

HAXBY TOWN COUNCIL STANDING ORDERS

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NOTES

Standing orders that are in bold type contain legal and statutory requirements and they have been adopted without changing them or their meaning.

For convenience, the word “councillor” is used in standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

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 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- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 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 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.
- h 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.
- i 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.
- j 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.
- k A councillor may not move more than one amendment to an original or substantive motion.
- l The mover of an amendment has no right of reply at the end of debate on it.
- m 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.
- n 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.
- o 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.
- p A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- q 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. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s 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.
- t 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.

2. DISORDERLY CONDUCT AT MEETINGS

- a 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.

No member shall persistently disregard the rulings of the Chairman, willfully obstruct the transaction of business at a meeting or, behave offensively or improperly in such a manner as to bring the council into disrepute.

- b 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.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps 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.**
- 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 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.

- f** 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.
- g** Subject to standing order 3(f), a member of the public shall not speak for more than (3) minutes.
- h** In accordance with standing order 3(e), 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.
- i** A person shall raise his hand when requesting to speak.
- 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 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 5(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 vote on that matter.**
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- **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.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- **w** **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.
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- x** A meeting shall not exceed a period of (2) hours.

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:
 - 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 (7) days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - 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.

5. 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 (if there is one) 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 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 last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - 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. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;

- xvi.** Review of the Council's complaints procedure;
- xvii.** Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii.** Review of the Council's policy for dealing with the press/media;
- xix.** Review of the Council's employment policies and procedures;
- xx.** Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi.** Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. 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 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].

7. 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 (5) councillors to be given to the Proper Officer in accordance with standing order 9, 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 7(a) has been disposed of,

no similar motion may be moved for a further six months.

8. 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.

9. 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 (7) 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 9(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 9(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 (4) 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.

10. **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 person 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.
 - xvii. to close the meeting.
 - xviii. to allow the formation of a committee to handle open items from council sessions adjourned for any reason.

11. **MANAGEMENT OF INFORMATION**

See also standing order 20.

- 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 personal data 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.**

12. **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.**
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- 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 recordings of the meeting for which approved minutes exist shall be destroyed.

13. **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 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 at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- 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.**

14. **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 14(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 14(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.**

15. **PROPER OFFICER**

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

- 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 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (4) 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;
- x.** receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- 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 23*);
- 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 Chairman or in his absence the Vice-Chairman of the Council or Chairman of the Planning Committee 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 Planning 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 23*).

16. 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.

17. 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".
- 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 and which 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 14 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.

18. **FINANCIAL CONTROLS AND PROCUREMENT**

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

- i. the keeping of accounting records and systems of internal controls;
 - 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 18(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 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 contract or 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.**

19. **HANDLING STAFF MATTERS**

- a. A matter personal to a member of staff that is being considered by a meeting of Council OR the Staffing Committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman or, if he is not available, the Vice-Chairman of absence occasioned by illness or other reason and that person shall report such absence to the Council at its next meeting.
- c. The Chairman 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 member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by Council or the Staffing Committee.
- d. All council employees shall be subject to an annual appraisal, which shall take place by the end of April. An informal appraisal shall also be conducted in September each year. The *Employee Appraisal Form* shall be completed and held electronically in PDF format. Employees shall be given a hard copy of the completed form, which shall be signed by both parties.

- e The Clerk to the Council, as the line manager for all other employees, shall be responsible for completing their annual appraisals.
- f The Chairman shall be responsible for completing the annual appraisal for the Clerk to the Council.
- g At the April meeting of the Full Council the Chairman shall ask councillors if they have any points they wish to be raised with any employee during the appraisal process. If there are any points regarding the Clerk to the Council, the Clerk shall be asked to leave the room whilst these points are discussed.
- h The Council shall keep electronic records of all meetings relating to their performance and capabilities, grievance and disciplinary matters.
- i Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- j Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders as outlined in this section – if so justified.
- k Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders above, shall be provided only to the Clerk of the Council and the Chairman and Vice Chairman of the council.
- l The procedure to be followed in the event that a complaint is made against the council, councillors or employees of the council can be found in the Complaints Procedure.
- m The Council shall keep electronic records relating to employee's secure. Electronic records shall be kept password protected.
- n Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- o Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chairman or Vice-Chairman of the council this shall be communicated to another member of the council which shall be reported back and progressed by resolution of the Staffing Committee.
- p 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.

- q In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- 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.
- b *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a The Council shall appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d 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.
- e 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.
- f The Council shall maintain a written record of its processing activities.

22. **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.
- b Policy:
 - On request from the press or other media for an oral or written statement or comment from the Council, the Clerk to the Council shall inform the Chairman, or in his/her absence the Vice Chairman. The Chairman or Vice Chairman in consultation with the Clerk to the Council shall decide upon the response to be given. Such response shall be the Council's position and not that of any individual.
 - Individual Councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

23. **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.
- 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.**

24. **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.

25. **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.

26. **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, that motion to be carried by no less than two-thirds of the Councillors at the meeting.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

27. **QUESTIONS (Formerly Section 8)**

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

EXISTING COMMITTEES

Haxby Town Council currently has the following Committees

Planning Committee

An executive committee. The committee has the remit to examine planning applications referred to the Council by the Planning Authority, to determine the Council's view on each application, to commit these views to the Planning Authority

and to bring any extraordinary matters to the attention of the Council.

The Chairman or a committee member may attend site meetings and present the committees views.

The committee has no powers to decide Town Council policies on planning matters which must be dealt with by the full council.

The committee has powers of expenditure of £50 per month.

Membership shall not be less than five.

Recreational and Open Spaces Committee

A standing committee responsible for the management, maintenance and necessary improvement of the open spaces and recreational facilities of under the control of Haxby Town Council.

The committee will consist of 5 members and will have a delegated monthly spending limit of £2,000 which must not in total exceed the annual budget of the committee. Spending levels above the monthly delegation are to be brought before the Full Council for resolution. (Additionally, the total delegated monthly spend of this committee and the Community Assets committee must not exceed £3,000.)

The committee will (initially) have two sub committees;

- Ethel Ward Playing Field sub-committee
- Allotments sub-committee

The committee will normally meet on the 3rd Monday of each month at 7pm and should aim for no more than 1hour 15 minutes in duration.

The committee has delegated powers to determine matters including:

- Open Spaces (including, Ethel Ward Playing Field, Mancroft Open Space, Ashwood Glade Open Space, Old Dikelands Open Space and any facilities and play equipment thereon).
- Allotments
- Any other facility owned or managed by Haxby Town council whose primary use is deemed to be for the recreation of the residents of Haxby. (Excluding the village green.)

