

## Harborough Magna Parish Council – Governance Framework and Policies

There are several key documents that set the parameters for how the Council operates – all of which are in keeping with the legislation for Parish Councils and the principles of the Good Councillors Guide. Two further policies: Health and Safety and Community Resilience will be added once completed and approved.

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22	Financial Regulations – based on the model code issued by NALC in 2019	Reviewed May 2021 Approved June 2021
34	Code of Conduct – We have been told RBC are producing a new format but in the mean time we will use September 2020 version	Awaiting new format from RBC
37	Transparency Code – November 2020	Reviewed May 2021 Approved June 2021
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## Harborough Magna Parish Council - Standing Orders

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#### 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 Chair 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- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his/her own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.

- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- p A point of order shall be decided by the Chair of the meeting and his/her 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 requirements.
- s Before an original or substantive motion is put to the vote, the Chair 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/her right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chair of the meeting

### **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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or 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) above is ignored, the Chair 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.

### **Meetings generally**

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.

- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- e 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) above shall not exceed 15 minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his/her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his/her comments to the Chair of the meeting.

- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
  
- l Where a member of the public wishes to photograph, record, broadcast or transmit the proceedings of a meeting by any means, the Council may also make a record of the meeting in such a fashion and will retain this for future reference.
  
- m 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.
  
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her absence be done by, to or before the Vice-Chair of the Council (if any).
  
- o The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
  
- p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting..
  
- q The Chair 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/her casting vote whether or not he/she gave an original vote.  
*See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the council.*
  
- r 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/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- s 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 present and absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
  
- t 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/her right to participate and vote on that matter.
  
- u 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.
  
- v 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.
  
- w A meeting shall not exceed a period of two hours.

### **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 new councillors elected take office.
  
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
  
- c In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council



directs.

- d The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair (if any) of the Council.
- e The Chair of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.
- f The Vice-Chair of the Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.
- g In an election year, if the current Chair of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Chair of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Chair of the Council has been elected. He/she may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.
- i Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
  - i. In an election year, delivery by the Chair 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 Chair of the Council of his/her 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;

## **Extraordinary meetings of the council and committees and sub-committees**

- a The Chair of the Council may convene an extraordinary meeting of the council at any time.
- b If the Chair of the Council does not or refuses to 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 must be signed by the two councillors.

## **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 two councillors to be given to the Proper Officer in accordance with standing order 9 below, 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) above has been disposed of, no similar motion may be moved within a further six months.

## **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 which it is tabled for 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 ten 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) above, 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) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least ten 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 Chair 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 Subject to standing order 9(e) above, 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 in a book for that purpose with an explanation by the Proper Officer for their rejection.

#### **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 sensitive 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 requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

### **Handling confidential or sensitive information**

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest
- c Both of the above are to be at the discretion of the chair supported by one other councillor.

### **Draft minutes**

- 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) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate

record of the meeting to which they relate, he/she shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair 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/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

Upon 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.

### **Code of conduct and dispensations**

*See also standing order 3(t) above.*

- a All councillors shall observe the code of conduct adopted by the council.
- b Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c Unless he/she has been granted a dispensation, a councillor shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she 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.
  
- v. Subject to standing orders 13(d) and (f) above, dispensation requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
  
- vi. A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies
  
- vii. transacting the business as to impede the transaction of the business or
  
- viii. granting the dispensation is in the interests of persons living in the council's area or
  
- ix. it is otherwise appropriate to grant a dispensation.

### **Code of conduct complaints**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor has breached the council's code of conduct, the Proper Officer shall, report this to the council.
  
- b Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair 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.
  
- c The council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;

- 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 Council that a councillor 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.

