

**BISHOP THORNTON  
&  
WARSILL  
PARISH COUNCIL**

**STANDING ORDERS**

**INCLUDING  
CODE OF CONDUCT FOR COMPLAINTS,  
CATEGORIES OF CONFIDENTIAL BUSINESS,  
NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT,  
DECLARATIONS OF INTEREST  
AND FINANCIAL REGULATIONS.**

J.A. GANT,  
CLERK TO THE COUNCIL & RFO.

MEADOW VIEW, COLBER LANE,  
BISHOP THORNTON, HARROGATE, NORTH YORKSHIRE. HG3 3 JR.  
☎ TEL: 01423 - 772617. 📠 FAX: 01423 - 772617  
✉ EMAIL: [btwpc01@yahoo.co.uk](mailto:btwpc01@yahoo.co.uk)

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**Bishop Thornton & Warsill Parish Council.**

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Clerk to the Council

Note: throughout this document any reference to Borough or District Council shall be interpreted to mean the Harrogate District Council.

**Bishop Thornton & Warsill Parish Council**

## **Standing Orders.**

### Meetings.

- \*1 (a) Meetings of the Council shall be held at 19.30 hours, unless the Council otherwise decides at a previous meeting, and be terminated no later than 22.00 hours.  
(b) Smoking is not permitted at any meeting of the Council.
- \*2. The statutory annual meeting shall be held in accordance with the Local Government Act 1972, Schedule 12a, paragraph 7 (1) and (2).
- \*3. The three other statutory meetings shall be held in July, November and February.
- \*4. Additional meetings shall be held on a monthly cycle or as otherwise directed by the Council.

### Chairman of Meetings.

- \*5. The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

### Proper Officer.

- 6. Where a statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, it shall be the Clerk to the Council:-
  - (a) to receive Declarations of Acceptance of Office.
  - (b) to receive and record notices declaring pecuniary interests.
  - (c) to receive and maintain information relating to plans and documents.
  - (d) to sign notices or other documents on behalf of the Council.
  - (e) to receive copies of bylaws made by the Borough Council.
  - (f) to sign summonses to attend meetings of the Council.

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

### Quorum.

- \*7. Half the Members shall constitute a quorum.
- 8. If a quorum is not present when the Council meets, or if, during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such day as the Chairman may fix.

### Voting.

- 9. Members shall vote by show of hands, or, if at least two Members so request, by signed ballot.
- \*10. If a Member so requires, the Clerk to the Council shall record the names of the Members who voted on any question so as to show whether they voted for or against it.
- \*11. (1) subject to (2) and (3) below, the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give the casting vote even though no original vote was given.  
(2) If the person presiding at the Annual Meeting would have ceased to be a Member of the

Council but for the statutory provisions which preserve the Membership of the Chairman and Vice-Chairman until the end of their term of office they may not give an original vote in an election for Chairman.

(3) the person presiding must give a casting vote, whenever there is an equality of votes in an election for Chairman.

Order of business.

*(In an election year Councillors should execute Declarations of Acceptance of Office in the presence of a proper officer previously authorised by the Council to take such declaration, before or at the beginning of the annual meeting.)*

- \*12. At each Annual Meeting the first business shall be :-
- (a) to elect a Chairman.
  - (b) to receive the Chairman's Declaration of Acceptance of Office or, if not then received, to decide when it shall be received.
  - (c) in the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
  - (d) to decide when any Declarations of Acceptance of Office which have not been received as provided by law shall be received.
  - (e) to elect a Vice-Chairman if required.
  - (f) to appoint School Governors if and when required.
  - (g) to appoint Statutory or Standing Committees if and when required.
  - (h) to appoint Chairmen of Committees if and when required.
  - (i) to appoint representatives to outside bodies if required.

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

- \*13. At every meeting, other than the Annual Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such Declaration of Acceptance of Office (if any) as are required by law to be made, or if not then received to decide when they shall be received.

14. In every year not later than the meeting at which the estimates for the next year are settled the Council shall review the expenses received by the Clerk or Proper Officer (see Standing Order 38 below).

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

- (a) to read and consider the minutes, provided that if a copy has been circulated to each Member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
- \* (b) after consideration to approve the signature of the minutes by the presiding Chairman as a correct record.
- \* (c) to deal with business expressly required by statute to be done.
- (d) to dispose of business, if any, remaining from the last meeting.
- (e) to receive such communications as the presiding Chairman may wish to lay before the Council.
- (f) to answer questions from Councillors. (see orders 24 - 26 below).
- (g) to answer questions from the public.
- (h) to receive and consider (as required) reports and minutes of Committees
- (i) to receive and consider (as required) reports from Officers of the Council.
- (j) to receive and consider (as required) reports from representatives to outside bodies.

- (k) to receive and consider (as required) reports from the Chairman.
- (l) to receive, consider and approve (as required) annual financial report.
- (m) to consider resolutions or recommendations in the order in which they have been notified.
- (n) any other business specified in the summons.

16. A motion to vary the order of business on the grounds of urgency:-  
(a) may be proposed by the Chairman or by any Member and, if proposed by the Chairman, may be put to the vote without being seconded, and (b) shall be put to the vote without discussion.

Resolutions moved on notice.