Community Assets Committee

A standing committee responsible for the management, maintenance and necessary improvement of the physical assets under the control of Haxby Town Council.

The committee will consist of 5 members and will have a delegated monthly spending limit of £2,000 which must not in total exceed the annual budget of the committee. Spending levels above the monthly delegation are to be brought before the Full Council for resolution. (Additionally, the total delegated monthly spend of this committee and the Recreational and Open Spaces committee must not exceed £3,000.)

The committee will normally meet on the 3rd Monday of each month at 8:15pm and should aim for no more than 1hour 15 minutes in duration.

The committee has delegated powers to determine matters including:

- management, maintenance and necessary improvements regarding the village green.
- Highways and footpaths (including - bus shelters, seating, flower containers and planting.)
- Litter and litter bins
- Street lighting
- Public notice boards.

The Haxby and Wigginton Cemetery Committee:

Full details of this Joint Committee, its constitution and powers are set down in the Agreement between Haxby Town Council and Wigginton Parish Council for the Management of the Haxby and Wigginton Cemetery.

Staffing Committee

Membership: 5 members to be elected annually at the Annual Meeting of the Council.

Aim: To develop strategy and policy in all matters relating to human resources.

Objectives: To provide effective and professional staff management of all matters related to employees of the Council.

Meetings: The Clerk will call Staffing Committee meetings as and when necessary. Members will be summoned which will be held in the Council Office and Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation: Minutes of all Staffing Committee meetings will be recorded by the Clerk and presented to the next meeting of the Town Council. The minutes will be confirmed as a correct record by the next meeting of the Staffing Committee.

Accountability: The Staffing Committee has delegated powers to act on behalf of the full council in relation to the defined terms of reference only; any recommendations outside the Staffing Committee's terms of reference shall be made to the full council.

Scope:

- The Staffing Committee to have delegated powers for the recruitment and selection of staff.
- The Staffing Committee to have delegated powers to recruit and shortlist applicants for the post of Clerk to the Council / Responsible Financial Officer. The successful shortlisted applicants to be interviewed by a panel agreed by the Staffing Committee. The Panel will have delegated power to offer the post

as agreed by them and will submit the decision to the Council for ratification.

- The Staffing Committee to have delegated powers to consider and implement any changes, which are required to comply with Employment Law, Health and Safety Law and Terms and Conditions of Service, as recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC)
- The Staffing Committee to have delegated powers to administer the Discipline and Grievance Procedure of the council.
- The Staffing Committee will appoint one of its members to act as Line Manager to the Clerk to the Council / Responsible Financial Officer and to direct the line manager in his/her role and responsibilities.
- The Staffing Committee to have delegated powers to oversee staff appraisals and to submit proposals in respect of salaries and training of all staff to the Council.
- The Staffing Committee to have delegated powers to consider and implement pay awards, increments and payroll management.
- The Staffing Committee to have delegated powers to review staff pension arrangements.
- The Staffing Committee to have delegated powers to review job descriptions, person specifications, staff establishment (including promotion and re-grading) and to approve contracts of employment.

Budget: The Staffing Committee is to have a contingency budget of £500.

Review: The Staffing Committee's terms of reference are to be reviewed annually.

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	V1.2 November 2011 document re-formatted; Page 1 of 21 V2 Approved and Adopted by the Council added; New clauses 1.1, 8, 20 & 24 added; Clause 15.2.2 Mancroft Open Space, Ashwood Glade Open Space and Village Green added, Flower containers and planters added; Clause 15.2.2.3 amended; Amendment History page added.
October 2014	Front Page. Haxby Town Council Heraldic Emblem added. Page 2 of 21. Recording of Council Meetings added to Index of Documents Referenced by the Standing Orders. Page 3 of 21. Clause 1.12 amended to permit the recording of Council Meetings and referencing the rules adopted by the Town Council to effectively and lawfully manage this activity. Page 6 of 21. Clause 3.1 "or delegation" added. Page 7 of 22 Clause 3.2.17 added requiring the recording of the Councils Proper Officer delegated decisions are to be recorded and retained for prescribed periods.
March 2015	Page 14 of 22 Clause 15.2.4 amended to read Haxby and Wigginton Cemetery Committee. Clause 15.2.2.1 Powers of expenditure increased to £2,500 per month but with defined controls. Clause 15.2.5 Finance Committee terms of reference added. Some Index page numbers have been amended to match changes caused by the inclusion of Clause 15.2.5
November 2016	Reviewed as up to date.
February 2017	Front Page 1, Facebook and Twitter symbols added. Page 2, Index of Standing Orders Page Numbers amended. Page 15 Staffing Committee terms of reference added.
July 2017	Page 7 – Amendment to 4.1. Timescales altered from 10 working days to 7 days.
May 2019	NALC 's Template for Standing Orders adopted by Haxby Town Council.

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HAXBY TOWN COUNCIL

FINANCIAL REGULATIONS

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

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1. GENERAL

1.1 These Financial Regulations govern the conduct of the financial transactions of the Council and shall only be amended or varied by resolution of the Council.

1.2 The **Responsible Financial Officer** (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs.

1.3 The RFO shall be responsible for the production of financial management information.

2. ANNUAL ESTIMATES

2.1 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.

2.2 The Council shall review the estimates not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.

2.3 The annual budgets shall form the basis of financial control for the ensuing year.

3. BUDGETARY CONTROL

3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.

3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget. At the end of each quarter the RFO shall provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.

3.3 The Clerk to the Council may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be completed at once, whether or not there is any budgetary provision for the expenditure. The Clerk to the Council shall report the action to the Chairman or in his absence, the Vice Chairman and to the Council as soon as is practicable thereafter. Unspent provisions in the revenue budget shall not be carried forward to a subsequent year except by resolution of the Council.

3.4 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.

3.5 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

4. ACCOUNTING AND AUDIT

4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003.

4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.

4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations 2003, or set by the Auditor.

4.4 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 2003. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

4.5 The Internal Auditor shall carry out the work required by the Council, which is to be in line with **YLCA Advice Note Number 17**, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as complied annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall present a written report to a meeting of the full Council twice in each financial year.

4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Audit Commission Act 1998 Section 15 and the Accounts and Audit Regulations 2003.

4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be reviewed on a regular basis for efficiency by the RFO.

5.2 A schedule of the payments required, forming part of the Minutes of the Meeting, shall be prepared by the RFO and be presented to Council. If the schedule is in order, it shall be authorised by a resolution of the Council.

