



Helsby Parish Council

STANDING ORDERS

POWERS AND DUTIES OF COMMITTEES AND
SCHEME OF DELEGATION

ADMINISTRATIVE PROCEDURES

Adopted by the Council
14th September 1998

Latest Revision – 14th December 2020

STANDING ORDERS

1. Meetings

- a) Meetings of the Council shall normally be held at 7pm on the second Monday of each Month.
- b) Meetings of the Standing Committees shall be held as and when required.
- c) The Annual Parish Meeting for the Parish Electorate shall be held in April at which occasion the Annual Parish Report and Financial Statement for the year be presented.

2. The Statutory Annual Parish Council Meeting

- a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and;**
- b) **In a year, which is not an election year, the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
- c) **In addition to the Statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

3. Chairman of the Meeting

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

4. Proper Officer

Where a statute, regulation, or order confers functions or duties on the Proper Officer of the Council, in the following cases, that Officer shall be the Clerk:

- a) To receive declaration of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- c) To receive and retain plans and documents on behalf of the Council.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by another local authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of the Council.
- h) To record proceedings of the Council and Standing Committees.
- i) To process all requests made under the Freedom of Information Act 2000, Data Protection Act 1998 and GDPR, in accordance with and subject to the Council's procedures relating to the same.

5. Quorum of the Council

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

6. Voting

Members shall vote by show of hands or, if at least two members so request, by signed ballot.

7. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

7a. Abstentions will also be recorded by the Clerk if requested.

8. **(1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

(2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for the Chairman.

9. Order of Business

At each Annual Parish Council Meeting the first business shall be:

- a) **To elect a Chairman of the Council**
- b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d) **To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the council which have not been received as provided by law, shall be received.**
- e) **To elect a Vice-Chairman of the Council.**
- f) **To appoint representatives on outside bodies.**
- g) **To appoint Standing Committees and to adjourn the meeting whilst all the committees, except Standing Orders, appoint Chairman and Vice-Chairman.**
- h) **To inspect any deeds and trust investments in the custody of the Council as required.**
- i) **Business shall thereafter follow the normal order as set out in Standing Order 12.**

10. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

11. In every year the Council shall review the pay and conditions of service of existing employees. Standing Order 31 must be read in conjunction with this requirement.

12. After the first business has been completed, the order of business unless the Council otherwise decides on the grounds of urgency, shall be as follows:

- a) **Public Air Time – to approve the temporary suspension of the meeting to enable members of the public to raise matters on the agenda or of interest.** The maximum time allocated is 10 minutes subject to the discretion of the Councillors present.
- b) **To receive and accept apologies for absence.**
- c) **To receive requests for dispensations or to note declarations of disclosable pecuniary interests'** in accordance with s.33 of the Localism Act 2011. A dispensation when granted must specify the period for which it has effect and the period specified may not exceed 4 – years – see Standing Order 67 for more information.
- d) Police Matters – to receive a report from the constabulary, if present.
- e) To read and consider the minutes of the previous meeting; provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
- f) **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
- g) To dispose of business, if any, remaining from the last meeting.
- h) To receive and consider reports and minutes of Standing Committees.
- i) To receive such communications as the person presiding may wish to lay before the Council.
- j) To answer questions from Councillors.
- k) To receive any communications from CWaC and to consider reports and other matters relating to the principal authority.
- l) To receive and consider resolutions, information or recommendations.
- m) To consider the Council's response to planning applications and to receive (if any) the decisions on planning applications from the planning authority.
- n) To authorise the signing of orders for payment.

13. Urgent Business

A motion to vary the order of business on the grounds of urgency.

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and;
- b) Shall be put to the vote without discussion.

14. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the mover has given notice of its terms and had delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

- a) If requested to do so a Chairman shall briefly explain a Committee course of action prior to proposing acceptance of the relevant Minutes.

