



LOSTOCK GRALAM
PARISH COUNCIL

Lostock Gralam Parish Council

Annual Governance Statement and Administration

March 2025

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Lostock Gralam Parish Council

Standing Orders

March 2025

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1. **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the 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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 five minutes without the consent of the chairman of the meeting.

2. **DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the 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.

3. MEETINGS GENERALLY

Full Council meetings ●
Committee meetings ●
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 **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than five minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be

given.

- i 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 of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
- m A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- n The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).
- p The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) 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 a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.
- r The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.

- See *standing orders 5(h) and (i)* for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.
- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- v 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 three.

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
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x A meeting shall not exceed a period of two hours.

4. **COMMITTEES AND SUB-COMMITTEES**

a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.

b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.

c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

d The Council may appoint standing committees or other committees as may be necessary, and:

i. shall determine their terms of reference;

ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;

iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer two days before the meeting that they are unable to attend;

vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;

vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;

viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

ix. shall determine if the public may participate at a meeting of a committee;

x. shall determine if the public and press are permitted to attend the meetings of a sub-

committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. **ORDINARY COUNCIL MEETINGS**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall 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 there is one) of the Council at the annual meeting, the business shall include:
 - i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of

- his acceptance of office form unless the Council resolves for this to be done at a later date;
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;
 - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
 - xviii. Review of the Council's policy for dealing with the press/media;
 - xix. Review of the Council's employment policies and procedures;
 - xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
 - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. **EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- 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 call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
- c The chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d If the chairman of a committee does not call an extraordinary meeting within five days of having been requested to do so by two members of the committee, any two members of the committee may convene an extraordinary meeting of the committee.

7. **PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. **VOTING ON APPOINTMENTS**

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

9. **MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

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

10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;

- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

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

12. **DRAFT MINUTES**

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the Parish Council held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
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- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which

he had the interest.

- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or
 - iii. it is otherwise appropriate to grant a dispensation.

14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.

- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. at least three clear days before a meeting of the council, a committee or a sub-committee,
 - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least five days before the meeting confirming his withdrawal of it;
 - iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - iv. facilitate inspection of the minute book by local government electors;

- v. receive and retain copies of byelaws made by other local authorities;
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in his absence Vice-Chairman (if there is one) of the () Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council’s receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;

- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the

Contracts Finder website and in OJEU.

- g. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

19. **HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of the Council is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Parish Council if he is not available, the vice-chairman of the Parish Council of absence occasioned by illness or other reason and that person shall report such absence to the Parish Council at its next meeting.
- c. The chairman of the Parish Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff's job title. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Parish Council.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the chairman of the Parish Council or in his absence, the vice-chairman of the Parish in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Parish Council.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Parish Clerk relates to the chairman or vice-chairman of the Parish Council this shall be communicated to another member of the Parish Council, which shall be reported back and progressed by resolution of the Parish Council.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b [*If gross annual income or expenditure (whichever is higher) does not exceed £25,000*] The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

[*If gross annual income or expenditure (whichever is the higher) exceeds £200,000*] The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a The Council shall appoint a Data Protection Officer. (If required to do so).
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

22. **RELATIONS WITH THE PRESS/MEDIA**

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

23. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b [Subject to standing order 23(a), the Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]

The above is applicable to a Council with a common seal.

OR

[Subject to standing order 23(a), any two councillors 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.

24. **COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS**

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

25. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

26. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on

the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

LOSTOCK GRALAM PARISH COUNCIL FINANCIAL REGULATIONS April 2025

LOSTOCK GRALAM FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on 7th April 2025.

General

These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.

Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.

Wilful breach of these regulations by an employee may result in disciplinary proceedings.

In these Financial Regulations:

- 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
- "Approve" refers to an online action, allowing an electronic transaction to take place.
- "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
- 'Proper practices' means those set out in *The Practitioners' Guide*
- *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
- 'Must' and **bold text** refer to a statutory obligation the council cannot change.
- 'Shall' refers to a non-statutory instruction by the council to its members and staff.

The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and control systems;
- ensures the accounting control systems are observed;
- ensures the accounting records are kept up to date;
- seeks economy, efficiency and effectiveness in the use of council resources; and
- produces financial management information as required by the council.

The council must not delegate any decision regarding:

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

In addition, the council shall:

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

Risk management and internal control

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

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

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

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

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

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

At least [once in each quarter], and at each financial year end, a member other than the Chair {or a cheque signatory} shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.

