OVER KELLET PARISH COUNCIL

MEMBERS OF THE PUBLIC AND PRESS ARE WELCOME TO ATTEND

Parish Council Meeting to be held on Tuesday 10th April 2018 at Wilson's Endowed School, Over Kellet commencing at 7.15pm

AGENDA

- **1.** To receive apologies
- 2. To consider and approve Minutes of the Meeting held on Tuesday 13th March 2018
- **3.** To receive Declarations of Interest
- 4. To adjourn the meeting for a period of public discussion and to provide 'information only' updates on activities in recent weeks. (Note: Any matters needing a 'decision' will be considered as an agenda item at a future meeting)
 - (i) Public discussion
 - (ii) Clerk's report on activities and correspondence since last meeting
 - (iii) Members updates and reports since the last meeting
 - (iv) Report of District and County Councillors
- **5.** To consider the list of planning applications and decisions set out below (details previously circulated):

Application No:	Description
18/00236/FUL	Replacement of flat garage roof with a dual pitched roof - Hill
	Top Barn Kellet Road Over Kellet Carnforth Lancashire LA6 1DG
18/00313/PREH	Specialist heritage advice for refurbishment and extension to
	Hall Farm Cottage - Hall Farm Cottage Kellet Road Over Kellet
	Carnforth, LA6 1BS

- **6.** To receive an update on planning authority decisions on previously considered applications (papers enclosed)
- **7.** To authorise payment of the following accounts:

1118	Mr R Bailey - Clerks Fee and Expenses March 2018	£237.94
1119	e-on - seasonal illumination electricity supply	£ 5.55
1120	Over Kellet Village Hall – Annual Ground Rent for Bus Shelter	£ 10.00

- **8.** To consider appointment of new Parish Clerk (Chair to Report)
- **9.** To consider use of the Village Hall and Garage facilities for 2018/2019 (Chair to Report)
- **10.** To consider public consultation leaflet and Freedom of Information Request Land North of Kirkby Lonsdale Road, Over Kellet (Chair to Report)
- **11.** To consider Parish Council's response on the soundness of the Local Plan specifically relating to the sustainability of Over Kellet (Chair to Report)
- **12.** To consider involvement in the development of a Utility Priority Services Register (Clerk to Report)
- **13.** To consider Parish Council's duty for the 'repair and maintain public footpaths and bridleways' (Clerk to Report)

OVER KELLET PARISH COUNCIL

MEMBERS OF THE PUBLIC AND PRESS ARE WELCOME TO ATTEND

- **14.** To consider draft Standing Orders and Financial Regulations (Clerk to Report)
- **15.** To consider Quarter 4 account transactions as at 31st March 2018 (Clerk to Report)
- **16.** To consider update on the General Data Protection Regulations implications and appointment of Data Protection Officer (DPO) (Clerk to Report)
- 17. To consider date and time of next meeting (Clerk to Report)

Parish Clerk 28 Wilson Grove Heysham, Morecambe, LA3 2PQ Tel: 07828254149

Email: clerk@overkelletpc

06 April 2018

PARISH OF OVER KELLET

Draft Minutes of the Meeting of the Parish Council held at the Wilson's Endowed C of E Primary School on Tuesday 13th March 2018 at 7-15pm.

Present: Councillor Mr N Ward - Chair

Councillor Mr S Atkins Councillor Mrs M Fowler Councillor Mrs R Lauder Councillor Mr M May

In attendance: Ward Councillor Mr JR Mace and members of the public

1 APOLOGIES FOR ABSENCE: Apologies were received from Councillor Mr G Agnew. Apologies were subsequently received from County Councillor Mrs P Williamson.

- 2 MINUTES: It was RESOLVED that Minutes of the meeting held on Tuesday 13th February 2018 be approved and signed.
- **DECLARATIONS OF INTEREST**: There were no declarations of interest relating to items on the Agenda for this meeting but as members of the Village Hall Committee Councillors Lauder and May wish to record a dispensation on Agenda item 4 iii) in respect of the storage of emergency plan and parish council equipment at the Village Hall.

4 ADJOURNMENT FOR PUBLIC DISCUSSION & INFORMATION ONLY UPDATES:

(i) Public Discussion: Residents noted that notices had been posted around the village about a consultation on a proposed housing development in the North East Edge of the village. Residents were advised that this was a consultation being carried out by the developers, Russell Armer Homes. The Chair, informed residents that it would not be appropriate for the Parish Council to comment on the proposals until the planning application has been submitted and formal consultation has been requested by the principal authority, Lancaster City Council.

It was noted, however, that this proposal was the subject of a previous application in late 2014 that was subsequently withdrawn and residents were advised that the Parish Council had submitted a Freedom of Information (FOI) request for details of all the pre-application advice that the City Council has provided to Russell Armer, relating to the new application and the one in 2014. The FOI has been acknowledged but no details provided yet.

A resident raised concerns about overgrown trees and ivy that are on the school grounds that need to be addressed and better controlled. **The Clerk was requested to write to the school about this matter.**

(ii) Clerks report on activities and actions: The Clerk presented his report on activities during February that are not otherwise covered by the Agenda. Service requests have been reported using via Fixmystreet.com including a dangerous pothole that has been outstanding for several weeks.