15. The Clerk shall insert in the summons for every meeting all notices of motion or other matters requested by any elected member unless the member giving a notice of motion has stated in writing that they intend to move at some later meeting or that they withdraw it,

16. If a resolution or other matter specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

17. If the subject matter of a resolution comes within the province of a Standing Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee, or to such other Committee as the Council may determine for report; provided that

the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

18. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

19. Resolutions Moved Without Notice

Resolution dealing with the following matters may be moved without notice:

- a) To appoint a Chairman of the meeting.
- b) To correct the minutes
- c) To approve the minutes
- d) To alter the order of business
- e) To proceed to the next business
- f) To close or adjourn the debate
- g) To refer a matter to a Standing Committee
- h) To appoint a committee or any members thereof
- i) To receive or adopt a report
- j) To amend a motion or resolution
- k) To give leave to withdraw a resolution or amendment
- l) To extend the time limit for speeches
- m) To exclude the press and public (see Order 57)
- n) To silence or eject from the meeting a member named for misconduct (see Order 27)
- o) To give the consent of the Council where such consent is required by these Standing Orders
- p) To suspend any Standing Orders (see Order 64)

20. Questions

A member may ask the Chairman of the Council or Clerk any question concerning the business of the Council, provided fourteen clear days notice of the question has been given to the person to whom it is addressed.

21. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

22. Every question shall be put and answered without discussion.

23. A person to whom a question has been put may decline to answer.

24. Rules of Debate

No discussion shall take place upon the Minutes except upon their accuracy, or a brief explanation. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.

25. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded.

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

c) A member shall direct her/her speech to the question under discussion or to a personal explanation or to a question of order.

- d) No speech by a mover of a resolution shall exceed three minutes and no other speech shall exceed three minutes except by consent of the Council.
- e) An amendment shall be either: -
 - i) To leave out words;
 - ii) To leave out words and insert others;
 - iii) To insert or add words
- f) An amendment shall not have the effect of negating the resolution before the Council.
- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- j) When a resolution is under debate no other resolution shall be moved except the following:
 - i) To amend the resolution
 - ii) To proceed to the next business
 - iii) To adjourn the debate
 - iv) That the question be now put
 - v) To exclude the press and public

- 26. a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide whom to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

27. Disorderly Conduct

- a) **All members must observe the Code of Conduct 2019, which was adapted and adopted by the Parish Council on 11th December 2019** from the Code of Conduct adopted by Cheshire West and Chester Council Code on 10th December 2015 in accordance with s.27 of the Localism Act 2011.
- b) No members shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c) If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. Any member may contact the Clerk or the Monitoring Officer for clarification or assistance on the Code of Conduct.
- d) If the motion mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

28. Alteration of Resolution

A member may, with the consent of a seconder, move amendments to their own resolution.

29. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least five members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

30. Voting On Appointments

Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

31. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded (see Standing Order No. 57).

32. Resolutions on Expenditure

Any resolution which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee,

or which would involve capital expenditure not previously budgeted shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Finance Committee shall report on the financial aspect of the matters.

33. Expenditure

Orders for the payment of money shall be authorised by resolution of the Council and signed by two members and countersigned by the Clerk or a third member.

34. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) The Council's Common Seal shall be used for sealing documents. It shall be applied by the Clerk in the presence of two members who shall sign the document as witnesses.

35. Committees

The Council shall at the Annual Parish Council Meeting appoint Standing Committees as appropriate to the need, but subject to any statutory provision thereon:

- a) Committees shall have delegated powers according to the Scheme of Delegation adopted by the Council.
- b) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- c) May appoint persons other than members of the Council to any committee.
- d) May dissolve or alter the membership of a committee at any time.
- e) Any member of the Council, not being a member of a particular standing committee, may act as a substitute member in the event of a member of a standing committee being unable to attend a meeting of that committee and requesting him/her so to act.
- f) Size of Standing Committees.
 - (1) That each committee should be made up of no more than 7 members including the Chairman and Vice-Chairman of the Parish Council and preferably 1 member from each ward;
 - (2) Election to the committees will be initiated by the Clerk sending out a form, prior to the Annual Meeting of the Parish Council in May each year, for councillors to indicate what committees they wished to be a member of;
 - (3) Should a committee be over-subscribed then there would be a ballot by members of the full council to decide membership. Unsuccessful applicants would be placed on a "reserves list" and asked to stand in for any committee members unable to attend a meeting.

36. a) The Chairman and Vice-Chairman of the Council shall, *ex officio*, be members of every committee.

b) The Council Finance Committee should consist of the Chairs of the Health & Safety, Environment, Parks, Cemetery and Allotments and Human Resources Committees and the Chairman and Vice-Chairman of the Council, with the proviso that each ward be represented by at least 1 member. Committee Chairman to delegate to Vice-Chairman or to another member of his/her Committee, to attend in his/her absence.