17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk to the Council or the mover has given notice in writing of its terms and has delivered the notice to the Clerk to the Council at least **seven** clear days before the next meeting of the Council.
18. The Clerk to the Council shall date every notice of motion or recommendation when received, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to inspection of every Member of the Council.
19. The Clerk to the Council shall insert in the summonses for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that they intend to move at some later meeting or that they withdraw it.
20. If a resolution or recommendation specified in the summons is not moved, either by the Member who gave notice of it or any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
21. If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committees or to such other Committee as the Chairman may determine for report; provided that, if the Chairman considers it to be a matter of urgency, it may be dealt with at the meeting at which it was moved.
22. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

Resolutions moved without notice.

23. Resolutions dealing with the following matters may be moved without notice :-
- (a) to appoint a Chairman of the meeting.
  - (b) to correct the minutes.
  - (c) to approve the minutes.
  - (d) to alter the order of business.
  - (e) to proceed to next business.
  - (f) to close or adjourn the debate.
  - (g) to refer a matter to a Committee.
  - (h) to appoint a Committee or Members thereof.
  - (i) to adopt a report.
  - (j) to amend a motion.

- (k) to give leave to withdraw a motion or an amendment.
- (l) to extend the time limit for speeches.
- (m) to exclude the press and public.
- (n) to silence or eject from the meeting a Member named for misconduct.
- (o) to invite a Member having an interest in the subject matter under debate to remain.
- (p) to give the consent of the Council where such consent is required by these Standing Orders.
- (q) to suspend any Standing Order.
- (r) to adjourn the meeting.

#### Questions.

- 24. A Member may ask the Chairman or the Clerk to the Council any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 25. Every question shall be put and answered without discussion.
- 26. A person to whom a question has been put may decline to answer.

#### Rules of debate.

- 27. No questions not connected with the business under discussion shall be asked except during the part of the meeting set aside for questions.
- 28. No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- 29.
  - (a) a resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notification has already been given, it shall, if required by the Chairman, be reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.
  - (b) a Member when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of debate.
  - (c) a Member shall direct their speech to the question under discussion or to a personal explanation or to a question or order.
  - (d) no speech by a mover of a resolution shall exceed 10 minutes, and no other speech shall exceed 5 minutes except by the consent of Council.
  - (e) an amendment shall be either :-
    - (i) to leave out words.
    - (ii) to leave out words and insert or add others.
    - (iii) to insert or add words.
  - (f) an amendment shall not have the effect of negating the resolution before the Council.
  - (g) if an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - (h) a further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (i) the mover of a resolution or of an amendment shall have the right of reply not exceeding 5 minutes.
  - (j) a Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution, except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to

move closure.

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

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

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

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

30. A Member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

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

(b) Members shall address the Chairman.

(c) Members shall signify that they wish to speak by raising their hand.

(d) if two or more Members signify that they wish to speak, the Chairman shall call upon one of them to speak, and the others shall remain seated.

(e) whenever the Chairman rises during a debate all other Members shall be seated and silent.

#### Closure.

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

*(Note: where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to Members not present of the date of the continuation of the meeting.)*

#### Disorderly conduct.

33. (a) no Member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt, or ridicule.

(b) if, in the opinion of the Chairman, a Member has broken the provisions of paragraph (a) of this order, the Chairman shall express that opinion to the Council and thereafter any

Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded shall be put forthwith and without discussion.

(c) if either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Right of reply.

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

Alteration of resolution.

35. A Member may, with the consent of the seconder, move amendments to their own resolution.

Revocation of a previous resolution.

36. (a) a decision (whether affirmative or negative) of the Council shall not be reversed within six months except by a special resolution carried by two thirds of those present and voting.  
(b) when a special resolution or any other resolution moved under the provisions of paragraph (a) of this order has been disposed of, no similar resolution may be moved within a further six months.

Voting on appointments.

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

Discussions and resolutions affecting employees of the Council.

38. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary, expenses or condition of service, of any person employed by or otherwise assisting the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded.

Resolutions on expenditure.

39. Any motion which is moved otherwise than in pursuance of a recommendation of a Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure or reduce the revenue at the disposal of the Council, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Committees and Sub-Committees.

40. The Council will at the annual meeting appoint a standing Committee and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision on that behalf:-  
(a) shall not appoint any Member of a Committee so as to hold office later than the next annual meeting, and



- (b) May appoint persons other than Members of the Council to any Committee, and
- (c) May subject to the provisions of order 36 above at any time dissolve or alter the Membership of a Committee.

- 41. The following Committee shall be the Standing Committee of the Parish Council and shall consist of the maximum number of Members respectively set out opposite such Committee:  
The General Purposes Committee                      4 Members
- 42. The Chairman and Vice-Chairman shall be ex-officio Members of every Committee, and Sub-Committee.
- 43. Every Committee shall at its first meeting before proceeding to any other business, elect (if required) a Vice-Chairman who shall hold office until the next annual meeting.
- 44. The Chairman of a Committee or the Chairman of the Council may summon an additional meeting of that Committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- 45. Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.
- 46. The Chairman and Vice-Chairman of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.
- 47. Except where ordered by the Council in the case of a Committee or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or Sub-Committee shall be one half of its Members.
- 48. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee and Sub-Committee meetings.

Delegated powers.

