

# **HACKNESS & HARWOOD DALE GROUP PARISH COUNCIL**

## **STANDING ORDERS AND FINANCIAL REGULATIONS**

(LAST AMENDED 14TH NOVEMBER 2014)

### **INCLUDING**

#### **MODEL CODE OF CONDUCT**

(ADOPTED 13th JULY 2012)

#### **CATEGORIES OF CONFIDENTIAL BUSINESS**

#### **ROLE OF CLERK & COUNCILLORS**

(By Paul Clayden)

**Mrs J. Marley,**  
Clerk to the Council & RFO

41 Scalby Rd, Burniston,  
Scarborough, YO13 0HN  
(Tel: 01723-870299)

*email:* [clerk@hacknessgroupparishcouncil.org.uk](mailto:clerk@hacknessgroupparishcouncil.org.uk)

# **INTENTIONALLY BLANK**

## CONTENTS

1.	STANDING ORDERS	PAGE	5
2.	FINANCIAL REGULATIONS	PAGE	11
3.	MODEL CODE OF CONDUCT	PAGE	15
4.	CONFIDENTIAL BUSINESS (BY CATEGORY)	PAGE	21
5.	ROLES OF CLERK AND COUNCILLORS	PAGE	23

## INFORMATIVE

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

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

Notes are printed in *italics*.

# **INTENTIONALLY BLANK**

# PART I

## STANDING ORDERS

### 1. **Powers and Duties of the Chairman**

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

### 2. **Proper Officer**

The Proper Officer of the Council is the Clerk. The Responsible Financial Officer of the Council is the Clerk. Other duties and responsibilities of the Clerk are as laid down in the Conditions of Service, Contract of Employment and Job Description.

Notwithstanding those duties and responsibilities, it shall be the duty of the Clerk to advise Members on the content and interpretation of these Standing Orders.

### 3. **Quorum**

**Three Members shall constitute a quorum. If a quorum is not present when the Council meets or if during a meeting the number of Members, for whatever reason, falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may decide.**

### 4. **Voting**

**Members shall vote by show of hands unless the meeting decides otherwise.**

**If a member so requires, the Clerk shall record the names of the Members who voted on any question and how they voted. Such a request must be made before moving onto the next business.**

**The Chairman may give an original vote on any matter put to the vote and, in the case of equality of votes, may give a casting vote, whether or not he gave an original vote.**

### 5. **Order of Business**

The order of business shall be stated on an agenda paper which shall be delivered to each Member at least three clear days before the date of the meeting together with the summons convening the meeting.

### 6. **Resolutions Moved on Notice**

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been included on the Agenda.

Members may put an item or notice of resolution on the Agenda by giving the Clerk written notice of the item or resolution at least ten clear days before the meeting to which that agenda relates.

Every resolution, amendment, or recommendation shall be relevant to some subject over which the Council has the power or which affects its area.

**7. Resolutions Moved Without Notice**

Resolutions on procedural matters may be moved without notice including those to vary the order of business on grounds of urgency or procedural efficiency. Such resolutions shall be put to the vote without discussion.

**8. Rules of Debate**

All remarks shall be addressed to the Chairman.

No discussion shall take place on the minutes of previous meetings except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.

A Member shall, except as provided by these Standing Orders, be entitled to speak only once on any motion or amendment.

A Member shall direct comments to the question under discussion or to a personal explanation or to a point of order.

No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed two minutes except by consent of the Council.

The mover of a resolution shall have the right of reply not exceeding one minute.

The ruling of the Chairman on a point of order or on the admissibility of an item shall not be discussed.

Representatives of external bodies and organisations shall be allowed to speak at Council meetings at the discretion of the Chairman.

Whenever the Chairman rises to his feet during a debate all other Members shall be seated and silent.

**9. Closure**

A motion of closure of a debate may be moved at any time but must be proposed and seconded without comment. The Chairman may refuse such a motion if he feels that the question before the Council has not been debated sufficiently.