### 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:
  - at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
  - i. give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
  - ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least three days before the meeting confirming his/her withdrawal of it;
  - iii. convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her office;
  - iv. receive and retain copies of byelaws made by other local authorities;
  - v. retain acceptance of office forms from councillors;
  - vi. retain a copy of every councillor's register of interests;
  - vii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
  - viii. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
  - ix. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;

- x. arrange for legal deeds to be executed;  
*See also standing order 22 below.*
- xi. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xii. record every planning application notified to the council and the council's response to the local planning authority;
- xiii. refer a planning application received by the council to the Chair or in his/her absence the Vice-Chair of the Council Chair 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;
- xiv. manage access to information about the council via the publication scheme; and
- xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

### **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.

### **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 (England).
- 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 immediately prior to every meeting or if not possible, 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 for each quarter;
  - ii. the council's aggregate receipts and payments for the year to date;
  - iii. the balances held at the end of the quarter being reported 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 for the last quarter and the year to date for information; and
  - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return (AGAR) shall be presented to each councillor before the end of the following month of May. The annual return of the council, which may be subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

## **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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £60,000.

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- 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 The council is not bound to accept the lowest value tender.
- f Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.

## Handling staff matters

- g A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order relative to handling confidential or sensitive information
- h Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chair or, if he/she is not available, the vice-Chair of of absence occasioned by illness or other reason and that person shall report such absence to at its next meeting.
- i The Chair or in his/her absence, the vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the employee's job title]. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the council.
- j Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the Chair the council or in their absence, the vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution council.
- k Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the Chair or vice-Chair, this shall be communicated to another member of the council which shall be reported back and progressed by resolution of council.
- l Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- m The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- n Only persons with line management responsibilities shall have access to staff records referred to in standing orders relative to handling staff matters - if so justified.

- o Access and means of access by keys and/or computer passwords to records of employment referred to above shall be provided only to (post holder) and/or the Chair of the Council.

#### **Requests for information**

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chair of the council. The council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

#### **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.

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

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

Any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

#### **Communicating with District and County 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

#### **Restrictions on councillor activities**

- a. Unless authorised by a resolution, 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.

### **Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory 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 requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

End

# HARBOROUGH MAGNA MODEL FINANCIAL REGULATIONS 2019 FOR ENGLAND

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

In May 2020, the CLERK/RFO amended NALC's Model Financial Regulations 2019 to ensure they are fully pertinent for Harborough Magna Parish Council as a very small authority.

These Financial Regulations having been considered will adopted by the council at its meeting held on 17 May 2021

## **1. General**

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

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

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

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

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

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

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

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

1.8. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The CLERK/RFO;

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

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the CLERK/RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

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

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

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

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

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

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

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £500; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.



1.15. In these financial regulations, references to the Accounts and Audit Regulations or ‘the regulations’ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

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

## **2. Accounting and audit (internal and external)**

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

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

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

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

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

2.6. The internal auditor shall:

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

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

- perform any operational duties for the council;

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

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

2.9. The CLERK/RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

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

### **3. Annual estimates (budget) and forward planning**

3.1 THE CLERK/RFO must each December prepare detailed budgets for the following year to facilitate discussion on precept requirements.

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

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

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

### **4. Budgetary control and authority to spend**

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

- the council for all items of expenditure in excess of £500;
- the Clerk, in conjunction with Chairman for any items below £500.

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

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

4.2. The salary budget is to be reviewed at least annually in December for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council.

4.3. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary

provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

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

4.5. The CLERK/RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget..

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

## **5. Banking arrangements and authorisation of payments**

5.1. The council's banking arrangements, including the bank mandate, shall be made by the CLERK/RFO and approved by the council

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

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

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

5.5. The Clerk shall have delegated authority to authorise the payment of items only in the following circumstances:

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

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

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

5.7. In respect of the Council will approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

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

## **6. Instructions for the making of payments**

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

6.2. Following authorisation under Financial Regulation 5 above, the council, will give instruction that a payment shall be made.

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

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee will need two signatures. This can be any of the following: two nominated members and the clerk – all of whom will be formal signatories agreed with the Council's bank.

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

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.

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

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

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

6.10. Not relevant for HMPC

6.11. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly. Purchase of goods on the internet by the Clerk – when authorised in advance by Council or the Chairman – shall be reported each month and refunded at the earliest meeting of the Council.