37. Excepting the Standing Orders Committee, every committee shall elect a Chairman and Vice-Chairman during an adjournment of the Annual Meeting of the Parish Council in May to hold office until the next Annual Meeting of the Parish Council.

38. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than one quarter of the members of that committee. The summons shall set out the business to be transacted at the special meeting and no other business shall be transacted at that meeting.

39. Advisory Committees

- a) The Council may create advisory committees, whose name and number of members and the bodies to be invited to nominate members shall be specified.

- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) An advisory committee may consist wholly of persons who are not members of the Council.

40. Delegation to Committees

Subject to the provisions of a Scheme of Delegation approved by the Council, all powers and duties of the Council, other than the following which shall be reserved to the Council, shall be delegated to Standing Committees:

- a) Any matter involving expenditure, which would exceed that approved for the item in question in the budget estimate.
- b) When two members of the Council, having given prior notice, request that committee not to exercise delegated powers with respect to any matter to be considered by that committee, the committee shall not exercise delegated powers unless the matter be of such urgency that cannot await the next meeting of the Council.

41. Voting in Committees

Members of committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.

42. Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

43. Delegation to the Clerk

Any powers and duties of the Council involving expenditure of not more than £150 and for which provision has been made in the budget estimates, may be exercised by the Clerk where there is an urgency which cannot await the next meeting of the appropriate Standing Committee or the Council and the Clerk shall report to the next meeting on the delegated action he/she has taken.

44. Accounts and Financial Statement

- a) Except as provided in paragraph (b) of the Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the Clerk for payment with the approval of the Chairman and Vice-Chairman of the Council.
- c) All payments ratified under sub-paragraph (b) of this Standing Order shall be separately included in the next schedule of payments before the Council.
- d) The Clerk shall be the Responsible Financial Officer of the Council.

45. The Clerk shall supply to each member as soon as practicable after 31st March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate basis (receipts and payments) for a year to 31st March shall be presented to each member before the end of the following month of May.

The Statement of Accounts of the Council (which is subject to internal audit) shall be presented to the Council for formal approval before the end of the following month of June.

46. Estimates / Precepts

- a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.
- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than end December.

47. Interests

If a member has a disclosable pecuniary interest (defined as an interest of the member or of the member's partner [which means spouse or civil partner or a person with whom the member is living as husband and wife or as civil partners] within the categories specified in the Code of Conduct 2019) then he/she shall declare such interest as soon as it becomes apparent.

48. If a member who has declared a disclosable pecuniary interest, as defined in the Code of Conduct 2019, they must withdraw from the room during consideration of the item to which the interest relates unless a dispensation has been completed and approved which covers the item – see Standing Order 67.

49. The Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

50. If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, they and the person to whom they are related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.

51. The Clerk shall make known the purpose of the Standing Order to every candidate.

52. Canvassing of and Recommendations by Members

- a) Canvassing of members of the Council or of its committees, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
- b) A member of the Council or any of its committees shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion: but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

53. Standing Order Nos. 50 and 52 shall apply to quotations as if the person making the quotation were a candidate for any appointment.

54. Inspection of Documents

- a) A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
- b) **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council or elector of the Parish.**

55. Freedom of Information Act 2000

- a) All requests for information held by the Council shall be processed in accordance with the Council's 'Publication Scheme' in respect of handling requests under the Freedom of Information Act 2000.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Standing Orders Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out as above.

56. Unauthorised Activities

No members of the Council or any Committee shall in the name of the Council (unless so authorised by the Council):

- a) Inspect any lands or premises, which the Council has a right or duty to inspect.
(NOTE – this does not apply in respect of land or premises in connection with a Planning Application).
- b) Issue orders, instructions or directions.
- c) Take any action or decision with intent to bind the Council.
(NOTE – it is unlawful for the Chairman or a single Member to take a decision binding the Council)

57. Admission of the Press and Public to Meetings

- a) **The public and press shall be admitted to all meetings of the Council and its committee which may, however, temporarily exclude them from all or any part of a meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of the business or of the proceedings. (Public Bodies (Admission to Meetings) Act 1960, s. 1).**
- b) The Council or Committee shall state the special reason for exclusion.
- c) Paragraph (a) applies to any meeting of the Parish Council or any committee thereof.
- d) The press and public shall be supplied with a copy of the Agenda and supporting papers if they so request.
- e) No member of the press or public shall have the right to speak at any meeting of the Parish Council or of a Committee unless by invitation. Such invitation must be supported by at least 2 members and the Chairman.
- f) A maximum of 10 minutes shall be allocated at the beginning of the meeting for public participation. This may be extended at the discretion of those Councillors present so that: -
 - 1) Presenters of petitions can speak in support of their petitions.