5.3 Cheques drawn on the bank account in accordance with the schedule referred to in Regulation 6.2 or 6.4 below must be signed by two members of Council.

5.4 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 and invoice.

6. PAYMENT OF ACCOUNTS

6.1 All payments shall be effected either by cheque, online transfer or other order drawn on the Council's bank.

6.2 All invoices for payment shall be examined, verified and certified by the Clerk to the Council. The Clerk to the Council must be satisfied that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.

6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk to the Council shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.

6.4 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 to the Council and RFO certify that there is no dispute or other reason to delay payment, the Clerk to the Council may (notwithstanding Regulation 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.

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

6.5.1 The RFO shall maintain as petty cash float of £150 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

6.5.2 Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these Financial Regulations.

6.5.3 Payments to maintain the petty cash float shall be shown separately on the Schedule of Payments presented to Council under Regulation 5.2.

6.6 Online banking shall be used for payment of salaries and pension contributions by transfer. Payments shall be listed on the Financial Statement presented to the Council each month.

6.7 The Council Credit Card shall be used for online purchases and the balance paid off in full the following month. Payments shall be listed on the financial statement presented to the Council each month.

7. PAYMENT OF SALARIES

7.1 The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council Meeting.

7.3 Payslips shall be verified and signed by the Chairman (or Vice-Chairman in his absence). Each payment is to be reported to the next available Council Meeting.

8. LOANS AND INVESTMENTS

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

8.2 The Council's Investment Policy, shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).

8.3 All investments of money under the control of the Council shall be in the name of the Council.

8.4 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.

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

9. INCOME

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

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

9.3 The Council shall review all fees and charges annually, following a report of the Clerk to the Council.

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 quarterly.

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

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 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers. Where it is intended to enter into a contract exceeding £25000, not less than three competitive tenders shall be obtained.

10.3 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order.

11. CONTRACTS

11.1 Procedures as to contracts are laid down as follows:

11.1.1 Every contract shall comply with these financial regulations. No exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items 11.1.1.1 to 11.1.1.6 below:

11.1.1.1 For the supply of gas, electricity, water, sewerage, telephone and internet services;

11.1.1.2 For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

11.1.1.3 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;

11.1.1.4 For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

11.1.1.5 For additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk to the Council and RFO shall act after consultation with the Chairman and Vice Chairman of Council);

11.1.1.6 For goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

11.1.2 Where it is intended to enter into a contract exceeding £25000 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 Regulation 11.1.1, the Clerk to the Council shall invite tenders from at least three firms.

11.1.3 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.

11.1.4 Such invitation to tender shall state the general nature of the intended contract and the Clerk to the Council 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 to the Council 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.

11.1.5 All sealed tenders shall be opened at the same time on the prescribed date by the Clerk to the Council in the presence of at least one member of Council.

11.1.6 If less than three tenders are received for contracts above £25000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

11.1.7 When it is to enter into a contract less than £25000 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 Regulation 11.1.1., the Clerk to the Council or RFO shall obtain 3 quotations (priced descriptions/specification of the proposed supply); where the value is below £1,000 and above £100 the Clerk to the Council or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 shall apply.

11.1.8 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.

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 Council 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 to the Council 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 goods must be checked as to order and quality at the time delivery is made.

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

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

14. PROPERTIES AND ESTATES

14.1 The Clerk to the Council shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation 4(3)(b) of the Accounts and Audit Regulations 2003.

14.2 No property shall be 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 £50.

15. INSURANCE

15.1 Following an annual risk assessment, the RFO, in consultation with the Clerk to the Council, shall effect all insurances and negotiate all claims on the Council's insurers.

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

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

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

15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16. CHARITIES

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

17. FINANCIAL RISK MANAGEMENT

17.1 The Clerk to the Council with the RFO shall prepare and promote Risk Management Policy Statements in respect of all activities of the Council.

17.2 When considering any new activity the Clerk to the Council and RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and risk management issues that arise to Council for consideration and, if thought appropriate, adoption.

17.3 Also see **Appendix 1. Financial Risk Management Assessment Sheet** to these regulations.

18. MONTHLY FINANCIAL/CASH CHECK

18.1 A monthly Financial/Cash check shall be carried out by two of three Councillors who are to be nominated at the Annual Meeting of the Council. The following shall be checked and a written report shall be presented to the next meeting of the Council:

- Check cash held in office.
- Check online bank transfers.
- Check online direct payments.

19. INSPECTION OF ACCOUNTS

19.1 Councillors and local electors have the right to inspect and take copies of the Council's accounts and/or orders of payments.

20. REVISION OF FINANCIAL REGULATIONS

20.1 It shall be the duty of the Council to periodically review the Financial Regulations of the Council.

END

APPENDIX 1. FINANCIAL RISK MANAGEMENT ASSESSMENT SHEET

Key Risk	Potential Consequences	Measures Taken
1. Service interruption due to long term absence of Clerk to the Council LOW RISK	Inability of Council's financial business to function	Deputy Clerk to the Council trained to undertake financial management. Also to be authorised to undertake transfers between bank accounts. Vice Chairman to be fully aware of process.
2. Loss or damage to Council property. MEDIUM RISK	Replacement or repair costs	Property Damage insurance cover. Regular inspection of property by Councillors. Annual review of insurance.
3. Damage to third party property or individuals. MEDIUM RISK	Compensation costs through insurance	Public Liability insurance cover. Annual review of insurance.
4. Loss of cash through theft or dishonesty LOW RISK	Cost of loss	Adequate Fidelity Guarantee insurance cover. Annual review of insurance. Monthly financial/cash check by two Councillors. Internal audit annually.
5. Collection and taking cash to and from Bank LOW RISK	Injury to Council staff Cost of loss	Staff to be accompanied when taking and collecting cash from Bank.
6. Theft from Council Office LOW RISK	Replacement costs	Property Damage insurance cover. Alarm system serviced annually. Restrict amount of cash or valuables in Office. Frequent banking of cash received. Notice in Council Office stating cash not held on the premises. Weekly Computer backup on to USB flash drive which is kept at Clerk to the Council's home.
7. Theft from Council Office LOW RISK	Replacement costs	Property Damage insurance cover. Alarm system serviced annually. Restrict amount of cash or valuables in Office. Frequent banking of cash received. Notice in Council Office stating cash not held on the premises. Weekly Computer backup on to USB flash drive which is kept at Clerk to the Council's home.
8. Clerk to the Council running payroll MEDIUM RISK	Possible theft or fraud Cost of loss	Clerk to the Council to calculate pay and obtain Chairman's signature as authorisation of payslips. Direct online payments to be checked at monthly financial/cash check by two councillors
9. Clerk to the Council claiming mileage LOW RISK	Possible theft or fraud each month	Clerk to the Council to obtain Chairman's signature as authorisation.