## **7. Payment of salaries**

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall

be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

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

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council. The Council has determined that the maximum grade level for their Clerk/RFO shall be level 20 on the national scale. Each year until this scale point is reached the Clerk will receive a scale point uplift – unless the Council has reason to be concerned with the Clerk/RFO performance or has a funding concern. Any annual payments in addition to the increase in scale points will be based on National Guidelines.

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

- a) by any councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

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

## **8. Loans and investments**

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

8.2. 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.

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

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

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

## **9. Income**

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the CLERK/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 CLERK/RFO and the CLERK/RFO shall be responsible for the collection of all accounts due to the council.

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

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

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

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

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

10.2. Order books shall be controlled by the CLERK/RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

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

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

## **11. Contracts**

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

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/CLERK/RFO shall act after consultation with the Chairman and Vice Chairman of council); and

h) When it is to enter into a contract of less than £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or CLERK/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1000 the Clerk or CLERK/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

#### **Sections 12 and 13 deleted as not relevant to Harborough Magna Parish Council.**

#### **14. Assets, properties and estates**

14.1. The CLERK/RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

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

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

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

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

## **15. Insurance**

15.1. Following the annual risk assessment (per Regulation 17), the CLERK/RFO shall effect all insurances and negotiate all claims on the council's insurers.

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

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

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

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

## **Section 16. deleted as not relevant to Harborough Magna Parish Council.**

## **17. Risk management**

17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Clerk /RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

## **18. Suspension and revision of Financial Regulations**

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

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

18.3 These regulations will be reviewed by the Clerk/RFO as preparation for each internal audit.

The Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.



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Chairman

.....

CLERK/RFO

Minute Ref: AM4.B – 17 MAY 2021

# HARBOROUGH MAGNA PARISH COUNCIL

## Member Code of Conduct – with effect from 1 November 2020

I.....being a duly elected Councillor/Co-opted Member for Harborough Magna Parish Council hereby declare that I will undertake my duties as follows:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. As a holder of public office and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the Council:
  - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
  - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
  - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
  - d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.
  - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
  - f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
  - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
3. As a Member of the Council I will act in accordance with the principles in paragraph 2 and, in particular, I will

- a) Champion the needs of the whole community and put the public interest first.
  - b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
  - c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Council in a proper manner.
  - d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of the Council.
  - e) Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
  - f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
  - g) Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other Members to account.
  - h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources. I will not disclose confidential information without authority or unless the law requires it.
  - i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
  - j) Always treat people with respect, including the organisations and public I engage with, fellow members and those I work alongside. Ensuring the privacy and confidentiality of Parish business and all exchanges with colleagues, staff and members are always respected.
  - k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the clerk who will keep a copy and submit these to Rugby's Monitoring Officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.

5. I will comply with any code of conduct for members that is properly established by the Council

**Signed:** .....

**Full name:** .....

**Date:** .....

## Harborough Magna Parish Council Transparency Code

Item to be published	Including:	Publication date	How we meet these requirements
All items of expenditure above £100	<ul style="list-style-type: none"> <li>- Date expenditure incurred</li> <li>- Summary of the purpose of expenditure</li> <li>- Amount of expenditure</li> <li>- Amount of unrecoverable VAT</li> </ul>	No later than 1 July in the year immediately following the accounting year to which the items relate	We publish after each meeting all expenditure undertaken by the parish council.
End of year accounts	<ul style="list-style-type: none"> <li>- Copy of bank reconciliation</li> <li>- Explanation of any significant variances</li> <li>- Explanation of any differences between balances carried forward and total cash and short term investments (if applicable)</li> </ul>	No later than 1 July in the year immediately following the accounting year to which the items relate	We meet all of these requirements by an Internal Audit followed by Council consideration and approval of all items in column one – and submission to the audit practice appointed by Government
Annual Governance Statement	<ul style="list-style-type: none"> <li>- Explanation of any negative responses to governance statement</li> </ul>	As above	
Internal Audit report	<ul style="list-style-type: none"> <li>- Explanation of any negative response</li> <li>- Explanation of any 'not covered' responses</li> </ul>	As above	
List of councillor responsibilities	<ul style="list-style-type: none"> <li>- Names of all councillors</li> </ul>	As above	This information is on our website
Location of public land and building assets	<ul style="list-style-type: none"> <li>- Description including size/acreage</li> <li>- Location/address</li> <li>- Owner / custodian</li> <li>- Present use.</li> </ul>	As above	We do not own any building or land our assets are shown on our Asset Register – which can be downloaded from our website
Minutes	<ul style="list-style-type: none"> <li>- Publication of draft minutes from all formal meetings</li> </ul>	Within one month of the meeting	We publish all our draft minutes within 10 days of each meeting
Agendas and papers of formal meetings	<ul style="list-style-type: none"> <li>- Publication of meeting agendas and associated meeting papers</li> </ul>	No later than three clear days before the meeting	We comply fully with this both on our website and notice boards.