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

Accounts and audit

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

The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:

- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
- **a record of the assets and liabilities of the council;**

The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.

The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.

The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.

Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.

The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.

The council shall ensure that the internal auditor:

- is competent and independent of the financial operations of the council;
- reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
- can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the management or control of the council

Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

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

Budget and precept

Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.

Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in February for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council.

No later than January each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments for the following financial year, taking account of the lifespan of assets and cost implications of repair or replacement.

Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward by placing them in an earmarked reserve with the formal approval of the full council.

Each committee (if any) shall review its draft budget and submit any proposed amendments to the council not later than the end of December each year.

The draft budget with any committee proposals and forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the council.

Having considered the proposed budget and forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.

Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.

The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.

The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.

Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

Procurement

Members and officers are responsible for obtaining value for money at all times. Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.

The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.

Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.

For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.

Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:

For contracts estimated to exceed £60,000 including VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the council OR advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.

For contracts greater than £3,000 excluding VAT the Clerk shall seek at least 3 fixed-price quotes;

where the value is between £500 and £3,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

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

Contracts must not be split to avoid compliance with these rules.

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

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

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

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

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

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
- the Clerk, in consultation with the Chair for any items below £2,000 excluding VAT.
- the council for all items over £5,000;

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

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

No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.

In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair,

replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

An official order or letter shall be issued for all work, goods and services above £500 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.

Any ordering system can be misused and access to them shall be controlled by the Clerk.

Banking and payments

The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Lloyd's bank. The arrangements shall be reviewed bi-annually for security and efficiency.

The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example dual person online authorisation or cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.

All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the Clerk.

Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.

All payments shall be made by online banking/cheque, in accordance with a resolution of the council or a delegated decision by an officer, unless the council resolves to use a different payment method.

For each financial year the Clerk may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the council may authorise in advance for the year.

A copy of this schedule of regular payments shall be signed by two members on each and every occasion when payment is made - to reduce the risk of duplicate payments

A list of such payments shall be reported to the next appropriate meeting of the council for information only.

The Clerk and RFO shall have delegated authority to authorise payments in the following circumstances:

- i. any payments of up to £500 excluding VAT, within an agreed budget.
- ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
- iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Clerk certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- iv. Fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

Electronic payments

Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify four councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.

All authorised signatories shall have access to view the council's bank accounts online.

No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.

The Service Administrator shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be sent by email to two authorised signatories.

In the prolonged absence of the Service Administrator [an authorised signatory] shall set up any payments due before the return of the Service Administrator.

Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.

Evidence shall be retained showing which members approved the payment online.

A full list of all payments made in a month shall be provided to the next council meeting and appended to the minutes

With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.

Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to [the council] at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are approved online by two members, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by [the council] at least every two years.

Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk and a member. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.

Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

Remembered password facilities {other than secure password stores requiring separate identity verification} should not be used on any computer used for council banking.

Cheque payments

Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk.

A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.

To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

Payment cards

Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council in writing before any order is placed.

A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to [the council] and authority for topping-up shall be at the discretion of [the council].

Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and any balance shall be paid in full each month.

Personal credit or debit cards of members or staff shall not be used except for expenses of up to £500 including VAT, incurred in accordance with council policy.

Petty Cash

- a) The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk for example for postage or minor stationery items shall be refunded on a regular basis, at least quarterly
- b) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
- c) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- d) Payments to maintain the petty cash float shall be shown separately on any schedule of payments presented for approval.}

Payment of salaries and allowances

As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.

Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.

Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.

Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.

Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.

Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in the cashbook. Payroll reports will be reviewed by two members when authorising the payments to ensure that the correct payments have been made.

Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

Before employing interim staff, the council must consider a full business case.

Loans and investments

Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.

Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

All investment of money under the control of the council shall be in the name of the council.

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

Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

Income

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

The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the council.

Any sums found to be irrecoverable and any bad debts shall be reported to the council by the Clerk and shall be written off in the year. The council's approval shall be shown in the accounting records.

All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

Personal cheques shall not be cashed out of money held on behalf of the council.

The Clerk shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.

Payments under contracts for building or other construction works

Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

Stores and equipment

Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

Assets, properties and estates

The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.

The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation

and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £500. In each case a written report shall be provided to council with a full business case.

Insurance

The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.

The Clerk shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The Clerk shall negotiate all claims on the council's insurers.

All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

[Charities]

~~18.1. Where the council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]~~

Suspension and revision of Financial Regulations

The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.