- 49. The Council delegates full executive powers, as follows:-
  - (a) the day to day management of facilities shall be the responsibility of the Clerk to the Council of the Council.
  - (b) executive powers are delegated to the Clerk to the Council of the Council, following consultation with the Chairman or Vice-Chairman of the Council or Committee, as appropriate, for matters which require a decision before the next ordinary meeting.
  - (c) the General Purposes Committee have full delegated powers to respond to any planning applications.

Voting in Committees.

- 50. Members of Committees and Sub-Committees entitled to vote shall vote by show of hands, or if at least two Members so request, by signed ballot.
- \*51. Chairmen of Committees and Sub-Committees shall have a second or casting vote.

Presence of non-Members of Committees at Committee meetings.

52. A Member who has proposed a resolution which has been referred to any Committee of which they are not a Member, may explain the motion to the Committee but shall not vote.

Financial Regulations.

53. The Clerk to the Council, as the Responsible Finance Officer, shall be responsible under the policy direction of the Council for prescribing the Financial Regulations of the Council and for the proper administration of the Council's financial affairs. The Financial Regulations shall be kept under review by the Council, and may only be varied or amended by resolution of the Council.

Interests.

54. If any Member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act 1972, or as amended under the Parish Councils (Model Code of Conduct) order 2001, in any contract, proposed contract or other matter, they shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97 (b), or :-

(a) the disability imposed upon them by those sections has been removed by the borough Council; or (b) The Council invite them to remain; or (c) the contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate.

- \*55. The Clerk to the Council shall record in a file to be kept for the purpose, particulars of any notice given by any Member or any Officer of the Council of a pecuniary interest in a contract and the file shall be open during reasonable hours of the day for the inspection of any Member.

56. If any Member has a non-pecuniary interest within the ambit of the National Code of Local Government conduct they shall declare it and thereupon be invited to withdraw from the meeting.

57. If a candidate for any appointment under the Council is to their knowledge related to any Member of or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Clerk to the Council. A candidate who fails so to do shall be disqualified for such appointment, and if appointed, may be dismissed without notice. The Clerk to the Council shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a Member is disclosed Standing Order 54 shall apply. The Clerk to the Council shall make known the purpose of this Standing Order to every candidate.

Canvassing of and recommendations by Members.

58. (a) canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk to the Council shall make known the purport of the Sub-paragraph of this Standing Order to every candidate.

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

59. Standing Orders nos. 57 and 58 shall apply to tenders as if the person making the tender were a candidate for an appointment.

Inspection of documents.

60. A Member may for the purpose of their duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- \*61. All minutes kept by the Council and by any Committee shall be open for the inspection of any Member of the Council.

Unauthorised activities.

62. No Member of the Council or of any Committee, shall, in the name of or on behalf of the Council:
- (a) inspect any lands or premises which the Council has the right or duty to inspect;
- (b) issue any orders, instructions or directions.
- Unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

Admission of public to meetings.

- \*63. The public shall be admitted to all meetings of the Council and its Committees and Sub-Committees which may, however, temporarily exclude the public by means of the following resolution:-

"that in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

*Note 1. The special or confidential nature, as set out on page 15 of these Standing Orders, should be stated.*

*Note 2. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.*

*Note 3. The Standing Order in relation to the admission of the public to a meeting of a Sub-Committee may be revoked, as set out in order 71 below.*

- \*64. The Clerk to the Council shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
65. If a Member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the Council chamber.

Confidential business.

- \*66. (a) No Member of the Council or of any Committee or Sub-Committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- (b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

Liaison with borough Councillors.

67. A notice of meeting shall be sent together with an invitation to attend to the borough Councillor and county Councillor for the Ward.

Planning applications.

68. (a) The Clerk to the Council shall, as soon as it is received, enter in a register kept for that

purpose the following particulars of every planning application notified to the Council:-

- (i) the date on which it was received.
- (ii) the name of the applicant.
- (iii) the place to which it relates.
- (iv) a summary of the nature of the application.

Standing Orders on Contracts.

69. (a) Any contract whether made by the Council or by a Committee to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a Committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to items (i) to (v) 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 goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
- (b) When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (c) Every exception made by the Council in making contracts shall specify the emergency by which the exception shall have been justified.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Responsible Financial Officer 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 Responsible Financial Officer and the last date by which such tenders should reach the Responsible Financial Officer in the ordinary course of post. Each tendering firm shall be supplied with a specially 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 Responsible Financial Officer or the properly authorised Deputy in the presence of at least one Member of the Council.
- (f) If less than three tenders are received for contracts are above a value pre-determined by the Council 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 Standing Order shall contain a statement of the effect of Standing Order No's 57, 58 and 59.
- (h) The Council shall not be obliged to accept the lowest or any tender.
- (i) Where it is proposed not to accept the lowest tender, the Committee or Council, as appropriate, will set out a justification for the decision within the resolution to accept a higher tender.

Code of conduct on complaints.

70. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or Member as set out on page 14 and by reference to the Standards Sub-Committee of the responsible authority (i.e. Harrogate Borough Council).

Variation, revocation & suspension of Standing Orders.

- \*71. Any or every part of the Standing Orders, except those where the number is preceded with "\*\*", may be suspended by resolution in relation to any specific item of business.
- \*72. A resolution permanently to add vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Standing Orders to be given to Members.