**10. Rescission of Previous Resolutions**

A decision of the Council (whether affirmative or negative) shall not be reversed within six months except by a special resolution, the written notice of which bears the names of at least three Members of the Council. When such a resolution has been disposed of, no similar resolution may be moved within a further six months.

**11. Confidential Business**

No Member of the Council shall disclose to any person other than a Member of the Council, any business declared to be confidential by the Council.

**12. County and District Councillors**

County and District Councillors who are not also Parish Councillors shall be invited to attend meetings and shall be sent copies of agendas, minutes, and other relevant documents. They may be allowed to speak at the discretion of the Chairman.

**13. Length of Meetings**

Except at the discretion of the Chairman, all meetings of the Council shall finish not later than two hours they started. Any business not transacted shall be carried over to the next meeting or such other date as the Chairman may decide.

**14. Suspension of Standing Orders**

Any part or every of these standing order except those in **bold** type may be suspended by resolution in relation to any specific time of business. A resolution to vary or revoke a standing order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

**15. Delegated Powers.**

The Council delegates full executive powers to the Clerk, as follows:-

(a) In the case of matters requiring an immediate or speedy decision in the interests of the efficient and effective discharge of any of the Council's functions, the Clerk shall be authorised, in consultation with the Chairman and/or Vice Chairman, to exercise that function.

(b) In the case of a planning matter which requires a response before the next Ordinary Meeting of the Parish Council, and as a minimum, the Chairman or Vice Chairman plus a Councillor for the parish to which the matter relates must be consulted. In the event there is no elected or co-opted Councillor for the parish to which the matter relates, then another member must be consulted. If, in the opinion of those consulted, the matter is of such importance that it should be considered by the full Council, then the opinion of all Councillors should be obtained by the most appropriate means. The Clerk is authorised to submit responses to planning matters on behalf of the Council and comments of the consulted councillors shall be contained within that response.

(c) A report of the action carried out under 15(a) or (b) shall be made to the next meeting of the Council for formal endorsement and recording in the minutes. The Council will indemnify the Clerk, when acting *bona fide* in the exercise of delegated powers, in any proceedings brought in respect of any acts done in the discharge of a delegated function.

**16. Smoking, Mobile 'phones, Photography, Recording**

**16.1** Smoking (including the use of devices intended to imitate smoking) is not permitted at any meeting of the Council.

**16.2** All mobile phones must be switched to off or silent for the duration of the Council meeting.

**16.3 Reporting of a meeting may only take place in accordance with the Public Bodies (Admissions to Meetings) Act 1960 as amended and Section 3 of The Openness of Local Government Bodies Regulations**

**2014.** Any person who breaches this standing order will be warned and if they persist will be excluded from the meeting.

**17. Standing Orders to be Given to Members**

A copy of these Standing Orders shall be given to all Members.

**18. Interpretation**

In these Standing Orders words designating one sex shall include both sexes and the singular includes the plural and vice versa.

# **INTENTIONALLY BLANK**

# **INTENTIONALLY BLANK**

# PART II

## FINANCIAL REGULATIONS

### **1. General**

- 1.1 These financial regulations shall govern the conduct of the financial transactions of the Council and shall be amended only by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO) under the direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

### **2. Annual Estimates**

- 2.1 A budget shall be prepared by the RFO not later than the end of October in each year.
- 2.2 During November of each year the Council shall set the precept to be levied for the coming financial year.
- 2.3 The budget shall form the basis of the financial control for the coming year.

### **3. Budgetary Control**

- 3.1 Revenue expenditure may be incurred up to the amounts included in the Council's budget.
- 3.2 The RFO shall provide the Council with a statement of income and expenditure as requested.
- 3.3 The Clerk & RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £250 on the Clerk's own initiative or £500 in conjunction with the Chairman or Vice Chairman of Council. The Clerk shall report the action taken to the Council as soon as practicable thereafter.
- 3.4 No expenditure shall be incurred in relation to any capital project and no contracts entered into or tender accepted involving expenditure on capital account unless the Council is satisfied that the necessary funds are available, or that the necessary borrowing approval can be obtained.

