecuniary interest, direct or indirect, in any contract or other matter with which the Council is concerned, he/she shall, as soon as possible, report the matter in writing to the Clerk and the Chairman of the Council who shall, if the contract or other matter

becomes the subject of a report to the Council or a committee thereof, disclose such interest.

Little Leigh Parish Council

Governance and Administration

MAY 2023

SECTION FOUR – The Code of Conduct

MEMBER CODE OF CONDUCT

Introduction

Little Leigh Parish Council has adopted this Member Code of Conduct. All councils are required to have a local Councillor Code of Conduct. The Council will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

Definitions

For the purposes of this Code of Conduct, a “member” means a member or co-opted member of Little Leigh parish council. A “co-opted member” is designed in the Localism Act 2011 section 27(4) as a “person who is not a member of the authority but who

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

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

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of member conduct

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

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

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

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

In undertaking my role:

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

Application of the Code of Conduct

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

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

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

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

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.

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

Standards of member conduct

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

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

General Conduct

1. Respect

As a member:

- 1.1. I treat other members and members of the public with respect.**
- 1.2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

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

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

In return, you have the right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are

entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's member-officer protocol.

2. Bullying, harassment and discrimination

As a member:

2.1. I do not bully any person.

2.2. I do not harass any person.

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

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

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

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

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

3. Impartiality of officers of the council

As a member:

3.1. I do not compromise, or attempt to compromise the impartiality of anyone who works for, or on behalf of, the local authority

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

4. Confidentiality and access to information

As a member:

4.1. I do not disclose information:

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

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

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

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

5. Disrepute

As a member:

5.1. I do not bring my role or local authority into disrepute

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

You are able to hold the local authority and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

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

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

7. Use of local authority resources and facilities

As a member:

7.1. I do not misuse council resources

- 7.2. I will, when using the resources of the local authority or authorising their use by others:**
- a. act in accordance with the local authority's requirements; and**
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a member.

Examples include:

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

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

8. Complying with the Code of Conduct

As a Member:

- 8.1. I undertake Code of Conduct training provided by my local authority**
- 8.2. I cooperate with any Code of Conduct investigation and/or determination**
- 8.3. I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings**
- 8.4. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct**

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand

or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a Member:

9.1. I register and disclose my interests

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

You need to register your interests so that the public, local authority employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

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

10. Gifts and hospitality

As a Member:

10.1. I do not accept gifts or hospitality, irrespective of estimate value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

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

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

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B – Registering Interests

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

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

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

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

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

Individual Member Decision Making

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registrable Interests

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

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest' you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or wellbeing;
 - b. a financial interest or wellbeing of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**you must disclose the interest. In order to determine whether you can remain the meeting after disclosing your interest the following test should be applied.
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or wellbeing:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and
 - b. a reasonable member of the public knowing all of the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Individual Member Decision Making

10. Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>Any payment or provisions of any other financial benefit (other than from the Council) made to the member during the previous 12 month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p>
Contracts	<p>Any contract 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 –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	Any beneficial interest in land which is within the areas 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
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer
Corporate tenancies	Any tenancy where (to the 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 have 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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body:

i. exercising functions of a public nature

ii. directed to charitable purposes or

iii. one of whose principal purposes included the influence of public opinion or policy (including any political party or trade union)

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

Appendix C – the Committee on Standards in Public Life

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be

published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

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

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

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

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

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

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

PLEASE NOTE THAT THE NOTIFICATION OF MEMBERS' INTERESTS MAY BE VIEWED. PLEASE CONTACT THE CLERK OF WINCHAM PARISH COUNCIL, NAOMI MORRIS AT clerk@winchampc.co.uk or on 0161 926 8645 or at 22 Churchfields, Bowdon, Cheshire. WA14 3PJ.

