

# Holmes Chapel Parish Council

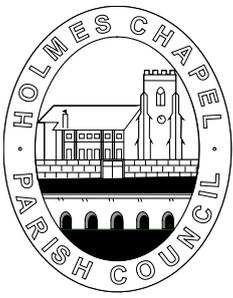
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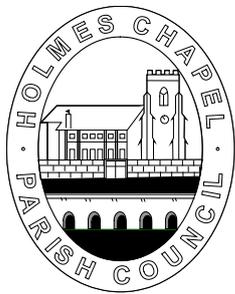
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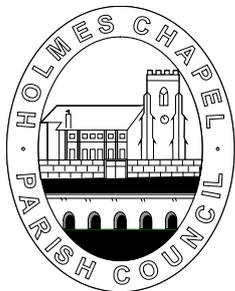
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## **SECTION ONE – Standing Orders**

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**(Note - standing orders in BOLD may not be suspended)**

## 1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed or discussed on unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The-mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of



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reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o No discussion shall take place upon the minutes of the previous meeting except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- p Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- q A member shall remain seated when speaking unless requested to stand by the Chairman.
  - a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
  - b) Members shall address the Chairman. If two or more members indicate that they wish to speak, the Chairman shall call upon one of them to speak and the others shall remain silent until called upon to speak by the Chairman.
  - c) Whenever the Chairman rises or intervenes during a debate all other members shall be seated and silent.
- r During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- s A point of order shall be decided by the chairman of the meeting and his decision shall be final.



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- t When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. That a member named be not heard further
  - vii. to refer a motion to a committee or sub-committee for consideration;
  - viii. to exclude the public and press;
  - ix. to adjourn the meeting; or
  - x. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- u Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- v Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.
- w At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

## 2. DISORDERLY CONDUCT AT MEETINGS

- a **All members must behave in a manner required by the Code of Conduct which was adopted by the council on 28 June 2012.**



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- b No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- c If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- d If a resolution made under standing order 2(c) is ignored, the chairman of the meeting may take further reasonable steps to enforce them and to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- 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 Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.



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- f Members of the public 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.
- g The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- i In accordance with standing order 3(f), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if**



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there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 6(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations(if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and**



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vote on that matter.

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
  
- w A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions. Every question shall be put and answered without discussion. A person to whom a question has been put may decline to answer.
  
- x If a meeting is still in session at 9.30pm or 2hrs 30mins after its commencement, then the Council shall consider whether the meeting should continue or whether alternative arrangements should be made to complete the Agenda.  
  
*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*
  
- y **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

## 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
  
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
  
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
  
- d The Council may appoint standing committees or other committees as may be necessary, and:



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- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer ( X ) days before the meeting that they are unable to attend;
  - vi. shall elect its chairman, as the first item of business, at the first committee meeting after the Annual Meeting;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix. shall determine if the public may participate at a meeting of a committee;
  - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee or a sub-committee.
- e The Chairman, ex-officio, shall be a voting member of every committee.

## 5. TASK GROUPS

The Council or any of its committees may create task groups or allot tasks to individual members in accordance with the guidelines set out in the Council's Management Plan.



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## 6. ORDINARY COUNCIL MEETINGS

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



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**at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the committee meetings since the last council meeting.;
- iv. Consideration of the recommendations made by committees;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The**



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**public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**

- c The chairman of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chairman of a committee or a sub-committee does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee or the sub-committee, any 2 members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

## **8. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least four councillors to be given to the Proper Officer in accordance with standing order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

## **9. VOTING ON APPOINTMENTS**

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



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## 10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.



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## 11. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a chairman to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a committee or sub-committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii. to not hear further from a councillor or a member of the public;
  - xiii. to exclude a councillor or member of the public for disorderly conduct;
  - xiv. to temporarily suspend the meeting;
  - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xvi. to adjourn the meeting; or
  - xvii. to close the meeting.
  - xviii. To receive a Planning Application submitted by the Clerk that requires urgent consideration that otherwise would miss the date for response.

## 12. QUESTIONS



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- a. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- b. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- c. Every question shall be put and answered without discussion.
- d. A person to whom a question has been put may decline to answer.

## 13. MANAGEMENT OF INFORMATION

*See also standing order 23.*

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



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## 14. DRAFT MINUTES

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:  
  
"The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
  - e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.** (Holmes Chapel Parish Council will publish all its minutes on a website regardless of level of income and expenditure.
  - f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or Parish Council recordings of the meeting for which approved minutes exist shall be destroyed.



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## 15. CODE OF CONDUCT AND DISPENSATIONS

*See also standing order 3(u).*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer or by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.



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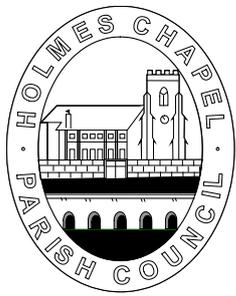
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. it is otherwise appropriate to grant a dispensation.**

## **16. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 16(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 16(d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## **17. PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) another person nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.



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b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
  - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
  - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least three days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if the Council has appointed one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;



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- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also standing order 26);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council or a committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 26).

## 18. RESPONSIBLE FINANCIAL OFFICER

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent. Holmes Chapel Parish Council have designated the Clerk in the first instance to assume the role of RFO in such circumstances.

## 19. ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".



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- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## 20. FINANCIAL CONTROLS AND PROCUREMENT

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



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- ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 20(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the



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Council or a committee or sub-committee with delegated responsibility.

- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
  
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contractor in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
  
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## 21. RESOLUTIONS ON EXPENDITURE

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Strategy & Finance Committee or of another committee after recommendation by the Strategy & Finance Committee) and which, if carried, would, in the opinion of the Chairman substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).



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## 22. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the Council or any committee or sub committee is subject to standing order 13.
- b Subject to the Council's policy regarding absences from work, the Clerk shall notify the chairman of the Council or, if he is not available, the vice-chairman of the Council of absence occasioned by illness or other reason and that person shall report such absence to Council at its next meeting.
- c The chairman of the Council or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The Clerk shall review the performance of any other staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution of the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's Clerk shall contact the chairman of the Council or in his absence, the vice-chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Council or any committee/subcommittee this shall be communicated to another member of the Council or committee/subcommittee which shall be reported back and progressed by resolution of the Council or committee/subcommittee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 13(a), persons with line management responsibilities shall have access to staff records referred to in standing order 22(f).

## 23. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 24.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**



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- b. **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **24. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

*See also standing order 13.*

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

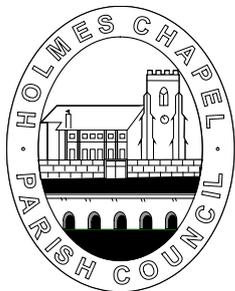
## **25. RELATIONS WITH THE PRESS/MEDIA**

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

## **26. EXECUTION AND SEALING OF LEGAL DEEDS**

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.



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- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 27. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

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

## 28. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

## 29. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 10.
- c The Proper Officer shall provide a copy of the Holmes Chapel Parish Council – Governance and Administration which includes these standing orders to a councillor as soon as possible along with a copy of the Good Councillor's Guide no later than 14 days after their signing their declaration of acceptance of office.



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- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

## 30. PROSPECTIVE COUNCILLORS

Any member of the public who seeks to serve as a Councillor whether during a Statutory Election process, an election process resulting from the resignation or otherwise of a Standing Councillor or by way of co-option to the Council will be given a copy of the document "Holmes Chapel Parish Council – Governance and Administration" and any other information and documentation deemed reasonable at the time, so as to provide the candidate with sufficient background information to assist in his/her decision to stand.