**In addition the Council will comply fully with all aspects of the Freedom of Information Act.**

**This policy will be next reviewed in February 2022 or sooner if new regulations are issued.**

## Harborough Magna Parish Council Disaster Recovery – IT

The purpose of this formal procedure is to ensure that in the event of a loss of access to the Council's data – all critical files can be recovered through a digital protection scheme.

### **Process for ensuring access to Council data security is maintained.**

1. The Council will take an annual contract with MacAfee for general digital protection.
2. On the last working day of each month the Clerk/Responsible Financial Officer shall back up all documents that have been created or updated during the month.
3. At each meeting of the Council, the RFO shall confirm that documents have been backed up using Microsoft one:drive
4. The chair and/or vice chair – shall be provided with access to the digital storage space and sign-ons to enable them to access such material in the event of the RFO's unavailability
5. All historic documents – from 2005 – 2020 are to be backed up to a USB drive – on a quarterly basis the clerk will update this drive. The actual usb stick will be held by the chairman or vice chair to ensure there is offsite access.
6. In addition key statutory documents will be back up to the Parish Council's website - [www.harboroughmagna.org](http://www.harboroughmagna.org). This will be a further resources and also meet public transparency access.
7. The Council will continue to take insurance cover to enable expert file recovery should this ever be necessary. Current cover is to a limit of £5000.
8. This policy will be reviewed annually– next review will be November 2021.

end

## Harborough Magna Parish Council – Communications and Social Media Policy

1. This policy provides a framework for how the Parish Council will communicate with residents and other parties interested in living or providing business services to the Harborough Magna community.
2. The guiding principles of the policy are that ALL communications, whether in traditional print format or through use of electronic media, such as websites or social media fees will be:
  - i. Timely - information will be made public as soon as possible to inform decisions or to share decisions made by the parish council
  - ii. Accurate – care will be taken to ensure all information is correct
  - iii. Positive – the Parish Council will only embark on positive communications and care will be taken to ensure that any communication channels used do not become a vehicle for anonymous ‘complaints’ or personal criticisms.
  - iv. Two-way – the Parish Council will seek views from residents on new initiatives (such as village improvement projects) and other aspects of life in the village.
  - v. Respectful – care will be taken not to breach residents privacy and that ensure Data Protection regulations are maintained.
  - vi. Councillors must act at all time in line with their Code of Conduct.
3. The principal channels for communications are:
  - a. Information on notice boards – the Parish Council recognises that not all residents have access to the website and so it will continue to place information on forthcoming meetings and other news on the village notice boards.
  - b. The village website: [www.harboroughmagna.org](http://www.harboroughmagna.org) -
  - c. Facebook sites – such as the Harborough Magna community pages – set up by a resident. The clerk will provide useful information to this Facebook page [if possible with links to where more information can be found.]
  - d. [In the future consideration may be given to a Twitter feed but to ensure the guiding principles set out in point 2 above – the account would need to be carefully moderated.]
  - e. Face to face – through meetings of the Parish Council and discussion with individual parish councillors. All residents are welcome to attend any meeting of the parish council to raise concerns and listen to discussions. Residents are able to stay for the whole meeting (usually 1.5 hours) or leave once they have raised concerns. There is an item on each agenda to give residents the opportunity to talk to the parish council.

Parish councillors have a specific role to listen to the views and concerns of residents

in the village and to pass these on to the Parish Council. See point 5 for specific guidance.