2) Members of the public have the right to ask questions of the Council and to make points of concern relating to matters which are within the legal competence of the Council. The Chairman when opening public air time, will make a point of stating that all matters raised will be considered and will be answered as soon as is practical and may be answered in writing.

58. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present

59. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that they be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

60. Handling confidential or sensitive information

- a) No member of the Council or of any committee shall disclose to any person not a member of the Council, any business declared to be confidential by the Council or Committee as the case may be.
- b) 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.
- c) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- d) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee of the Council by the specific resolution of the Council.

61. Liaison with Principal Authority Councillors

A Summons and Agenda for the meeting of the Council shall be sent to the Principal Authority Councillor.

62. Failure to Attend Meetings

A Councillor shall cease to be a member of the Council if they fail to attend any meetings of the Council for six consecutive months after the last attendance, unless before the expiry of that period the Council approves a reason for the absence.

63. Code of Conduct on Complaints

Arrangements for Dealing with Standards Complaints Against Members (in accordance with the Localism Act 2011) and CWaC Code of Conduct Complaint Forum – adopted by the Parish Council on 13th March 2017 Minute Ref 6.1 Page 1363. Please see link below to Cheshire West and Chester Code of Conduct and Complaints about Councillors:

<https://www.cheshirewestandchester.gov.uk/residents/contact-us/complaints-and-feedback/complaints-about-councillors/complaints-about-councillors.aspx>

- a) On receipt of a complaint to the Proper Officer - PO (Parish Clerk), the PO will refer the complaint to Monitoring Officer at Cheshire West and Chester Council who will assess the complaint and make a decision on the complaint within 21 days.
- b) Upon notification by the Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer (Parish Clerk) shall, subject to standing order 60 above, report this to the council.
- c) Where the notification in standing order 63a) above relates to a complaint made against the PO – Parish Clerk, the PO shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 63(d) below.
- d) 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.

Upon notification by the Borough Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

64. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolutions in relation to any specific item of business.

65. A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

66. Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him/her of the member's "Declaration of Acceptance of Office" and written undertaking to observe the Code of Conduct adopted by the Parish Council on 11th December 2019.

67. Dispensations

Section 33 of the Localism Act 2011 permits a local council to grant a dispensation to a member or co-opted member to allow him/her to participate in a discussion or to vote on a matter in which he/she has a Disclosable Pecuniary Interest.

Requests from individual members should be made in writing to the council's Clerk and may be granted by the full council.

The council may grant a dispensation if, having had regard to all relevant circumstances, it considers that:

- a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
- b) granting the dispensation is in the interests of persons living in the council's area, or
- c) it is otherwise appropriate to grant a dispensation.

A dispensation when granted must specify the period for which it has effect and the period specified may not exceed 4 years.

Based on the general exemptions which applied under the previous national Code, it is recommended that local councils agree general dispensations for a period of four years to all their members and co-opted members to allow them to participate in any discussion and vote in the following cases:

- Setting the council tax or a precept under the Local Government Finance Act 1992 (or any subsequent legislation) or special expenses;
- School meals or school transport or travelling expenses where they are a parent or guardian of a child in full time education or a parent governor unless the matter relates specifically to the school which the child attends;
- An allowance, payment or indemnity given to members;
- Any ceremonial honour given to members.

Approved and adopted by the Council 14th September 1998.

Subsequently reviewed and adopted 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 14th December 2020.