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SECTION FIVE – Council Structure and Operation

1) Preparation of Agendas and Minutes

a) Agendas

- i) It is primarily the responsibility of the Clerk, in consultation with the Chairman of the Council, to prepare agendas and to ensure that they deal adequately with business the Council needs to consider. (see also ii below)
- ii) A Draft Agenda will be submitted to the Chairman of the Council or of the Committee for which the summons relates not less than five (5) days before said meeting takes place to allow the Chairman to review the proposed items and request any changes before issue to members. Issue of the summons to attend a meeting to members must take place at least three (3) days before the scheduled meeting date. It is imperative that the Chairman agrees the content of the Agenda to ensure that he/she is fully cognisant of the matters to be debated and resolutions to be determined.
- iii) The format of all Agendas must comply with statutory requirements and must meet the standards expected of a Quality Parish Council. They should also take into account Best Practice as recommended by the Local Association of Parish Councils.
- iv) It is every member's responsibility to ensure that items they wish to bring up or reports that should be submitted are prepared in a timely manner as only items on an Agenda can be debated and subsequently resolutions passed. (see relevant Standing Orders on Resolutions moved with and without Notice)

b) Minutes

- i) It is the responsibility of the Clerk to prepare the minutes of meetings and act on the decisions of the Council, conducting all correspondence and whatever other action is required that has been allocated to him/her.
- ii) Members must notify the Clerk and/or Chairman of the Council of matters which come to their attention, which need to go on an agenda and this should be done not less than 5 days before the appropriate meeting. To allow this to happen the Minutes of a previous meeting must be issued at least 10 days before the said meeting.
- iii) Members should also play their part in seeing that the Council's decisions are implemented and that the Council's business and the work of the Clerk are monitored.

- iv) The format of all minutes must comply with statutory requirements and must meet the standards expected as recommended by the Local Association of Parish Councils.
- v) Minutes of every meeting will be issued to all members but will only be received, approved and signed at the relevant Committee or Council.

c) General Guidelines

- i) All Agendas and Minutes are in the public domain and subject to public scrutiny.
- ii) All pages of a set of minutes for a Committee must be numbered consecutively for the whole Council year.
- iii) Minutes must record by consecutive Reference number the resolutions passed by the council in each Council year.
- iv) Minutes should only record resolutions taken by the council and not the debate.
- v) No item which is not on the Agenda can be discussed at a meeting if notice is required.
- vi) The following items should not appear on the Agenda: Matters arising (this is dealt with as per 4(vi)); Private & Confidential Business (this can only be deemed by the Council); Agendas for future meetings (this is also dealt with as per 4(vi) above).
- vii) All apologies for absence must be recorded with the reason for said absence.

5) Items for consideration on Agendas

- a) The following items are required on every Agenda (except the Annual Parish Meeting):

- Apologies
- Declarations of Interest
- To receive the minutes, approve and sign (no discussion is allowed) and Matters arising
- General correspondence
- Member's items (remembering the rules of Notice)
- Items for future meetings (no discussion will take place as the Chairman and Clerk will decide which meeting to place the item for consideration. If this is perceived to be too long a time then these items must be notified to the Clerk or Chairman before Agendas are issued)
- Items to be considered under Private & Confidential Business (remembering the rules of Notice)

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SECTION SIX – Powers and Duties

The powers which have been vested in Parish and Town Councils and Acts of Parliament are summarised in this document as a guide to Councillors and others. Each description is brief and is intended to be a general indication. Like all powers given to public bodies the powers of local councils are defined in detail in legislation and these details may include a requirement to obtain the consent of another body. Local Councils must exercise their powers also subject to the provisions of the general law. Information on all these details should be in the hands of the Clerk to the Council.

The powers are listed below. Where a power is marked with an asterisk the council may, in addition to exercising the power itself, help another body to act by giving financial assistance.

This list is intended as a summary of the principle functions of Local Council. It is not intended to be a definitive list of such functions.