AMENDMENT HISTORY

Date	Summary of Amendment
10.06.2013	Document re-formatted to be consistent with other documents.
08.07.2013	Clause 18.1 amended to require two from three nominated councillors to carry out the monthly cash checks.
14.11.2016	Annual Review

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HAXBY TOWN COUNCIL

CODE OF CONDUCT

This Code of Conduct has been adapted for implementation by the Council based on the requirements of Section 27 of the Localism Act 2011.

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

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1. INTRODUCTION

1.1 Pursuant to section 27 of the Localism Act 2011, **Haxby Town Council** ('the Council') has adopted this **Code of Conduct** to promote and maintain high standards of behaviour by its members and Co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. This Code of Conduct is based on the following principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

2. DEFINITIONS

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

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

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

3. MEMBER OBLIGATIONS

3.1 Member Obligations: When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- He/she shall behave in such a way that a reasonable person would regard as respectful.
- He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
- He/she shall not seek to improperly confer an advantage or disadvantage on any person.
- He/she shall use the resources of the Council in accordance with its requirements.
- He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

3.2 Registration of Interests.

3.2.1 Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B below.

3.2.2 Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register with the Monitoring Officer any interests in Appendices A and B.

3.2.3 A member shall register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

3.2.4 A member need only declare the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'.¹

¹ A 'sensitive interest' is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

3.3 Declaration of Interests at Meetings

3.3.1 Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

3.3.2 Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting.

3.3.3 A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

3.3.4 Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate (other than an interest of a person in Appendix A) the member shall disclose the nature of the interest and not vote on the matter. He/she may speak on the matter only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

3.4 Dispensation

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

TABLE OF INTERESTS	
Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the <u>Trade Union and Labour Relations (Consolidation) Act 1992</u> .
Contracts	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director ¹ or a body that such person has a beneficial interest in the securities ² of) and the Council - (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partner which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge) - (a) the landlord is the Council; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners is a partner of or a director ¹ of or has a beneficial interest in the securities ² of.
Securities	Any beneficial interest held by the member or by his/her spouse or civil partner or by the person with whom the member is living as if they were spouses/civil partners in securities ² of a body where - (a) that body (to the member's knowledge) has a place of business or land in the area of the Council; and (b) either - (i) the total nominal value of the securities ² exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

AN INTEREST WHICH RELATES TO OR IS LIKELY TO AFFECT:

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body—

- exercising functions of a public nature;
- directed to charitable purposes; or
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which the member of the Council is a member or in a position of general control or management;

(iii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.

END

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document reformatted from the document approved and adopted by the council dated 9 July 2012 to be consistent with other documents.
November 2016	Reviewed and new logo incorporated.

**Department for Communities and Local Government
LOCALISM ACT 2011**

**APPLICATION FOR A DISPENSATION
HAXBY TOWN COUNCIL**

I (name of councillor)..... hereby apply to Haxby Town Council for a dispensation.

Please indicate the type of interest that you have:

Disclosable Pecuniary Interest: ☐

Other Interest: ☐

Please describe the nature of your interest:

Please indicate whether this dispensation is for you to participate in a discussion only or, in discussion and with a vote:

Discussion only: ☐

Discussion and Vote: ☐

Please indicate the period of time that you would like the dispensation for (not exceeding four years):

Please explain the reason(s) why you are seeking the dispensation:

Signed:

Print name:

Date of application:

Please submit this form to the Clerk to Council at least 2 days prior to the council meeting

DECISION:

Dispensation given: YES / NO

Length of Dispensation:

Date:

Minute Number:

Signed:

Clerk to the Council



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority
- the Broads Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

As explained in the following section, your registration of personal interests should be guided by your duty to act in conformity with the seven principles of public life. You should ensure that you register all personal interests that conformity with the seven principles requires. These interests will necessarily include your membership of any Trade Union.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**⁴.

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority's code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

financial interests they might have (for example trust funds, investments, and assets including land and property).

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests of your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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HAXBY TOWN COUNCIL

GRIEVANCE POLICY

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

1. DEALING WITH GRIEVANCES INFORMALLY

1.1 If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your line manager. You may be able to agree a solution informally between you.

2. FORMAL GRIEVANCE

2.1 If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your line manager. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against your line manager and you feel unable to approach him or her you should talk to the Chairman or Vice Chairman of the Council.

3. GRIEVANCE HEARING

3.1 Your line manager will call you to a meeting, normally within five days, to discuss your grievance. You have the right to be accompanied by a companion at this meeting if you make a reasonable request. After the meeting your line manager will give you a decision in writing, normally within 24 hours.

4. APPEAL

4.1 If you are unhappy with your line manager's decision and you wish to appeal you should let your line manager know. The committee appointed to deal with the appeal will hear it and decide the case as impartially and as quickly as possible. You will be invited to an appeal meeting, normally within 21 days, and your appeal will be heard by the committee. You have the right to be accompanied by a companion at this meeting if you make a reasonable request. After the meeting the committee will give you a decision, normally within 24 hours. The committee's decision is final.

DISCIPLINARY PROCEDURE

1. PURPOSE AND SCOPE

1.1 The Council's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action which will be taken if disciplinary rules are breached.

2. PRINCIPLES

2.1 The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.

2.2 At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied by a companion, if they wish.

2.3 An employee has the right to appeal against any disciplinary penalty.

3. THE PROCEDURE

3.1 Wherever possible, issues will be resolved informally between the employee and the line manager. A verbal warning may be issued and if this is done a record will be kept, but disregarded after 6 months of satisfactory service.

STAGE 1 – FIRST WARNING

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, it may be justifiable to move directly to a final written warning)

STAGE 2 – FINAL WRITTEN WARNING

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 3 months, action at Stage 3 will be taken.

STAGE 3 – DISMISSAL OR ACTION SHORT OF DISMISSAL

If the conduct or performance has failed to improve, the employee may be dismissed.

4. GROSS MISCONDUCT

4.1 If, after investigation, it is confirmed that an employee has committed an offence typically of any the following nature (the list is not necessarily exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft; damage to property; fraud; incapacity for work due to being under the influence of alcohol or illegal drugs; physical violence; bullying and gross insubordination.

