



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



DATED THIS SEVENTH DAY OF MAY 2022

**MEMBERS OF HALE PARISH COUNCIL ARE HEREBY SUMMONED
TO ATTEND THE ANNUAL PARISH COUNCIL MEETING OF
HALE PARISH COUNCIL**

TO BE HELD AT 7.30PM ON THE TWELFTH DAY OF MAY 2022

IN HALE VILLAGE HALL, HIGH STREET, HALE L24 4AE

TO TRANSACT BUSINESS AS SHOWN IN THE AGENDA.

This meeting is to be held, adhering to the legislation of the Coronavirus Act 2020

A handwritten signature in black ink, appearing to be 'B. Hargreaves', written over a set of horizontal lines.

Mr. Brian Hargreaves
Clerk and Responsible Financial Officer

Note to Councillors:

If you are unable to attend the meeting, please notify the Clerk of your apologies.

Please email: clerk@haleparishcouncil.gov.uk or call 07803611222

Note to Public

Members of the public wishing to address the Council should note that they must advise the Clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Chairman. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the Council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the Clerk to request the item should be discussed at a future Parish Council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.

MEETING AGENDA

- 1. Election of Chairman** – To duly elect a Chairman
- 2. Election of Vice Chairman** – To duly elect a Vice Chairman
- 3. Apologies** - To Receive apologies for absence
- 4. Declarations of Interest** - To Receive declarations of acceptance of office
- 5. Minutes** - To consider and approve the Minutes of Hale Parish Council Ordinary meeting held on Monday 25th April 2022
- 6. Standing Orders** – To review and adopt
- 7. Financial Regulations** – To review and adopt
- 8. Risk Management Scheme** – To review and adopt
- 9. Code of Conduct** – To review and adopt
- 10. Personnel Committee** – to approve membership and Terms of reference
- 11. Dates for future meetings** – To agree dates for future Parish Council meetings.



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



**DRAFT MINUTES OF THE ORDINARY PARISH COUNCIL MEETING
OF HALE PARISH COUNCIL HELD IN HALE VILLAGE HALL
ON MONDAY 25th APRIL 2022 AT 7.30pm**

Present: Cllr Mitchell, Cllr Wright, Cllr Spargo, Cllr Cleary, Cllr Trevaskis, Cllr Brown, Cllr McNamara Cllr Williams

In attendance: The Clerk and four members of public were also present

- 1. Apologies** – Apologies were received from Cllr Anderson and Cllr Healey.
- 2. Declarations of Interest** – No Interests were declared
- 3. Public Participation** – To adjourn the meeting for a period of public participation
 - i.** The Lord Mayor was once again allowed to give an overview of the preparations for the Jubilee Celebrations. He said he is very happy with the current position and much progress has again been made. He informed the meeting that Lighthouse Lane has now been resurfaced thanks to a donation of surface material by Hale Estates and the loan of a roller vehicle from Lambros. Plans for painting the Lighthouse are well under way and work will commence on 9th May 2022. A temporary replacement door for the lighthouse will be installed by a local blacksmith. Refurbishment of the Village Fawcett Gun is ongoing and the Lord Mayor advised that the project is almost complete. The Lord Mayor has acquired the services of resident Tom Prescott who will read the Village declaration on the day of the Jubilee and the Football Academy based at the Freemen’s field have expressed an interest to be involved with celebrations.
 - ii.** Cllr Spargo informed the meeting that he had sent a report about the recent Hale Civic Service to his contacts at the Liverpool Echo and he is hopeful that it may be published in the very near future

The Chair thanked the Cllr Spargo on behalf of the Parish Council for his commitment and enthusiasm in the planning of this important event

- 4. Minutes** –
 - i.** Cllr Cleary proposed that the minutes for Hale Parish Council Ordinary Meeting held on Monday 21st March 2022 should be approved as a true record. Cllr Spargo seconded the proposal.

The Motion was approved

5. Matters Arising From previous Parish Council Meetings

- i. The Chairman advised that the Council's bid for funding had so far not been successful, despite successful applications being submitted by other authorities. It was understood that this may be due to the nature of the bid focusing solely on the beacon which is considered to be infrastructure. The Chairman proposed that additional applications for funding be submitted to support other activities of the Council that the Council have approved to fund (trees), and further ideas (such as commemorative mugs), on the proviso that if external funding is secured for the existing projects, the Council will fund the installation costs of the beacon from funds that would otherwise be used to cover the costs of the projects subsequently being funded by grants.

The motion was proposed by Cllr McNamara and Seconded by Cllr Wright

The Motion was approved

- 6. Ward Councillors Report** – It was noted that Cllr Wharton is on Annual leave and there was no report received in his absence on this occasion.

Cllr Mitchell passed on a “thank you” to the Parish Council from Ward Cllr Marie Wright who attended the Hale Civic service and thoroughly enjoyed the experience.

- 7. Payments & Receipts** – A proposal by Cllr Spargo to accept all payments made between 16th March 2022 and 31st March 2022 as recorded in the cash book record which has been reconciled against the bank statements to these dates, all payments having been made under Financial Regulation 6.4 as detailed was received and seconded by Cllr Wright

The Motion was approved

- 8. Accounts** – A motion to accept the reconciled bank statement and summary of receipts for the period 16th March 2022 and 31st March against budgets and to accept them as an accurate record and Final account summary for 2021 – 2022 was proposed by Cllr Wright and seconded by Cllr Spargo

The Motion was approved

- 9. Civic Service 24th April 2022** – Cllr Spargo gave an overview of this year’s Civic Service staged at St Mary’s Church and then on to Hale Village Hall for an afternoon tea. The afternoon has been deemed by all as a complete success. It is estimated that approximately 60 people were in attendance including the Lord Mayor of Hale, The Lord Mayor of Liverpool, The Mayor of Halton and the Deputy Mayor of Halewood. All went extremely well and It was noted that the day’s success was primarily due to good planning, attention to detail and good supervision by Cllr Spargo. Cllr Spargo reported that he is happy that the event had remained within budget and feels that the occasion was totally worth all the hard work.

- 10. Donation** – A request for assistance towards an afternoon tea Fundraising Event to raise funds for Jubilee Celebrations in Hale in June was approved. The Guildswomen in conjunction with the Ladies of Hale requested a donation of up to £100 to account for the hire of Hale Village Hall in which to stage this event

The motion was proposed by Cllr Trevaskis and seconded by Cllr Wright

In a named vote Cllrs Trevaskis, Wright, Spargo, Williams, Cleary, and Brown were in favour, Cllr McNamara was against the motion and one councillor abstained

The Motion was approved

- 11. Xmas Tree Installation** - It was agreed to defer discussions regarding this Item until the Clerk has had an opportunity to research the requirements for tree planting and also the impact expected upon the underlying services provision. In addition consideration should be given to the impact any installation may have upon the highway surrounding the area and in particular the visibility available for all road users.