The Clerk had written to, and received a positive response from the Witherslack Group that action will be taken to improve driver behaviour/vehicle parking outside the Old Vicarage (Merefell) and surrounding properties.

As requested representation has been made to Lancashire County Council against the proposals to close ticket information centres, including the one at Carnforth Station. Residents are encouraged to send their views on the proposals to the County Council via the email address: haveyoursay@lancashire.gov.uk. Residents were advised that the eight-week consultation began will close on Sunday 29 April 2018.

The Annual Meeting and Assembly will be held on Tuesday 15th May. A flyer has been produced and arrangements will be made shortly to invite organisations to attend the event.

The first meeting to discuss the development of a new Parish Plan was held on Tuesday 6th March attended by Parish Council Members and residents.

It was a very positive meeting and several actions were agreed starting with the development of questionnaire to gain an insight into the things that are relevant and important to people in the community. This will help to inform the production of a Parish Plan that is a clear statement of how the community sees itself developing over the next few years. A broad timetable has been agreed to produce a final version of the Plan for the period 2019 – 2022 by 31st December 2018.

The Clerk's report set out correspondence received in the last month. The Clerk's report was noted.

(iii) Members provided the following updates on issues arising since the last meeting:

Quarry Matters: The Chair reported on the main matters arising from the bi-annual meeting held on 6th March for Dunald Mill and Leapers Wood quarries attended by Councillors from Over Kellet and Nether Kellet Parish Council's; Carnforth Town Council; the Ward Councillor, Councillor Mace and a representative from the Quarry. The meeting in respect of the Back Lane Quarry will be held on 27th March.

It was reported that that general maintenance and restoration work is ongoing at Dunald Mill and will continue for several months. With the purchase of a new crusher it had been hoped that work would be completed in daylight hours at Leapers Wood, but problems with the machine has resulted in further night working, although it is hoped that this will be discontinued by the end of March. Plans to relocate the offices and concrete plant were scuppered by exceptional rainfall which has delayed the move until later in the year. Production is slightly down and two complaints have made been in the last 6 months, although these were well within permitted limits but may have sounded different given that they took place in the west quarry that has not been blasted for many years and the geology of the area.

Footpaths & PRoW: The Kissing Gates and surrounding area needs attention and it was suggested that this could be undertaken by the Cumbria and Lancashire Community Payback Scheme.

Several concerns were raised about the general state of footpaths including:

- Footpath by the school around 1 and 3 Leapers View, that has become broken and dangerous. Drainage and issues with the gutters have added to the problem causing water to drain onto the footpath;
- Footpath at Top Green and Greenways needs attention. The work has been costed with a view to it being funded by the Parish Council, although it is understood that this is the responsibility of Lancashire County Council it is felt unlikely that they will be in a position to do any work on it;
- Footpath at Greenways and Church Bank the Lengthsman will tidy up but gravel is needed to make good and, longer term, a drainage system probably needs to be in place.

There followed a discussion about general responsibilities around the maintenance of footpaths and whether the Parish Council had a general power that would allow it repair and maintain public footpaths. The Clerk was asked to find out and report back to Members for further consideration at the next meeting of the Parish Council;

B4RN: A working party to do further digging for cabling / ducting has been arranged. Volunteers are always welcome to join in with the digs.

STORAGE OF EMERGENCY PLAN & PARISH COUNCIL EQUIPMENT: Further enquiries have been with the Village Hall Committee about the storage of equipment and options and associated costings were discussed. Further clarification will be sought and arrangements agreed by/at the next meeting of the Parish Council.

Report of District and County Councillors: Nothing to report

5 PLANNING APPLICATIONS:

PLANNING APPLICATIONS.			
Application No / Description	Parish Council Comment / Application Decision Status		
18/00028/CU -Change of use of land for the siting of 36 static caravans/lodges including retrospective raising of land levels, creation of a new road and installation of a sewage treatment plant - Castleview Caravan Parks Castle View Park Borwick Road LA6 1FE	Parish Council Objection. Awaiting decision		
18/00085/FUL: Demolition of detached garage & existing conservatory, erection of a single storey rear extension and a single storey side extension -10 Hall Garth Gardens Over Kellet LA6 1BY	No comment – Awaiting decision		
17/01311/FUL: Demolition of existing machinery store and stables, erection of an agricultural building for free range laying unit, change of use of existing agricultural building for egg packing facilities, construction of two bulk feed bins, installation of staff facilities with associated package treatment unit and associated landscaping - Martin Mulligan, Parsons Field Restarigg Farm Kirkby Lonsdale Road Arkholme LA6 1BQ	Parish Council Objection. Awaiting decision		
17/01133/FUL: Erection of car showroom, maintenance workshop and preparation building, display area, storage compound with associated access and landscaping - Parker and Parker Limited Land North off Kellet Road	Objection / Awaiting decision		
18/00125/EIR - Screening opinion related to 17/01133/FUL above	No further comment – Awaiting decision		
18/00038/FUL - Erection of a 2-storey dwelling and creation of a vehicular access - Mr Metcalfe Old Hall Kirkby Lonsdale Road Over Kellet LA6 1DA	No Comment / Awaiting decision		
18/00087/FUL - Demolition of agricultural buildings, change of use and conversion of three agricultural barns into four 4-bed dwellings (C3) and erection of four 2-storey detached dwellings (C3) with associated access - Old Hall Farm Kirkby Lonsdale Road Over Kellet LA6 1DA	Comment submitted - Awaiting decision		
18/00088/LB – Listed building application relating to 18/00087/FUL above	Comment submitted – Awaiting decision		
18/00187/FUL - Extension to existing building to provide covered midden, Field 9759 Kellet Lane Over Kellet Lancashire- Mr Andrew Thompson	New application		

Members commented on the planning applications and their status, providing further updates as necessary.