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## **SECTION TWO – Financial Regulations**

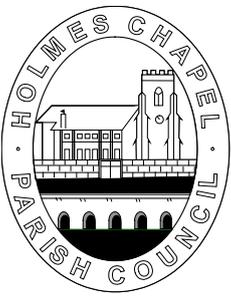
### **FINANCIAL REGULATIONS**

These Financial Regulations were adopted by the Council at its Meeting held on 25<sup>th</sup> May 2018

Holmes Chapel Parish Council has appointed the administrative assistant to the Clerk as Responsible Financial Officer (RFO). The Clerk is the line manager of the RFO.

#### **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.

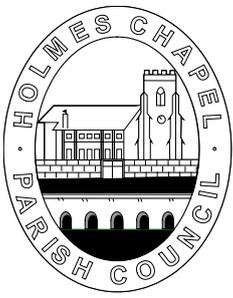


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- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. 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. In the event of the RFO post being vacant, in the absence of the RFO or whenever else necessary, the Clerk shall act as the RFO 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;

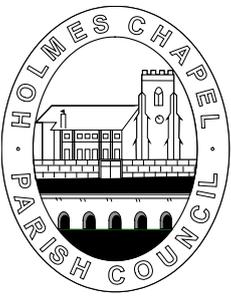


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- a record of the assets and liabilities of the council; and
  - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems 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;
- 1.12.1. procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- 1.12.2. 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
- 1.12.3. 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.
- 1.14. In addition the council must:
- determine and keep under regular review the bank mandate for all council bank accounts;
  - approve any grant or a single commitment in excess of £2,000; and



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- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

- 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 section 27 of the Audit Commission Act 1998, or any superseding legislation, then in force unless otherwise specified.

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. At the Annual Meeting of the Council, a member other than the Chairman shall be appointed to the role of Finance Member.
- 2.3. On a regular basis, at least once in each quarter, and at each financial year end, the finance member shall 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 Strategy and Finance Committee.
- 2.4. 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.
- 2.5. 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



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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.

- 2.6. 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.
- 2.7. 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
  - have no involvement in the financial decision making, management or control of the council.
- 2.8. 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.
- 2.9. 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.
- 2.10. 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 Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.11. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.



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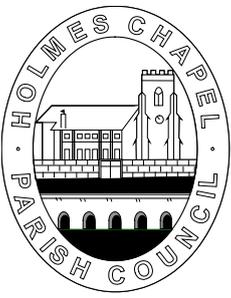
## 3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. Strategy and Finance committee shall review its five-year forecast of capital income and expenditure and its three-year forecast of revenue income and expenditure. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of December each year including any proposals for revising the forecast.
- 3.2. In conjunction with the Clerk, the RFO must each year, by no later than December, 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 relevant committee and the council.
- 3.3. The council shall consider annual budget proposals in relation to the council's five-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 for all items of £2,000 or above;
  - a duly delegated committee of the council for items below £2000; or
  - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £1,000.

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



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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, or duly delegated committee. 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.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The Clerk or 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 clerk may authorise revenue expenditure on behalf of the council which in the clerk'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. For this purpose 'material' shall be in excess of 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.



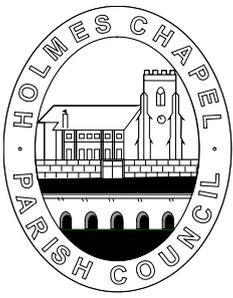
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## 5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 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. A schedule of the payments made or required, forming part of the agenda for the meeting shall be prepared by the RFO and presented to the Full Council. Relevant invoices shall be available to members. The council shall review the schedule for compliance and, having satisfied itself, shall authorise the payments by a resolution of the council. A detailed list of all payments shall be disclosed within the minutes of the meeting at which payment was authorised. The approved schedule shall be initialled by the Chairman of the Meeting. 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 by the Clerk or RFO and verified and certified by the Clerk 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. In the absence of the Clerk, the chairman or vice-chairman of the Council will certify the invoices.
- 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 in a timely manner, and present for authorisation at the next available council meeting.
- 5.5. The Clerk 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 Clerk or RFO certify that there is no reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of the 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



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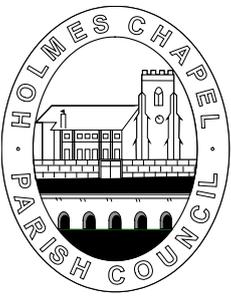
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- c) fund transfers within the councils banking arrangements up to the sum of £20,000 provided that a list of such payments shall be submitted to the next appropriate meeting of council.
  - d) Where it is necessary to make a payment before it can be authorised by a scheduled Council meeting and where it has been examined for accuracy by the RFO and certified by the Clerk. A list of such payments must be presented at the next scheduled Council meeting.
- 5.6. For each financial year the Clerk or 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 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. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. They will be subject to ratification by resolution of the council.
- 5.9. 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.
- 5.10. 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.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **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 Clerk or RFO shall give instruction that a payment shall be made.

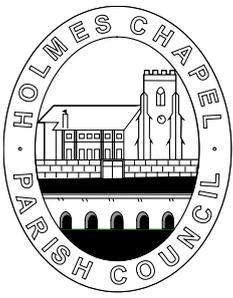


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- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council, and countersigned by the Clerk, 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 not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient 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 that the instructions are signed by two members and any payments are reported to council as made. 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. If thought appropriate by the council, payments for certain items (principally salaries) may be made by internet banker's standing order provided that the instructions 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 a banker's standing order 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.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided that the banking method used allows dual authorisation and evidence is retained showing which members approved the payment.  
  
When a payment is approved by a Member using internet banking, they are verifying that they have scrutinised the relevant invoice and have satisfied themselves that the payment details are correct and appropriate authorisation is in place.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made



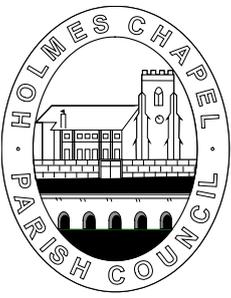
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of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. 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.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, in the fireproof safe and in agreed cloud storage.
- 6.14. 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.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk and RFO shall be appointed as the Service Administrators. 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.
- 6.16. 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.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk or RFO and two members. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £150 unless authorised by council or the Strategy and Finance committee in writing before any order is placed.
- 6.19. 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.



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- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk 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.
- 6.21. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or staff (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## 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 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.
- 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:
- by any councillor who can demonstrate a need to know;
  - by the internal auditor;
  - by the external auditor; or
  - by any person authorised under Audit Commission Act 1998, or any superseding 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.



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- 7.6. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.7. Before employing interim staff, the council must consider a full business case.

## 8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected 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. 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. 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.
- 8.4. All investments of money under the control of the council shall be in the name of the council.
- 8.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.6. 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 Clerk and RFO.



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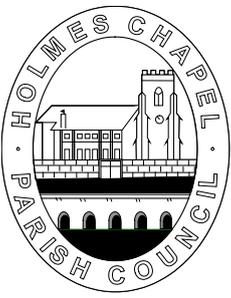
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- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the Clerk and RFO and the RFO shall be responsible for the collection of all accounts due to the council.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

## **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. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the Clerk and RFO.
- 10.3. 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 three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.



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- 10.5. The Clerk 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 Clerk 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.

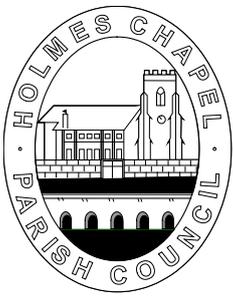
## 11. CONTRACTS

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 provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
  - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed 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 Regulations<sup>1</sup>.
- 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

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<sup>1</sup> 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.