- f. Clerk – the clerk is the general contact for information on parish matters and will direct residents (or act on their behalf) to ensure that appropriate action when possible is taken.
  - g. Village matters newsletter – from time to time the parish council will publish a newsletter to inform residents of specific events – or to seek input to proposed changes to village life.
  - h. Round the Revel – each issue contains a page of village information on the village, including the date of the next parish meeting and any new initiatives.
  - i. Letters and emails to the parish council will be acknowledged within three working days, although a final response may not be possible if an issue raised has been discussed at a parish council meeting.
  - j. Letters or emails from parishioners wishing to have matters raised at the next Parish council meeting must be received within three working days of that meeting, otherwise the matter may legitimately be placed on the agenda for the following meeting.
4. Transparency code and Parish Council regulations – the government requires local authorities to make public key information, which includes
- a. Publication of an agenda at least 3 working days before each parish council meeting – *this is always displayed on the village's two notice boards and on the Council's website*
  - b. Publication of all expenditure each month above £500 – *this is met by inclusion of all cheques on the agenda and the minutes of the parish council meetings.*
  - c. Rights to exercise rights to inspect annual accounts – *once the annual external audit begins residents have the right to inspect all the financial papers and raise any concerns they have with the Auditor. The notice on the rights to inspect are displayed on the village noticeboards and on the village website. The exercise of right period runs for 30 working days. As the information will be made available at the clerk's own residence reasonable notice will be required – this will generally be 3 working days but in the event of annual leave may increase to 10 working days.*
  - d. Publication of parish council minutes – *the minutes from each meeting will be published in draft format in the village website within two weeks of each meeting. Minutes are generally approved at the next meeting of the parish council.*
5. Code of conduct – for all councillors when using social media (including email) and we hope this will provide useful guidance for residents.



- All social media sites in use should be checked and updated on a regular basis and ensure that the security settings are in place
- The parish council reserves the right to delete any information on any social media which is deemed inappropriate by the council
- When participating in any online communication;
  - Be responsible and respectful; be direct, informative, brief and transparent.
  - Always disclose your identity and affiliation to the Parish Council. We will not accept anonymous contributions .
  - Never make false or misleading statements.
  - Personal opinions should not be published as being that of the Council or bring the Council into disrepute or is contrary to the Council’s Code of Conduct or any other Policies.
  - Keep the tone of your comments respectful and informative, never condescending or “loud.” Use sentence case format, not capital letters, or write in red to emphasis points.
  - Refrain from posting controversial or potentially inflammatory remarks. Language that may be deemed as offensive relating in particular to race, sexuality, disability, gender, age or religion or belief should not be published on any social media site.
  - Avoid personal attacks, online fights and hostile communications.
  - Never use an individual’s name unless you have written permission to do so.
  - Permission to publish photographs or videos on social media sites should be sought from the persons or organisations in the video or photograph before being uploaded.
  - Respect the privacy of other councillors and residents.
  - Do not post any information or conduct any online activity that may violate laws or regulations, including copyright laws

6. **Review** – this policy will be reviewed annually by the Parish Council as part of its governance review in May each year and steps taken to ensure the policy remains relevant and helpful for village residents.

ends

## **HARBOROUGH MAGNA PARISH COUNCIL EQUAL OPPORTUNITIES POLICY –**

Harborough Magna Parish Council is committed to serving our community to the best of our abilities and the provision of equal opportunities is inherent in all we do. We extend this commitment to all who provides services to us and we will treat everyone in a in a fair and disciplined manner.

The purpose of this policy is to provide equal opportunities to all employees, irrespective of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation.

Harborough Magna Parish Council (HMPC) opposes all forms of unlawful and unfair discrimination. All employees of HMPC will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents to maximise the efficiency of the organisation.

### **Statement on Equal Opportunities**

HMPC recognises its obligations under the Public Sector Duty provisions of the Equality Act 2010 and the spirit and intent of the related Codes of Practice:

- For the elimination of discrimination on grounds of age, sex or marital status and the promotion of equality of opportunity in employment;
- For the elimination of discrimination on grounds of race and the promotion of equality of opportunity in employment;
- For the elimination of discrimination on the grounds of disability and the promotion of equality of opportunity in employment.