The Chairman closed the Meeting at 8.45pm



Hale Parish Council

Financial Regulations

**Adopted by Hale Parish Council
On 15th February 2021**

Hale Village Hall
53 High Street
Hale
Cheshire
L24 4AE
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INDEX

General	3
Accounting and audit (internal and external)	5
Annual estimates (budget) and forward planning	6
Budgetary control and authority to spend	6
Banking arrangements and authorisation of payments	7
Instructions for the making of payments	8
Payment of salaries	10
Loans and investments	10
Income	11
Orders for work, goods and services	12
Contracts	12
Payments under contracts for building or other construction works	13
Stores and equipment	14
Assets, properties and estates	14
Insurance	14
Charities	15
Risk management	15
Suspension and revision of Financial Regulations	15

1. General

1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Proper Officer has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

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

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account

and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Accounts and Audit Regulations 2015.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. Accounting and audit (internal and external)

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

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

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Accounts and Audit Regulations 2015.

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

3. Annual estimates (budget) and forward planning

3.1. Each committee (if any) shall review its 1-3 year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the RFO not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.

3.3. The council shall consider annual budget proposals in relation to the council's 1-3 year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary control and authority to spend

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council;
- a duly delegated committee of the council; or
- the Proper Officer.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Proper Officer, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council. 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 ('virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year, unless otherwise resolved.

4.4. The salary budgets are to be reviewed at least annually, in line with contracts, for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Proper Officer and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer's judgement it is

necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. Banking arrangements and authorisation of payments

5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.

5.5. The Proper Officer and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Proper Officer and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or

c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5.6. For each financial year the Proper Officer and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [or a duly authorised committee] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

5.7. In respect of grants the Council or a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

5.8. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.9. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6. Instructions for the making of payments

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee or officer.

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall normally be presented for signature at a council or committee meeting (including immediately before or after such a meeting).

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided a resolution exists to that effect. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. Payments for certain items (principally salaries) may be made by banker's standing order provided that the instructions are in line with contracts and any payments are reported to council as made. Approval of the use of a banker's standing order not outlined within a contract shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.12. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.13. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.14. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.15. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.16. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier. A programme of regular checks of standing data with suppliers will be followed.

6.17. Any Debit or Charge Card issued for use will be specifically restricted to the Proper Officer [and the RFO] and will also be restricted to a single transaction maximum value of £1000 unless authorised by council or finance committee in writing before any order is placed.

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

6.19. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Proper Officer [and RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.20. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO may maintain a petty cash float of £500 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. Payment of salaries

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with contracts, payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council or relevant committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

a) by any councillor who can demonstrate a need to know;

b) by the internal auditor;

c) by the external auditor; or

d) by any person authorised under legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

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

8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible

assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the RFO.

8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

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

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

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. Income

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

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

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

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to

meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. Orders for work, goods and services

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. The RFO shall determine order processes and copies of orders shall be retained.

10.2. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining two to three quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below. On occasion it may not be appropriate or possible to obtain more than one quote, especially if the council seek a particular product or service or the anticipated cost falls below a £5,000 threshold.

10.3. A member may not issue an official order or make any contract on behalf of the council.

10.4. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. Contracts

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency, by the RFO, for circumstances 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 legal professionals acting in disputes;
- 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 internal or external auditor; and
- vi. for goods or services to be purchased which have been found to require an additional delivery cost and/or an additional cost of no more than 5% of the agreed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

- c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e) 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 tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £25,000 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 or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £10,000 and above £5,000 the Proper Officer or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 above shall apply.
- i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

12. Payments under contracts for building or other construction works

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO 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 of 5% or more a report shall be submitted to the council.

² Thresholds currently applicable are:

a) For public supply and public service contracts £213,477
b) For public works contracts £5,336,937

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and RFO to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and equipment

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

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

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. Assets, properties and estates

14.1. The Proper Officer shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held 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.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500. Such disposal may only be made with the authority of the Property Officer.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers [in consultation with the Proper Officer].

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

15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

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

16. Charities

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

17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Proper Officer [with the RFO] 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.

17.2. When considering any new activity, the Proper Officer [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Proper Officer shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.



Hale Parish Council

Standing Orders

**Adopted by Hale Parish Council
On 15th February 2021**

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INDEX

Section 1 - Meetings

1. Meetings Generally	Page 3
2. Remote Meetings	Page 5
3. Extraordinary Meetings	Page 5
4. Annual Council Meeting	Page 5
5. Committees	Page 6
6. Sub Committees	Page 6
7. Chairman of the Meeting.....	Page 6
8. Proper Officer	Page 7
9. Motions Moved with Notice	Page 7
10. Motions Moved without Notice	Page 8
11. Rules of Debate	Page 9
12. Voting	Page 11
13. Planning	Page 11
14. Conduct	Page 12
15. Minutes	Page 12
16. Recision of Previous Resolutions	Page 12
17. Financial Matters	Page 13
18. Execution and Sealing of Legal Deeds	Page 13
19. Canvassing	Page 13
20. Unauthorised Activities	Page 13
21. Confidential Business	Page 13
22. Power of Well-Being	Page 14
23. Matters Affecting Employees	Page 14
24. Freedom of Information Act / Data Protection Act	Page 14

Section 2 - Code of Conduct

1. Arrangements for dealing with Code of Conduct Allegations	Page 15
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Section 3 - Protocol on Councillor/Officer Relations

1. Introduction	Page 15
2. Role of Councillors and Officers	Page 15
3. Officer advice to Councillors and groups of Councillors	Page 16
4. Officer/Councillor Relationships	Page 17
5. Undue Pressure	Page 17
6. Criticism/Complaints	Page 17
7. Councillors' Access to Information and to Council Documents	Page 18
8. Correspondence	Page 19
9. Meetings with Third Parties	Page 19
10. Arbitration	Page 19