4.2 While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer only after full investigation.

5. APPEALS

5.1 An employee who wishes to appeal against any disciplinary decision must do so to their line manager within five working days. The committee appointed to deal with the appeal will hear it and decide the case as impartially and as quickly as possible. You will be invited to an appeal meeting, normally within 21 days and you have the right to be accompanied by a companion at this meeting. After the meeting the committee will give you a decision, normally within 24 hours. The committee's decision is final.

END

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document re-formatted to be consistent with other documents
November 2016	Reviewed to incorporate Haxby logo.

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HAXBY TOWN COUNCIL

COMPLAINTS PROCEDURE

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

COMPLAINTS MADE BY MEMBERS OF THE PUBLIC ABOUT HAXBY TOWN COUNCIL PROCEDURES OR ADMINISTRATION

- 1.** A complaint may be made to a Town Councillor or to the Clerk to the Council and may be made orally or in writing. If the complaint is made orally and the complainant cannot be fully satisfied immediately, the complainant must be asked to put the complaint in writing to the Clerk to the Council and is to be assured that it will be dealt with promptly after receipt.
- 2.** If a complainant prefers not to put the complaint to the Clerk to the Council he is to be advised to put it to the Chairman.
- 3.** If the Chairman receives a written complaint he shall inform the Clerk. If the Clerk to the Council receives a written complaint he shall inform the Chairman.
- 4.** Whether the written complaint is sent to the Clerk to the Council or to the Chairman, the Clerk to the Council shall send a written acknowledgement of receipt of it to the complainant. The Clerk to the Council shall include the information that the complaint will be subject to a Formal Complaints Procedure and that the complainant will be advised of the outcome. The complaint shall then be referred to the Town Council and the Chairman shall ensure that it is brought to the next meeting of the Town Council.
- 5.** Where the Chairman receives a report about his own actions he shall immediately refer the complaint to the Town Council.
- 6.** The Clerk to the Council shall notify the complainant of the date on which the complaint is to be considered and the complainant shall be offered the opportunity to explain the complaint orally.
- 7.** The Town Council shall try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behavior of the Clerk to the Council or a Councillor without first notifying the person complained of and giving them an opportunity to comment on the manner in which it is intended to attempt to settle the complaint.
- 8.** The Town Council shall decide whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced to the Town Council meeting in public.
- 9.** As soon as may be, after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
- 10.** The Town Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary from the Yorkshire Local Councils Associations. The complaint shall be dealt with at the next meeting of the Town Council after the advice has been received.

END

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document re-formatted to be consistent with other documents
November 2016	Reviewed to incorporate Haxby logo.

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HAXBY TOWN COUNCIL

FREEDOM OF INFORMATION

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

HAXBY TOWN COUNCIL FREEDOM OF INFORMATION POLICY

1. In line with the **Freedom of Information Act 2000** legislation, this is the Council's policy for Freedom of Information. The Act gives a general right of access to all types of recorded information held by public bodies, such as local councils.
2. Haxby Town Council has a Publication Scheme in place. This can be seen in the Council Office or on the Council website at www.haxbytowncouncil.gov.uk.
3. Anyone can request information held in Council files but the request must be made in writing, by letter or email and must include enough detail to allow the Council to identify what is required and must include full contact details of the applicant.
4. The Town Council will, within 20 working days of the date of receipt of the request, either:
 - 4.1.1. Provide the information;
 - 4.1.2. Refuse to provide the information stating under which exemption, or
 - 4.1.3. If the request has to be put to the Council, give the applicant an explanation for needing extra time.
5. The Town Council will not comply with “vexatious” or “repeated” requests where a response has recently been sent to an identical or substantially similar request from the same person.
6. If the applicant wishes to inspect information, they should attend at the Council Office during opening hours or arrange by prior appointment if out of office hours. If this is the case, the Clerk to the Council may ask a Councillor to be present.
7. Letters and documents may be made available “in part”, ie with names and addresses and other personal information blanked out.
8. Town Council may make a charge for photocopying information.
9. There are 21 exemptions – 5 Absolute, 2 Partly Absolute and 13 Conditional on Public Interest (Qualified Exemptions). These are listed below:

10. Absolute Exemptions

- 10.1. Information reasonably accessible by other means (most common likely to be information published in accordance with the Publication Scheme);
- 10.2. Information contained in court records;
- 10.3. Personal information about the person making the request (the Data Protection Act applies to such requests and the applicant should be applying under that legislation);
- 10.4. Information provided in confidence (this applies if releasing the information would amount to an actionable breach of confidence at the time the request was made);
- 10.5. Prohibitions on disclosure (this applies if the disclosure is prohibited by legislation or if disclosure would be a contempt of court)

11. Partly Absolute Exemptions

(The Clerk to the Council shall decide using the Public Interest Test - See paragraph 13)

11.1. Information likely to prejudice the effective conduct of public affairs;

11.2. Personal information.

12. Qualified Exemptions

(The Public Interest Test should be applied - See paragraph 13)

12.1. Information intended for future publication (applies where the Council plans to publish the information in the future, and it is reasonable at the time the request was made not to disclose it until then);

12.2. Investigations and proceedings conducted by public authorities (covers information relevant to criminal investigations and proceedings and information obtained from confidential sources for criminal or civil proceedings);

12.3. Law enforcement (e.g. information which will prejudice the prevention or detection of crime);

12.4. Health and safety (applies to information which would, or would be likely to endanger the physical, or mental health or safety of any individual;

12.5. Environmental information;

12.6. Personal information concerning a third party (broadly requests for personal information about someone else will be dealt with under the Act but the principles of the Data Protection Act 1998 will be used to determine whether it should be disclosed);

12.7. Legal professional privilege (applies where a claim to legal professional privilege could be maintained in legal proceedings);

12.8. Commercial interests (applies to trade secrets and to information, the disclosure of which would, or would be likely to prejudice the commercial interests of any person);

12.9. National security;

12.10. Defence (information likely to prejudice national defence or the armed forces);

12.11. International relations (information likely to prejudice the UK's international relations or interests);

12.12. Relations within the UK (information likely to prejudice relations between the UK administrations, the UK government, the National Assembly for Wales, the Scottish administration, and the executive committee of the Northern Ireland Assembly);

12.13. The economy (information likely to prejudice the economic interests of the UK or part of the UK, or the financial interests of the government or any of the national administrations in the UK.

13. The Public Interest Test

13.1. The Public Interest Test requires a public authority to make a judgement about the public interest. The balance will lie in favour of disclosure in that information may only be withheld if the public interest in withholding it is greater than the public interest in releasing it.