- 73. A copy of these Standing Orders shall be given to each Member by the Clerk to the Council upon delivery of the Member's declaration of acceptance of office.

J.A. Gant  
Clerk to the Council of the Council.

1<sup>st</sup>. January 2009.

**Bishop Thornton & Warsill Parish Council.**

**Code of conduct on complaints.**  
**(see Standing Order 70).**

1. If a complaint about procedures or administration is notified orally to a Councillor or an Officer, and it is not possible to satisfy the complainant fully forthwith the complainant shall be asked to put the complaint in writing to the Clerk to the Council, and be assured that it will be dealt with promptly after receipt.
2. If a complaint refers to the personal conduct of the Clerk to the Council, and the complainant indicates that they would prefer not to put the matter to the Clerk to the Council, they shall be advised to write to the Chairman of the Council.
- 3 (a) On receipt of a written complaint, the Clerk to the Council or Chairman (as the case may be), shall, except where the complaint is about their own actions, try to settle the complaint directly with the complainant.
- 3 (b) where the complainant refers to the behaviour of a Member or Officer, the person complained of will be notified of the manner in which it is proposed to settle the matter, and be given an opportunity to comment.
- 3 (c) where the Clerk to the Council or Chairman receive a written complaint about their own actions, they shall forthwith refer the complaint, as follows:-
  - Clerk to the Council - to the Chairman of the Council.
  - Chairman - to Clerk to the Council.
4. The Clerk to the Council or Chairman shall report to the next Ordinary meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The Clerk to the Council or Chairman shall bring any written complaint, which can not be settled to the next Ordinary meeting of the Council and the Clerk to the Council shall notify the complainant of the date on which the complaint will be considered.
6. The Committee shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public (including the complainant, if present), but any decision on a complaint shall be announced at the meeting in public.
7. As soon as may be after the decision has been made it, and the nature of any action to be taken, shall be communicated in writing to the complainant.
8. This procedure will not prejudice the rights of an elector to question the district auditor at the annual audit of accounts or inform the Standards Sub-committee.

**Bishop Thornton & Warsill Parish Council.**

**Confidential Business.**  
**(see Standing Order 63 note 1).**

Business to be transacted in the absence of the public must fall into one of the following nine categories.

The applicable category shall be quoted in full within the resolution to exclude the public from the meeting.

Discussion on:-

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.

**Bishop Thornton & Warsill Parish Council.**

**THE NATIONAL CODE OF LOCAL GOVERNMENT CONDUCT.**  
**(THE PARISH COUNCILS (MODEL CODE OF CONDUCT) ORDER 2001**  
**(and subsequent variations)**

Introduction.

The National Code of Local Government Conduct, as made mandatory under the 2001 Order, provides Members of Local Authorities (ie. Parish Councils) with the statutory rules that must apply to the standard of conduct observed when carrying out their duties, and in their relationships with the Council and the Council's Officers.

The Code is issued by the Secretary of State for Transport, Local Government and the Regions. The Code has been agreed by the Associations representing Local Authorities and approved by both Houses of Parliament.

The Code applies to all Members of:-  
In England, Parish and Town Councils;

All Councillors are required on accepting office to declare that they will abide by the Code.

The Code also applies to all Members of Committees, Joint Committees and Sub-Committees of these Authorities, whether or not they are Councillors, and whether or not they are voting Members of those bodies.

The Code represents the standard against which the conduct of Members will be judged, both by the public, and by their fellow Councillors. The Standards Sub-Committee may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Council in these circumstances.

**The Code.**

The law and Standing Orders.

1. Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and Standing Orders require, and the guidance contained in this code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If in any doubt, seek advice from the Monitoring Officer of the responsible authority (i.e. Harrogate Borough Council) or from your own legal adviser. In the end, however, the decision and the responsibility are yours.

Public duty and private interest.

2. Your over-riding duty as a Councillor is to the whole local community.
3. Whilst you may be strongly influenced by the views of others it is your responsibility alone to decide what view to take on any question which Councillors have to decide.
4. If you have a private or personal interest in a question which Councillors have to decide, you should never take any part in the decision except in the special circumstances described



below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.

5. You should never do anything as a Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your Council.
6. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

Disclosure of pecuniary and other interests.

7. The law makes specific provision requiring you to disclose both direct and indirect pecuniary interests (including those of a spouse with whom you are living) which you may have in any matter coming before the Council, or Committee. It prohibits you from speaking or voting on that matter. Your Council's Standing Orders also requires you to withdraw from the meeting while the matter is discussed. You must also by law declare certain pecuniary interests in the statutory register kept for this purpose. These requirements must be scrupulously observed at all times.
8. Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest rather than forwarding the general public interest. Private and personal interests include those of your family and friends, as well as those arising through Membership of, or association with, clubs, societies and other organisations such as the freemasons, trade unions and voluntary bodies.
9. If you have a private or personal non-pecuniary interest in a matter arising at a Parish Council meeting, you should always disclose it, unless it is insignificant, or one which you share with other Members of the public generally as a Council Tax Payer or an inhabitant of the area.
10. Where you have declared such a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether Members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
11. In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
  - (a) if your interest arises in your capacity as a Member of a public body, you may speak and vote on matters concerning that body. For this purpose, a public body is one where, under the law governing declarations of pecuniary interests, Membership of the body would not constitute an indirect pecuniary interest;

- (b) if your interest arises from being appointed by the Parish Council as their representative on the managing Committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the Members), you may speak and vote on matters concerning that organisation;
- (c) if your interest arises from being a Member of the managing Committee, or other governing body of such an organisation, but you were not appointed by the Parish Council as their representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
- (d) if your interest arises from being an ordinary Member or supporter of such an organisation (and you are not a Member of its managing Committee or other governing body) then you may speak and vote on any matter in which the organisation has an interest.