Section 3 - Media Protocol

1. Aims and Objectives	Page 20
2. Co-Ordinating Media Enquiries	Page 20
3. Photo Opportunities	Page 21

SECTION 1 - MEETINGS

1. Meetings Generally

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct. The Council should publish a list of full council meetings annually.
- b) 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.
- c) Council members shall receive a summons sent by the Clerk, specifying the business to be transacted three clear days before a Meeting of the Council. A notice of the time and place of the meeting shall at a similar time be affixed and displayed in a conspicuous place in the locality. 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.
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e) Subject to Standing Order 1 (d) above, members of the public who are local government electors and/or business-rate payers may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Members of the public who to make representations at a meeting must contact the Proper Officer no later than 10:00 am on the day of the meeting to advise both of their wish to speak, and the content. Other issues could be raised if written notice of the question/matter are submitted to the Proper Officer ten working days prior to the meeting.
- f) The period of time which is designated for public participation in accordance with Standing Order 1(e) above shall not exceed fifteen minutes with the provision that the meeting is adjourned to allow public participation to take place.
- g) Subject to Standing Order 1 (f) above, each member of the public is entitled to speak once only and shall not speak for more than three minutes.
- h) In accordance with Standing Order 1 (e) 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.
- i) In accordance with Standing Order 1(f) above, the Chairman may direct that a response to a question or statement posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.
- j) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k) A person shall raise their hand when requesting to speak and shall normally stand at the front of the Council meeting when speaking.
- 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) A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of the Council or its Committees but otherwise may:
 - i) film, photograph or make an audio recording of a meeting;

- ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- n) Attendees of meetings should note that they may be filmed, recorded, photographed or otherwise reported about. Any member of the public in attendance that objects to any of the above, and children and vulnerable adults, must inform the Proper Officer and an area within the meeting will be designated to them. Any member of the public or press carrying out any of the above must ensure that their activities do not disrupt the proceedings of the meeting or they may be asked to stop or leave.
 - o) In accordance with standing order 1(d) 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.
 - p) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice Chairman (if any).
 - q) 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.
 - r) All motions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
 - s) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
 - t) Unless standing orders provide otherwise, voting on any motion shall be by a show of hands or roll call. At the request of two Councillors, the voting on any motion 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.
 - u) The minutes of a meeting shall record the names of councillors present and absent.
 - v) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution of dispensation, such resolution shall be recorded in the minutes of the meeting at which the approval was given. If a member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority (recorded in the minutes of a meeting) before the expiry of that period, cease to be a member of the authority. Such reasons may be submitted to the Proper Officer prior to a meeting.
 - w) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
 - x) 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.
 - y) 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:
 - i) In the case of a Council Meeting – not less than four members
 - ii) In the case of a Committee Meeting – not less than three members.

- z) 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 the following meeting. Council and Committee Meetings shall not exceed a period of two hours, unless the Council or Committee agrees to suspend Standing Orders.

2. Remote Meetings

- a) Meeting may be held remotely, as directed by the Proper Officer, in adherence with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.
- b) Meetings held remotely will adhere to best practice and all persons other than Council members or officers will be muted. During the meeting, members will raise their hand to indicate to the Chairman that they wish to speak on an agenda item. Members may also use the chat facility for the same purpose.
- c) Voting will be carried out by a show of hands and the Proper Officer will clarify the vote of each member via a roll call if they cannot be seen.

3. Extraordinary Meetings

- 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, any 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 seven days of having been requested to do so by two councillors, any two 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 the two councillors.

4. Annual Council Meeting

- a) In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors are elected take office.
- b) In a year which is not an election year the Annual Meeting of the Council shall be held on such day in May as the Council may direct and shall be held at such hour as the Council may fix or, if no hour is so fixed, 6 o'clock in the evening.
- c) In addition to the Annual Meeting at least three other meetings shall be held in each year.
- d) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.
- e) The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.
- f) The Vice-Chairman of the Council, if any, unless they resign 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.

- g) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- h) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- i) 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 terms of reference for committees, their membership and delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review and adoption of all appropriate policies and governance procedures.
 - v. In a year of elections, if a Council's period of eligibility to exercise the power of competency expired the day before the Annual Meeting, to review and make arrangements to reaffirm eligibility.
 - vi. Review of inventory of land and assets including buildings and office equipment.
 - vii. Confirmation of arrangements for insurance cover in respect of all insured risks.
 - viii. Review of the Council's and/or employees' memberships of other bodies.
 - ix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

5. Committees

- 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 shall determine their terms of reference and membership.
- b) The Council may dissolve a committee at any time.
- c) Committees must abide by Terms of Reference.
- d) Delegated authority may be afforded to Committees to make decisions on behalf of the Council.
- e) Where a required decision involves adherence to legislation, all members of a Committee must undertake suitable training, prior to any such decisions being made, to ensure understanding of all legislation in order to ensure the Committee is not at risk of making unlawful decisions.
- f) Committees are not permitted to amend policies without the approval of the Council.

6. Sub Committees

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

7. Chairman of the Meeting

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

- b) The Chairman may, at their discretion, alter the order of business as specified on the agenda. In addition, a motion to vary the order of business on the grounds of urgency may be proposed by any member and after being seconded shall be put to the vote without discussion.

8. Proper Officer

- a) Where a statute, regulation or order confers function or duties on the Proper Officer of the Council, he/she shall be nominated:
- b) To sign and serve on councillors a summons to attend meetings of the Council, confirming the time, date, venue and the agenda of a meeting at least three clear days before the meeting.
- c) To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
- d) To include in the agenda all appropriate motions unless a Councillor has given written notice at least seven days before the meeting confirming their withdrawal of it.
- e) To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in this office.
- f) To receive and retain declarations of acceptance of office from Councillors.
- g) To receive and record notices disclosing pecuniary and non-pecuniary interests.
- h) To receive and retain plans and documents, and copies of by-laws made by other local authorities.
- i) To draft minutes of meetings and make such minutes available for inspection.
- j) To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
- k) To receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- l) To manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- m) To sign notices or other documents on behalf of the Council, and arrange for legal deeds to be signed by the Chairman and Vice Chairman and witnessed.
- n) To 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.
- o) To retain the custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- p) To liaise with media and press on behalf of the Council when required.
- q) To action or undertake any lawful activity or responsibilities instructed by resolution or contained in Standing Orders.

9. Motions Moved With Notice

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Proper Officer or the mover

has given notice in writing (notice of motion) of its terms and has delivered the notice to the Proper Officer at least ten clear days prior to the meeting.

- b) The Proper Officer will consider all notices of motion and may amend obvious grammatical or typographical errors in the wording of a motion. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing so that it can be understood at least seven clear days before the meeting.
- c) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consider whether the motion shall be included in the agenda or rejected. The Proper Officer will consult the Chairman and/or the proposers of a motion when considering the rejection of a motion. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- d) Every motion and resolution must adhere 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.
- e) If a motion is required to be moved within the terms of reference of a Committee, or Sub-Committee, or within the delegated powers conferred on an employee, the motion may not be included on the agenda of full council. However, a motion unable to be dealt with by an employee or Committee expediently may be dealt with at a meeting of the full council for reasons of urgency.

10. Motions Moved Without Notice

Motions in respect of the following matters may be moved without written notice.