13.2. The Information Commissioner lists the following public interest factors that would encourage the disclosure of information:

13.2.1. Furthering the understanding of and participation in the public debate of issues of the day;

13.2.2. Promoting accountability and transparency by public authorities for decisions taken by them;

13.2.3. Promoting accountability and transparency in the spending of public money;

13.2.4. Allowing individuals to understand decisions made by public authorities affecting their lives, and in some cases, assisting individuals in challenging those decisions; and

13.2.5. Bringing to light information affecting public safety;

13.3. The Information Commissioner is responsible for enforcing the Freedom of Information Act and may override a council decision on appeal.

END

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document re-formatted to be consistent with other documents
November 2016	Reviewed to incorporate Haxby logo.

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HAXBY TOWN COUNCIL WIGGINTON PARISH COUNCIL

MANAGEMENT OF THE HAXBY AND WIGGINTON CEMETERY

**Approved by the Councils: 4 November 2014
Adopted by the Councils: 4 November 2014**

Notes:

Amendments are summarised on the Amendments History Page.

Signed hard copies of this document are available to view at the respective council offices.

AGREEMENT BETWEEN HAXBY TOWN COUNCIL AND WIGGINTON PARISH COUNCIL FOR THE MANAGEMENT OF THE HAXBY AND WIGGINTON CEMETERY DATED 4 NOVEMBER 2014

This agreement is made between the Town Council of Haxby and the Parish Council of Wigginton (hereinafter referred to as 'the Participating Councils') for the management of the Haxby and Wigginton Cemetery. This agreement replaces the previous agreement dated 1 April 2013 and shall come into effect as from the Fourth day of November Two Thousand and Fourteen (4 November 2014).

1. IDENTIFICATION, OWNERSHIP AND TITLE

1.1 The Haxby and Wigginton Cemetery (outlined in **RED** on the attached plan) comprises The Old Cemetery (outlined in **GREEN**) and The New Cemetery (outlined in **BLUE**). The outlining is for identification purposes only. The ownership of the Old Cemetery is vested in Haxby Town Council which has the title to the land as Haxby Parish Council. The ownership of the New Cemetery is vested jointly in Haxby Town Council and Wigginton Parish Council which have a joint title in the deeds.

1.2 Should all or any part of the Haxby and Wigginton Cemetery be disposed of, the proceeds of any disposal of the Old Cemetery (or part thereof) shall accrue entirely to Haxby Town Council or its successor in title; the proceeds of any disposal of the New Cemetery (or part thereof) shall be divided equally between the Participating Councils or their successors in title.

1.3 The Assets as shown in the Cemetery Committee's Schedule are owned jointly by the Participating Councils and, should the Haxby and Wigginton Cemetery be disposed of, the proceeds of any disposal of these assets shall be divided equally between the Participating Councils.

1.4 Subject to the relevant statutes at the time, Haxby Town Council or its successor in title may, at its discretion, dispose of all or any part of the Old Cemetery. Disposal of all or any part of the New Cemetery shall require the agreement of the Participating Councils or their successors in title.

2. MANAGEMENT OF THE CEMETERY

2.1 The day to day running of the whole Cemetery shall be the responsibility of **The Haxby and Wigginton Cemetery Committee** (hereinafter referred to as the **Cemetery Committee**). Its make up and responsibilities are defined in the Annex to this agreement.

2.2 The Participating Councils agree to delegate to the Cemetery Committee such of their powers as burial authorities as are necessary to enable it to carry out the responsibilities set out in the Annex. In particular the Certificate of Exclusive Right to Burial shall show that it is issued under the authority of the Cemetery Committee. It shall be signed by the Chairman of that Committee.

2.3 All running costs of the Cemetery are to be met from its income. At the financial year end any surplus of income over expenditure is to be held in a reserve high interest or other account giving high interest. Funds held in reserve are to be used to assist in maintaining the Cemetery if there is a shortage of income over expenditure in year, and to provide when needed, capital expenditure and any future expansion costs. In the event of unforeseen expenditure being incurred which is above and beyond the Cemetery Committee's finances to meet then each Participating Council remain liable for an equal share of any balance required. Notwithstanding this the Participating Councils are aware of the possibility that future legislation or technical advances might make burial obsolete and they require any financial arrangements to be sufficiently flexible to take care of such developments.

2.4 Any major capital expenditure on the Cemetery must be approved by the Participating Councils.

2.5 The calculation of charges is to be related to the estimated annual running costs and any other proposed or anticipated expenditure. The Participating Councils shall accept as initial charges those already agreed by the present cemetery committee which have been notified as taking effect from 1 April 2007. The Cemetery Committee shall have discretion to vary all or any of these charges.

2.6 The Cemetery Committee shall set up a separate Haxby and Wigginton Cemetery Account with its own bank account. This account shall be maintained and operated separately from the Participating Councils' individual accounts and in accordance with the current accounting rules. The opening balance of the Cemetery Account shall be met by equal contributions from the Participating Councils and must be at least equal to the estimated maintenance costs for the coming financial year. All grants, allowances etc. claimed by either or both of the Participating Councils for the maintenance or improvement of the Cemetery are to be paid into the Haxby and Wigginton Cemetery Account and the Participating Councils are to give instructions to this effect to the payers. It will be necessary for the Participating Councils to make reference to the Cemetery Account in their own Annual Accounts.

2.7 The Participating Councils agree that their employees will be made available for the day to day running of the Cemetery and that, for so long as the Clerk to the Cemetery Committee is the Clerk of one of the Participating Councils, the costs involved for the hours worked shall be charged to the Cemetery account.

2.8 The Clerk to Haxby Town Council shall be the Clerk to the Cemetery Committee (in order to maintain continuity) and shall continue to administer the Cemetery using the office accommodation and equipment (including computer facilities) of Haxby Town Council. At any time the Cemetery Committee may at its discretion make its own recommendations to the Participating Councils as to what other arrangements should be made. The costs of using any accommodation and equipment shall be met from Cemetery income as shall be the cost for the hours worked by the Clerk.

