

## APPENDIX G

# Wincham Parish Council

## Governance and Administration

### February 2020

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# Wincham Parish Council

## Governance and Administration

February 2020

### SECTION ONE – STANDING ORDERS

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# 1 Meetings

Mandatory for full Council meetings	●
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- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
  
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
  
- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
  
- d Subject to standing order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
  
- e The period of time which is designated for public participation in accordance with

standing order 1(d) above shall not exceed 15 minutes.

- f Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 5 minutes.
- g In accordance with standing order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- h In accordance with standing order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking.
- k Any person speaking at a meeting shall address his comments to the Chairman.
- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
-   m Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted under UK law.
-   n In accordance with standing order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
-  o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or

before the Vice-Chairman (if any).

- p The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- q Subject to model standing order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- r The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. (*See also standing orders 2 (i) and (j) below.*)
- s Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall record the names of councillors present and absent.
- u If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- v The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
- w An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (*See also standing orders 7 and 8 below.*)
- x No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a

meeting be less than 3.

● y If a meeting is or becomes inquorate no business shall be transacted and the  
● meeting shall be adjourned. Any outstanding business of a meeting so adjourned  
● shall be transacted at a following meeting.

z Meetings shall not exceed a period of 2 hours.

## 2 Ordinary Council meetings

*See also standing order 1 above*

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office or at such other convenient time including during May as the Council may direct.
- b In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7.30pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- f The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.

- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
  
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
  
- j Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the order of business shall be as follows.
  - i. In an election year, delivery by councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees.
  - v. Receipt of nominations to existing committees.
  - vi. Appointment of any new committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them.
  - vii. Review and adoption of appropriate standing orders and financial regulations.
  - viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back.
  - x. (*England*) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
  - xi. Review of inventory of land and assets including buildings and office equipment.

- xii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiii. Review of the Council's and/or employees' memberships of other bodies.
- xiv. Establishing or reviewing the Council's complaints procedure.
- xv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- xvi. Establishing or reviewing the Council's policy for dealing with the press/media
- xvii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### 3 Proper Officer

- a The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.
  - i. Serve on councillors electronically or by post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a sub-committee at least 3 clear days before the meeting.
  - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
  - iii. Subject to standing orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 9 days before the meeting confirming his withdrawal of it.
  - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with standing order 3(b) above.
  - v. Make available for inspection the minutes of meetings.
  - vi. Receive and retain copies of byelaws made by other local authorities.
  - vii. Receive and retain declarations of acceptance of office from councillors.

- viii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- ix. Keep proper records required before and after meetings;
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xiii. Arrange for legal deeds to be signed by 2 councillors and witnessed (*See also model standing orders 14(a) and (b).*)
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xvi. Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
- xvii. Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- xviii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

## **4 Motions requiring written notice**

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 9 clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance

with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 9 clear days before the meeting.

- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## **5 Motions not requiring written notice**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.

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

## 6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered

unless it has been proposed and seconded.

- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be silent or for him to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting;
  - ix. to suspend any standing order, except those which are mandatory.
- t In respect of standing order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to

exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **7 Code of conduct**

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

## **8 Questions**

- a. A councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the Proper Officer.
- b. Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c. Every question shall be put and answered without discussion.

## **9 Minutes**

- a. If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

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

## **10 Disorderly conduct**

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

## **11 Rescission of previous resolutions**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 3 councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order

11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **12 Voting on appointments**

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

## **13 Expenditure**

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

## **14 Execution and sealing of legal deeds**

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

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b In accordance with a resolution made under standing order 14(a) above, any two members of the Council or the Chair, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

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

## 15 Committees

*See also standing order 1 above*

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

## 16 Sub-committees

*See also standing order 1 above*

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

## 17 Extraordinary meetings

*See also standing order 1 above*

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two

councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

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

## **18 Advisory committees**

*See also standing order 1 above*

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

## **19 Accounts and Financial Statement**

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

## **20 Estimates/precepts**

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

## **21 Canvassing of and recommendations by councillors**

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

## **22 Inspection of documents**

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

## **23 Unauthorised activities**

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

## **24 Confidential business**

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

## **25 Power of well-being**

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution under standing order 25 (a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order 25(b) above.