- a) To appoint a person to preside at a meeting.
- b) To elect a Chairman or Vice Chairman.
- c) To approve the absences of Councillors.
- d) To approve the accuracy of the minutes of a previous meeting.
- e) To correct an inaccuracy in the minutes of a previous meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.
- h) To close or adjourn debate.
- i) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- j) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- k) To receive nominations to a committee or sub-committee.
- l) To dissolve a committee or sub-committee.
- m) To consider a report or any further documentation and/or recommendations made by a committee or a subcommittee or an employee in regard to an agenda item.
- n) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- o) To authorise legal deeds to be sealed by the Council's common seal OR signed by two councillors and witnessed.
- p) To authorise the payment of monies as detailed in the Council's Financial Regulations.
- q) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- r) To extend the time limit for speeches.
- s) To exclude the press and public for all or part of a meeting.
- t) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- u) To give the consent of the Council if such consent is required by standing orders.
- v) To suspend any Standing Order except those which are mandatory by law.
- w) To adjourn the meeting.
- x) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- y) To answer questions from councillors.

11. Rules of Debate

Order of Motions

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 discretion for reasons of expedience.

Motions not Moved

b) If a motion is not moved and seconded at the meeting, it will be treated as withdrawn, unless the Council vote to postpone it.

No Speeches Until Motion Seconded

c) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to Require Motion in Writing

d) Unless proper notice has already been given, a motion, if required by the Chairman, shall be reduced to writing and given to the Chairman before it is put to the meeting.

Seconders's Speech

e) A member when seconding a resolution or amendment may, if he/she declares his/her intention to do so, reserve his/her speech until a later period of the debate.

Questions on Motions

f) A Councillor may ask a question of the proposer, provided that the question is clearly related to the motion on notice and not potentially defamatory, vexatious or offensive.

g) Questions shall be asked after the motion has been moved and seconded and after the proposer has introduced and explained the motion; before the motion is opened up for debate and before any amendments are moved. Asking the question must take no longer than two minutes and only one question per Councillor shall be permitted on a motion.

h) The proposer reserves the right to refuse a reply.

Content and Length of Speeches

i) A member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. During the debate of a motion, a member may state verbally 'point of order' or 'personal explanation' and shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the irregularity in the meeting they are concerned by. Any member interrupted by such a 'point of order' or 'personal explanation' may continue their speech once the point of order has been decided by the Chairman. The ruling of the Chairman on the admissibility of a point of order or a personal explanation shall not be discussed and shall be considered final.

j) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.

k) During the debate of a motion, all members shall be silent until invited to speak by the Chairman.

l) A member wishing to ask a question should make it known to the Chairman by raising their hand.

When a Councillor May Speak Again

- m) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;
- i. To speak once on an amendment moved by another Councillor;
 - ii. To move a further amendment if the motion has been amended since they last spoke;
 - iii. If his/her speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - iv. In the exercise of a right of reply as the mover of the original motion or an amendment;
 - v. On a point of order;
 - vi. By way of personal explanation.

Amendments to Motion

- n) An amendment to a motion must be relevant to the motion and shall not have the effect of negating the motion before the Council.
- o) An amendment shall be either to:
- i) Omit words.
 - ii) Omit words and insert others.
 - iii) Insert additional words.
- p) Only one amendment may be moved and debated at a time, the order of which shall be directed by the Chairman. One or more amendments may occasionally be discussed together if the Chairman considers this expedient but shall be voted upon separately. Any additional amendments proposed during debate may not be moved until the amendment under discussion has been disposed of.
- q) The number of amendments to an original motion or substantive motion, which may be moved by a Councillor, is limited to one.
- r) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, a Councillor may move amendments to his/her own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- s) If the proposer and seconder of a motion are in agreement, an amendment may be accepted as a 'friendly' amendment and be incorporated in the original motion as an alteration.
- t) If the proposer and seconder do not accept the 'friendly' amendment, the amendment must be taken to a vote.
- u) If an amendment is carried, the 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.
- v) If the amendment is not carried, other amendments to the original motion may be moved.
- w) Further amendments shall not be proposed until the Council has disposed of every prior amendment. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments.
- x) 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 the debate.
- y) No Councillor, other than the mover, may speak further in respect of any one motion except to speak once on any amendment moved by another Councillor or to make a point of order or to give a personal explanation.

z) Should an amendment not be carried, the last motion voted upon may at the discretion of the Chairman be taken as the resolution of the Council if no further amendment is moved.

aa) Should further amendments be carried, the motion, as amended shall, at the discretion of the Chairman, be taken as the resolution of the Council if no further amendment is moved.

Motions which may be Moved during Debate

bb) When a Councillor's motion is under debate no other motion shall be moved except:

- i) To amend the motion
- ii) To withdraw the motion
- iii) To exclude the public and press
- iv) To ask a person to be silent or for him/her to leave the meeting
- v) To suspend any standing order, except those which are mandatory

Closure Motions

cc) A Councillor who has not already spoken in debate, may move, without comment, the following motions at the end of a speech of another Councillor:

- i) To proceed to the next business
- ii) To adjourn the debate
- iii) To put the motion to a vote
- iv) To adjourn the meeting

dd) The Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived.

ee) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the mover of the original motion shall have a right of reply before putting the motion to the vote. The debate on the motion will continue if the procedural motion is unsuccessful.

ff) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficient debated and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12. Voting

- a) Members shall vote by show of hands or by roll call.
- b) If a member so requires, the Proper Officer shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request may be made before or after the vote but in any event before moving on to the next business.

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.

14. 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 six months of the delivery of their declaration of acceptance of office.
- c) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- d) If, in the opinion of the Chairman, there has been a breach of conduct, the Chairman shall express that opinion.
- e) If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- f) If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

15. Minutes

- a) Minutes shall be published as soon as practicable after the meeting and shall contain a record of decisions made. Minutes are not a verbatim record of meetings.
- b) The Chairman will sign the minutes of the proceedings at the next suitable meeting. A motion must be moved that the minutes of the previous meeting be signed as a correct record.
- c) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- e) "The Chairman of this meeting does not believe that the minutes of the meeting of the Council (OR [name] Committee/Sub-Committee) held on [date] in respect of () were a correct record but this view was not upheld by the majority of the (Council / or [name] Committee/Sub-Committee) and the minutes are confirmed as an accurate record of the proceedings."
- f) 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.

16. Rescission of Previous Resolutions and Suspension of Standing Orders

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least six councillors of the Council. No decision shall be reversed unless new information is presented which could not have been known at the time the original decision was made and unless the new information could reasonably result in a change of the decision.
- b) When a special motion or any other motion moved pursuant to the above has been disposed of, no similar motion may be moved within a further six months.
- c) 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. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless six of the councillors at a meeting of the Council vote in favour of the same.

17. Financial Matters

- 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.

18. Execution and Sealing of Legal Deeds

- 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 above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.

19. Canvassing

- 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.
- 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.