Signed

For HAXBY TOWN COUNCIL

For WIGGINTON PARISH COUNCIL

.....
M. Crawford. Chairman

.....
P. Vaughan. Chairman

.....
M. Scott. Clerk

.....
D. Geary. Clerk

ANNEX TO THE AGREEMENT BETWEEN HAXBY TOWN COUNCIL AND WIGGINTON PARISH COUNCIL - DATED 4 NOVEMBER 2014

REGULATIONS FOR THE HAXBY AND WIGGINTON CEMETERY COMMITTEE

1. Name

1.1 The Committee shall be called "**The Haxby and Wigginton Cemetery Committee**"

2. Constitution

2.1 The Committee shall have eight members. Four shall be Councillors of Haxby Town Council and four shall be Councillors of Wigginton Parish Council. A committee member who ceases to be a councillor of the Participating Council shall cease to be a member of the committee. The members shall be elected annually at the Annual Meeting of their respective councils. They shall hold office until the next Annual Meeting unless they cease to be members of their respective council or are formally replaced by a proper motion of that appointing council. There shall be no 'ad hoc' nomination of replacements to meet the temporary absence of an appointed member. Each year the Cemetery Committee shall elect a chairman and vice chairman at its first meeting after the Annual Meetings at which its members are elected.

3. Meetings

3.1 Meetings of the Committee shall be held when necessary but not less than once in every quarter. The first meeting of the Committee in every year shall be held within one month of the Annual Council Meetings.

4. Responsibilities

4.1 The Cemetery Committee shall be responsible to the Participating Councils for the proper management of the Haxby and Wigginton Cemetery in accordance with the Agreement made between the those Councils dated 4 November 2014.

4.2 The Cemetery Committee shall ensure that all relevant records relating to the Cemetery are properly maintained. These shall include the Register of Burials, the Record of Grave Spaces, the copies of Certificates of Exclusive Right to Burial as well as copies of correspondence together with any other records which the relevant regulations may require now or in the future.

4.3 The Cemetery Committee shall cause to be created a plan or plans of the Cemetery clearly showing the burial plots and grave spaces and shall ensure that this is maintained in an up to date and legible condition and available for inspection.

4.4 The Cemetery Committee shall ensure that proper and expeditious arrangements are made for interments including the marking of graves; and for the erection or modification of memorials or headstones.

4.5 The Cemetery Committee shall apply the Rules currently relating to the Cemetery, copies of which are attached to this agreement

5. Administration

5.1 The Clerk to the Cemetery Committee shall maintain separate accounts to record all transactions affecting the Cemetery. These accounts shall be maintained and audited in accordance with the regulations governing the accounts of the Participating Councils. If one of the Participating Councils is subject to more stringent accounting rules (e.g. by virtue of having a higher level of overall income) then the more stringent rules shall apply to the Cemetery Account.

5.2 The Clerk to the Cemetery Committee shall open and maintain a separate Current Bank Account for the Cemetery. It may at its discretion open other bank Accounts for the deposit and accrual of any surpluses. Cheques must be signed by two members of the Cemetery Committee, who must be authorised signatories of the account.

5.3 The Cemetery Committee shall apply the income of the Cemetery to defray the annual running costs, administration, accommodation and the maintaining the Cemetery in a satisfactory condition.

5.4 The Cemetery Committee shall not incur any major capital expenditure without the consent of the Participating Councils.

5.5 The Cemetery Committee shall review the level of charges annually to ensure income is sufficient to meet anticipated expenditure. Any changes to the charges shall be notified to the public giving 3 months notice.

5.6 The Cemetery Committee shall appoint a Clerk who shall be the Responsible Financial Officer in relation to the Cemetery Accounts. The Clerk shall take and maintain minutes of all meetings. The Clerk shall maintain all statutory records and accounts and shall be responsible for the day to day running of the Cemetery. The Clerk may be the Clerk of one of the Participating Councils.

5.7 Arrangements for the Clerk to the Cemetery Committee are set out in the Agreement between the Participating Councils dated 1 April 2013. At any time thereafter the Cemetery Committee may appoint a Clerk other than the Clerk of one of the Participating Councils (subject to the requirements of the Agreement) and may recommend to the Participating Councils a suitable location for carrying out the Clerk's responsibilities and for such office space, equipment and computer facilities as may be necessary. In the event of neither Council being able to offer suitable facilities the Committee may request that adequate capital resources be made available.

Signed

For HAXBY TOWN COUNCIL

For WIGGINTON PARISH COUNCIL

.....
M. Crawford. Chairman

.....
P. Vaughan. Chairman

.....
M. Scott. Clerk

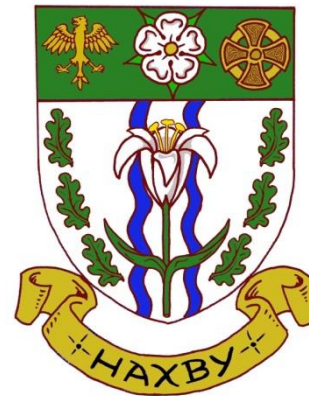
.....
D. Geary. Clerk

AMENDMENT HISTORY

Date	Summary of Amendment
June 2013	Document re-formatted to be consistent with other documents.
November 2014	Change of Committee's name to the Haxby and Wigginton Cemetery Committee

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HAXBY TOWN COUNCIL

RECORDING OF COUNCIL MEETINGS

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

RULES FOR THE EFFECTIVE MANAGEMENT OF THE RECORDING OF HAXBY TOWN COUNCIL MEETINGS

The right to record, film and to broadcast meetings of the Haxby Town Council, its committees, sub committees and any joint committees is established under the Openness of Local Government Regulations 2014. This is in addition to the rights of the press and public to attend such meetings.

Haxby Town Council is committed to being open and transparent in the way it conducts its decision making. For the purpose of this policy the term “record” means any form of audio, visual or electronic recording. Such recording is permitted under the lawful direction of the Haxby Town Council. Haxby Town Council understands that some members of the public attending its meetings may not wish to be recorded and the Chairman of the meeting will facilitate this by ensuring that any such request will be respected by those making a recording. Any member of the public who does not wish to be recorded should make this known to the Clerk or the Chairman prior to the commencement of the meeting.