The Chair advised that he and Councillor May had recently visited Restarigg Farm at the applicant's request regarding planning application 17/01311/FUL. Considering the information provided by the applicant on his plans for the new agricultural building and having seen first-hand the high standard of maintenance and general health of the chickens, together with assurances provided by the Environment Agency, it was recommended that the Parish Council's objection to this application be withdrawn.

Councillor May drew Members attention to a new application number 18/00236/FUL, not shown on the Agenda being: Replacement of flat garage roof with a slate pitched roof.

After some discussion, it was **RESOLVED** that the latest position on planning applications be noted; that the planning authority be informed that the Parish Council withdraws its objection to Planning Application 17/01311/FUL and that no representations be made in respect of Planning Application Numbers: 18/00187/FUL and 18/00236/FUL

6 PAYMENT OF ACCOUNTS:

1113	Mr R Bailey, Clerks Fee and Expenses January 2018	£305.16
1114	Lesley Gee – Paediatric pads for the village defibrillator	£ 66.00
1115	Twinning Association Annual contribution	£ 7.00
1116	Mr G Agnew – Folders for Emergency Plan	£ 19.93
1117	Wilson's Endowed School – Hire of Hall for Parish Meetings 2017/2018	£250.00

It was **RESOLVED** that the above accounts be paid.

- **APPOINTMENT OF INTERNAL AUDITOR**: The Clerk informed Members that as set out in the *Governance Plan*, previously reported, he had approached and had subsequently received an expression of interest from a qualified public service accountant to be the appointed Internal Auditor for the audit of the Parish Council accounts for the year ending 31st March 2018. Members were advised that the individual has many years' experience as a local government Internal Audit Manager and it was then **RESOLVED** that, subject to the receipt of a CV and confirmation of the cost of undertaking the internal audit, Derek Whiteway CPFA be appointed as Internal Auditor for the financial year ended 31st March 2018.
- **RISK ASSESSMENT 2018/2019:** The Clerk advised that as a local council it has a responsibility for ensuring that it's financial management is adequate and effective and that it must have a sound system of internal control that facilitates the performance of its statutory functions and powers and includes internal audit and the management of risk. This requires a review of the effectiveness of its system of internal control at least once a year.

Considering this, and the previous qualification of the council's accounts the Clerk presented an assessment of the work activities of the parish council, including the potential for things going wrong, the impact if they did and what controls are, or should be in place to eliminate or reduce the risks. The Clerk advised that as well as physical risks there could also be financial; legislative; technological; reputational or operational risks.

Members asked several questions and commented on the content of the document and it was then **RESOLVED** that, subject a minor amendment, the Risk Assessment 2018/2019 be approved and reviewed annually.

9 LANCASTER DISTRICT LOCAL PLAN 2011 – 2031: Members considered two key elements of the developing Local Plan being the Strategic Policies and Land Allocations Development Plan document (DPD) and a review of the Development Management DPD, originally adopted in 2014. The Clerk advised that the reported that the Strategic Policies and Land Allocations DPD '...sets out the strategic basis for plan-making within the Lancaster district up to 2031, it sets out the scale of growth required and how that growth will be delivered.

The DPD sets out a range of allocations which address the delivery of new development and the protection of land for its environmental, economic and social value'. The Development Management DPD provides '...updated advice and guidance to reflect any changing circumstances over recent years'.

It was reported that the statutory eight-week period for making representations relating to both DPD's is **Friday 9th February to 5pm on Friday 6th April 2018**. Members were advised that only comments on the 'soundness' and/or 'legal compliance' of these documents will be considered.

Members noted the detail and evidence set out in the DPD's and that upon adoption they will be the key documents in the Local Plan that will set out requirements, in planning terms, upon which all planning applications will be considered until 2031.

Members commented that the Parish Council had previously commented on a Sustainable Settlements Review that has yet to be completed and it was felt that given that this is not yet available the 'soundness; of the DPD's is questionable. Councillor Mace said that he understands that both Over Kellet and Nether Kellet are identified as sustainable settlements and agreed with the view that since the Sustainable Settlements Review had not been made available until some weeks into the consultation on the two DPD's now under consideration, their 'soundness' could be challenged.

After further discussion, it was **RESOLVED** that the Parish Council makes a representation that the soundness of the Local Plan is questionable on the basis that the Sustainable Settlements Review has yet to be completed and made available for consideration and comment.