POWERS AND DUTIES AND SCHEME OF DELEGATION

Environment Committee

Duties:

- 1) To consider, and keep under review, arrangements for, and matters arising from liaison with:
 - a) CF Fertilisers UK Limited (formerly GroHow)
 - b) Encirc (formerly Quinn Glass)
 - c) Protos (formerly Ince Resource Recovery Park)
 - d) Liverpool John Lennon Airport
 - e) Air Quality Forum
 - f) Wind Farm Local Liaison Committee
 - g) Wind Farm Community Benefit Fund
 - h) Cycle North Cheshire
 - i) BGS Geoenery Observatory
- 2) To keep under review emissions from any industrial sources or any other sources effecting Helsby.
- 3) To monitor highways and open spaces to ensure that they are kept to good standards.
- 4) To monitor bus shelters and bus services in Helsby.
- 5) To monitor Helsby Station and train services serving Helsby.
- 6) To monitor litter and dog litter problems to ensure a high standard of cleanliness throughout Helsby.
- 7) To monitor the public footpaths and bridleways serving Helsby to ensure a high standard of repair and maintenance.
- 8) To organise suitable competitions to improve the environment of Helsby.
- 9) To promote schemes to improve the general environment of Helsby.
- 10) To monitor grass cutting on environmental areas and roadside verges in Helsby.
- 11) To prepare annually a Budget of Payments and Receipts for the consideration of the Finance Committee and the Council.
- 12) To manage the land and facilities at Sherwood Court site, Lower Robin Hood Lane.
- 13) To manage the land and facilities at Maltby Triangle.
- 14) To manage and maintain a number of community defibrillators in Helsby.
- 15) To liaise with relevant community groups regarding Christmas celebrations and festive decorations.

Powers:

- 1) To receive reports from members who attend liaison committees as listed under Section 1) of Duties and to recommend to the Council any action to be taken thereon.
- 2) To receive reports on the monitoring of emissions and to recommend the Council on any action to be taken thereon.
- 3) To authorise the issue of letters requesting owners to cut back overhanging vegetations where these are obstructing pavements/highways.
- 4) To keep in good repair the bus shelters, defibrillators, Christmas decorations, litter bins, dog litter bins, grit bins and similar items in the ownership of the Council.
- 5) To consider bus and railway facilities serving Helsby and to recommend to the Council on actions to be taken to preserve or improve services.
- 6) To receive reports on the conditions of public footpaths and bridleways in Helsby and to grant aid repairs and maintenance where necessary.
- 7) The operation of schemes to promote environmental improvements, including competitions and grant aided schemes, throughout Helsby.

- 8) To monitor grass cutting on environmental areas and roadside verges in Helsby and to ensure that the works are carried out in a satisfactory manner.
- 9) Generally, to incur expenditure within the Annual Budget approved for the Environment Committee by the Council in any specific financial year, and to *vire* the expenditure on any item so long as the overall budget provision will not be exceeded.

Parks, Cemetery and Allotments Committee

Duties:

- 1) To manage the Park, Children's Play Areas and Parish Field.
- 2) To manage the open space land at Mountain View excluding the area leased to commercial tenant.
- 3) To manage Helsby Public Cemetery as per the council's 'Cemetery Regulations' and recommend fees.
- 4) To manage the Allotments as per the Council's 'Allotments Policy'.
- 5) To consider and report on matters in other parts of Cheshire West & Chester area which may have impact on facilities for Helsby residents.
- 6) To monitor provision and use of non-Council recreational facilities.
- 7) To consider and report on quotations for grass cutting and tree maintenance work in the Park, Cemetery, Allotments and lands at Mountain View, Sherwood Court and Maltby Triangle.
- 8) To prepare annually a Budget of Payments and Receipts for the consideration of the Finance Committee and the Council.
- 9) To develop and review annually policies relating to the Parks, Cemetery and Allotments.
- 10) To review, at least annually, the Terms and Conditions of the Allotments Tenancy Agreement and recommend the rent and to arrange Public Liability Insurance cover for the tenants and recommend re-charging tenants.
- 11) To manage and monitor lease arrangements for Scout and Guide Huts on Parish Field.