The rules that Haxby Town Council will apply are:

1. Haxby Town Council will display requirements as to filming, recording and broadcasting at its meeting venues and on its website or on notice boards in the parish and those undertaking these activities will be deemed to have accepted them whether they have read them or not.
2. A copy of these rules will be provided to members of the public in attendance at a meeting of the Haxby Town Council whether they wish to film or not at the meeting. The Chairman may also verbally remind the meeting and all present of the freedom to record but that these rules **must** be observed when this is planned or taking place.
3. Any person wishing to record a meeting in any format whatsoever must contact, the Clerk prior to the start of the meeting. The Clerk’s details are set out in the public notice and agenda of the meeting; (or in his/her absence, the contact will be the Chairman of the Haxby Town Council. *(Contact details are given on the front page of this document)*).
4. Haxby Town Council will define an area from which recording may be carried out and, if given advance notice, will strive to ensure that reasonable facilities are made available to any person wishing to record, eg provision of a table. However, the Haxby Town Council could point out that the physical layout of a room may restrict the Haxby Town Council’s ability to make any provision.
5. Haxby Town Council prefers that all visual recording will be undertaken from a static point to avoid disruption at the meeting.
(It might be necessary to define that all visual recording will be taken from a static point due to the size or design of the room being used)
6. A person or persons recording an Haxby Town Council meeting are reminded that the “Public Participation” period may not be part of the formal meeting and that they should take legal advice for themselves as to their rights to make any recording during that period.
7. Where the press and public are excluded from a meeting or part of a meeting owing to the confidential nature of the business to be transacted, recording of that meeting or that part of the meeting will not be permitted.
8. Any children or young people under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent. This provision also applies to vulnerable adults, whereby the consent of a responsible adult is required for recording, ie a medical professional, carer or legal guardian.
9. All those visually recording a meeting are requested to focus only on recording councillors, officers, those members of the public who have not requested anonymity or have been identified as under the age of 18 or a vulnerable adult.

- 10.** Haxby Town Council may, at its own discretion, require members of the public who do not consent to being recorded to sit separately from those who are content to be recorded.
- 11.** All recording must be overt (ie. clearly visible to anyone at the meeting).
- 12.** Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner. The use of digital and social media recording tools, for example Twitter, blogging or audio recording are allowed as long as this type of recording is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.
- 13.** A person or persons making a recording has no right to interrupt a Haxby Town Council meeting by asking questions or making comments. The person recording has no right to ask councillors, officers or any members of the public who have been given permission to contribute orally to the meeting to repeat a statement for the purposes of the recording.
- 14.** The Chairman of the meeting has absolute discretion to stop or suspend recording if, in his/her opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
- 15.** Persons who are recording must strive not to leave equipment unattended. If the person recording needs to leave the equipment unattended he/she should inform the Clerk or Chairman of the meeting.
- 16.** The recording and reporting on meetings of Haxby Town Council, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of Haxby Town Council's values or, in a way that ridicules or shows a lack of respect for those in the recording. Haxby Town Council would expect any recording in breach of these rules to be removed from public view. Haxby Town Council will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.
- 17.** The Clerk should be contacted in advance of the meeting if the recording device being used involves equipment which is larger than a smart phone, tablet or compact camera or if the person recording has other special requirements eg to move around the room to record or film from different angles (*note the council's preference for static recording in Clause 5 above*). The use of lighting for filming/flash photography will usually be allowed if it is arranged via the Clerk prior to the meeting but Haxby Town Council will have regard to the impact of such lighting on the ability of others present to view the meeting, or for reasons of health, and may require that such lighting is not used or is reduced to a level which does not adversely affect other people. The lighting must not cause any other form of disruption.
- 18.** Haxby Town Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies. Where a council proposes to record all of its own meetings it will be bound by this policy.
- 19.** Where the Haxby Town Council proposes to record its own meetings, it will resolve how long such recordings will be kept and how members of the public may obtain copies. Haxby Town Council will include such recordings within its Publication Scheme.
- 20.** Haxby Town Council shall not be liable for the actions of any person making a recording at a council meeting which identifies a member of the public or for any publication of that recording.
- 21.** The minutes of a Haxby Town Council meeting remain the statutory and legally binding formal record of council decisions.

END

AMENDMENT HISTORY

Date	Summary of Amendment
14/11/16	Reviewed.

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HAXBY TOWN COUNCIL

RECORDING OF OFFICERS DECISIONS

Approved by the Council: 14 November 2016
Adopted by the Council: 14 November 2016

Note:

Amendments are summarised on the Amendments History Page and are also identified with a vertical **Red line** in the Left Hand margin.

WRITTEN RECORD OF A COUNCIL OFFICERS DELEGATED DECISIONS

1. The Openness of Local Government Bodies Regulations 2014 require certain decisions made by Officers to the Council shall be recorded in writing, that the record of such decisions and any background information/papers relating to the decision are to be made available for public inspection and that such papers shall be retained by the Council for six years.

2. The decisions to be recorded are those which if not delegated to an officer would have been taken by the council, a committee or a sub-committee, (or a joint committee); and have been delegated under specific express authorisation or decisions delegated under a general authorisation and the effect of the decision is to:

2.1. Grant permission or licence;

2.2. Affect the legal rights of an individual;

2.3. Award a contract or incur expenditure which, in either case, materially affects the council's financial position.

3. It is important to note that some administrative and operational decisions do **not** need to be recorded such as:

3.1 The purchase of stationery and supplies,

3.2 A decision to sign an allotment tenancy agreement,

3.3 decisions to allocate burial plots

4. The Council Officer taking the decision **must** produce a written record of the decision as soon as is reasonably practicable after the decision has been made. The record must include specific detail including:

4.1 The date the decision was taken,

4.2 A record of the decision and the reasons for the decision,

4.3 Details of any alternative options, if any, considered and rejected and,

4.4 If the decision was delegated to an officer under a specific express authorisation, the names of any councillor who had declared a conflict of interest in relation to the decision (eg. A disclosable pecuniary interest or an interest set out in the Council Code of Conduct that the councillor is required to disclose to the monitoring officer).

5. Where there is a statutory need for an officer to provide a written response to a decision, for example a response to a request for information under the Freedom of Information Act 2000, this will satisfy the requirement to make a written record under the 2014 Act. There is no need for duplicate records to be made.

6. The written record of an officer's decision together with any related background information must be made available for public inspection as soon as is reasonably practicable after the record is made. It shall be made available at the Council's Office during normal office hours.

6.1. If necessary, an appointment system shall be set up to control the public inspection process. It is also sensible that the Clerk is accompanied by a councillor during the inspection or that two nominated representatives of the council are present.

6.2. A record of the decision **shall** be posted on the council's website.

7. Copies of the written record and any background papers shall, if requested by a member of the public, be made available upon receipt of payment to cover the costs of copying, postage and any other disbursements in line with the council's Publication Scheme.

7.1 The Council shall not disclose or make available for inspection any documents or part of documents that contain or may contain confidential information.

7.1.1 *Confidential Information* is defined as information provided to the Council by a government department where public disclosure is forbidden or, information that cannot be disclosed to the public because disclosure is forbidden by a court order or legislation. For example, the Freedom of Information Act 2000 does not require a Council to disclose personal data about an individual or communications between a Council and its professional legal advisors.

END

AMENDMENT HISTORY

Date	Summary of Amendment
14/11/16	Reviewed.