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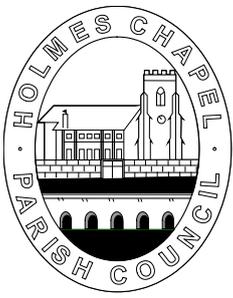
by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.

- 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. An 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 relevant clauses in 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 £3,000 and above £200 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 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.

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<sup>2</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)



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## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

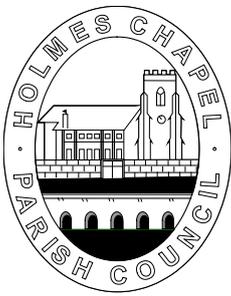
- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 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.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk 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 Clerk shall be responsible for the care and custody of stores and equipment.
- 13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and whenever possible, goods must be checked as to order, quantity 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 Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO, in consultation with the Clerk, shall ensure a record is maintained of all properties held by the council,



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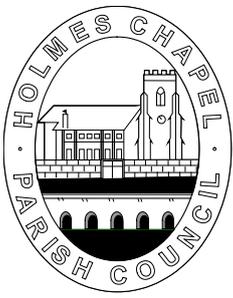


recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

- 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 £250.
- 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
- 14.5. matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.6. The RFO, in consultation with the Clerk, 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, in consultation with the Clerk, shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations effecting 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, in consultation with the Clerk, annually review it.
- 15.4. The Clerk and 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.



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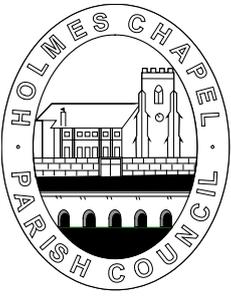
- 15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

## 16. RISK MANAGEMENT

- 16.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk, 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.
- 16.2. When considering any new activity, the Clerk, with the RFO, shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

## 17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk 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.
- 17.2. 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.



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

### **Members Code of Conduct**

#### **Cheshire East Council**

#### **CODE OF CONDUCT FOR MEMBERS –2012**

Cheshire East Council has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the authority and its members and co-opted members.

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

#### **A General obligation**

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

##### **1. Selflessness**

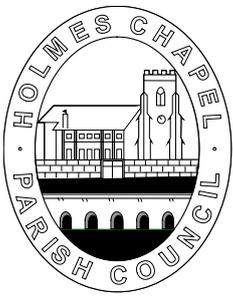
You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

##### **2. Integrity**

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

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

##### **3. Objectivity**



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

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

## **4. Accountability**

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

## **5. Openness**

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

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

## **6. Honesty**

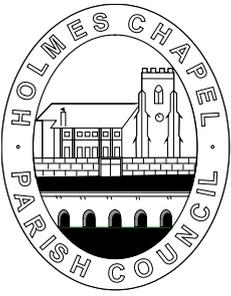
(a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

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

## **7. Respect for others**

(a) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.

(b) You must not do anything which may cause your authority to breach any equality laws.



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(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.

(d) You must not bully any person, including other councillors, officers of the authority or members of the public. (See footnote)

## 8. Leadership

You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

## 9. Gifts and Hospitality

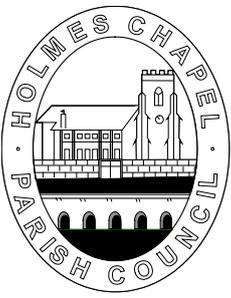
You must within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

## Notes

“Confidential Information” should not be disclosed except in limited circumstances, for example:

- You have the consent of the person authorised to give it
- You are required by law to do so
- The disclosure is made on a confidential basis to a third party in order to obtain professional advice
- You have satisfied yourself that the disclosure is in the public interest

“Bullying” may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes “cyber bullying”. It may happen once or be part of a pattern of behaviour. It can be contrasted with the legitimate challenges a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and



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policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

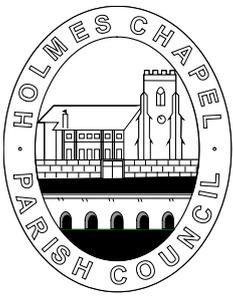
## **B Registering and declaring pecuniary and non-pecuniary interests**

- 1 You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- 2 In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.
- 3 If an interest has not been entered onto the authority's register, then you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest\*'.  
\*A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- 4 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

\*A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

The following categories are Disclosable Pecuniary Interests



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“M” denotes the relevant Elected Member

**Subject Prescribed 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).

**Contracts** Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

(1) 1992 c. 52.

**Land** Any beneficial interest in land which is within the area of the relevant authority.

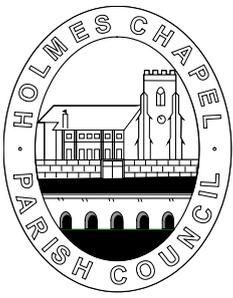
**Licences** Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

**Corporate tenancies** Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

**Securities** Any beneficial interest in securities of a body where— (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



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## SECTION 4 – Management Plan

### MANAGEMENT PLAN

#### 1. Committee Structure

17.3. The Council will appoint the following committees:

**Strategy and Finance Committee** – meeting every month. Committee functions are set out in Appendix 1.

The Committee will act on financial matters on an advisory and recommendation basis only except: -

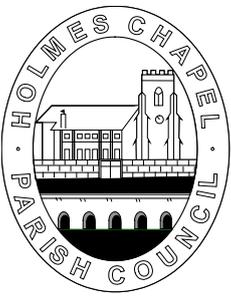
- i) in relation to approved budgeted expenditure where the Committee shall have full executive powers in accordance with the financial regulations; and
- ii) where the Council has resolved to delegate specific other powers.

**Village Infrastructure Committee** - strive to meet every month although it is accepted that this isn't always possible. Gaps between meetings should never be more than 8 weeks. Committee functions are set out in Appendix 1

**Amenities Committee** - strive to meet every month although it is accepted that this isn't always possible. Gaps between meetings should never be more than 8 weeks. Committee functions are set out in Appendix 1

The above committees will act on an advisory and recommendation basis except:

- i) in relation to Planning Applications – see below



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ii) where the Council has resolved to delegate specific other powers.

As per **Standing Order 4e** the Chairman of the Council will be a member of each Committee, but there should not be an expectation that he has to attend all committees provided that he is a regular attendee at Strategy and Finance and one other Committee

## 2. Planning Applications

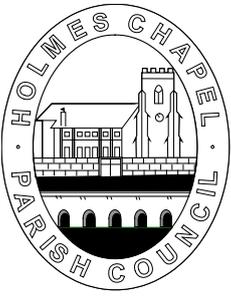
It is no longer necessary to have a separate committee to deal with planning applications because of the new regulations which came into effect on 1 October 2008 and which are expected to reduce substantially the number of applications on which the Council is consulted

Planning applications will be dealt with by the three committees and the Council to ensure that they are dealt with on a regular basis.

The Committees shall have executive powers to deal with all planning applications unless an application is called in by

- the Chairman of the Council
- the Clerk of the Council or
- any 4 members of the Council

to be of sufficient importance to be referred to the Full Council. If necessary, an additional meeting of the full council will be called to discuss a planning application 'called in' in order to comply with time scales set by Cheshire East Council.