#### Dispensations.

- 12. Circumstances may arise where the work of the Parish Council is affected because a number of Councillors have personal interests (pecuniary or non-pecuniary) in some question.
- 13. In certain circumstances, you may be able to get a dispensation to speak, and also to vote, in spite of a pecuniary interest. Such dispensations are given under statute by the Secretary of State or by the District Council Standards Sub-Committee in the case of Town, Parish and Community Councils.
- 14. In the case of non-pecuniary interests, there may be similar exceptions to the guidance contained in this code. In the circumstances below it may be open to you to decide that the work of the Council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear and substantial private or personal interest.
- 15. Before doing so, you should:
  - (a) take advice from the Chairman of the Council or Clerk to the Parish Council (if this is practicable) and/or from the Monitoring Officer of the responsible Authority (i.e Harrogate Borough Council) as to whether the situation justifies such a step;
  - (b) Consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the Council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and
- 16. The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, but only if:
  - (a) at least half the Council or Committee would otherwise be required to withdraw from consideration of the business because they have a personal interest; or
  - (b) your withdrawal, together with that of any other Members of the Council or Committee who may also be required to withdraw from consideration of the business because of a personal interest, would upset the balance of the Council or Committee to such an extent that the decision is likely to be affected.
- 17. If you decide that you should speak or vote, notwithstanding a clear and substantial personal

or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.

18. The guidance set out in the above paragraphs also applies to Sub-Committees. However, if the Sub-Committee is very small, or if a large proportion of Members declare a personal interest, it will usually be more appropriate for the matter to be referred to the parent Committee or Council.

#### Disclosure in other dealings.

19. You should always apply the principles about the disclosure of interests to your dealings with Council Officers, and to your unofficial relations with other Councillors (at a party, group meetings, or other informal occasions) no less scrupulously than at formal meetings of the Council, Committees and Sub-Committees.

#### Membership of Committees and Sub-Committees.

20. You, or some firm or body with which you are personally connected, may have professional, business or other personal interests within the area for which the Council are responsible. Such interests may be substantial and closely related to the work of one of the Council's Committees. For example, the firm or body may be concerned with planning, developing land, Council housing, personnel matters or the letting of contracts for supplies, services or works. You should not seek, or accept, Membership of any such Committee if that would involve you in disclosing an interest so often that you could be of little value to the Committee, or if it would be likely to weaken public confidence in the duty of the Committee to work solely in the general public interest.

#### Leadership and Chairmanship.

21. You should not seek, or accept, the leadership of the Council if you, or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the Council. Likewise, you should not accept the Chairmanship of a Committee or Sub-Committee if you have a similar interest in the business of the Committee or Sub-Committee.

#### Councillors and Officers.

22. Both Councillors and Officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council, their Committees and Sub-Committees.
23. Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
24. The law and Standing Orders lay down rules for the appointment, discipline and dismissal of staff. You must ensure that you observe these scrupulously at all times. Special rules apply to the appointment of assistants to political groups. In all other circumstances, if you are called upon to take part in appointing an Officer, the only question you should consider is which candidate would best serve the whole Council. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for any candidate and you should resist any attempt by others to canvass yours.

Use of confidential and private information.

25. As a Councillor or a Committee Member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Council or anyone else.

Gifts and hospitality.

26. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Council, or may be applying to the Council for planning permission or some other kind of decision. Any gift or hospitality of £25 or above must in this respect be declared to the Monitoring Officer of the responsible authority (i.e. Harrogate Borough Council) within 28 days of receipt.
27. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Standards Sub-Committee of the responsible authority (i.e. Harrogate Borough Council) and that no extravagance is involved. Likewise, it may be reasonable for a Member to represent the Council at a social function or event organised by outside persons or bodies.
28. You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. The offer or receipt of gifts or invitations should always be reported to the Clerk to the Council.

Expenses and allowances.

29. There are rules enabling you to claim expenses and allowances in connection with your duties as a Councillor or a Committee or Sub-Committee Member. These rules must be scrupulously observed.

Dealings with the Council.

30. You may have dealings with the Council on a personal level, for instance as a rate-payer or a Council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in those dealings because of your position as a Councillor or a Committee Member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment: for instance, by using your position to discuss a planning application personally with officers when other Members of the public would not have the opportunity to do so. Likewise, you should never use your position as a Councillor or a Committee Member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

Use of Council facilities.

31. You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Council for your use in your duties as a Councillor or a Committee Member are used strictly for those duties and for no other purpose.

Appointments to other bodies.

32. You may be appointed or nominated by your Council as a Member of another body or organisation. You should always observe this code in carrying out your duties on that body in

the same way you would with your own authority.