<u>FUNCTION</u>	<u>POWERS AND DUTIES</u>	<u>STATUTORY PROVISIONS</u>
Accounts	Duty to appoint a Responsible Financial Officer to manage the Council's accounts	Local Government Act 1972 s 151
Acceptance of Office	Duty to sign declaration of acceptance of office (councillors and chairman)	Local Government Act 1972 s 83
Agency Arrangements	Power to arrange for the discharge of functions by another local authority	Local Government Act 1972 s.101
Allotments	Powers to provide allotments Duty to consider providing allotment gardens if demand unsatisfied	Small Holdings Allotments Act 1908 ss 23, 26 and 42
Archives	Power to make records held available to the public and support local archives	Local Government (Records) Act 1962, ss1 and 4
Baths and Washhouses	Power to provide public baths and washhouses	Public Health Act 1936 ss 221, 222,223 and 227
Borrowing	Power to borrow money for statutory functions	Local Government Act 1972 Sch. 13
Burial Grounds, cemeteries and crematoria*	Power to acquire, provide and maintain shelters Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, ss 9 and 10: Local Government Act 1972, s 214 Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s 214
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous) Act 1953 s.4 Parish Councils Act 1957, s 1
Bye Laws	Power to make byelaws for: Public walks and pleasure grounds Cycle Parks Swimming pools, bathing places baths and washhouses Open Spaces and Burial Grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s 164 Road Traffic Regulation Act 1984 s.57 (7) Public Health Act 1936, s 223 Open Spaces Act 1906, s 15 Open Spaces Act 1906 ss 12 and 15

	Public Bathing Hiring of pleasure boats in parks and pleasure grounds	Public Health Act 1936 s. 198 Public Health Act 1936 s. 231 Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54
	Dogs and dog fouling in parks and open spaces	Public Health Act 1875, s 164 Open Spaces Act 1906 s 15
Charities	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
Christmas Lights	Power to provide to attract visitors	Local Government Act 1972, s 144
Citizens Advice Bureau	Power to support	Local Government Act 1972, s 142
Clocks*	Power to provide public clocks	Parish Councils Act 1957,s 2
Closed Churchyards	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
Commons Land and Common Pastures	Powers in relation to enclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s8(4); Smallholding and Allotments Act 1908, s 34
	Power to protect unclaimed common land from unlawful interference	Commons Registration Act.1965, s.9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
Community Centres and Village Halls	Power to provide and equip community buildings	Local Government Act 1972, s 133
	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
Conference facilities*	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Consultation	Right to be consulted by principal councils if directed by Secretary of State	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
Crime Prevention*	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
Delegated Functions	Power to assume a function delegated by another authority	Local Government Act 1972 ss. 101, 111 and 112
	Power to ensure effective discharge of Council functions	
	Power to employ someone to carry out Council functions	
Drainage	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
Education	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
Entertainment and the Arts*	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s 145
Environment	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972, ss 111 and 137
Flagpoles	Power to erect flagpoles in highways	Highways Act 1980, s 144
“Free Resource”	Power to incur expenditure not otherwise authorised on anything which in the council’s opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972, s 137
Gifts	Power to accept	Local Government Act 1972 s 139

Highways	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
	Power to light roads and public places	Parish Councils Act 1957 s 3; Highways Act 1980, s 301; Local Government Act 1972, Sched. 14 para 27
	Provision of litter bins	Litter Act 1983, ss 5 and 6
	Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, s 57
	Power to make a dedication agreement for a new highway or widening of an existing highway	Highways Act 1980, ss 30 and 72
	Power to provide roadside seats and bus shelters	Parish Councils Act 1957, s 1
	Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act, 1980 ss 47 and 116
	Power to complain to district councils regarding the protection of rights of way and roadside wastes	Highways Act 1980, s 130 (6)
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968
Power to plant trees, etc., and to maintain roadside verges	Highways Act 1980, s 96	
Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 134	
Interests	Duty to declare an interest	Local Government Act 1972 s 94
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1962, s 11
Land	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
	Power to accept gifts of land	Local Government Act 1972 s 139
	Power to acquire land by compulsory purchase	Local Government Act 1972, s 125
	Power to obtain particulars of persons interested in land	Local Government (Miscellaneous Provisions) Act 1976, s 16
Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19	
Lighting	Power to light roads and public places	Parish Councils Act 1957, s 3; Highways Act 1980, s 301
Litter* and dog fouling	Provision of receptacles	Litter Act 1983, ss 5 and 6
	Obligated to keep own land free of litter and dog faeces	Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991
	Dogs and dog fouling in parks and open spaces	Public Health Act 1875 s 164; Open Spaces Act 1906
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Meetings	Duty to hold annual parish meeting	Local Government Act 1972 Sch 12 para 23