- 10 EMPLOYMENT AND SKILLS SUPPLEMENTARY PLANNING DOCUMENT: The Clerk reported that Lancaster City Council are currently consulting on this document which seeks to encourage and deliver more training opportunities and apprenticeships for local people through new development. Members were informed that the consultation period for this document is a four-week period from Monday 26th February to 5pm on Monday 29th March 2018
 - Members noted, favourably, that the implementation of this SPD will make it a condition that employment and skills form part of any planning permission to ensure that local labour will be used during the construction phase of schemes and that local people will be provided with the opportunity for training and apprenticeships.
 - There was a slight concern as to whether this would have an impact on other priorities such as the building of affordable homes, but after further discussion, it was **RESOLVED** that principles of the Employment and Skills SPD be noted without comment.
- 11 LOBBY DAY 2018: The Clerk reported on the Lobby Day to be held on 20th March which the National Association of Local Council's (NALC) is promoting as a means of raising the profile of local councils with Members of Parliament, including Government Ministers. NALC are seeking to increase the influence of local councils with Government and to inform them of the achievements of local councils and to seek their support for changes that will help local councils to fulfil their potential and put 'communities back in control'.
 - Members **RESOLVED** to note the aims of the Lobby Day, the NALC proposals and the increased influence that they are seeking to achieve from Government.
- **GENERAL DATA PROTECTION REGULATIONS (GDPR):** The Clerk reported on the main concepts and principles of GDPR that will apply from 25th May 2018. Members were advised that, essentially, GDPR is an update and review of the Data Protection Act 1998 taking account of technological advances whilst placing a greater emphasis on more accountability and transparency when dealing with personal data and the rights of individuals should a breach occur.

Members attention was drawn to a 12-step guidance provided by the Information Commissioners Office to prepare for the implications of GDPR. Members noted that not all steps are relevant to the activities of the Parish Council and that a sense of proportionately was needed.

The Clerk reported that further guidance on the direct implications and actions needed to ensure compliance will be provided by the Society of Local Council Clerks (SLCC) in week commencing 26th March. This will include advice on whether Parish Clerks can be appointed as the Data Protection Officer for small councils.

It was then **RESOLVED** that the Parish Clerk provide a further update on GDPR at the April meeting of the Parish Council.

13 DATE & TIME OF NEXT MEETING: The next meeting of the Parish Council will be Wednesday 13th April 2018 commencing at 7:15pm.

The meeting closed at 8:35pm

oter Boulen.

Clerk of the Council

Chair Date:

QUARRY REPORT FOR APRIL PARISH COUNCIL MEETING

The biannual liaison meeting at Back Lane quarry was held on 27th March having been postponed from 6th March.

Business for the quarry is good, producing between 100kt and 120kt per month, with a target for the year of 1.1 million tonnes. This means an average of 4 blasts per month of between 20kt and 60kt per blast, depending where in the quarry the blasting is taking place. Both the location of the face being worked, and the depth, can vary from blast to blast, so therefore will the perception of the blast in the village. There have been three official blasting complaints since September, all within allowable limits. Mobile crushers have been brought in to aid with this increase in production. The asphalt plant is also busy, with night-time working taking place on a regular basis.

The boundary for the limit of blasting in Helks Wood has had to be moved in by about 10m at one point to enable a stable face to be achieved. It is hoped to establish the new viewing platform near this point by the end of the summer. It will be at the boundary of the two quarries, with access from the current footpath. Various planting schemes of butterfly-friendly plants are taking place.

The next meeting will take place on 11th September.

Nick Ward

Over Kellet Public Consultation



Russell Armer Homes are preparing an Outline Planning Application for new housing on land to the north of Kirkby Lonsdale Road in Over Kellet.

Planning Context:

- Lancaster City Council intend to provide for a significant increase in housing development.
- A number of villages, both within and outside of the Areas of Outstanding Natural Beauty, have been identified as Sustainable Rural Settlements, where new housing development is considered appropriate.
- Those Sustainable Rural Settlements outside of the AONBs, such as Over Kellet, are considered more suitable to accommodate higher levels of growth than those settlements within the AONBs.
- The village benefits from services within the Village and there is access to services and employment in nearby settlements, particularly Carnforth and Lancaster.
- In 2014 a planning application was submitted for 72 dwellings and we have considered many of the issues raised by local residents in formulating our initial plans for the site.
- Accordingly these outline proposals demonstrate a lower density scheme with a significantly reduced number of houses proposed which is more in keeping with the existing village. The proposals also better respect Hoggets Lane Farm and consider the drainage and highways issues raised in the earlier application.