**Bishop Thornton & Warsill Parish Council.**

**Declarations of Interest.**

## PART A - THE LAW.

### Speaking or voting.

1. If a Member of the Council has a pecuniary interest in any matter under consideration at a meeting of the Council he must declare his interest and must neither take part in the discussion nor vote on the matter. The same rule applies where a Member of a Committee has a pecuniary interest in a matter under consideration by the Committee.

### Offences.

2. Failure to declare an interest, or speaking or voting with an interest whether or not it has been declared, is a criminal offence punishable in the magistrates' courts by a maximum fine on level 4 currently £1,000. Only the director of public prosecutions (DPP) may prosecute an offender.

### Records.

3. If an interest is declared the Clerk to the Council must record it in a book kept for that purpose. Where a Member has a continuing interest which may affect several meetings he may deliver to the Clerk to the Council a written declaration to be of continuing effect and the Clerk to the Council must record that in the book. The book is open to inspection by the Councillors.

### Relatives.

4. Where a spouse of a Member has a pecuniary interest the Member is treated as having the same interest. Pecuniary interests of other relatives are not treated as the interests of the Member.

### Other extensions.

5. A pecuniary interest arises if a Member:-
  - (a) is also a Member of a company or other non-public body and he has a beneficial interest in its securities and that company or body has a pecuniary interest in the matter;
  - (b) is a partner of, or employed by, a person or body which has a pecuniary interest in the matter. (for definition of "public body" see Part B, Paragraph (5) below ).

### Limitations.

6. A Member is not debarred by reason of pecuniary interest and need make no declaration if his interest arises:
  - (i) only as the interest which any inhabitant or Council Tax payer of the area has in a matter;
  - (ii) by reason of Membership of another public body;
  - (iii) by reason only of holding shares up to £25,000 nominal value or one hundredth of the nominal value of all issued shares, whichever is the less, in a company which has a pecuniary interest in a matter;
  - (iv) on a question of the Councillor receiving a travelling, subsistence, financial loss or attendance allowance . Interests do not debar a Member if the interest is so remote or insignificant as to be unlikely to influence the way the Member speaks or votes.

### Dispensations.

7. Where so many Members have a pecuniary interest in a matter that the Council will be unable to deal with it the Standards Sub-Committee of the Responsible Authority (i.e.

Harrogate Borough Council may grant a dispensation from the rules to such of the Members and to such extent as appears to it to be appropriate.

Exclusion from meetings.

8. Standing Orders provide for a Member who has declared a pecuniary interest to leave the meeting whilst the business is being considered. A model order is:

"if any Member has any pecuniary interest, direct or indirect within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract, proposed contract or other matter, he shall while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in section 97(b) or:

- (a) the disability imposed upon him by those sections has been removed by the district Council, or
- (b) the Council invite him to remain; or
- (c) the contract, proposed contract or other matter is under consideration as part of the report of a Committee and is not itself the subject of debate."

PART B - OTHER RELEVANT MATTERS.

- (1) Where a Chairman declares a pecuniary interest there is a conflict between the rules that a Chairman must preside if present at a meeting and that a Member who has declared an interest cannot take part in the business. To avoid a controversy on this point and in all cases to avoid any suspicion that the rules on pecuniary interest are not being fully followed it is advisable for all Members who have declared a pecuniary interest to leave the meeting.

Definitions.

- (2) There is no definition of pecuniary interest in the legislation. For all practical purposes a Member has a pecuniary interest if the Member's financial position will be affected for better or worse by the Council's decision. In this context effect on financial position does not only mean paying or receiving money; it includes any change in the state of the Member's wealth. For example if the reasonably certain result of a planning decision will be a change in value of a Member's land he has a pecuniary interest in the consideration of the application by his Council.
- (3) It is of course impossible to list the varieties of circumstances in which a pecuniary interest may arise but a Member who asks himself "would an observer who knew all the facts think that I will be better or worse off as a result of the Council's decision" is applying a test which should answer the question "have I a pecuniary interest". Although a remote interest (see Part A, paragraph (6) above) does not debar it is advisable for a Member to be cautious and debar himself whenever he is doubtful as to whether he has a declarable interest.
- (4) The declaration is made by the Member concerned and by no one else. A Council cannot make the declaration for a Member nor can a Member be prevented from speaking or voting or excluded from a meeting if no declaration has been made, even though all the other Members are convinced that the Member has a pecuniary interest. In such cases of course the Member exposes himself to the risks of a prosecution and if the matter is reported to the Standards Sub-Committee of the responsible authority (i.e. Harrogate Borough Council), the police or the DPP there will be an investigation and may be a prosecution.
- (5) "Public body" is defined in the legislation for the purposes of interests as "includes any body

established in the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college, or college, school or hall of a university and the national trust," and also includes:-

- (a) a local authority and a joint board on which, and a joint Committee on which, a local authority or parish meeting are represented
- (b) any trustees, commissioners or other persons who, for public purposes and not for their own profit, act under any enactment or instrument for the improvement of any place for the supply of water to any place, and for providing or maintaining a cemetery or market in any place; and
- (c) any other authority having powers of levying or issuing a precept for any rate for public purposes."