20. Unauthorised Activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee, a sub-committee, or a working group:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

21. Confidential Business

- a) Councillors 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 the above may be removed from a committee, a sub-committee, or a working group by a resolution of the Council or members of the appropriate committee, sub-committee or working group.

22. 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 the 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 the above.

23. Matters Affecting Employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has resolved to exclude the press and public.
- b) A review of employee performance will be undertaken in line with contracts and any relevant policies.
- c) Any grievances and disciplinary matters will be dealt with in line with the Council's policy to that effect. If grievance or disciplinary matters involve any members of the Council, such members must declare an interest and abstain from participation.
- d) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

24. Freedom of Information Act / Data Protection Act

- a) All requests for information held by the Council shall be processed.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council.
- c) The Proper Officer shall take all legal steps to comply with the legislation.

SECTION 2 - CODE OF CONDUCT

1. ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT. LOCALISM ACT 2011 SECTION 28.

These arrangements are made under Sections 28(6) and (7) of the Localism Act 2011, and advise how the Town Council will deal with allegations that a Councillors has failed to comply with the relevant Code of Conduct.

An allegation that a Councillor has failed to comply with the requirements of the relevant Code of Conduct must be made to:

The Monitoring Officer, Halton Borough Council, Municipal Building, Kingsway, Cheshire, WA8 7QF.

An allegation may also be sent by email to the Monitoring Officer.

The allegation must be about a Councillor and must be that the Councillor(s) has, or may have, breached the relevant Code of Conduct.

Any person making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct.

SECTION 3 - PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- a) The purpose of this protocol is to guide Councillors and Officers in their relations with one another, to define their respective roles and to provide guidance for dealing with particular issues that may most commonly arise or cause concern.
- b) However, given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or exhaustive. It is hoped that the general approach set out in the protocol will serve as a guide in dealing with other issues that may not be specifically covered.
- c) The objective of this protocol is to enhance and maintain the integrity of local government. As such, this protocol seeks to reflect the principles of the Code of Conduct.

2. ROLE OF COUNCILLORS AND OFFICERS

- a) Both Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Proper Officer. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and the various Committees.
- b) The Council's Standing Orders set out the clear distinction between the roles of Councillors and Officers. Councillors will perform roles on the Council and Committees. They may also represent the Council on outside bodies. Officers are employed by and serve the whole Council, and are accountable to the Proper Officer. They provide support,

impartial advice, and implement the decisions of the Council and Committees. They may also make decisions under powers delegated to them.

- c) Councillors should not get involved in the day to day operational management of services. Councillors must not contact contractors of the Council, unless permitted to do so by the Council or Proper Officer. Equally, Officers should not get involved in politics.
- d) Officers are responsible for advising on and implementing policies, and for the delivery of services in the manner that they consider is most appropriate given their managerial and professional expertise. Councillors would not be expected to be involved in the detail of implementation, but can expect reports on progress, and in certain circumstances, can require the Proper Officer to account for their decisions.
- e) It is appropriate, however, for Councillors to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. The Standing Orders sets out the procedures for the Council to review existing policies and bring forward new policy initiatives.
- f) Mutual respect between Councillors and Officers is essential to good local government. It is important in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- g) The general obligations in the Councillors' Code of Conduct include a requirement to treat others with respect, and not to do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council. There is also a requirement for Councillors in making decisions to have regard to any advice provided by the Council's Proper Officer and Responsible Financial Officer. Any allegation by an Officer that a Councillor has failed to comply with the Code of Conduct will be dealt with under the procedure for dealing with Code of Conduct complaints.

3. OFFICER ADVICE TO COUNCILLORS AND GROUPS OF COUNCILLORS

- a) It is common practice for Councillors and political groups to give preliminary consideration to matters of Council business in advance of such matters being considered. As an example, agendas will identify the key decisions the Council (or Committee) will be considering. Individual Councillors and/or groups of Councillors may properly call upon Officers to support and provide factual advice to their deliberations. The support provided by Officers can take many forms, ranging from a briefing meeting prior to a meeting, to a presentation to a full group meeting. Briefing of political groups should only be undertaken by the Proper Officer, or otherwise with the approval of the Proper Officer and any information provided to the group will not as a matter of routine be passed on to other groups or individual councillors. However, briefing information provided to a political group, whether or not it contains confidential information, may, at the written request of that group, be passed on by the relevant Officer to other groups also.
- b) Certain points must, however, be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
 - i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a 'political' nature. Officers are not expected to be present at meetings, or parts of meetings, where matters of political business are to be discussed.
 - ii) Similarly, where Officers provide information and advice to a group of Councillors meeting in relation to a matter of Council business, this cannot act as a substitute

for providing all necessary information and advice to the Council meeting when the matter in question is considered.

- c) Officers must respect the confidentiality of any group discussions at which they are present in the sense that they should not relay the content of any such discussion to another group of Councillors, unless specifically asked to do so.
- d) Any particular cases of difficulty or uncertainty in this area of Officer advice to groups of Councillors should be raised with the Proper Officer.

4. OFFICER/COUNCILLOR RELATIONSHIPS

- a) It is clearly important that there should be a close working relationship between Councillors and Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an Officer's ability to deal impartially with other Councillors.
- b) Whilst the Chairman of the Council and Chairmen of Committees may routinely be consulted as part of the process of drawing up agenda items for a forthcoming meeting, it must be recognised that in some situations an Officer will consider it his/her duty to submit a report on a particular matter. In these circumstances, an Officer will always be fully responsible for the contents of any report and/or recommendation submitted in his/her name.
- c) In relation to action between Council or Committee meetings, it is important to remember that the Council's Standing Orders allow only for decisions (relating to the discharge of any of the Council's functions) to be taken by an Officer.
- d) It must be remembered that Officers in employment are accountable to their line manager and ultimately the Proper Officer, and that whilst Officers should always seek to assist any Councillor, they must not, in doing so, go beyond the bounds of whatever authority they have been given by their line manager.

5. UNDUE PRESSURE

- a) A Councillor must not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- b) Similarly, an Officer must not seek to influence an individual Councillor to make a decision in his/her favour, nor raise personal matters relating to his/her job, nor make claims or allegations about other Officers, except in accordance with any agreed Council procedure or in accordance with law. Councillors who receive any such approach from an Officer should advise the Proper Officer immediately.

6. CRITICISM/COMPLAINTS

- a) It is important that there should be mutual courtesy between Councillors and Officers.
- b) Councillors and Officers should not criticise or undermine respect for each other at Council meetings or at any other meeting they attend in their capacity as a Councillor or Officer, or in any other public forum.
- c) Councillors should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings or in any other public forum. Any such comments or complaints should be made to the Proper Officer or Chairman.

7. COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- a) If Councillors wish to visit Officers, they should make prior arrangements whenever possible.