### **4. Accounting and Audit**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003 or other Statutory Instrument which may supersede those Regulations.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and in any case by the 30 June and submit such accounts and report thereon to the Council.

- 4.3 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with regulation 5 of the Accounts and Audit Regulations 2003.

**5. Banking Arrangements**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council.
- 5.2 Relevant invoices shall be presented to the Council and if in order shall be authorised for payment by a resolution of the Council.
- 5.3 Cheques drawn on the Council's bank accounts shall be signed by two authorised signatories.

**6. Payment of Accounts**

- 6.1 All payments shall be effected by cheque or by direct debit drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified, and certified by the RFO as evidenced by the presentation to Council for payment. Before such certification the RFO shall be satisfied that the works, goods, or services to which the invoice relates have been received, carried out, examined, and approved.

**7. Payment of Salaries and Wages**

- 7.1 It shall be the responsibility of the RFO to calculate payment of salaries and wages in accordance with the rates in force and arrange for such payment to be made.

**8. Loans and Investments**

- 8.1 All loans and investments shall be negotiated by the RFO in the name of the Council after approval by the Council and shall be for a set period of time in accordance with Council policy.
- 8.2 All investments of money under the control of the Council shall be in the name of the Council.
- 8.3 All borrowings shall be in the name of the Council.
- 8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

**9. Income**

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Any bad debts shall be reported to the Council.
- 9.3 All sums received on behalf of the Council shall be banked as often as the RFO considers necessary.

**10. Contracts**

- 10.1 An invitation to tender shall state the general nature of the intended work or service to be provided and shall be required to be delivered in sealed envelopes. All tenders for the same work shall be opened at the same time by such persons as the Council may direct.
- 10.2 Tenders shall be sought where it is anticipated the net cost of the work to be carried out or service provided is likely to be exceed £5000.
- 10.3 The Council shall not be obliged to accept the lowest or any tender.

**11. Insurance**

- 11.1 The RFO shall be responsible for effecting all insurance and negotiating all claims against the Council's insurers.
- 11.2 The RFO shall give prompt notification to the Council of all new risks and of any amendments affecting existing cover.
- 11.3 All appropriate employees of the Council shall be included in suitable fidelity guarantee cover.

**12. Revision of Financial Regulations**

- 12.1 It shall be the duty of the Council to review these financial regulations from time to time.

# **INTENTIONALLY BLANK**

# **PART III**

## **CODE OF CONDUCT**

*The following is the NALC template code of conduct adopted by Hackness & Harwood Dale Group Parish Council on 13<sup>th</sup> July 2012 and by which every member of this council agrees to be bound.*

### **INTRODUCTION**

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

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

### **DEFINITIONS**

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

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

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

### **MEMBER OBLIGATIONS**

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

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

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

### **REGISTRATION OF INTERESTS**

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

### **DECLARATION OF INTERESTS AT MEETINGS**

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

## **DISPENSATIONS**

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

## **APPENDIX A**

Interests described in the table below.

<b><i>Subject</i></b>	<b><i>Description</i></b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union & Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the Council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

## **APPENDIX B**

An interest which relates to or is likely to affect:

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

# **INTENTIONALLY BLANK**

# **CONFIDENTIAL BUSINESS**

(See Standing Order 63, note 1)

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

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

# **INTENTIONALLY BLANK**

# Role of Clerk and Councillors

by Paul Clayden  
past Chief Executive, Local Councils Advisory Service

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

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

## **The role of the Councillor**

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

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

## **The role of the chairman**

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

## **The role of the clerk**

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

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

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

### **The relationship between clerk and councillors**

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

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

### **The relationship between the clerk and the chairman**

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

“A council is only as good as its clerk”

“A council is only as good as its councillors”

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

# **INTENTIONALLY BLANK**