#### PART C - SOME COMMON SITUATIONS.

- (1) The Clerk to the Council is the spouse of a Councillor. The Councillor has an interest not only in the decisions on salary but also in any other subjects such as expenses which have a financial implication.
- (2) A Councillor is also a District Councillor and an arrangement is to be made between the two Councils for a transfer of land or an agency agreement or some other transaction with financial consequences. The Councillor does not have a pecuniary interest because the District Council is a "public body".
- (3) A Councillor is a Member of a Village Hall Committee which has asked the Council for a grant for the hall. The Councillor does not have a pecuniary interest because his own finance will not be affected and he has no beneficial interest in the assets of the hall. A Councillor who is an ordinary trustee of a hall would have an interest if the proposed grant was to defray a liability which would otherwise fall on the trustees.
- (4) A Councillor whose day time occupation is electrical work does have an interest in the terms on which the Council is going to have some electrical work done.
- (5) A Councillor who is an allotment tenant does not have an interest in issues connected with the tenancies of the allotments because the interest is the same that all the inhabitants have because allotment tenancies are on offer to all inhabitants.
- (6) A Councillor whose property will be affected by a planning decision has an interest in consideration of the application, except where the issue is so large that its outcome will affect everyone in the parish or community. So an extension to a neighbouring house will debar, but having to choose between possible motorway routes will normally affect everyone and so not debar.

#### PART D - CODE OF CONDUCT.

In addition to the foregoing which deals with the legal obligations on Councillors, the Code of Local Government Conduct, makes strong recommendations on how Councillors should conduct themselves in situations where they have non-pecuniary interests in a matter before their Council, such that:

- (i) whenever you have a private or personal interest in any question which Councillors have to decide, you must not do anything to let that interest influence the decision.



(ii) it is not enough to avoid actual impropriety; you should at all times avoid any occasion for suspicion or the appearance of improper conduct.

Declaration of pecuniary and other interests.

- (i) the law makes specific provision requiring you to disclose pecuniary interests, direct and indirect. But interests which are not pecuniary can be just as important. Kinship, friendship, Membership of an association, society or trade union, trusteeship and many other kinds of relationship can sometimes influence your judgement and give the impression that you might be acting for personal motives. A good test is to ask yourself whether others would think that the interest is of a kind to make this possible. If you think they would, or if you are in doubt, disclose the interest and withdraw from the meeting unless under Standing Orders you are specifically invited to stay.
- (ii) The principles about disclosure of interest should be borne in mind in your unofficial relations with other Councillors - at a party, group meetings, or other informal occasions no less scrupulously than at formal meetings of the Council, its Committees and Sub-Committees.

PART E - GENERAL ADVICE.

Most queries about an interest arise just before, or during, a Council meeting and Councillors wish to have a firm ruling on whether a debarring interest exists. The answer to this question depends not only on the details of facts, often known only to the Councillor concerned, but also sometimes on estimating the relative importance of the facts. In the apparently marginal cases where the queries most often arise it is therefore not easy to give a categorical answer, especially at short notice. Experience teaches that questions of interest often arouse very strong feelings, the general advice is that any Councillor who is doubtful whether he has an interest should err on the side of caution and abstain from participation in the business with which he has a personal link. Where a Councillor clearly has an interest in a matter but is also the only person competent to explain something to his Council before it makes a decision (for example when he is offering to undertake a task for his Council in return for payment and needs to say exactly what he is offering) he is not absolved from the rules. He must make sure that the Clerk to the Council has been given full information before the meeting so that a proper report can be given to the Council.

*Note: when this advisory note was written, the National Code of Local Government Conduct was voluntary since when the Parish Councils (Model Code of Conduct) Order 2001 has made certain Codes of Conduct statutory. The Local Government & Housing Act of 1989 also applies making the code a statutory obligation.*

**Bishop Thornton & Warsill Parish Council**

**FINANCIAL REGULATIONS.**

## **1. General.**

- 1.1 These Financial Regulations shall govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer shall be the Clerk to the Council.
- 1.3 The Responsible Financial Officer under the policy direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 1.4 The Responsible Financial Officer shall be responsible for the production of financial management information.

## **2. Annual Estimates.**

- 2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments of the Council account, shall be prepared each year by the Responsible Financial Officer.
- 2.2 The Council not later than the end of December in each year shall recommend the precept to be levied for the ensuing financial year. The Responsible Financial Officer shall supply each member with a copy of the approved estimates.
- 2.3 The capital and revenue budgets shall form the basis of financial control for the ensuing year.

## **3. Budgetary Control.**

- 3.1 Expenditure of the Council may be incurred up to the amounts included in the approved budget.
- 3.2 No expenditure may be incurred which cannot be met from the amount provided in the Council's budget.
- 3.3 The Responsible Financial Officer shall every 6 months provide the Council with a statement of income and expenditure to date.
- 3.4 The Responsible Financial Officer 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 £100. The Responsible Financial Officer shall report the action to the Council as soon as practicable thereafter.
- 3.5 Where expenditure is incurred in accordance with regulation 3.4 above the sum required must be met from savings made elsewhere within the Councils budget.
- 3.6 Unspent provisions in the budget shall be carried forward to a subsequent year without the specific approval of the Council.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Council are satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.8 All work shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

## **4. Accounting and audit.**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the responsible finance officer as required by the Accounts and Audit Regulations 2002

- 4.2 The Responsible Finance Officer shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council.
- 4.3 The Responsible Financial Officer shall be responsible for maintaining an adequate and effective system of internal audit (including working with an appropriately appointed (honorary) internal auditor) of the Council's accounting, financial and other operations in accordance with the Accounts and Audit Regulations 2002. Any Member of the Council shall, if the Responsible Financial Officer requires, make available such documents of the Council which relate to their accounting and other records as appear to the Responsible Financial Officer to be necessary for the purpose of the audit and shall supply the Responsible Financial Officer with such information and explanation as the Responsible Financial Officer considers necessary for that purpose.