## **26 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public

shall be excluded pursuant to standing order 1(c) above.

- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman or, in his absence, the Vice-Chairman of any absence occasioned by illness or urgency and that person shall report such absence at its next meeting.

## **27 Freedom of Information Act 2000**

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

## **28 Relations with the press/media**

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

## **29 Liaison with District and County or Unitary Councillors**

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

## **30 Financial matters**

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in

respect of the following:

- i. the accounting records and systems of internal control;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments;
  - v. procurement policies (subject to standing order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £60,000.
- b Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.
- c Any formal tender process shall comprise the following steps:
- i. a public notice of intention to place a contract to be placed in a local newspaper;
  - ii. a specification of the goods, materials, services and the execution of works shall be drawn up;
  - iii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
  - iv. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
  - v. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

## **31 Allegations of breaches of the code of**

## conduct

- a On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it to the Chairman.
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality.
  - i. Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
  - ii. Ensure that any background papers containing the information set out in standing order 31(a) above are not made public.
  - iii. Ensure that the public and press are excluded from meetings as appropriate.
  - iv. Ensure that the minutes of meetings preserve confidentiality.
  - v. Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e Standing order 31(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f The Council shall have the power to:
  - i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
  - ii. seek and share information relevant to the complaint;
  - iii. grant the member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a

meeting of the full Council.

- g References in standing order 31 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.

## **32 Variation, revocation and suspension of standing orders**

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

## **33 Standing orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with standing orders.

***///INALC***

# **Wincham Parish Council**

## **Governance and Administration**

February 2020

### **SECTION TWO – Financial Standing Orders/Regulations**

#### **FINANCIAL STANDING ORDERS/REGULATIONS**

## **1. General**

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

## **2. Annual estimates**

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

## **3. Budgetary control**

- a. The RFO shall periodically provide the Council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- b. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- c. The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500 and approval by the Chairman. The Clerk shall report the action to the Council as soon as practicable thereafter.
- d. No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the Council is satisfied that it is contained in the rolling capital programme and that the necessary funds are available, or the requisite borrowing approval can be obtained.

- e. All capital works shall be administered in accordance with the Council's standing orders and financial orders/regulations relating to contracts.

## **4. Accounting and audit**

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

## **5. Banking arrangements and cheques**

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

## **6. Payment of accounts**

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

## **7. Payment of salaries and wages**

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

## **8. Loans and investments**

- a. All loans and investments must be authorised by the Council prior to any negotiation by the RFO in the name of the Council and shall be for a set period of time approved by the Council. Changes to loans and investments must be approved by the Council.
- b. All investments of money under the control of the Council shall be in the name of the Council.
- c. All borrowings authorised by the Council shall be effected in the name of the Council.

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

## **9. Income**

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

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

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

## **11. Contracts**

- a. All contracts must be negotiated and approved by the Council. The RFO to be responsible for supervision of such contracts. Any amendment to any contract must be subject to the Council's approval.
- b. Where applicable the Council shall invite 3 tenders for all contracts to the specification agreed by the Council. Such Invitation to Tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO and the last date by which such tenders shall reach the RFO.
- c. If less than three tenders are received for contracts valued above £250.00 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- d. When necessary a contract may be negotiated without competition, the reason shall be embodied in a recommendation to the Council.
- e. The Council shall not be obliged to accept the lowest or any tender.

## **Properties and estates**

12.

- a. The RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies

granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

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

## **Insurance**

13.

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

## **Risk management**

14.

- a. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- b. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **Revision of financial regulations**

15.