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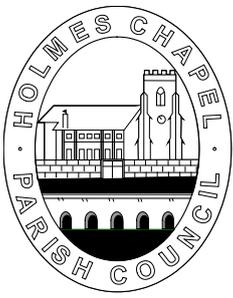


## 3. Finance

- iii) The Council has appointed a Responsible Financial Officer (RFO) who performs the functions which the law requires – including the preparation and completion of all accounting records, budgets and records, banking, cash flow and compliance with Financial Standing Orders. The RFO reports to the Clerk.
- iv) The Council will appoint a Finance Member at each Annual Meeting and that person will carry out a monitoring role as indicated in Appendix 3. No one person should be appointed to serve for more than 3 years consecutively or 3 years thereafter
- v) An Internal Auditor will be appointed.
- vi) The External Auditor is appointed by Public Sector Audit Appointments Limited
- vii) Because of the amount of time between Council meetings revised arrangements are necessary to ensure that invoices are paid on a regular basis. These are set out in Appendix 4.

## 4) Office

- i) The Clerk and the RFO/Assistant are responsible for the management of the Council's office at 1 Church Walk
- ii) Contracts of employment exist to regulate their terms of employment
- iii) The Clerk is also the Proper Officer of the Council and performs the functions which that appointment requires
- iv) The Clerk is responsible for ensuring that the Council's decisions are implemented and for reviewing progress of implementation / feedback



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v) Where the expression “Clerk” is used in this Plan in relation to the performance of a duty or function, it does not imply that the duty or function has to be performed by the Clerk personally. The Clerk is responsible for delegating suitable tasks to the Assistant

vi) The line of management is:

Council/Chairman (acting on decisions of the Council)

!

!

Clerk )

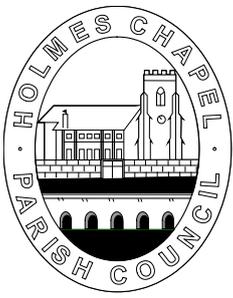
! ) Liaison and/or Communications

! ) with members

RFO/Assistant)

## 5) Tasks and Task Groups

- i) Task Groups are working parties created and dissolved by decision of the Council or a Committee **to carry out projects or provide reports and recommendations for determination by Council** (or via the relevant Committee) and assist in speeding up the process of carrying out the Council’s business. Alternatively, a Task may be allocated to an individual member rather than to a group. Reference herein to a Task Group shall also include reference to an individual performing a Task (where the context so admits)
- ii) On allocation of a Task the Task Group will be given Terms of Reference and a timescale in which to report back
- iii) Task groups may involve participants from other bodies or the general public.

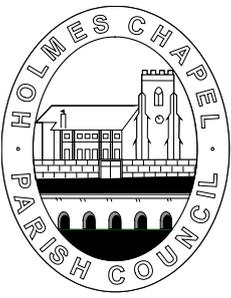


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- iv) Task Groups are not statutory bodies or Committees and have no powers to take decisions on behalf of the Council or any of its Committees.
- v) Information gathered in respect of Tasks enters the public domain by way of a written report to Council or Committee.
- vi) Task Groups, being working parties, can meet at any relevant location and are not open to public scrutiny. Generally, they will be expected to use the facilities at 1 Church Walk, subject to agreed booking arrangements.
- vii) Task Groups must keep written notes of any meeting(s) that have taken place or members have attended and submit these to the Clerk for filing and retention within five (5) days of the event taking place.
- viii) Any contact with person or persons outside the Council, its Committees or Task Groups other than as in (vi) above must be notified to the Clerk within five (5) days of the contact being made whether initiated by the members of the Task Group or by the outside body. All e-mails should be copied to the Clerk at [clerk@holmeschapelparishcouncil.gov.uk](mailto:clerk@holmeschapelparishcouncil.gov.uk)
- ix) the time of submission and replies should be copied within the 5-day period unless it is apparent that the responder has sent a copy to the Clerk already
- x) Any written correspondence to be carried out by the Task Group must be copied to the Clerk. If the correspondence involves a commitment by the Council, it must be issued by the Clerk.
- xi) It should be noted that a Parish Council cannot delegate powers to a member or members (as opposed to a duly appointed committee); it can delegate powers to the Clerk.



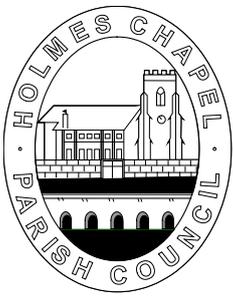
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## 6) Management of Projects

1. More and more work of the PC is concerned with larger projects rather than day to day work and expenditure. It is important that clear procedures are identified for carrying out projects to ensure that the end product meets the specification.
2. A project is a specific form of Task and the group set up to complete the project is a Task Group (see 5 above) and should follow the governance described in that section. Other terms such as Project Boards and Project Teams may be used to describe their function but for the purposes of this governance document they are Task Groups.
3. A Capital Project is defined as having a value of £2000 or greater, having a finite life span to completion and funded from the Capital Programme. The list of Projects and the 5 Year Capital Plan should be revised each year and the programme of projects modified to allow for available funds and other factors such as delays in completion or decisions not to proceed.
4. Projects of value below £5000 per year will generally be managed from within a PC Committee who will appoint a responsible council member or officer. For predicted expenditure of £5000 or greater a Task Group with Terms of Reference should be set up by the Council with a chairman who is responsible to the appropriate PC Committee. For large projects the Task Group may involve other bodies and the chairman role will not necessarily be a member of the PC. In these cases a council member should be responsible for the PC involvement (including funding aspects in consultation with the Clerk and/or RFO such as ensuring the correct authorisation is in place for any expenditure and that financial regulations are adhered to ) and report back to the appropriate PC committee.
5. A project should initially be briefly outlined in a written proposal in order to obtain approval from the Parish Council and before incurring any expenditure. The proposal document must indicate the likely capital and revenue costs together with the proposed sources of funds. A suitable project summary form is available.

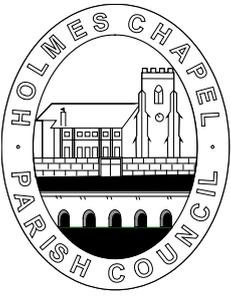


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6. Once a project is approved, the detailed proposals and costs will be prepared and agreed with the PC. Progress should be monitored by the Task Group and/or the appropriate PC committee and any substantive changes submitted to the Council for approval.
7. Where an approved project entails work by a contractor, a detailed specification should be prepared in a form that can be submitted to contractors for a quotation. This specification, with a reference number, will ensure that the contractor understands what his quote will include and the implementation by the contractor can be adequately monitored by the Task Group. Any changes to the specification must be reported to the PC. Such changes will be incorporated in a revised written specification with a new reference number which will need agreement from both contractor and any funding body.
8. Where external funding is required the best chance of success will be where a full specification for the work is available and an estimate of the costs. This can then provide the basis for the funding application and reduce the risk of issues with the funder later in the project.
9. Any tendering occurring as part of a project must be in line with the Financial Regulations of the Parish Council.
10. In cases where a contract is let, procedures for monitoring the financial and construction aspects of the contract should be established as part of the overall management of the project. The Task Group will need to decide whether to carry out the monitoring work itself or employ professional help. Regular meetings will be needed with the contractor and reports prepared for submission to the PC to keep it informed of progress.
11. All parties need to be kept informed about expenditure and likely out-turn. With large projects this may need to take into account the funding stream to ensure cash flow problems within the Parish Council are avoided.