- b) With respect to the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.
- c) Under Section 100F of the Local Government Act 1972, any Councillor may inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the Council or a Committee. This right applies irrespective of whether the Councillor is a member of the relevant committee, and extends not only to reports but also to background papers. However, the right does not apply if a document discloses exempt information as defined in Schedule 12A of the Local Government Act 1972.
- d) The common law right of Councillors is much broader and is based on the principle that any Councillor has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the Councillor to carry out his/her duties as a Councillor. This is referred to as the “need to know” principle. If a Councillor is a member of a Committee, then he/she has the right to inspect documents relating to the business of that Committee. If a Councillor is not a member of the relevant Committee, then he/she has to demonstrate why sight of the document is necessary to enable the performance of his/her duties as a Councillor. Councillors have no right to a “roving commission” to examine documents of the Council. Mere curiosity is not sufficient. If the Councillor’s motive for seeing the documents is indirect, improper or ulterior, then there would be no right of access at common law.
- e) A Councillor has the same rights of access to information under the Freedom of Information Act 2000 as any members of the public. A request must be made in writing and describe specifically the information requested. The exemptions set out in the Act would be applied whoever is requesting the information. Once information has been made available in response to a Freedom of Information request, it become public.
- f) From a procedural point of view, if a Councillor makes a request for information that is not routine, the request should be made to the relevant Officer, who will consider first whether all the information would be made available as a matter of course to a member of the public making a similar request. If so, the information will be provided to the Councillor.
- g) If the request is such that the information would not automatically be provided to a member of the public, the Officer will consider whether the information can be provided under Section 100F of the Local Government Act 1972 or under the common law “need to know”. The final determination as to whether there is a “need to know” will be made by the Proper Officer.
- h) If neither Section 100F nor the “need to know” are met, then the request will be dealt with as a Freedom of Information Act request, but without the need for the Councillor to make a specific Freedom of Information request. The Freedom of Information Request will be dealt with in the normal way by an Officer. This may result in the information being provided in part, with an exemption applying to the remainder, or the request being refused in its entirety as a result of an exemption. The Councillors will be informed that the request has been considered under the Freedom of Information Act and that there is a right of internal review which will be carried out by the Proper Officer. Following such review, the Councillor will be advised of the right to pursue the matter with the Information Commissioner.
- i) Any information provided under the Freedom of Information Act can be made public by the Councillor. Information provided under the “need to know” will be provided with the caveat that it is provided to the Councillor in his/her capacity as Councillor, and is only to be used for the purpose of exercising his/her functions, and should not be made public.
- j) The Code of Conduct provides that a Councillor must not disclose information given to the Councillor in confidence by anyone, or information which the Councillor believes, or ought reasonably to be aware, is of a confidential nature except where:
 - i) the Councillor has the consent of a person authorised to give it;

- ii) the Councillor is required by law to do so;
- iii) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- iv) the disclosure is reasonable and in the public interest and made in good faith and in accordance with the law.

8. CORRESPONDENCE

- a) Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor.
- b) Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Councillor. It may be appropriate in certain circumstances (e.g representations to a Government Minister) for a letter to appear over the name of a Councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.
- c) In no circumstances will correspondence from an individual or business, or from a third party representing an individual, be disclosed to a Councillor if it is marked confidential or contains personal data. If, in these circumstances, an Officer is of the view that there is a need for a Councillor to know the issue, and it is not possible to do so in general terms without disclosing confidential or personal information, then the relevant individual's consent will first be obtained.

9. MEETINGS WITH THIRD PARTIES

- a) On occasions, Councillors may be approached by individuals or companies who have proposals affecting the area or functions of the Council, and which they wish to discuss with Councillors. Councillors are reminded that, as individual Councillors, they cannot commit the Council to any contract or other agreement or course of action. Councillors are advised to make this clear to any third party with which they may have contact. Should Councillors be asked to attend a meeting with third parties, they are recommended to arrange for the meeting to take place at Council offices and with a relevant Officer present. This will enable the Officer to explain to the third party the proper decision-making process, and will protect Councillors against any subsequent claim by the third party. Normal routine activities are not intended to be subject to this recommendation.

10. ARBITRATION

- a) This protocol is intended to act as a guide for both Councillors and Officers.
- b) This protocol is intended to provide Councillors and Officers with guidelines to determine their roles and their relations with each other.
- c) It is intended to be a "live" document and will be reviewed from time to time to reflect changing circumstances and legislation.

SECTION 4 - MEDIA PROTOCOL

1. AIMS AND OBJECTIVES

- a) The long-term aim of the Council's communications strategy is to build and maintain a positive reputation for the Council in the eyes of the public, its Councillors and Officers as well as key partners in the public, private and voluntary sectors.

- b) In order to achieve this aim a key area of focus is the local media.
- c) The local media plays a key role in informing residents about what the Council does and how it spends their money. In return, it is important the Council communicates effectively with this key provider of public information.
- d) In doing so the Council's objectives are as follows:
 - i) enable the Council to be one which is open, accountable, accessible and which listens;
 - ii) give information about the Council's policies and services and the democratic process so people feel more informed about the work of the Council;
 - iii) build up the Council's role as a community leader and advocate for the community;
 - iv) handle negative issues clearly and decisively. Where it is felt criticism of the Council is unfair, the Council should use opportunities available to explain, either to the editors or to the readers/listeners. In cases where the Council is wrong, the Council should address how it is addressing the issue.

2. CO-ORDINATING MEDIA ENQUIRIES

- a) The Council should ensure that local residents are informed about the Council's policies and decisions. It must be open and transparent in its dealings with the press.
- b) Officers of the Council will liaise with media, receive enquiries, and respond to enquiries.
- c) Where the journalist approaches a Councillor for a quote, the Councillor must ensure journalists are reminded that any opinion given is that of their own and not necessarily that of the Council as a corporate body.
- d) Officers of the Council will release regular press releases to the media and invite the media to any press launches or photo opportunities.
- e) If Officers or Councillors are approached by the media prior to a decision being made by the Council it is important for any statement given not to prejudge the decision. Comments should be limited to providing information rather than anticipating an outcome or expressing a view as to a preferred outcome from the meeting. It is appropriate for Officers to issue a statement outlining a summary of the matter. In this way reporters will be more likely to use the statement to report an accurate summary of the matter or clarify an issue.
- f) The Council should make every effort to correct inaccurate reporting of Council issues.
- g) It is acceptable for Councillors to request an Officer considers producing a press release relating to their role. However, Officers should not produce or engage in any promotion for Councillors on individual party political issues.
- h) All Council press releases will carry the crest of the Council. When issuing a press release with a third party, it may also be appropriate to include their logo and/or crest.
- i) When drafting press releases or selecting photographs, all Officers should be mindful of the Council's Equal Opportunities Policy. Publicity should avoid stereotyping of roles and should demonstrate the Council's commitment to providing equality of opportunities to people of any gender, race, sexual orientation, religion or disability.
- j) Occasionally 'confidential' Council items may be 'leaked' to the media. The Council will not normally offer a comment on leaked or confidential items. However, if an item which is not 'confidential', but which has yet to enter the public forum, it may be appropriate for the Council to issue a comment. Each case will be judged individually.