The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.

The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 of the council's relevant standing orders and shall refer to the terms of the Bribery Act 2010.

Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken

Lostock Gralam Parish Council

Contract Standing Orders

March 2025

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.

Lostock Gralam Parish Council

Code of Conduct

March 2025

SECTION FOUR – The Code of Conduct

Introduction

Lostock Gralam Parish Council has adopted this Member Code of Conduct as of April 2022.

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 Cheshire West and Chester Borough 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. Town and parish 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 your 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-Registrable 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	<p>Any tenancy where (to the member's knowledge):</p> <p>(a) the landlord is the council; and</p> <p>(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.</p>
Securities	<p>Any beneficial interest in securities* of a body where:</p> <p>(a) that body (to the member's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either:</p> <p>i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>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</p>

* '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 Registrable 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.

Lostock Gralam Parish Council

Council Structure and Operation

March 2025

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 or Committee, 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.
- i) All pages of a set of minutes for a Committee must be numbered consecutively for the whole Council year.
- ii) Minutes must record by consecutive Reference number the resolutions passed by the council in each Council year.
- iii) Minutes should only record resolutions taken by the council and not the debate.
- iv) No item which is not on the Agenda can be discussed at a meeting if notice is required.
- v) 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).
- vi) 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)

Lostock Gramam Parish Council

Powers and Duties

March 2025

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.

FUNCTION	POWERS AND DUTIES	STATUTORY PROVISIONS
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	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

	Mortuaries and post-mortem rooms Public Bathing Hiring of pleasure boats in parks and pleasure grounds Dogs and dog fouling in parks and open spaces	Open Spaces Act 1906 ss 12 and 15 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 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 Power to protect unclaimed common land from unlawful interference Power to manage commons and village greens under a district council scheme	Inclosure Act 1845; Local Government Act 1984, s8(4); Smallholding and Allotments Act 1908, s 34 Commons Registration Act.1965, s.9 Commons Act 1899, ss 4 & 5
Community Centres and Village Halls	Power to provide and equip community buildings Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government Act 1972, s 133 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 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 Local Government and Rating Act 1997, s 31
Delegated Functions	Power to assume a function delegated by another authority Power to ensure effective discharge of Council functions Power to employ someone to carry out Council functions	Local Government Act 1972 ss. 101, 111 and 111
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, par 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 Power to light roads and public places Provision of litter bins Power to provide parking places for vehicles, bicycles and motorcycles Power to make a dedication agreement for a new highway or widening of an existing highway Power to provide roadside seats and bus	Highways Act 1980, ss 43 and 50 Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972, Sched. 14 para 27 Litter Act 1983, ss 5 and 6 Road Traffic Regulation Act 1984, s 57 Highways Act 1980. ss 30 and 72 Parish Councils Act 1957, s 1

	shelters Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway Power to complain to district councils regarding the protection of rights of way and roadside wastes Power to provide traffic signs and other notices Power to plant trees, etc., and to maintain roadside verges Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act, 1980 ss 47 and 116 Highways Act 1980, s 130 (6) Road Traffic Regulation Act 1984, s 72; Countryside Act 1968 Highways Act 1980, s 96 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 Power to accept gifts of land Power to acquire land by compulsory purchase Power to obtain particulars of persons interested in land Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Local Government Act 1972, ss 124, 126 and 127 Local Government Act 1972 s 139 Local Government Act 1972, s 125 Local Government (Miscellaneous Provisions) Act 1976, s 16 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 Obligated to keep own land free of litter and dog faeces Dogs and dog fouling in parks and open spaces	Litter Act 1983, ss 5 and 6 Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991 Public Health Act 1875 s 164; Open Spaces Act
Lotteries	Power to promote	Lotteries and Amusements Act 1976, s 7
Meetings	Duty to hold annual parish meeting Duty to hold annual parish council meeting Power to convene a parish meeting	Local Government Act 1972 Sch 12 para 23 Local Government Act 1972 Sch 12 para 7 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,	Powers to direct as to their custody	Local Government Act 1972, s 226

Records and Documents		
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 Power to provide a wide range of recreational facilities	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 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 pa
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

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 	Indefinite	Archives Cemeteries Orders Cremations Regulations

<ul style="list-style-type: none"> - Copy certificates of grant of exclusive right of burial 		
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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 Lostock Gramam Parish Council on

Date.....

Chairman.....

Clerk of the Council.....