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## 7) Pattern of Meetings

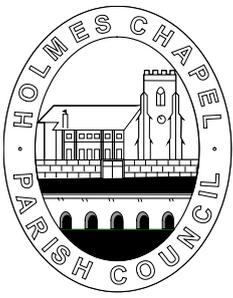
Meetings will be organised on the following basis and in accordance with calendars prepared by the Clerk:

- Monthly cycles of meetings (with possible breaks at Christmas and August if so decided by the Council).
- All meetings will commence at 7.00 p.m. unless advertised otherwise
- Council meetings and all committee meetings will be held at the Holmes Chapel Community Centre unless otherwise stated.
- Strategy and Finance meeting in the first week of the cycle.
- Full Council meeting in the second week of the cycle
- Other Committees will usually meet once during the remaining cycle but there are times when this isn't possible (see Section 1 above).

## 8) Preparation of Agendas and Minutes

### a) Agendas

- i) It is primarily the responsibility of the Clerk, in consultation with the Chairman of the Council or Committee, to prepare agendas and to ensure that they deal adequately with business the Council needs to consider.
- ii) The Clerk and Chairman must be fully cognisant of the matters to be debated and resolutions to be determined.
- iii) Agendas in an agreed form must be publicised and circulated with a summons to the meeting in accordance with time limits prescribed by standing orders and the general law.



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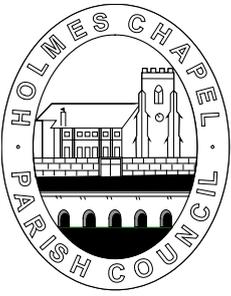
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- iv) The format of all Agendas must comply with statutory requirements and must meet the standards expected of a Quality Parish Council. They should also take into account Best Practice as recommended by NALC and ChALC.
- v) Members must notify the Clerk and/or Chairman of the Council of matters which come to their attention, which need to go on an agenda and this should be done not less than 7 days before the appropriate meeting. To allow this to happen the Minutes of a previous meeting must be issued at least 14 days before the said meeting.
- vi) It is every member's responsibility to ensure that items they wish to bring up or reports that should be submitted are prepared in a timely manner as only items on an Agenda can be debated and subsequently resolutions passed. (see relevant Standing Orders on Resolutions moved with and without Notice).
- vii) All Agendas are in the public domain and subject to public scrutiny.

## **b) Minutes**

- i) It is the responsibility of the Clerk to prepare the minutes of meetings and act on the decisions of the Council, conducting all correspondence and whatever other action is required that has been allocated to him/her.
- ii) Members should also play their part in seeing that the Council's decisions are implemented and that the Council's business and the work of the Clerk are monitored.
- iii) The format of all minutes must comply with statutory requirements and must meet the standards expected of a Quality Parish Council. They should also take in to account Best Practice as recommended by NALC and ChalC.
- iv) Minutes of every meeting will be issued to all members in draft form as soon as possible after the relevant meeting but will only be received, approved and signed at the relevant Committee or Council.
- v) All Minutes are in the public domain and subject to public scrutiny.



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## 9) Items for consideration on Agendas

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

Apologies

Declarations of Interest

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

Payments

Reports from the Chairman and Clerk including general correspondence

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

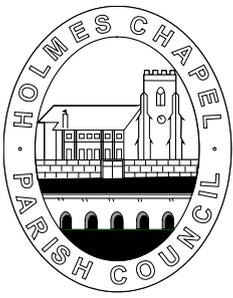
Items to be considered under Private & Confidential Business (remembering the rules of Notice)

### **and; for Committee meetings:**

Planning applications

Financial report by the Clerk or RFO (Strategy and Finance Committee only)

### b) **ALL the following items are for reference only and may not be a complete list; their inclusion will be considered by the Chairman and the Clerk subject to Standing Orders and subject to there being business to discuss:**



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## For the Annual Meeting in May

### In an election year only:

Declarations of acceptance of office

Bank mandate forms

Declaration that conditions are met to meet the General Power of Competence

### Every Annual Meeting:

Appointments:

Chairman

Vice Chairman

Committees and their Chairmen

Financial Member

Internal Auditor

ChALC (2 or 3)

Appointments to fit in with Cheshire East – e.g. Highways, Area committees

Holmes Chapel Partnership representative and deputy

Police Liaison

Health Centre liaison

Public Transport

Almshouses (2010 and every 4 years)

Village Volunteers

Village Competition judges

Representatives on outside bodies:

HC Leisure Centre (at HCCS) JMLC (2) and deputies

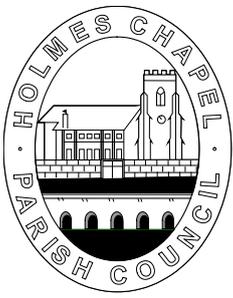
Holmes Chapel Community Centre JMLC (2) and deputies

Any Cheshire East appointments

Transport liaison

Cheshire Association of Local Councils (area meeting)

Sandbach Almshouse Trustee



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## Connected Communities (2)

Chairman's allowance

Civic Service

Review of members interests forms / code of conduct

Results of local elections and liaison with Cheshire East Councillors

Training records

Chairman's view of priorities for the coming year

### **For Council Meetings:**

Reports from groups pertinent to that committee

Payments

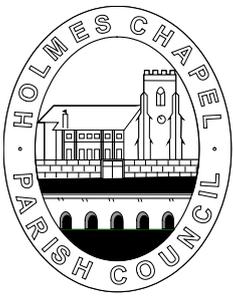
### **For the Annual Parish Meeting:**

Clerk's financial report)

Chairman's report ) comprised in the Annual Report

Questions

**c) Calendar – During a year agenda shall include the items set out in the diary in Appendix 2**



# Holmes Chapel Parish Council

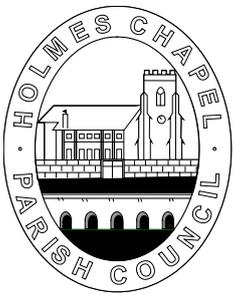
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## Appendix 1

### Functions of each committee - May 2018

<p><b><u>Strategy and Finance committee</u></b>          Planning applications          Strategic Village Planning and Neighbourhood Plan monitoring          CEC Local Plan and other policy documents          S106/CIL monitoring          Governance and Policies          Risk Management          Quality Council issues          Staffing matters          Councillor training          Community Resilience          HC Partnership Strategy          Leisure Centre (HCCS)          ChALC          Website and Social Media          Finance:          Budget setting and monitoring          Grants and Donations          Banking          Accounts package          5 year plan and capital projects</p>	<p><b><u>Amenities committee</u></b>          Planning applications          Community Centre          Monitoring and liaison of JMLC          Play areas          Youth facilities including the Skate park          Dane Meadow including Friends of the Dane Meadow          Green and open spaces          Trees          Rural Footpaths (soft surface)          Conservation area          Defibrillator and Phone Box housing          Health and Social Services          Library          Education Liaison          Sandbach Almshouses          HC Partnership projects          Connected Communities          Best Kept Village</p>
<p><b><u>Village Infrastructure Committee</u></b>          Planning applications          Office maintenance          Police          Public Transport          CCTV          Benches          Christmas lights and tree          Garden and photography competition          HC Partnership projects          General maintenance including:  <ul style="list-style-type: none"> <li>• Planted areas</li> <li>• Lengthsman</li> <li>• Village Volunteers</li> <li>• Street signage</li> </ul>         Highways including:  <ul style="list-style-type: none"> <li>• Road safety</li> <li>• Street lighting</li> <li>• SIDs</li> <li>• Speedwatch</li> <li>• Car parks</li> <li>• Traffic issues</li> <li>• Urban (hard) footpaths</li> </ul> </p>	



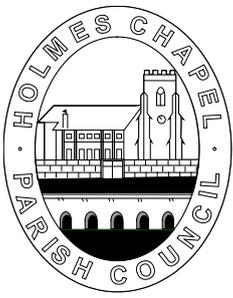
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## Appendix 2 - Financial calendar