### **Commitment to Policy**

HMPC supports the principles and practices of equal opportunity and recognises that it is the duty of all Councillors and employees to accept their personal responsibility for fostering a fully integrated community by adhering to the principles of equal opportunity. HMPC will actively promote equal opportunities throughout the organisation and will ensure that individuals receive treatment that is fair and equitable and consistent with their relevant aptitudes, potential, skills, experiences and abilities. The Parish Clerk will seek to ensure that all employees comply with these principles.

HMPC will ensure that individuals are recruited and selected, promoted and trained on objective criteria having regard to the relevant aptitudes, potential, skills, experiences and abilities. In particular, no applicant will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the job or which constitute indirect unfair discrimination. Reasonable adjustments will be taken where a disabled person is put in a detrimental position and such reasonable adjustments remove the detriment.

HMPC recognises the problems that sexual or racial harassment may cause at work and is committed to ensure that such unacceptable behaviour does not take place. Sexual harassment includes (but is

not limited to) unwanted physical contact, suggestive remarks or behaviour, compromising invitations, demands for sexual favours and similar unwanted behaviour.

Racial harassment is similarly unwanted treatment but is concerned with derogatory treatment and language on racial grounds. All forms of harassment are abhorrent and will not be tolerated by HMPC.

Sexual and racial harassment are regarded as unlawful discrimination and additionally may also be subject to criminal proceedings. All such cases will be dealt with under the appropriate Grievance and Disciplinary Procedure.

HMPC recognises that the detriment a disabled person endures as a consequence of their disability can, in many instances, be removed by the adoption of reasonable adjustments. The Council is committed to ensure that such adjustments will be effected where reasonably practicable and where the detriment is substantial.

### **Training and Advertising**

HMPC will train, develop and promote on the basis of merit and ability only. When vacancies are advertised HMPC will continue to ensure that such advertising, both in placement and content, is compatible with the terms of this Policy. In practical terms this means that the wording of advertisements will be carefully scrutinised to ensure that any hidden discrimination is avoided or that sexually, racially or disability loaded wording is avoided. Every effort will be made to ensure that the advertisements are placed on parish notice boards and on the website so that as wide a readership as possible has access to the vacancies.

### **Communication**

The principles in this Policy will be brought to the attention of all Councillors and staff. All Councillors and employees are encouraged to bring to the attention of the Parish Clerk any act of discrimination they observe.

Councillors and employees who are newly disabled are encouraged to bring this to the attention of the Parish Clerk to enable a review of their individual needs to be made. This review will include an assessment of the Council's working practices to ensure that these do not place the disabled person at a substantial disadvantage. Where they do, then adjustments will be effected where reasonable to do so.

# Harborough Magna Charitable Donations and Grants

## Power to make Donations and Grants

Under Section 137 of the Local Government Act 1972, Harborough Magna Parish Council has discretionary powers to award grants to local groups or organisations which provide a direct benefit to the parish or its residents.

The appropriate maximum sum allowable for parish councils for the purposes of section 137(4)(a) of the Local Government Act 1972 for 2019 - 20 was £8.12 per head of electorate (this amount is usually adjusted each year in line with the retail prices index).

The Parish Council's electorate in March 2021 was 404.

## Considerations

- Section 137 states that if the application will only benefit, say 10% of the residents, then only 10% of the total budgeted Section 137 monies can be granted.
- An award will normally be 20% of the total cost of the work or project – unless this is seed funding for a new community led body.
- The maximum amount to be awarded to any single body in a financial year – is £[250?]
- The Parish Council will **not** make donations to private individuals, private businesses or organisations which have access to statutory funding.

## What can be funded?

- the project should be something that makes the local community a better place in which to live, work or visit.
- it should benefit people who live in the parish.
- there must be clearly presented evidence that local people support the project and are involved in carrying it out.
- applications do not have to be from groups that already exist.
- each group may only make one application per financial year (1 April to 31 March).