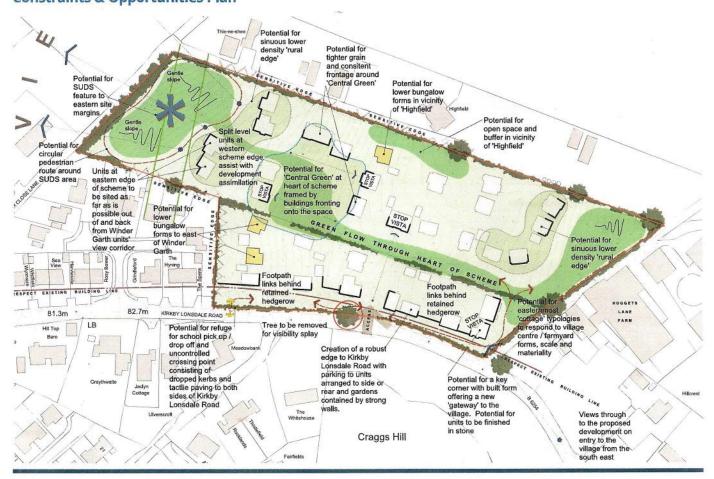
Site Location



The proposals include:

- Approximately 45 dwellings
- Up to 40% Affordable housing for local occupancy
- A mix of different sized homes including 2, 3 & 4 bedroom houses, apartments and bungalows
- A new access road onto Kirkby Lonsdale Road at the centre of the site's southern boundary
- Public open space distributed throughout the site
- · High quality landscaping

Constraints & Opportunities Plan



Drainage / flood risk:

- The site is located in Flood Zone 1 and is at low risk to flooding from rivers, surface water and groundwater.
- Ground investigations have been undertaken and confirmed that the fractured limestone bedrock that underlies the site provides suitable characteristics for infiltration drainage.
- It is proposed that surface water drainage will be via an infiltration basin located at the lowest elevation of the site near the western boundary. The infiltration basin will provide above ground storage for large storm events (1 in 100 years plus climate change) and will be designed to ensure that flood flows from exceptional events are directed away from existing dwellings on Moor Close Lane.
- It is proposed that all driveways to dwellings and private car parking areas will be constructed using permeable block paving with partial infiltration to help intercept run-off at source.

- It is proposed that the new dwellings will discharge foul water flows into the existing public sewer located in Kirkby Lonsdale Road near the proposed site entrance
- A Flood Risk Assessment and Outline Drainage Strategy will be submitted as part of the planning application.

Highways:

- A Transport Statement has been commissioned for the proposed development which will be submitted as part of the application.
- A review of the local highway network indicates that no existing highway safety patterns or concerns have been identified within the vicinity of the site;
- Based upon the rural village context of the site location, the site is considered to be sustainably located within a local context with accessibility to a range of services/amenities.

- Vehicular access to the site has been developed in line with appropriate design guidance, with suitable geometry and visibility based upon the development scale and connecting local highway network characteristics;
- Proposals include provision of a priority junction arrangement provided from the B6254 Kirkby Lonsdale Road and uncontrolled crossing point, linking to existing footway provision on the B6254 and a refuge area to facilitate school bus pick up / drop off in the vicinity of the site for the benefit of existing and future residents;
- Trip generation associated with the proposed development not expected to have a material impact on the safety or operation of the local nor wider highway network.

Framework Layout



Artists impression of proposed development viewed from the west.



Comments

We welcome your comments which can be made either via the Planning page on our website, emailing directly to consultation@russell-armer.co.uk or by post to the address below.

All comments received before 18th March will be considered and as a result design changes may occur prior to a planning application being submitted.

A copy of all comments received and the company's response to them will be submitted to Lancaster City Council as part of the application.



Planning Application Comments & Decisions March 2018



Application Number / Description	Town Council Comment	Planning Authority Decision / Status
17/01311/FUL: Demolition of existing machinery store and stables, erection of an agricultural building for free range laying unit, change of use of existing agricultural building for egg packing facilities, construction of two bulk feed bins, installation of staff facilities with associated package treatment unit and associated landscaping - Martin Mulligan, Parsons Field Restarigg Farm Kirkby Lonsdale Road Arkholme LA6 1BQ	Objection, subsequently withdrawn following visit to the premises	Awaiting decision
17/01133/FUL: Erection of car showroom, maintenance workshop and preparation building, display area, storage compound with associated access and landscaping - Parker and Parker Limited Land North off Kellet Road	Objection - development is within the countryside area and should be retained as such; land should be safeguarded for agricultural purposes; the land is adjacent to the Kellet Road Verges BHS; 4) highways impacts associated with increased queuing at the times on the A601(M) at the junction of the B6524; consider that there are alternative sites available for development in Carnforth.	Awaiting decision
18/00125/EIR - Screening opinion related to 17/01133/FUL above	No further representation	Awaiting decision

Planning Application Comments & Decisions March 2018



Application Number / Description	Town Council Comment	Planning Authority Decision / Status
18/00028/CU -Change of use of land for the siting of 36 static caravans/lodges including retrospective raising of land levels, creation of a new road and installation of a sewage treatment plant - Castleview Caravan Parks Castle View Park Borwick Road Capernwray Carnforth Lancashire LA6 1FE	Objection - Existing high concentration of caravans in this area; detrimental impact of further vehicular movements on the existing roads; concerns about accuracy of transport statement; need to ensure they are occupied for holiday use;	Awaiting decision
18/00038/FUL - Erection of a 2-storey dwelling and creation of a vehicular access - Mr Metcalfe Old Hall Kirkby Lonsdale Road Over Kellet LA6 1DA	No representation	Application permitted
18/00085/FUL: Demolition of detached garage & existing conservatory, erection of a single storey rear extension and a single storey side extension 10 Hall Garth Gardens Over Kellet LA6 1BY	No representation	Application permitted
18/00087/FUL - Demolition of agricultural buildings, change of use and conversion of three agricultural barns into four 4-bed dwellings (C3) and erection of four 2-storey detached dwellings (C3) with associated access - Old Hall Farm Kirkby Lonsdale Road Over Kellet Carnforth Lancashire LA6 1DA	Comment made neither supporting or objecting - Some concerns raised and a request made to consider reducing the number of properties to six	Awaiting decision