<p><b>April</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Report to committee</p> <p>Precept – first instalment</p> <p>Accounts ready for internal audit</p>	<p><b>October</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Report to committee</p> <p>Second quarter review (budget and bank rec)</p> <p>Salary review</p>
<p><b>May</b></p> <p>Complete year end accounts and yearend review</p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>File employers annual return</p> <p>Review insurance generally</p>	<p><b>November</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Call to members for budget items</p> <p>Budget meetings</p>
<p><b>June</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Accounts ready for external audit</p> <p>Renew insurance</p> <p>Grants / Donations – s. 137 payments</p> <p>PAYE and VAT</p> <p>Rent</p>	<p><b>December</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Budget preparation</p> <p>PAYE and VAT</p> <p>Rent</p>
<p><b>July</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Report to committee</p> <p>First quarter review (budget and bank rec)</p>	<p><b>January</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Report to committee</p> <p>Third quarter review (budget and bank rec)</p> <p>Finalise budget / precept requirement</p> <p>Review fidelity cover</p>



# Holmes Chapel Parish Council

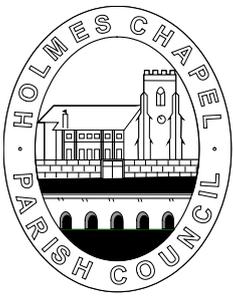
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<p><b>August</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p>	<p><b>February</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Review assets register</p> <p>Review risk assessment</p>
<p><b>September</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Precept – second instalment</p> <p>PAYE and VAT</p> <p>Rent</p>	<p><b>March</b></p> <p>Receive bank statements</p> <p>Bank reconciliation</p> <p>Annual report – financial part</p> <p>PAYE and VAT</p> <p>Rent</p>

## Appendix 3 – Role of the Finance Member

Main function of the FM should be in monitoring and in ensuring compliance with governance provisions issued by NALC and the Audit Commission. This is backed up by a job description approved by the Council (see Appendix 5).



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## Appendix 4 – Payment of invoices

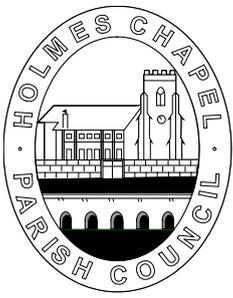
The Council cannot delegate responsibility to pay invoices which are not included in budget provision and cannot delegate to committees responsibility to pay invoices outside the responsibility of that Committee.

In the circumstances, the Council will delegate to the Clerk responsibility for paying invoices in a timely manner – provided that they are included in the budget provision or the expenditure has been approved by resolution of the Council. All payments require authorisation by two Members.

The RFO will issue a list of payments she proposes to issue and associated invoices giving members not less than 3 working days to comment; thereafter she will arrange for two members to sign or approve the payment online unless there is an objection.

A full list of payments issued must be presented to each Council meeting to be ratified and recorded in the minutes.

Any payments which do not fall into the above categories must be approved by the Full Council before issue.



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## Appendix 5 - JOB DESCRIPTION OF FINANCE MEMBER

Period of Office

Annual Election

1. **JOB PURPOSE:** To ensure that financial procedures are in accordance with legal requirements and the Governance Document of the Council and NALC.

2. **RESPONSIBILITIES:** To ensure the Council members are aware of the financial activities of the Council are presented with information to make sound judgements. To test the financial systems for accuracy and transparency.

### 3. DUTIES:

- a) To report to Council or its committees, where felt necessary, any monitoring issues regarding financial matters.
- b) To monitor for accuracy and consistency the financial records of the Council.
- c) To assist the officers of the Council in the preparation of the annual budget and the monitoring of quarterly returns.

Approved:

Date



# Holmes Chapel Parish Council

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## **SECTION FIVE - Powers and Duties**

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

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

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

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

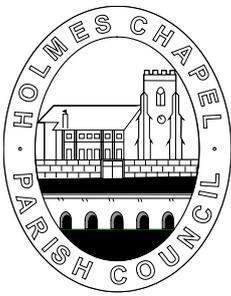


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	Public Bathing Hiring of pleasure boats in parks and pleasure grounds	Public Health Act 1936 s. 198 Public Health Act 1936 s. 231 Public Health Amendments Act 1907, s 44(2): Public Health Act 1961, s54
	Dogs and dog fouling in parks and open spaces	Public Health Act 1875, s 164 Open Spaces Act 1906 s 15
<b>Charities</b>	Power to appoint trustees of parochial charities	Charities Act 1993, s 79
<b>Christmas Lights</b>	Power to provide to attract visitors	Local Government Act 1972, s 144
<b>Citizens Advice Bureau</b>	Power to support	Local Government Act 1972, s 142
<b>Clocks*</b>	Power to provide public clocks	Parish Councils Act 1957, s 2
<b>Closed Churchyards</b>	Powers (and sometimes duty) as to maintain	Local Government Act 1972, s.215
<b>Commons Land and Common Pastures</b>	Powers in relation to enclosure as to regulation and management and as to providing common pasture	Inclosure Act 1845; Local Government Act 1984, s8(4); Smallholding and Allotments Act 1908, s 34
	Power to protect unclaimed common land from unlawful interference	Commons Registration Act.1965, s.9
	Power to manage commons and village greens under a district council scheme	Commons Act 1899, ss 4 & 5
<b>Community Centres and Village Halls</b>	Power to provide and equip community buildings	Local Government Act 1972, s 133
	Power to provide and equip premises for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976, s.19
<b>Conference facilities*</b>	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
<b>Consultation</b>	Right to be consulted by principal councils if directed by Secretary of State	Local Government and Rating Act 1997, s21; Local Government Act 1972, s 33A
<b>Crime Prevention*</b>	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s 31
	Power to (a) install equipment, (b) establish schemes and (c) assist others in so doing for the prevention of crime	Local Government and Rating Act 1997, s 31
<b>Delegated Functions</b>	Power to assume a function delegated by another authority	Local Government Act 1972 ss. 101, 111 and 112
	Power to ensure effective discharge of Council functions	
	Power to employ someone to carry out Council functions	
<b>Drainage</b>	Power to deal with ponds/ditches	Public Health Act 1936, s. 260
<b>Education</b>	Right to appoint governors of primary schools	School Standards and Framework Act 1988, para 15 of Sch.10
<b>Entertainment and the Arts*</b>	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s 145