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

# Wincham Parish Council

## Governance and Administration

February 2020

### **SECTION THREE – Contract Standing Orders**

#### **1. Contracts**

- 1.1 Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these Standing Orders, and no exceptions shall be made otherwise than in an emergency provided that these rules shall not apply to contracts which relate to items (i) to (vi) below:
    - (i) for the supply of gas, electricity, water, sewerage and telephone services;
    - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - (v) for additional audit work of the external Auditor up to an estimated value of £1,000 (in excess of this sum the Clerk and Financial Officer shall act after consultation with the Chairman and Vice Chairman of Council);
    - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
  - (b) Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
  - (c) When applications are made to waive Standing Orders relating to contracts to enable a price to be negotiated without competition the reasons shall be embodied in a full report to the Council.
  - (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tenderer shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
  - (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of Council. Those present will initial and date each tender when opened.
  - (f) If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 44 and 46. For the sake of clarity, any attempt to influence a decision on a tender by canvassing or offering any inducement, however minor, will disqualify.
- (h) When it is intended to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £100 the Clerk shall strive to obtain 3 estimates.
- (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate but where a tender other than the lowest is to be accepted a full report setting out the reasons therefor shall be made to the Council.

## 2. Payments under contracts for building or other construction works

- 2.1 Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk upon authorised certificates of the architect or other appropriate consultant engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 2.2 Where contracts provide for payment by instalments the Clerk shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum by 5% or more a report shall be submitted to the Council.
- 2.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk and communicated to the Contractor in writing, the Council being informed as above where the final cost is likely to exceed the financial provision.

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

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

## 3. Appendices

### 3.1 APPENDIX 1 - EUROPEAN COMMUNITY REGULATIONS - PUBLIC PROCUREMENT

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

#### 3.1.1 TYPES OF CONTRACT

- (a) **Public Supply Contracts** - Contracts for the purchase, lease, rental or hire purchase of products between a supplier and a contracting authority.

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

### 3.1.2 THRESHOLDS

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

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

These amounts are cumulative over 3 years.

### 3.1.3 TENDERING PROCEDURES

- (a) **Open Procedure** - All interested suppliers/contractors can tender.
- (b) **Restricted Procedure** - The restricted procedure is a two-stage process:
  - (i) Advertise for applicants who may be interested in tendering for a specific contract.
  - (ii) Vet applicants and draw up a short list of those who are to be invited to tender.

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

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

**Note:**

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

### 3.1.4 PUBLICATION AND ADVERTISEMENT

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

The process is split into three stages:

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

The contracting authority must advertise its intention to seek tenders as soon as it has decided to offer a contract. Indicative Notices for Supplies and Services requirements are usually published at the beginning of the financial

year. Information Notices for Works are usually published when a decision to invite tenders has been approved by committee. The threshold for Indicative Notices for Supplies and Services from 1 April 2006 is £144,371. The threshold for works is the same as the contracts threshold, £ 3,611,319 from 1 April 2006.

**(b) Tender Notice**

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

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

**(c) Post Award Notice**

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

**3.1.5 TIME LIMITS**

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

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

**NOTE:** All time limits are minimum requirements.

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

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

**3.1.6 CRITERIA FOR AWARD OF CONTRACT**

Only two award criteria are permitted:

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

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

**3.1.7 TECHNICAL STANDARDS**

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

## 3.2 APPENDIX 2 - CONTRACTS PROCEDURES

- 3.2.1 Every contract shall be in the form legally determined and shall include all necessary contract provisions. Contractual provisions are given in Section 1 and 2 of the CSO's and in Appendix 2.
- (a) Every contract shall specify:
    - (i) the works to be performed or the supply or service to be provided,
    - (ii) the price to be paid or received, and
    - (iii) the time for performance for the contract.
  - (b) Every contract exceeding £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Council or its delegated sub-committee.
  - (c) Every contract below £20,000 shall provide for the contractor to give such security if deemed necessary and in such form as may be determined by the Clerk.
- 3.2.2 In addition, every contract for the execution of works shall provide for:
- (a) the payment of liquidated damages by the contractor if the terms of the contract are not duly performed; and unless already provided for in the finally determined Form of Contract, shall contain the following provisions:
  - (b) The Contractor shall not transfer, assign or underlet, directly or indirectly, the Contract or any part, or share any interest therein without the written consent of the Council which may be given under the hand of the Clerk, or (so far only as consent to the appointment of any Sub-Contractor by the Contractor or the nomination of a Sub-Contractor by the Council is concerned) under the hand of the Chairman of the Council or the Finance Officer and in any case where such consent is given or such nomination is made, the Contractor shall be held responsible for all work done by any such Sub-Contractor and for it being carried out under the same conditions as if executed by the Contractor; and
  - (c) The Contractor shall not give, provide or offer any loan, fee, reward or gift or any emolument or advantage whatsoever to any Member, Officer or employee of the Council and in the event of any breach of this condition the