Planning Application Comments & Decisions March 2018



Application Number / Description	Town Council Comment	Planning Authority Decision / Status
18/00088/LB – Listed building application relating to 18/00087/FUL above	As 18/00088/LB above	Awaiting decision
18/00187/FUL - Extension to existing building to provide covered midden, Field 9759 Kellet Lane Over Kellet - Mr Andrew Thompson	No representation	Application permitted
18/00236/FUL - Replacement of flat garage roof with a dual pitched roof - Hill Top Barn Kellet Road Over Kellet LA6 1DG	No representation	Awaiting decision

Conduct of Meetings

Ordinary Parish Council Meetings

- 1. Ordinary meetings will be held each month throughout the year with the exception of the August meeting on the second Tuesday of each month (except August) commencing at 7:15pm. Any variance to this will be as directed by the Council.
- 2. 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.
- 3. When calculating the three clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, or a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
- 4. 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.
- 5. Members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda. The period of time designated for public participation shall be at the Chairman's discretion.
- 6. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 10 minutes, or as extended at the Chair's discretion.
- 7. A question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- 8. A record of a public participation at a meeting shall be included in the minutes of that meeting.
- 9. A person shall raise his hand when requesting to speak and shall address his comments to the Chairman.
- 10. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- 11. Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior consent.

- 12. The press shall be provided reasonable facilities for the reporting of all or part of a meeting at which they are entitled to be present.
- 13. Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman.
- 14. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- 15. All questions / decisions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- 16. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
- 17. Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- 18. The minutes of a meeting shall record the names of Councillors present and absent.
- 19. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- 20. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- 21. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- 22. 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.
- 23. If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

24. Meetings shall not exceed a period of 3 hours.

Annual Meeting of the Parish Council

- 25. 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.
- 26. 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.
- 27. If no other time is fixed, the annual meeting of the Council shall take place at 7:00pm.
- 28. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- 29. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- 30. The Vice-Chairman of the Council unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- 31. In an election year, if the current Chairman of the Council has not been reelected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- 32. In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- 33. Following the election of the Chairman and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows.
 - In an election year, delivery by Councillors of their declarations of acceptance of office;
 - Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - Review and adoption of appropriate standing orders and financial regulations;

- Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- Review of representation on or work with external bodies and arrangements for reporting back;
- In a year of elections, if a Council's period of eligibility to exercise the power of wellbeing has expired to review and make arrangements to reaffirm eligibility;
- Review of inventory of land and assets including buildings and office equipment;
- Review and confirmation of arrangements for insurance cover in respect of all insured risks;
- Review of the Council's and/or employees' memberships of other bodies;
- Establishing or reviewing the Council's complaints procedure;
- Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- Establishing or reviewing the Council's policy for dealing with the press/media;
- Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

Extraordinary meetings

- 34. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- 35. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within **seven days** of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.
- 36. The Chairman of a committee may convene an extraordinary meeting of the committee or sub-committee at any time.

Motions

Motions requiring written notice

- 37. No motion may be moved at a meeting unless it is included in the agenda or the mover has given written notice of its wording to the Council's Proper Officer at least **three clear days** before the next meeting.
- 38. The Proper Officer may, before including a motion in the agenda correct obvious grammatical or typographical errors in the wording of the motion.

- 39. If the Proper Officer considers the wording of a motion is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least **three clear days** before the meeting.
- 40. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- 41. Having consulted the Chairman or Councillors the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- 42. Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be open to inspection by all Councillors.
- 43. Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection which shall be open to inspection by all Councillors.
- 44. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

Motions not requiring written notice

- 45. Motions in respect of the following matters may be moved without written notice.
 - To appoint a person to preside at a meeting;
 - To approve the absences of Councillors;
 - To approve the accuracy of the Minutes of the previous meeting;
 - To correct an inaccuracy in the Minutes of the previous meeting;
 - To dispose of business, if any, remaining from the last meeting;
 - To alter the order of business on the agenda for reasons of urgency or expedience;
 - > To proceed to the next business on the agenda;
 - To close or adjourn debate;
 - To refer by formal delegation a matter to a committee or to a sub-committee or an employee;
 - To appoint a committee or sub-committee or any Councillors thereto;
 - To receive nominations to a committee or sub-committee;

- To dissolve a committee or sub-committee;
- To note the minutes of a meeting of a committee or sub-committee;
- To consider a report and/or recommendations made by a committee or a subcommittee or an employee;
- To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant;
- To authorise legal deeds to be signed by two councillors and witnessed;
- > To authorise the payment of monies in accordance with Financial Regulations;
- To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it;
- To extend the time limit for speeches;
- To exclude the press and public for all or part of a meeting;
- To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct;
- To give the consent of the Council if such consent is required by standing orders;
- To suspend any standing order except those which are mandatory by law;
- To adjourn the meeting;
- To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies;
- > To answer questions from Councillors.