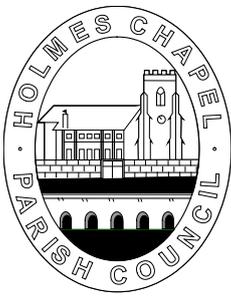


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<b>Environment</b>	Power to act for the benefit of the community by tackling and promoting awareness of environmental issues	Local Government Act 1972, ss 111 and 137
<b>Flagpoles</b>	Power to erect flagpoles in highways	Highways Act 1980, s 144
<b>“Free Resource”</b>	Power to incur expenditure not otherwise authorised on anything which in the council’s opinion is in the interests of the area or part of it or all or some of the inhabitants	Local Government Act 1972, s 137
<b>Gifts</b>	Power to accept	Local Government Act 1972 s 139
<b>Highways</b>	Power to repair and maintain footpaths and bridleways	Highways Act 1980, ss 43 and 50
	Power to light roads and public places	Parish Councils Act 1957 s 3: Highways Act 1980, s 301: Local Government Act 1972, Sched. 14 para 27
	Provision of litter bins	Litter Act 1983, ss 5 and 6
	Power to provide parking places for vehicles, bicycles and motorcycles	Road Traffic Regulation Act 1984, s 57
	Power to make a dedication agreement for a new highway or widening of an existing highway	Highways Act 1980. ss 30 and 72
	Power to provide roadside seats and bus shelters	Parish Councils Act 1957, s 1
	Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway	Highways Act, 1980 ss 47 and 116
	Power to complain to district councils regarding the protection of rights of way and roadside wastes	Highways Act 1980, s 130 (6)
	Power to provide traffic signs and other notices	Road Traffic Regulation Act 1984, s 72; Countryside Act 1968
Power to plant trees, etc., and to maintain roadside verges	Highways Act 1980, s 96	
Power to prosecute for unlawful ploughing of a footpath or bridleway	Highways Act 1980, s 134	
<b>Interests</b>	Duty to declare an interest	Local Government Act 1972 s 94
<b>Investments</b>	Power to participate in schemes of collective investment	Trustee Investments Act 1962, s 11
<b>Land</b>	Power to acquire land by agreement, to appropriate land and to dispose of	Local Government Act 1972, ss 124, 126 and 127
	Power to accept gifts of land	Local Government Act 1972 s 139
	Power to acquire land by compulsory purchase	Local Government Act 1972, s 125

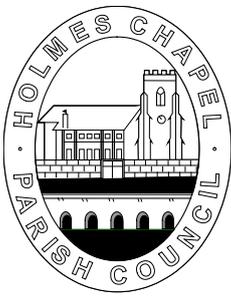


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	<p>Power to obtain particulars of persons interested in land</p> <p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them</p>	<p>Local Government (Miscellaneous Provisions) Act 1976, s 16</p> <p>Public Health Act 1875, s 16; Local Government Act 1972, Sched. 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19</p>
<b>Lighting</b>	Power to light roads and public places	Parish Councils Act 1957, s 3; Highways Act 1980, s 301
<b>Litter* and dog fouling</b>	<p>Provision of receptacles</p> <p>Obligated to keep own land free of litter and dog faeces</p> <p>Dogs and dog fouling in parks and open spaces</p>	<p>Litter Act 1983, ss 5 and 6</p> <p>Environmental Protection Act 1990; Litter (Animal Droppings) Order 1991</p> <p>Public Health Act 1875 s 164; Open Spaces Act 1906</p>
<b>Lotteries</b>	Power to promote	Lotteries and Amusements Act 1976, s 7
<b>Meetings</b>	<p>Duty to hold annual parish meeting</p> <p>Duty to hold annual parish council meeting</p> <p>Power to convene a parish meeting</p>	<p>Local Government Act 1972 Sch 12 para 23</p> <p>Local Government Act 1972 Sch 12 para 7</p> <p>Local Government Act 1972 Sch 12 para 14</p>
<b>Mortuaries and post-mortem rooms</b>	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s 198
<b>Nature Reserves</b>	<p>Power to designate statutory to the nature reserves and marine nature reserves – English Nature can designate sites of specific scientific interest</p> <p>Powers to make management agreements with landowners and the English Nature to manage council-owned reserve land as a nature reserve</p>	National Parks and Access Countryside Act 1949, ss 15, 16 and 21; The Wildlife and Countryside Act 1982, ss 36 and 39 and Sched.12
<b>Newsletters</b>	Power to provide information relating to matters affecting local government	Local Government Act 1972 s 142
<b>Nuisances*</b>	Power to deal with offensive ditches, ponds and gutters	Public Health Act 1936, s 260; Public Health Act 1875, s 164
<b>Open Spaces</b>	<p>Power to acquire land and maintain</p> <p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces, and to manage and control them.</p>	<p>Open Spaces Act 1906, ss 9 and 10; Commons Act 1899</p> <p>Public Health Act 1875, s 164; Local Government Act 1972, Sched 14, para 27; Public Health Acts Amendment Act 1980, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19.</p>
<b>Parish Property, Records and Documents</b>	Powers to direct as to their custody	Local Government Act 1972, s 226
<b>Parking Facilities</b>	Power to provide parking places for motor vehicles, motorcycles and bicycles	Road Traffic Regulation Act 1984, ss 57 and 63
<b>Parks, pleasure ground</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Act 1890, s 44; Open Spaces Act 1906, ss 9 and 10

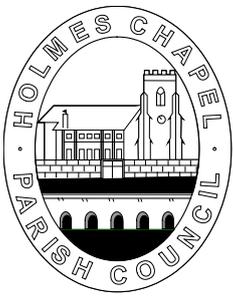


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<b>Planning</b>	Right to be notified of and power to respond to planning applications	Town and Country Planning Act 1990, Sched. 1 para 8; Local Government Act 1972, Sched. 15 para 20.
<b>Postal and telecommunications facilities</b>	Power to pay telecommunications operators any loss sustained in providing post or telegraph office or telecommunications facilities	Post Office Act 1953, s 51; Telecommunications Act 1984, s 97
<b>Public Buildings and Village Halls</b>	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972 s 133
<b>Public Conveniences</b>	Power to provide	Public Health Act 1936, s 87
<b>Public Enquiries</b>	Power to make representations at public enquiries	Local Government Act 1982, s 222
<b>Publicity</b>	Power to publicise council and local authority functions	Local Government Act 1982, s. 142
<b>Raising of Finances</b>	Power to raise money through the precept	Local Government Act 1982, s 150
<b>Records</b>	Power to collect, exhibit and purchase local records	Local Government Act (Records) Act 1962 ss 1 and 2
<b>Recreation*</b>	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds, and open spaces and to manage and control them.	Public Health Act 1875, s 164; (Local Government Act 1972, Sched 14 para 27); Public Health Acts Amendment Acts 1890, s 44; Open Spaces Act 1906, ss 9 and 10; Local Government (Miscellaneous Provisions) Act 1976, s 19; Commons Act 1899
	Power to provide gymnasiums, playing fields, holiday camps	-ditto-
	Provision of boating pools	Public Health Act 1962, s 54
	Power to provide a wide range of recreational facilities	Public Health Act 1961, s 54
<b>Seats and Shelters*</b>	Power to provide roadside seats and shelters	Parish Councils Act 1957, s 1
<b>Telecommunications facilities</b>	Power to pay BT or any other telecommunications operator any loss sustained in providing telecommunications facilities	Telecommunications Act 1984
<b>Tourism*</b>	Power to contribute to the encouragement of tourism	Local Government Act 1972, s. 144
<b>Town and Country Planning</b>	Right to be notified of planning applications	Town & Country Planning Act 1990, Sched. 1 para 8
<b>Town Status</b>	Power to adopt town status	Local Government Act 1972, ss 245 and 245B
<b>Traffic Calming</b>	Power to contribute to the cost of traffic calming measures	Highways Act 1980, s 274a
<b>Training</b>	Power to train Councillors	Local Government Act 1972. s 175.
<b>Transport*</b>	Power to (a) establish car sharing schemes (b) make grants for bus services, (c) provide taxi-fare concessions; (d) investigate public transport, road use and needs; (e) provide information about public transport services Community Transport Schemes	Local Government and Rating Act 1997, s 26-29
<b>Village greens*</b>	Power to maintain, to make bylaws for and to prosecute for interference with village greens	Open Spaces Act 1906, s 15; Inclosure Act 1857, s 12, Commons Act 1876, s 29
<b>Village Signs</b>	Power to use decorative signs to inform visitors	Local Government Act 1972 s 144