3. PHOTO OPPORTUNITIES

- a) Where photo opportunities arise, the relevant Councillors will be invited.
- b) However, the goal is to achieve positive publicity for the Council as a whole and therefore some degree of flexibility is necessary in order to achieve that goal.
- c) Photographic opportunities often arise at short notice. By needing to contact the relevant Councillors to arrange a time when all can be present, there are times when a photo opportunity, and therefore positive publicity, may be lost.
- d) All press and media will be allowed to film and record meetings of the Council which are open to the press and public.



HALE PARISH COUNCIL – RISK MANAGEMENT REGISTER
RE-ADOPTED MINUTE 10 MEETING OF 17TH MAY 2021

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Personal injury or damage to member (s) of the public or their property arising from defect (s) in Council property.	Low – Council property comprises fixed installations as set out in the Asset Register	Claims for compensation and costs to the Council in defending claims where appropriate.	Covered under the Council’s insurance policy Public Liability Section	Regular maintenance and prompt repair of any damage.	Clerk Clerk
Compensation claim by employee (or contracted person) in respect of injury sustained in the cause of his/her employment/engagement.	Low – given the nature of the Clerk’s duties.	Claims for compensation and associated costs.	Potential liabilities, including costs, covered by Council’s insurance policy Employers Liability Section	Maintain adequate insurance cover.	Clerk
Loss of cheques, cash etc. held on the Council’s behalf.	Low – Receipts are rarely in cash. More usually by cheque, but infrequent.	Reduction in Council’s financial resources.	Such losses are covered by insurance policy – include theft. (Extent of cover depends on circumstances). Prompt payment of receipts into bank. Precept & VAT refund paid direct into bank account.	Maintain adequate insurance cover. Prompt payment of receipts into bank.	Clerk

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Financial loss due to banking error (e.g. leading to loss of interest or bank charges levied)	Low	Reduction in Council's financial resources.	Regular monitoring & review and reconciliation of Bank Accounts	Application of financial regulations, including scrutiny of all bank statements upon receipt. Periodic review of banking arrangements to secure best possible terms and conditions.	Clerk Clerk
Loss of monies due to fraudulent action by employee (s).	Low – any significant incident should be easily detected. Trust in integrity of serving Clerk.	Reduction in Council's financial resources.	All payments authorised by two Councillors, against invoices. All expenditure approved by Council. Accounts subject to scrutiny by Internal Auditor, and overview by External Auditor.	Application of financial regulations.	Council.
Damage to Council property by 3 rd party.	Low – confined to items listed on Asset Register	Repair costs to be covered.	Council's insurance policy covers items	Maintain property in good condition with regular monitoring for damage	Council and Clerk

RISK	PROBABILITY	IMPACT	MITIGATION	CONTROL	RESPONSIBILITIES
Compensation claim resulting from (alleged) negligent act or accidental omission by the Council or its employee(s).	Low – given the limited activities of the Council.	Potentially substantial cost to the Council.	Risk covered by Council’s insurance policy	Maintain adequate insurance cover. Ensure Council decisions are based on full information, including professional advice when necessary.	Clerk Council
Actions against the Council for libel or slander.	Low – Proper conduct of Council meetings and Clerk’s professional judgement regarding correspondence.	Potentially substantial cost to the Council.	Risk covered by the Council’s insurance policy	Members’ awareness. Proper conduct of meetings by Chairman. Professional advice from Clerk.	Chairman Clerk
Failure to represent community interest adequately in relation to matters likely to impact significantly on the parish.	Low – Parish Council well established as consultee.	Reduction in local facilities and/or quality of life, or missed opportunity to benefit from external funding or advice.	Council recognised by other agencies for consultation and information. Membership of NALC/LALC.	Threats & opportunities reported to Council meetings. Special meetings to be called as required. Representatives provide feedback as appropriate	Council Clerk

<p>Loss of council paper records and computer files due to accident or otherwise</p>	<p>Low - Council records are maintained in Clerks home and on his personal computer.</p> <p>Legal / historical records held in HVH</p>	<p>Inconvenience in tracing information particularly legal and historical records</p>	<p>Paper records maintained in metal cabinet providing a degree of fire protection</p> <p>Computer records regularly backed up to CD / External Hard Drive</p>	<p>Legal / Historical records are archived at LRO</p>	<p>Clerk</p>
<p>Unauthorised release of personal data contrary to GDPR 2018</p>	<p>Low – Amount and type of data is limited mainly to contact details of some residents on either hard copy or in electronic form</p>	<p>Risk of fine by ICO if data breach is occasioned</p>	<p>Data maintained to be reviewed on a regular basis and removed where no longer required</p>	<p>Member awareness of Council responsibilities including their own where data is provided to them whilst undertaking Council duties</p>	<p>Councillors / Clerk</p>

<p>Precept is not submitted on time, not paid by Principle Authority or is inadequate for purpose or does not provide sufficient reserves</p>	<p>Low</p>	<p>Reduction in Councils financial resources</p> <p>Inability to deliver services</p>	<p>Budget and Precept considered each year in line with standing orders and statutory requirements</p> <p>Full PC minute - RFO to follow up</p> <p>Check receipt</p> <p>Quarterly review against budget</p>	<p>Diarised by RFO</p> <p>Reminder normally sent by Principle Authority</p>	<p>Council and Clerk</p>
<p>Salaries wrongly calculated and paid.</p> <p>False employees.</p> <p>Tax and NI deductions incorrect</p>	<p>Low</p> <p>Low</p> <p>Low</p>	<p>Reduction in Council's financial resources.</p>	<p>Payment is by on line payment or cheque in accordance with Contract of Employment and Financial Regulations.</p> <p>Staff paid under Inland Revenue Tax deduction scheme using Inland Revenue software</p>	<p>Procedures in place and cheques signed / payment authorised in accordance with Financial regulations</p> <p>Quarterly budget comparison by Council</p> <p>Individual payments minuted or ratified at each meeting</p>	<p>Council</p>