	Duty to hold annual parish council meeting	Local Government Act 1972 Sch 12 para 7
	Power to convene a parish meeting	Local Government Act 1972 Sch 12 para 14
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
Nature Reserves	Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972 s 142
Nuisances*	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260; Public Health Act 1875, s 164
Open Spaces	Power to acquire land and maintain Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Open Spaces Act 1906, ss 9 and 10; Commons Act 1899 Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.
Parish Property, Records and Documents	Powers to direct as to their custody	Local Government Act 1972, s 226
Parking Facilities	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
Parks, pleasure ground	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Act 1890, s 44; Open Spaces Act 1906, ss 9 and 10
Planning	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
Postal and telecommunications facilities	Power to pay telecommunications operators any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1953, s 51; Telecommunications Act 1984, s 97
Public Buildings and Village Halls	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
Public Conveniences	Power to provide	Public Health Act 1936, s 87
Public Enquiries	Power to make representations at public enquiries	Local Government Act 1982, s 222
Publicity	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
Raising of Finances	Power to raise money through the precept	Local Government Act 1982, s 150
Records	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
Recreation*	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them. Power to provide gymnasiums, playing fields, holiday camps Provision of boating pools	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899 -ditto- Public Health Act 1962, s 54

	Power to provide a wide range of recreational facilities	Public Health Act 1961, s 54
Seats and Shelters*	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
Telecommunications facilities	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
Tourism*	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
Town and Country Planning	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para
Town Status	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
Traffic Calming	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s 274a
Training	Power to train Councillors	Local Government Act 1972, s 175.
Transport*	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
Village greens*	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15; Inclosure Act 1857, s 12, Commons Act 1876, s 29
Village Signs	Power to use decorative signs to inform visitors	Local Government Act 1972 s 144
War Memorials	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133.
Water Supply	Power to utilise any well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s 125

Little Leigh Parish Council

Governance and Administration

MAY 2023

SECTION SEVEN - RETENTION OF DOCUMENTS

<u>DOCUMENT</u>	<u>MINIMUM PERIOD OF RETENTION</u>	<u>REASON</u>
Minute Books	Indefinite	Archive/Public Inspection
Scales of Fees and Charges	5 years	Management
Receipt and payment(s) accounts	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years/indefinite	Limitation Act
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Insurance certificates/Employers' Liability Certificates	Indefinite	Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Register/file of Members allowances	6 years	Income Tax, Limitation Act
For Halls, Centres, Recreation Grounds <ul style="list-style-type: none"> - applications to hire - lettings diaries - copies of bills to hirers - record of tickets issued 	6 years	VAT
For Allotments <ul style="list-style-type: none"> - register and plans 	Indefinite	Audit, Management
For Burial Grounds <ul style="list-style-type: none"> - Register of fees collected - Register of burials - Register of purchased graves - Register/plan of grave spaces - Register of memorials - Applications for interment - Applications for right to erect memorials - Disposal certificates - Copy certificates of grant of exclusive right of burial 	Indefinite	Archives Cemeteries Orders Cremations Regulations

Note: References above to the Limitation Act are to the Limitation Act 1980 (as amended). The 1980 Act sets down time limits within which court action for breach of contract, to recover damages for tortious actions and to recover land (these are the main types of action covered by the Act which are likely to be of relevance to local councils) must be started. If not started within the relevant time limit (or during any extension the court might in its discretion grant), legal action is barred.

Approved by Council on 23 May 2023

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Chairman of Little Leigh Parish Council

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Clerk of Little Leigh Parish Council

Dated
.. 23 May 2023.....