Rules of debate

- 46. Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- 47. A motion shall not be considered unless it has been proposed and seconded;
- 48. A motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- 49. A motion to amend an original or substantive motion shall not be considered unless proper notice has been given and notice of such amendment, shall, if required by the Chairman, be given in writing and handed to the Chairman who shall determine the order in which they are considered.
- 50. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- 51. Any amendment to a motion shall be either:
 - to leave out words;
 - to add words;
 - to leave out words and add other words.
- 52. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- 53. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- 54. One or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.
- 55. The number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- 56. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- 57. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- 58. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 10 minutes.
- 59. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- 60. A Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- 61. 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.
- 62. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity he is concerned by in the meeting.
- 63. A point of order shall be decided by the Chairman and his decision shall be final.

- 64. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- 65. When a Councillor's motion is under debate no other motion shall be moved except to:
 - amend the motion;
 - proceed to the next business;
 - adjourn the debate;
 - put the motion to a vote;
 - ask a person to be silent or for him to leave the meeting;
 - refer a motion to a committee or sub-committee for consideration;
 - exclude the public and press;
 - adjourn the meeting;
 - suspend any standing order, except those which are mandatory.
- 66. The Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

Questions

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

Minutes

- 69. If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as having been read.
- 70. No discussion of the draft Minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the

Minutes shall be raised in accordance with these standing order (See *Motions* above)

- 71. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the Minutes relate.
- 72. Upon a resolution, which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

Reverse of previous resolutions

- 73. A resolution (whether affirmative or negative) of the Council shall not be reversed within **six months** with the written notice of at least **three councillors** of the Council, or by special motion or recommendation of a committee.
- 74. When a special motion or any other motion has been disposed of, no similar motion may be moved within a further **six months**.

Voting on appointments

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

Committees

- 76. The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - shall determine their terms of reference;
 - may permit committees to determine the dates of their meetings;
 - shall appoint and determine the term of office of Councillor or non-councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law);
 - may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer three days before the meeting that they are unable to attend;

- an ordinary member of a committee who has been replaced at a meeting by a substitute member shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting;
- may in accordance with standing orders, dissolve a committee at any time.

Advisory committees

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

Canvassing of and recommendations by Councillors

- 79. Canvassing Councillors or the members of a committee directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment.
- 80. A Councillor or a member of a committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion but may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

Inspection of documents

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

Unauthorised activities

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

Confidential business

- 83. Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- 84. A councillor in breach of the provisions of standing order 83 above may be removed from a committee by a resolution of the Council.

Code of conduct

- 85. All councillors shall observe the code of conduct adopted by the Council being the Local Authorities (Model Code of Conduct) Order 2007.
- 86. Pursuant to relevant provisions in the statutory code of conduct in force at the time, Councillors may **only** exercise the rights contained in standing order 87 below only if members of the public are permitted to:
 - make representations;
 - answer questions;
 - give evidence relating to the business being transacted.
- 87. Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may:
 - make representations;
 - answer questions;
 - give evidence relating to the business being transacted but must, thereafter, leave the room.

Disorderly conduct

- 88. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- 89. If, in the opinion of the Chairman, there has been a breach of standing order 88 above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be implemented directly and without further discussion.
- 90. If a resolution made in accordance with standing order 89 above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

Allegations of breaches of the code of conduct

- 91. On receipt of a notification that there has been an alleged breach of the code of conduct the Proper Officer shall refer it the Council.
- 92. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer until the complaint is resolved.
- 93. The subject matter of notifications shall be confidential and, insofar as it is possible to do so by law, the Council (including the Proper Officer and the Chairman) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
 - Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.;
 - Ensure that any background papers containing information in relation to the complaint are not made public;
 - Ensure that the public and press are excluded from meetings as appropriate;
 - Ensure that the Minutes of meetings preserve confidentiality;
 - Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- 94. These standing orders will not prohibit the Council (whether through the Proper Officer or the Chairman) from disclosing information to members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- 95. The Council shall have the power to:
 - seek documentary and other evidence from the person with responsibility for investigation of the matter;
 - seek and share information relevant to the complaint;
 - grant the Member involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the Council.
- 96. References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.

Power of wellbeing (England)

- 97. Before exercising the power to promote wellbeing, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- 98. The Council's period of eligibility begins on the date that the resolution was made and expires on the day before the annual meeting of the Council.
- 99. After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote wellbeing which was not completed before the expiry of the Council's period of eligibility.