Council may, without prejudice to any other right it may possess, forthwith cancel the contract and recover from the Contractor any loss or damage consequent upon such cancellation.

The Clerk shall be responsible for ensuring compliance by Contractors and Sub-Contractors with this Standing Order and shall comply with guidance issued from time to time by the Council's legal or other professional adviser in relation to the standard terms to be included in contracts valued at less than £20,000.

### 3.2.3 Supplies Contracts

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

### 3.2.4 Services Contracts

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

### 3.2.5 Works Contracts

- (a) The Council's Seal (if available) shall be affixed to every contract for works where the contract amount is over £20,000. In all other cases, contracts shall be signed either by the RFO or a duly authorised signatory previously empowered by decision of the Council to fulfil that role.
- (b) The RFO shall keep a register of sealed contracts for works and shall provide the Internal Auditor and external auditors with an abstract of each contract as soon as possible after signature (or sealing). Abstracts shall show the date, name of contractor, work to be done and the amount to be paid.
- (c) Payments on account for contracts over £20,000 shall be authorised on a certificate signed by the appropriate professional contract supervisor, showing the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount being certified for payment.
- (d) Every variation to a contract shall be specifically authorised, in writing, by the appropriate professional contract supervisor after seeking the approval of the Clerk, indicating to him/her the estimated cost or saving arising from that variation.
- (e) No certificate shall be issued if the total payment so certified exceeds the approved expenditure unless and until this has been approved by the Finance Committee and Council.
- (f) The final certificate on contracts above £ 20,000 shall not be issued until the Finance Officer has had an opportunity to examine the Contractor's final account.
- (g) Where contracts are supervised on behalf of the Council by professional advisers, the Clerk shall ensure that those persons comply with Contract Standing Orders as if they were officers of the Council.

- 3.2.6 In the event of any of the fundamental terms of an accepted tender not being observed by the successful tenderer or if any of the fundamental provisions of a contract are not complied with by the contractor, the Clerk shall report the matter to the full Council and agree the appropriate action to be taken.
- 3.2.7 Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions apply:
- (a) Tenders or quotations shall be invited in accordance with the normal procedures, as if the tender or quotation were for a contract with the Council. The terms of the invitation shall require that the tenderer will enter into a contract with the main contractor;
  - (b) The Clerk shall ensure the maintenance of a record of all such tenders received;
  - (c) The Clerk shall have the power to nominate the successful tenderer to the main contractor from the Council's approved list.
- 3.2.8 Disclosure of interests in contracts**
- If a Member of the Council or any Officer or employee of the Council who has received any money, loan or gift from a person holding or seeking to obtain a contract with or without any approval or consent from the Council remains present at any meeting of the Council or of any Committee of the Council (held within two years of the receipt by him/her of such money or gift or while such loan is still outstanding and in existence) at which such contract or other matter is the subject of consideration he/she shall at such Meeting and before taking part in any such consideration disclose the facts of such transaction. Further it is a breach of Standing Orders and Financial Regulations and an irregularity for any Member to use his/her vote or influence or for any Officer to use his/her influence to affect a decision either in a Committee or the Council or when exercising delegated powers for his/her own gain, personal advantage or interest.
- 3.2.9 If any Member or Officer has, to his/her knowledge a prejudicial or pecuniary interest, direct or indirect, in any contract or other matter with which the Council is concerned, he/she shall, as soon as possible, report the matter in writing to the Clerk and the Chairman of the Council who shall, if the contract or other matter becomes the subject of a report to the Council or a committee thereof, disclose such interest.