## **5. Banking Arrangements and Cheques.**

- 5.1 The Council's banking arrangements shall be made by the Responsible Financial Officer and approved by the Council. One account shall be maintained at the bank in the form of a general account.
- 5.2 Once the Council has agreed payment Cheques must be signed by no less than two Councillors at a meeting of the Council with the additional provision allowing the Clerk to countersign if and when required.
- 5.3 Cheque counterfoils must also be signed at the same meeting. The counterfoils must be signed by the Councillors signing the cheques and/or by the clerk dependent upon who signed the actual cheques.

## **6. Payment of Accounts.**

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Responsible Financial Officer issuing the order. Before certifying an invoice the Officer shall satisfy himself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3 The Responsible Financial Officer will also examine each invoice in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. The Responsible Financial Officer shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.
- 6.4 The Responsible Financial Officer may provide cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Responsible Financial Officer with a claim for reimbursement:
- 6.5 Income received must be banked.

## **7. Payment of Salaries, Wages and Expenses.**

- 7.1 All expenses claimed by the Clerk to the Council and/or the Responsible Financial Officer shall be paid from the general account and approved by the Council in July and January.

## **8. Loans and Investments.**

- 8.1 All loans and investments shall be negotiated by the Responsible Financial Officer in the name of the Council, and shall be for a set period of time in accordance with

Council policy. Changes to loans and investments should be reported to the Council.

- 8.2 All investments of money under the control of the Council shall be in the name of the Council.
- 8.3 All borrowings shall be effected in the name of the Council.
- 8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the Responsible Financial Officer.

## **9. Income.**

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Responsible Financial Officer.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the Responsible Financial Officer and the Responsible Financial Officer shall be ultimately responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Responsible Financial Officer.
- 9.4 Any bad debts shall be reported to the Council.
- 9.5 All sums received on behalf of the Council shall either be paid to the Responsible Financial Officer for banking or be banked by the Responsible Financial Officer. In all cases all receipts shall be deposited with the Council's bankers with such frequency as the Responsible Financial Officer considers necessary.
- 9.6 A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered in the appropriate records.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.

## **10. Orders for work, goods and services.**

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate e.g. small purchases. Copies of orders issued shall be maintained.
- 10.2 Order books shall be controlled by the Responsible Financial Officer.
- 10.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

## **11. Contracts**

- 11.1 Procedures as to the contracts are laid down in the Council's Standing Orders as follows:
  - (A) Every contract whether made by the Council or by a Committee to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a Committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to items (i) to (v) 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 goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
- (B) When applications are made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (C) Every exception made by the Council in making contracts shall specify the emergency by which the exception shall have been justified.
- (D) Such invitation to tender shall state the general nature of the intended contract and the Responsible Financial Officer 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 Responsible Financial Officer and the last date by which such tenders should reach the Responsible Financial Officer in the ordinary course of post. Each tendering firm shall be supplied with a specially 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 Responsible Financial Officer or the properly authorised deputy in the presence of at least one Member of the Council.
- (F) If less than three tenders are received for contracts valued above £5,000 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 Standing Order shall contain a statement of the effect of Standing Order No's 57, 58 and 59.
- (H) The Council shall not be obliged to accept the lowest or any tender.
- (I) Where it is proposed not to accept the lowest tender, the Committee or Council, as appropriate, will set out a justification for the decision within the resolution to accept a higher tender.

## **12. Payments under contracts for building or other construction works.**

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

## **13. Stores and equipment.**

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regard quality at the time delivery is made.
- 13.3 Stocks shall generally be maintained at the minimum levels consistent with operational requirements.
- 13.4 The Responsible Financial Officer shall be responsible for an annual check of all stocks and stores.

**14. Properties and estates.**

- 14.1 The Responsible Financial Officer shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The Responsible Financial Officer shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose. No property shall be sold, leased or otherwise disposed of without the authority of the Council, save where the estimated value of any one item does not exceed £5.

**15. Insurance.**

- 15.1 The Responsible Financial Officer shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The Responsible Financial Officer shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The Responsible Financial Officer shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 15.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

**16. Accounting principles.**

- 16.1 The following principles will apply to the preparation of the annual accounts.
  - (A) No accruals and pre-payments shall be disregarded.

**17. Revision of Financial Regulations**

- 17.1 It shall be the duty of the Council to review the financial regulations of the Council from time to time and to make such recommendations as required.

J.A.Gant  
Clerk to the Council

1<sup>st</sup>. January 2009.

**Bishop Thornton & Warsill Parish Council.**

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