## HMPC Priorities

- Environmental Improvements
- Activities that support children

## Process

- The application must be in writing
  - The application must give the status of the applicant and any other funding secured
  
  - An application must state how and when the funds will be used
  
- Notice of application for funds must be included in the published agenda for the meeting at which it will be considered
  
- The Council's decision will be included in the published minutes
  
- The Council's decision is final.

End

# Complaints Policy for Harborough Magna

## 1. Complaints to Harborough Magna Parish Council from the public.

It will not be possible to deal with all complaints from members of the public under the Parish Council's complaints policy procedure. Where such complaints are outside the remit of the policy the following procedures/bodies should be engaged with regard to the following types of complaint:

**Complaints about the employee of the Council** should be dealt with as an employment matter. The complainant can be assured that the matter will be dealt with internally as such and appropriate action taken as required. Complaints must be made in writing to the Parish Chairman.

**Complaints against Parish Councillors** - if the complaint relates to a failure to comply with the Code of Conduct, this must be submitted to the Monitoring Officer at our principal authority, Rugby Borough Council.

**Complaints about the administration/ procedures of the Parish Council** - this policy is aimed at situations where a complaint has been made about the administration of the Council or about its procedures and which cannot be satisfactorily resolved with less formal measures or explanations provided to the complainant by the Clerk or Chairman. It is not an appropriate forum for a complaint against individuals, as the provisions available above should cover these situations.

## 2. Identifying a complaint

Harborough Magna Parish Council will use The Local Government Ombudsman (LGO) definition of a complaint, which is:

*'A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.'*

## 3. The council's complaints procedure aims to be:

- well publicised and easy to use;
- helpful and receptive;
- not adversarial;
- fair and objective;
- quick, thorough, rigorous and consistent;
- decisive and capable of putting things right where necessary;
- sensitive to the special needs and circumstances of the complainant;
- adequately resourced;
- fully supported by councillors and the officer; and
- regularly analysed to spot patterns of complaint and lessons for service improvement.

#### 4. Confidentiality

The Local Government Ombudsman advises that the identity of a complainant should only be made known to those who need to consider a complaint. The Council should take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

#### 5. Timescale and Remedies

The Parish Council will endeavour to handle any complaint as soon as practicable, with time allowed for dealing with lengthy and complex complaints. The Council must be given adequate opportunity to investigate and reply to the complaint. The object of the procedure is to rectify things if they go wrong and take action to ensure that such a mistake does not reoccur.

The following procedure is not appropriate for use where a complaint is made against an individual. Serious complaints relating to the conduct of an individual can be dealt with in the ways suggested at paragraph 1.

**NB: These procedures are designed for those complaints which cannot be satisfied by less formal measures or explanations provided to the complainant by the Parish Clerk or Chairman.**

#### 6. Procedures

- The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Parish Clerk, clearly stating the nature of the complaint and the remedy sought .
- If the complainant does not wish to put the complaint to the Parish Clerk, they may be advised to send it to the Chairman
- If the complaint is about the Chairman, then the Parish Clerk should involve the Vice Chairman and/or seek confidential advice from our principal authority, Rugby Borough Council or from Warwickshire Association of Local Councils (WALC).
- The Parish Clerk or Chair of Council shall acknowledge the receipt of the complaint – **within 7 days** and advise the complainant how they will investigate all aspects relating to the complaint –and the time scale **this should not exceed 21 days**
- The Complainant will have the opportunity to present their complaints to the Chair and/or Parish Clerk ... and receive the Council's findings in person.
- If relevant, the Parish Manager or Chair will explain the Council's position.
- The position will be confirmed in writing within seven working days together with details of any action to be taken. Any decision on a complaint shall be announced at the Council meeting in public ... with advice on the lessons learned from the complaint and the process itself.