Powers:

- 1) To ensure the repair and maintenance of the Park and Children's Play Area and the equipment therein.
- 2) To consider and recommend to the Council additional playing facilities or equipment.
- 3) To maintain the open space land at Mountain View and to grant, on behalf of the Council, Licences to use or cross the land owned by the Council in this area.
- 4) To ensure the Cemetery is kept in good order and maintained including the purchase of any equipment necessary for this purpose.
- 5) To authorise the serving of notices for breaches of the Allotment Tenancy Agreements.
- 6) To recommend the letting of vacant Allotments.
- 7) To consider and recommend the Council on quotations for grass cutting and maintenance in the Park, Parish Field and lands at Mountain View, Sherwood Court and Maltby Triangle.
- 8) To authorise tree and shrub and other maintenance works in the Parks, Cemetery, Allotments and lands at Mountain View, Sherwood Court and Maltby Triangle.
- 9) Generally, to incur expenditure within the Annual Budget approved for the Committee by the Council in any specific financial year, and to *vire* the expenditure on any item so long as the overall budget provision will not be exceeded.

10) To ensure appropriate arrangements are in place and recorded for organisations wishing to use the Parish Field.

Finance Committee

Duties:

- 1) To monitor the finances of the Council.
- 2) To review the recommendations of the other committees and to recommend to the Council the Annual Budget provisions.
- 3) To recommend to the Council the Precept for the coming Financial Year.
- 4) To review and recommend to the Council the amount available for remuneration & associated costs of the staff employed by the Council.
- 5) To monitor the application of the specified reserves projects
- 6) To consider and recommend to the Council the timetable and levels of expenditure required to meet the long-term capital schemes approved by the Council.
- 7) To keep under review the arrangements with the Helsby Community Association relating to the use of the Community Centre, licensing and expenditure thereon.
- 8) To keep under review the Council's insurance requirements and Policy conditions.
- 9) To review annually, the terms and conditions of any land and property in the ownership of the Council or where there is a shared responsibility for such land and property except where allocated to other committees.
- 10) To review, annually, the list of Council assets.
- 11) To consider and report to the Council on any supplementary budget expenditure recommended by the committees.
- 12) To review, annually, the Council's 'Financial Regulations'.
- 13) To carry out, annually, Financial Risk Assessment.
- 14) Where the Council has entered, as lessor, into a commercial lease, to manage the agreement and rent reviews.
- 15) To agree the terms and conditions of a lease where the Council is lessee.
- 16) To produce, review and update a 5-Year Business Plan including the tracking of S106 and CIL payments.

Powers:

- 1) Generally, to incur expenditure within the Annual Budget approved for the Finance Committee by the Parish Council in any specific financial year, and to *vire* the expenditure on any item so long as the overall budget provision will not be exceeded.

- 2) To approve changes in car mileage, subsistence and other allowances in accordance with national recommendations.
- 3) To approve variations in the value of Council assets, including the writing off of damaged or missing assets.
- 4) To approve changes in the Council's insurance where necessary.

Health and Safety Committee

Duties:

- 1) To ensure that all activities carried out on behalf of the Council by its employees or other persons directly employed by the Parish Council are done so in a safe manner.
- 2) To ensure that, as a consequence of its activities, the Council does not harm its employees, contractors or members of the public.
- 3) Conduct regular meeting with its employees to discuss matters pertaining to Health, Safety and the Environment in line with current legislation.
- 4) To engage in the continuous training to ensure compliance with current legislation of its employees and councillors (where appropriate) to enable them to carry-out their duties and use of equipment in a safe manner.
- 5) To report all training given to staff, to the Human Resources Committee for recording purposes.
- 6) To ensure all equipment used by its employees is checked and maintained correctly and fit for purpose. Special care should be taken of any equipment that is covered by current Health & Safety regulations.
- 7) To prepare, annually, a Budget of Payments and Receipts for the consideration of the Finance Committee and the Council.
- 8) To keep a record of any accidents involving employees/councillors (and the public whilst utilising Council owned land and properties) and to enter the accidents into the Official Accident Book held by the Clerk.
- 9) To meet with representatives from the Helsby Community Centre to ensure compliance with the Health & Safety laws.
- 10) To maintain and formally review annually the Council's Health & Safety Policy.
- 11) To request Method Statements and Risk Assessments from persons carrying out work on behalf of the Council, when deemed appropriate.

Powers:

- 1) To stop, immediately, any work being carried out on the Parish Council's behalf, if it is being done so in an unsafe manner.
- 2) To incur expenditure in line with the Annual Budget approved for the Health & Safety Committee by the Council in any specific year, and to *vire* the expenditure for any item so long as the overall budget provision will not be exceeded.