# Wincham Parish Council

## Governance and Administration

February 2020

### **SECTION FOUR – The Code of Conduct**

#### **PART 1 - GENERAL PROVISIONS**

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

#### **Definitions**

In this Code

- “member” includes a co-opted member and a member of the Standards Advisory Board<sup>1</sup>
- “co-opted member” is a person who is not a member of the authority but who is either a member of any of its committees or sub-committees or a member of and represents the authority on any joint committee or joint sub-committee of the authority, and who is entitled to vote at such meetings
- “meeting” means
  - any meeting of the authority or any of its committees, sub-committees, joint committees or joint sub-committees
  - any briefing by officers
  - any site visit to do with business of the authority
  - any meeting of the Executive or its committees
  - any meeting of the Standards Advisory Board
  - in taking a decision as a member of the Executive or as a ward member

#### **General obligations**

Whenever you are acting as a member of this authority you must act in accordance with the following obligations:

##### *Selflessness*

- 1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to

gain financial or other material benefits for yourself, your family, friends or close associates.

*Integrity*

- 2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

*Objectivity*

- 3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

*Accountability*

- 4 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

*Openness*

- 5 (a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

*Honesty*

- 6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out below.

(b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

*Respect for others*

- 7 (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
- (b) You must not do anything which may cause your authority to breach any equality laws.
- (c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.
- (d) You must not bully any person, including other councillors, officers of the authority or members of the public.

#### *Leadership*

- 8 You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.
- You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

#### **Registration of Interests**

- 9 You must within 28 days of
- (a) this Code being adopted by your authority; or
- (b) your election or appointment to office (where that is later)
- register with the Monitoring Officer the interests which fall within the categories set out in Appendix A (Disclosable Pecuniary Interests) and Appendix B (Other Disclosable Interests).
- 10 You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Appendix A or B, or of any change to a registered interest, notify the Monitoring Officer of that new interest or change.

#### **Declaring of Interests and Participation in Meetings**

- 11 If you are present at a meeting and you have a Disclosable Pecuniary Interest as set out in Appendix A -
- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (b) you must not participate in any discussion of the matter at the meeting;
- (c) you must not vote on the matter;
- (d) you must leave the room where the meeting is held during any discussion or vote; and
- (e) if your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- 12 Where a matter arises at a meeting which relates to an interest in Appendix B -
- (a) you must declare your interest if
- (i) you speak on the matter at the meeting; or
- (ii) your interest is not already on the register of interests; or

(iii) you have not notified the Monitoring Officer of it;

(b) if the matter significantly affects the financial interests of the body in which you have an interest under Appendix B or relates to a licensing or regulatory matter concerning that body

(i) you must declare your interest ;

(ii) you must not participate in any discussion of the matter at the meeting (subject to paragraph (iv) below) ;

(iii) you must not vote on the matter; and

(iv) you may speak on the matter only if members of the public are allowed to speak at the meeting;

(c) you do not need to declare your interest if paragraph 12(a) and/or 12(b) above do not apply.

(d) The requirement in paragraph 12(b) above shall not apply where the matter under consideration relates to the setting of the Council Tax, a precept or a special expense.

13 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Appendix A, but in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours

(a) you must declare the interest;

(b) you must not vote on the matter;

(c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

**Sensitive interests**

14 Where you consider that disclosure of the details of an interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a “sensitive interest”, you need only declare the fact that you have an interest but not the details of that interest. Copies of the public register of interests may state you have an interest the details of which are withheld.

**Gifts and Hospitality**

15 You must within 28 days of receipt notify the Monitoring Officer<sup>2</sup> of any gift, benefit or hospitality with an estimated value of £25 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

**Criminal Records Bureau (CRB) Checks**

16 If you are an elected member of the authority, you will comply with the following<sup>3</sup>:

(a) you will be subject to a standard CRB check, unless paragraph 16(b) below applies to you;

- (b) if you undertake a role which by law requires an enhanced CRB disclosure, you will be subject to an enhanced CRB check ;
- (c) following a CRB check, you must notify the Monitoring Officer in writing of any new conviction(s) within 14 days of such conviction.