Ends

# Policy and Procedures for Managing the Parish Council's Reserve (or Treasury) Account

## Introduction

**Harborough Magna Parish Council is required to maintain adequate Financial Reserves to meet the needs of its operations and to ensure financial security. The purpose of this policy is to set out how the Council will determine and review the level of reserves.**

The Joint Panel on Accountability and Governance Practitioners Guide (JPAG) (March 2020 edition) advises:

*“As with any financial entity, it is essential that authorities have sufficient reserves (General and Earmarked) to finance both its day-to-day operations and future plans. It is important, however, given that its funds are generated from taxation/public levies, that such reserves are not excessive.”*

Sections 32 and 43 of the Local Government Finance Act 1992 require local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement. However, there is no specific minimum level of reserves which an authority should hold, and it is the responsibility of the Responsible Financial Officer to advise the Parish Council about the level of reserves and to ensure that there are procedures for their establishment and use.

## 1. Types of Reserves

**These may be categorised as either General or Specific.**

### 2.1 General Reserves

General Reserves are funds which do not have any restrictions on their use. They cushion the impact of uneven cash flows, offset budget requirements, if necessary, or can be held in case of unexpected events or emergencies. Setting the level of General Reserves is agreed with the Annual Budget – which we will next do in December 2021 and finalised in January 2022

JPAG (March 2020 edition) advises:

*“The generally accepted recommendation with regard to the appropriate minimum level of a Smaller Authority's General Reserve is that this should be maintained at between three (3) and twelve (12) months Net Revenue Expenditure (NRE).”*

***“The smaller the authority, the closer the figure should be to 12 months NRE, (this is the relevant level for Harborough Magna Parish Council) the larger the authority the nearer to 3 months. In practice, any authority with an NRE in excess of £200,000 should plan on 3 months equivalent.”***

The primary means of building General Reserves will be through a reallocation of funds (underspend on a completed project) and allocation from the annual budget. This will be in addition to any amounts needed to replenish reserves which have been spent in the previous year. If in extreme circumstances General Reserves were exhausted due to major unforeseen spending pressures within a particular financial year, the Parish Council would be able to draw down from its EMRs to provide short term resources.



## 2.2 Earmarked Reserves 'EMR's

EMRs must be held for genuine and intended purposes and their level should be subject to annual review and justification. They should be separately identified to prevent query from internal and external auditors.

EMRs are held for several reasons and shall only be used for the purpose for which they were created:

- Renewals – to enable the planning and financing of an effective program of equipment replacement and property maintenance/refurbishment. The funds required are built up incrementally over several years when taking into account asset conditions and asset life. They are a mechanism to smooth expenditure without the need to vary budgets.
  - Examples of this would be
    - the replacement fund for streetlamp posts
    - the replacement of ITC equipment for the Clerk/RFO
  - Underspend on projects hat cross financial years – such as replacing play park equipment
- Other Earmarked Reserves – these may be set up from time to time to meet known or predicted liabilities.

Where the purpose of an Earmarked Reserve becomes obsolete, or where there is an over-provision of funds, the excess may, on the approval of the Parish Council, be transferred to other budget headings within the revenue budget, to General Reserves or to one or more other Earmarked Reserves.

EMRs will be established on a “needs” basis in line with anticipated requirements and these are to be reviewed annually when the budget is agreed.

Any decision to set up an EMR must be approved by Parish Council. If the EMRs are used to meet short term funding gaps, they must be replenished in the following financial year. However, EMRs which have been used to meet a specific liability would not need to be replenished, after having served the purpose for which they were originally set up.

## 3. Management and Control of Reserves

Movements in Earmarked Reserves and General Reserves shall be reported to the Parish Council as part of the Budget to Actual Report and at each meeting of the Parish Council. The use of Reserves shall be approved by the Parish Council.

The level of General Reserves shall be reviewed on an annual basis during the annual budgetary review and agreed by the Parish Council. The minimum level of General Reserves shall be recommended to the Parish Council by the Responsible Financial Officer. This will form part of the recommendations for the Annual Budget and Precept request by the Parish Council.

The current level of General Reserves to be held by the Council is set at equal to between three and six months of predicted expenditure.

Earmarked Reserves shall be reviewed on an individual basis. This review will also be undertaken as part of the Annual Budgetary Review. Approval for the creation, amendment, cessation or continuation of Earmarked Reserves will be given by the Parish Council.

ends