Matters affecting council employees

- 100. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded.
- 101. Subject to the Council's policy regarding absences from work, the Clerk shall notify the Chairman, or in his absence, the Vice-Chairman, of any absence occasioned by illness or urgency and that person shall report such absence to next meeting of the Council.
- 102. The Chairman or in his absence, the Vice-Chairman shall conduct a review of the performance and/or appraisal of the Clerk and shall keep a written record of it.
- 103. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council.
- 104. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the Chairman or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter and this matter shall be reported back and progressed by resolution of the Council.
- 105. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by the Clerk relates to the Chairman or Vice-Chairman of the Council this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Council.
- 106. The Chairman shall be responsible for the management of the Clerk and shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

- 107. Records documenting reasons for the Clerk's absence due to ill health or details of a medical condition shall be made available only to members of the Council at the Chairman's discretion.
- 108. Only the Chairman shall have access to employee records referred to these standing orders.
- 109. Access and means of access by keys and/or computer passwords to records of employment shall be provided only to the Clerk and/or the Chairman of the Council.

Relations with the press/media

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

Liaison with City and County Councillors and Members of Parliament

- 112. Unless the Council otherwise orders an open invitation to attend any of the Council's meetings will be sent annually to the City and County Councillor's representing its ward and to the Member of Parliament for Morecambe and Lunesdale.
- 113. As directed by the Council, an invitation to attend a specific meeting of the Council shall be sent, together with the agenda, to the Councillor of the City and/or County Council representing its electoral ward.

Proper Officer

- 114. The Council's Proper Officer shall be either the Clerk or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- 115. The Council's Proper Officer shall do the following.
 - Sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council at least **three clear days** before the meeting;

- Give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);
- Include in the agenda all motions in the order received unless a Councillor has given written notice at least three days before the meeting confirming his withdrawal of it;
- Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
- Make available for inspection the Minutes of meetings;
- Receive and retain copies of byelaws made by other local authorities;
- Receive and retain declarations of acceptance of office from councillors;
- Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection;
- Keep proper records required before and after meetings;
- Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same;
- Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- Manage the organisation, storage of and access to information held by the Council in paper and electronic form;
- Arrange for legal deeds to be signed by two Councillors and witnessed
- Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- Record every planning application notified to the Council and the Council's response to the local planning authority in the Minutes of the meeting;
- Refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

Expenditure

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

Accounts and Financial Statement

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

Estimates / Precepts

- 122. The Council shall approve written estimates for the coming financial year at its meeting before the end of February.
- 123. Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than the end of January.

Financial matters

- 124. The Council shall consider and approve Financial Regulations drawn up by the Clerk which shall include detailed arrangements in respect of the following:
 - the accounting records and systems of internal control;
 - the assessment and management of financial risks faced by the Council;
 - the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor, which shall be required at least annually;

- the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments;
- procurement policies including the setting of values for different procedures where the contract has an estimated value of less than £20,000.
- 125. Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £20,000 shall be procured on the basis of a formal tender.
- 126. Any formal tender process shall comprise the following steps:
 - a public notice of intention to place a contract to be placed in a local newspaper;
 - a specification of the goods, materials, services and the execution of works;
 - tenders sent in a sealed marked envelope to the Clerk by a stated date and time;
 - tenders submitted opened after the stated closing date and time by the Clerk and at least one member of the Council;
 - tenders assessed and reported to the appropriate meeting of Council or Committee.
- 127. Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- 128. Where the value of a contract is likely to exceed EU Regulations thresholds the Council must consider whether the Public Contracts Regulations 2006 or the Utilities Contracts Regulations 2006 apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

Execution and sealing of legal deeds

- 129. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- 130. Any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures

Freedom of Information Act 2000

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

132. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Clerk to the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Clerk in respect of Freedom of Information requests

Variation, revocation and suspension of standing orders

- 133. Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- 134. A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall be carried where two-thirds of the Councillors at a meeting of the Council vote in favour.

Standing orders to be given to Councillors

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

OVER KELLET PARISH COUNCIL FINANCIAL REGULATIONS

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. 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 financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. [The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.] The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the 2015 Regulations.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

2. ANNUAL ESTIMATES (BUDGET)

- 2.1 The Clerk shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of January each year.
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- 2.3 The Council shall review the budget not later than the end of February each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.

- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall consider the need for and shall have regard to a three-year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations and any subsequent amendments thereto.
- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.

- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations or set by the Auditor.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations and any subsequent amendments thereto. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations, and any subsequent amendments thereto.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- A schedule of the payments required, forming part of the Agenda for the Meeting shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Council.

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

6 PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7 PAYMENT OF SALARIES

- 7.1 As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

8 LOANS AND INVESTMENTS

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

- 8.2 The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

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

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows:
 - (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

- (b) Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- (f) If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) When it is to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- (h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate and will, in normal circumstances accept the most advantageous tender based on quality and price.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

- Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13 ASSETS, PROPERTIES AND ESTATES

- 13.1 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 13.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

14 INSURANCE

- 14.1 Following the annual risk assessment (per Financial Regulation 15), the Clerk shall effect all insurances and negotiate all claims on the Council's insurers.
- 14.2 The RFO shall give prompt notification to insurers of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 14.5 The RFO and any other appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

15 RISK MANAGEMENT

- 15.1 The RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 15.2 When considering any new activity the RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

15.3 The Council shall carry out a Risk Assessment on an annual basis in accordance with the Accounts and Audit Regulations and any subsequent amendments thereto. The minutes shall record such review of the Council's financial and other risks.

16 REVISION OF FINANCIAL REGULATIONS

16.1 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.