*PLEASE NOTE THAT THE NOTIFICATION OF MEMBERS' INTERESTS MAY BE VIEWED. PLEASE CONTACT THE CLERK OF WINCHAM PARISH COUNCIL, NAOMI MORRIS AT [winchampc@talktalk.net](mailto:winchampc@talktalk.net) or on 0161 926 8645 or at 22 Churchfields, Bowdon, Cheshire. WA14 3PJ.*

# Wincham Parish Council

## Governance and Administration

February 2020

### SECTION FIVE – Council Structure and Operation

## 1) Preparation of Agendas and Minutes

### a) Agendas

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

### b) Minutes

- i) It is the responsibility of the Clerk to prepare the minutes of meetings and act on the decisions of the Council, conducting all correspondence and whatever other action is required that has been allocated to him/her.
- ii) Members must notify the Clerk and/or Chairman of the Council of matters which come to their attention, which need to go on an agenda and this should be done not less than 5 days before the appropriate meeting.
- iii) Members should also play their part in seeing that the Council's decisions are implemented and that the Council's business and the work of the Clerk are monitored.
- iv) The format of all minutes must comply with statutory requirements and must meet the standards expected as recommended by the Local Association of Parish Councils.

- v) Minutes of every meeting will be issued to all members but will only be received, approved and signed at the relevant Committee or Council.

### **c) General Guidelines**

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

### **5) Items for consideration on Agendas**

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

Apologies

Declarations of Interest

To receive the minutes, approve and sign (no discussion is allowed) and Matters arising

General correspondence

Member's items (remembering the rules of Notice)

Items for future meetings (no discussion will take place as the Chairman and Clerk will decide which meeting to place the item for consideration. If this is perceived to be too long a time then these items must be notified to the Clerk or Chairman before Agendas are issued)

Items to be considered under Private & Confidential Business (remembering the rules of Notice)

# Wincham Parish Council

## Governance and Administration

February 2020

### SECTION SIX – Powers and Duties

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

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

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

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

	Public Bathing Hiring of pleasure boats in parks and pleasure grounds	Public Health Act 1936 s. 198 Public Health Act 1936 s. 231 Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54
	Dogs and dog fouling in parks and open spaces	Public Health Act 1875, s 164 Open Spaces Act 1906 s 15
<b>Charities</b>	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
<b>Christmas Lights</b>	Power to provide to attract visitors	Local Government Act 1972, s 144
<b>Citizens Advice Bureau</b>	Power to support	Local Government Act 1972, s 142
<b>Clocks*</b>	Power to provide public clocks	Parish Councils Act 1957,s 2
<b>Closed Churchyards</b>	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
<b>Commons Land and Common Pastures</b>	Powers in relation to enclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s8(4); Smallholding and Allotments Act 1908, s 34
	Power to protect unclaimed common land from unlawful interference	Commons Registration Act.1965, s.9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
<b>Community Centres and Village Halls</b>	Power to provide and equip community buildings	Local Government Act 1972, s 133
	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
<b>Conference facilities*</b>	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
<b>Consultation</b>	Right to be consulted by principal councils if directed by Secretary of State	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
<b>Crime Prevention*</b>	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
<b>Delegated Functions</b>	Power to assume a function delegated by another authority	Local Government Act 1972 ss. 101, 111 and 112
	Power to ensure effective discharge of Council functions	
	Power to employ someone to carry out Council functions	
<b>Drainage</b>	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
<b>Education</b>	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
<b>Entertainment and the Arts*</b>	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s 145
<b>Environment</b>	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972, ss 111 and 137
<b>Flagpoles</b>	Power to erect flagpoles in highways	Highways Act 1980, s 144
<b>“Free Resource”</b>	Power to incur expenditure not otherwise authorised on anything which in the council’s opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972, s 137
<b>Gifts</b>	Power to accept	Local Government Act 1972 s 139
<b>Highways</b>	Power to repair and maintain footpaths and	Highways Act 1980, ss 43 and 50