Payment made for goods not received	Low	Reduction in Council's financial resources.	Purchases made from reputable known suppliers and generally only paid after receipt of goods/service	Payment after receipt	Clerk
Councillors Allowances / Expenses overpaid	Low	Reduction in Council's financial resources.	No Allowances have been approved	Payment only after detailed claim submitted in respect of expenses and resolution of Council	Council and Clerk
Reserves too low	Low	Reduction in Council's financial resources. Inability to deliver services	Annual Budget approved. Regular review against Budget headings New expenditure only undertaken where reserves allow. Reserves maintained at level commensurate with expenditure commitments and historical experience	Careful budget monitoring and formal approval and costings for new services and /or projects whilst maintaining reserves in line with past practical experience	Council and Clerk

Loss of key personnel	Low	Inability to operate and deliver services	<p>Ensure Clerk and other staff have adequate training, support and hours to undertake role to avoid stress, leading to long term sickness or early departure.</p> <p>Ensure regular back up of computer based work is maintained and sufficient notice periods are provided within contract to allow replacement to be obtained if necessary</p>	<p>Maintain regular contact and approve training and support mechanisms as appropriate</p> <p>Review contract terms if appropriate and back up computer files on regular basis</p>	<p>Council</p> <p>Council and Clerk.</p>
Financial Records inadequate and not archived as required by legislation leading to potential fraudulent activity	Low	Loss of ability to prove payments, failure to comply with statutory legislation and loss of monies	Ensure Financial Regulations are maintained and reviewed on a regular basis and that due governance is undertaken by Council	<p>Internal Controls are in place and reviewed as required</p> <p>Internal Audit report confirms Controls are adhered to with no adverse comment</p>	Council and RFO
Banks and Banking incl Internet Banking	Low	Loss through lack of governance and control	Bank accounts managed in accordance with legislation and reconciled on a regular basis	Internal Controls adhered to	Council and RFO

Hale Parish Council Organised Activities	Low	Risk of Financial Loss Failure to follow legal procedures resulting in claim against Council	All activities organised by HPC must have full risk assessment undertaken and comply with any statutory requirements with permissions being obtained as and when required thereby ensuring Public Liability insurance is complied with	Documented Risk Assessments undertaken	Council
VAT	Low	Risk of Financial Loss	Ensure VAT reclaims are made in a timely fashion	Regular Budget monitoring by Council at quarterly meetings	Council
Internal and External Audit, HMRC returns	Low	Risk of Financial Loss including late return penalties	Compliance with regulatory requirements	Member awareness of governance responsibilities and undertaking of training as required	Council

GDPR Compliance	Low	Risk of Financial Loss due to penalties and reputational damage to Council	<p>Compliance with regulatory requirements</p> <p>Appointment of external data control professional to check and advise accordingly.</p>	<p>Member awareness of legal requirements</p> <p>Audit, policies and appropriate privacy statements and notices in place</p> <p>Retention of records policy in place</p> <p>Personal data only retained for purpose for which it was required in the first place</p>	Council
Damage to Council Assets as defined on Asset Register by third party which include street furniture, VH contents and VH building	Low / Medium	Financial Loss / Repair costs to be covered	Council's insurance policy covers on an all risks basis for street furniture, VH contents and buildings cover for VH	Maintain property in good condition with regular monitoring for damage – ensure electrical equipment is PAT tested at required intervals	Council and Clerk

HALE PARISH COUNCIL

Code of Conduct

Adopted on: **XX/XX/XX**

To be next reviewed by: **31/5/23**

Joint Statement - Local Government Association

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratised role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

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

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

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist councillors in modelling behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against a councillor.

The Code of Conduct is also to protect the public, fellow councillors, local authority officer and the reputation of local government.

The Code of Conduct sets out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct.

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civic servants, councillors and local authority officers; should uphold the Seven Principle of Public Life, also known as the Nolan Principles.

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

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

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

In undertaking my role:

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

Application

This Code of Conduct applies to each Councillor as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member. The Code continues to apply to members until they cease to be a councillor.

This Code of Conduct applies to a councillor when they are acting in their capacity as a councillor which may include when:

- they misuse their position as a councillor
- their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor.

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

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

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

The Monitoring Officer has a statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Proper Officer, who may refer matters to the Monitoring Officer.

Standards of Councillor Conduct

This section sets out a councillor's obligations, which are the minimum standards of conduct required of a councillor. Should conduct fall short of these standards, a complaint may be made against a councillor, which may result in action being taken.

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

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

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

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer Protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

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

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

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

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

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

3. Impartiality of officers of the council

As a councillor:

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

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

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

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

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

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

5. Disrepute

As a councillor:

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

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

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

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

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

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

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

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

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

10. Gifts and hospitality

As a councillor:

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

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

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

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

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests), which are as described in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

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

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

“Sensitive interests” are interests which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

Where a member considers that disclosure of the details of a registrable interest could lead to them, or a person connected with them, being subject to violence or intimidation, and the Monitoring Officer agrees,

copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that the member has an interest, the details of which are withheld.

It may include a member's sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against them or someone who lives with them. The member should provide this information to the Monitoring Officer and explain their concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that they or a person who lives with them will be subjected to violence or intimidation. 10 If the Monitoring Officer agrees, then the member does not need to include this information in their register of interests, but they need to disclose at meetings the fact that they have an interest in the matter concerned.

Non-participation in case of disclosable pecuniary interest

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

Individual Member Decision Making

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

4. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

5. Where a matter arises at a meeting which affects:

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests asset out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest, the following test should be applied.

6. Where a matter (referred to in paragraph 5 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest then you may speak on the matter only if members of the public are also

allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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

Individual Member Decision Making

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

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director ¹ or a body that such person has a beneficial interest in the securities ² of) and the council: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director of or has a beneficial interest in the securities of.
Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

¹'Director' includes a member of the committee of management of an industrial and provident society.

²'Securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



Personnel Committee - Terms of Reference
Adopted by Hale Parish Council on 15th February 2021

1. Objective

This Committee is constituted in order to fulfil the obligations of Hale Parish Council as an employer.

2. Membership

Membership shall consist of five members, elected annually along with the Chairman and Vice Chairman of Hale Parish Council who may sit on any Committee in an ex-officio capacity.

The Chairman and Vice Chairman of the Personnel Committee shall be elected by the membership.

A quorum shall consist of three members.

All members must receive human resources training and must ensure compliance with applicable employment law.

3. Areas of Responsibility

The Personnel Committee has the authority delegated in sub paragraphs *i)* to *iii)* set out below.

- i) To review the Council's policies in respect of human resources and provide recommendations to the Council;
- ii) Appoint an independent third party to assist with any grievance and/or disciplinary proceedings;
- iii) To undertake recruitment, when directed by the Council, to fill any vacancies that may arise.

5. Meetings

The Proper Officer may call Personnel Committee meetings when necessary.

The Chairman, or two other members, of the Personnel Committee may also call meetings of the Personnel Committee.

All meetings of the Personnel Committee will be minuted.

6. Review

The terms of reference of the Personnel Committee are to be reviewed annually.