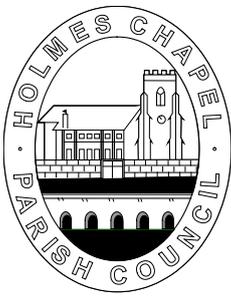


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<b>War Memorials</b>	Power to maintain, repair, protect and adapt war memorials	War Memorials (Local Authorities Powers) Act 1923, s 1 as extended by Local Government Act 1948, s 133.
<b>Water Supply</b>	Power to utilise any well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s 125



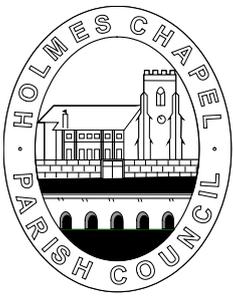
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## SECTION SIX – List of Policies

<b>Holmes Chapel Parish Council Policy Documents</b>			
<b>Policy</b>	<b>Approved</b>	<b>To be reviewed</b>	<b>Committee</b>
<b>GOVERNANCE DOCUMENT</b>			
<b>Governance Document:</b>	<b>June 2018</b>	<b>June 2019 (Annually)</b>	<b>S&amp;F</b>
Standing Orders	June 2018	June 2019 (Annually)	S&F
Financial Regulations	May 2018	May 2019 (Annually)	S&F
Code of Conduct	June 2018	June 2019 (Annually)	S&F
Management Plan	June 2018	June 2019 (Annually)	S&F
Powers and Duties	-	-	N/A
List of Policies	June 2018	June 2019 (Annually)	S&F
Local Council Documents and Records	June 2018	June 2019 (Annually)	S&F
<b>OTHER POLICIES AND PROCEDURES</b>			
Communications & Media Policy	June 2018	June 2019 (Annually)	S&F
Community Resilience	April 2018	April 2019 (Every year)	S&F
Complaints policy	June 2017	June 2019 (Every 4 yrs)	S&F
Disciplinary policy	June 2017	June 2019 (Every 4 yrs)	S&F
Equality	June 2017	June 2019 (Every 4 yrs)	S&F
Grants and Donations	August 2017	August 2019	S&F
Grievance procedure	June 2017	June 2019 (Every 4 yrs)	S&F
Health and safety	June 2017	June 2019	S&F
Memorial policy	Dec 2016	Dec 2018 (Every 2 yrs)	Amenities
Pre-application meetings	Aug 2016	Aug 2018 (Every 2 yrs)	S&F
Project Planning	Sept 2015	Every 4 years	S&F
Publication scheme	June 2017	June 2019 (Every 4 yrs)	S&F
Risk Management	August 2017	Aug 2018(Every year)	S&F and Clerk
Safeguarding	August 2017	Aug 2019 (Every 4 yrs)	S&F
Neighbourhood Plan Update	August 2017	Aug 2019 (Every 4 yrs)	S&F
Training Statement	June 2017	June 2019 (Every 4 yrs)	S&F
Training Log (staff and members')	Annual update	Ongoing	Clerk and assistant



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## **SECTION SEVEN – Local Council Documents & Records**

### **LOCAL COUNCIL DOCUMENTS AND RECORDS**

#### **Introduction**

1. Information about local council documentation is contained in Chapter 12 of 'Local Council Administration'. This Note is intended to update and supplement that information, with particular reference to the length of time documents should be retained by local councils.

#### **Financial returns**

2. The section on page 78 of 'Local Council Administration' headed 'Financial Returns' is no longer relevant. Local councils are not now required to make financial returns to the Secretary of State, following the enactment of the Local Government Finance Act 1982.

#### **Retention of Documents**

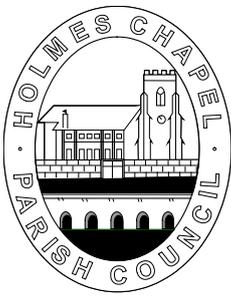
3. Attached is an Annex indicating the appropriate retention periods for audit purposes and the reasons for retention.
4. Other documents not mentioned in the Annex and not covered in Chapter 12 of 'Local Council Administration' may be treated as follows -

#### **Planning Papers**

(a) Where planning permission is granted, the planning application, any plans and the decision letter should normally be retained until the development has been completed so that, if required, the council can check that the development proceeds in accordance with the terms and conditions of the permission. Where planning permission is granted on appeal, a copy of the appeal decision should also be retained likewise. It may sometimes be sensible to retain an appeal decision indefinitely because of wider implications (eg the decision may set a precedent for other developments in the locality).

(b) Where planning permission is refused, the papers should be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter may, as in (a) above, be worth retaining against further applications relating to the same site.

(c) Where a substantial number of planning applications come from the council, it may well be advisable to keep a card index, or similar system of record.



# Holmes Chapel Parish Council

1 Church Walk, Holmes Chapel, CW4 7AZ  
[www.holmeschapelparishcouncil.gov.uk](http://www.holmeschapelparishcouncil.gov.uk)



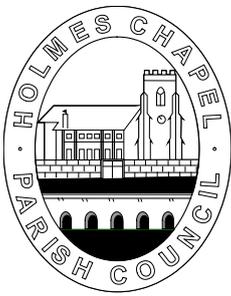
(d) Copies of Structure Plans, Local Plans and similar documents should be retained as long as they are in force.

Information from Other Bodies (e.g. circulars etc. from County Associations, NALC and other bodies too numerous to mention) – such information should be retained as long as it is useful and relevant.

Magazines and Journals – the Local Council Review is worth keeping for at least five years; other regular publications received may merit similar treatment.

Correspondence – if related to audit matters, correspondence should be kept for the appropriate period specified in the Annex hereto. In planning matters, correspondence should be retained for the same period as suggested for other planning papers. For other correspondence, no firm guidelines can be laid down (but see the next paragraph).

5. It is good practice, and probably essential for larger councils, to review the council's documentation at least annually. Anything that is no longer of use or value can be destroyed, but if a council is in doubt on this point it should seek advice from the Council Association and retain the document(s) until that advice has been received. Documents of historical importance, if not retained by the council, should be offered first to the county record office. The county archivist there will always be willing to advise on which records should be permanently preserved.



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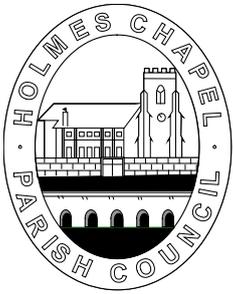


## ANNEX TO LEGAL TOPIC NOTE 33

### RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute books	Indefinite	Archive
Scales of fee and charges	5 years	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years/indefinite	Statute of Limitations
Paid invoices	6 years	VAT
Paid cheques	6 years	Statute of Limitations
VAT records	6 years	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Statute of Limitations
Timesheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Statute of Limitations

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<b>For Halls, Centre, Recreation Grounds</b>		
<ul style="list-style-type: none"> <li>- application to hire</li> <li>- lettings diaries</li> <li>- copies of bills to hires</li> <li>- record of tickets issued</li> </ul>	6 years	VAT
<b>For Allotments</b>		
- register and plans	Indefinite	Audit, Management
<b>For Burial Grounds</b>		



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<ul style="list-style-type: none"> <li>- register of fees collected</li> <li>- register of burials</li> <li>- register of purchased graves</li> <li>- register/plan of grave spaces</li> <li>- register of memorials</li> <li>- applications for interment</li> <li>- applications for right to erect memorials</li> <li>- disposal certificates</li> <li>- copy certificates of grant of exclusive right of burial</li> </ul>	<p>Indefinite</p>	<p>Archives, Cemeteries  Orders, Cremations  Regulations</p>
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