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

	Duty to hold annual parish council meeting	Local Government Act 1972 Sch 12 para 7
	Power to convene a parish meeting	Local Government Act 1972 Sch 12 para 14
<b>Mortuaries and post-mortem rooms</b>	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
<b>Nature Reserves</b>	Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest  Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
<b>Newsletters</b>	Power to provide information relating to matters affecting local government	Local Government Act 1972 s 142
<b>Nuisances*</b>	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260; Public Health Act 1875, s 164
<b>Open Spaces</b>	Power to acquire land and maintain  Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.	Open Spaces Act 1906, ss 9 and 10; Commons Act 1899  Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.
<b>Parish Property, Records and Documents</b>	Powers to direct as to their custody	Local Government Act 1972, s 226
<b>Parking Facilities</b>	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
<b>Parks, pleasure ground</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Act 1890, s 44; Open Spaces Act 1906, ss 9 and 10
<b>Planning</b>	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
<b>Postal and telecommunications facilities</b>	Power to pay telecommunications operators any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1953, s 51; Telecommunications Act 1984, s 97
<b>Public Buildings and Village Halls</b>	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
<b>Public Conveniences</b>	Power to provide	Public Health Act 1936, s 87
<b>Public Enquiries</b>	Power to make representations at public enquiries	Local Government Act 1982, s 222
<b>Publicity</b>	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
<b>Raising of Finances</b>	Power to raise money through the precept	Local Government Act 1982, s 150
<b>Records</b>	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
<b>Recreation*</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.  Power to provide gymnasiums, playing fields, holiday camps  Provision of boating pools  Power to provide a wide range of	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899  -ditto-  Public Health Act 1962, s 54  Public Health Act 1961, s 54

	recreational facilities	
<b>Seats and Shelters*</b>	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
<b>Telecommunications facilities</b>	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
<b>Tourism*</b>	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
<b>Town and Country Planning</b>	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
<b>Town Status</b>	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
<b>Traffic Calming</b>	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s 274a
<b>Training</b>	Power to train Councillors	Local Government Act 1972, s 175.
<b>Transport*</b>	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
<b>Village greens*</b>	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15; Inclosure Act 1857, s 12, Commons Act 1876, s 29
<b>Village Signs</b>	Power to use decorative signs to inform visitors	Local Government Act 1972 s 144
<b>War Memorials</b>	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133.
<b>Water Supply</b>	Power to utilise any well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s 125

# Wincham Parish Council

## Governance and Administration

February 2020

### SECTION SEVEN - RETENTION OF DOCUMENTS

<u>DOCUMENT</u>	<u>MINIMUM PERIOD OF RETENTION</u>	<u>REASON</u>
Minute Books	Indefinite	Archive/Public Inspection
Scales of Fees and Charges	5 years	Management
Receipt and payment(s) accounts	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years/indefinite	Limitation Act
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Insurance certificates/Employers' Liability Certificates	Indefinite	Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Register/file of Members allowances	6 years	Income Tax, Limitation Act
For Halls, Centres, Recreation Grounds - applications to hire - lettings diaries - copies of bills to hirers - record of tickets issued	6 years	VAT
For Allotments - register and plans	Indefinite	Audit, Management
For Burial Grounds - Register of fees collected - Register of burials - Register of purchased graves - Register/plan of grave spaces - Register of memorials - Applications for interment - Applications for right to erect memorials - Disposal certificates - Copy certificates of grant of exclusive right of burial	Indefinite	Archives Cemeteries Orders Cremations Regulations

**Note:** References above to the Limitation Act are to the Limitation Act 1980 (as amended). The 1980 Act sets down time limits within which court action for

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

Approved by Council on 26 February 2020 (Item 22 of the Agenda)

.....  
Chairman of Wincham Parish Council

.....  
Clerk of Wincham Parish Council

Dated  
.....