Human Resources Committee

Duties:

- 1) To review and recommend any changes to the Council's employees "Terms and Conditions of Employment" to include the following:

Remuneration, grading and salary structures
Hours of work
Holiday entitlement
- 2) To analyse current list of tasks undertaken by the Council's employees and recommend any changes to ensure the most efficient use of the Council's resources.
- 3) To maintain and keep under annual review the following employee-related procedures:
 - Disciplinary Procedures
 - Employees Grievance/Avoidance of Disputes Procedures
 - Absence Information
 - Equality & Diversity Policy
 - Complaints Procedure
 - Appraisal and Training Policy
- 4) To ensure compliance by all staff and councillors for the above procedures.
- 5) To ensure suitable training procedures are in place for all Councillors and the Council employees.
- 6) To conduct meetings with Council employees as and when required.
- 7) To ensure all training will be recorded and evaluated in order to assess its relevance and content.
- 8) To prepare annually a budget of Payments and Receipts for the consideration of the Finance Committee and Council.
- 9) To ensure that appraisals with all the Council's staff are undertaken at least annually.
- 10) To ensure that all employment law matters are adhered to.

Powers:

- 1) To discipline, as appropriate, employees in accordance with the Council's disciplinary procedures.
- 2) To incur expenditure in line with the Annual Budget approved for the Committee by the Council in any specific year and to *vire* the expenditure for any item so long as the overall budget provision will not be exceeded.

ADMINISTRATIVE PROCEDURES

1. MINUTES

The Minutes of the Council meetings recorded and published by the Clerk shall include:

- a) The subject of the Minutes.
- b) A clear statement of fact.
- c) A resolution and any amendments made.
- d) Names of the proposer and seconder.
- e) Result of any vote.
- f) Reference to previous Minutes on subject to trace progress of an item through the Council.

2. PLANNING APPLICATIONS

All planning applications will be dealt with in accordance with Appendix 1 (as now attached to this document) "Helsby Parish Council procedure for reviewing planning applications".

3. IDENTIFICATION CARDS

All members and staff of the Council as well as its contractors shall be provided with official identification cards primarily for use when visiting properties in connection with Council business.

4. CORRESPONDENCE

- a) The Clerk shall receive all correspondence and shall arrange for matters requiring decision by the Council or a Committee of the Council or considered likely to be of significant interest to residents to be placed on the Agenda for the next meeting of the appropriate body.
- b) The Clerk shall convey the decisions of the Council or the appropriate Committee to the correspondent as soon as possible after the meeting.
- c) The Clerk shall keep a list of outstanding matters before the Council or Committee which are awaiting response for others or decision of the Council or Committee.
- d) Copies of relevant correspondence relating to matters on the Agenda for the Council or a Committee or considered to be of significant interest to residents shall be sent to the appropriate Chairman with the Agenda for the meeting.
- e) On a weekly basis, the Clerk shall acquaint the Chairman of the Council with the salient details of correspondence received, for follow-up as deemed appropriate – e.g. meetings or consultations requiring a response before the next full Council meeting.

5. COMMITTEES

- a) If a Committee Chairman has not requested (with the exception of the Standing Orders Committee) a meeting of the Committee in the past three months, the Clerk should call a meeting of that committee without consultation.

- b) Advanced notification of all council and committee meetings, and surgery dates & rota, will be posted soon after the Annual Meeting of the Parish Council held in May for the ensuing municipal year.

6. COUNCILLORS

- a) That within 6 months of being elected/co-opted, it is expected that the new member(s) will undertake a recognised training course on roles and responsibilities.
- b) Councillors will also be encouraged to undergo ongoing training as befitting their role.
- c) The Clerk will keep a log of councillors attending training which will be recorded and published on the website.
- d) The Clerk will update Roles & Responsibilities of Councillors annually following the Annual Meeting of the Parish Council.

7. COUNCILLORS' SURGERIES

That the Council hold monthly surgeries to take place on the first Saturday of every month (with the exception of Bank Holiday weekends) from 10am to 11am with a councillor from each ward in attendance.

- 8. The council's policies will show version and the date reviewed.

APPENDIX 1

HELSEBY PARISH COUNCIL

PROCEDURE FOR REVIEWING PLANNING APPLICATIONS

All applications should be reviewed with regard to Helsby Neighbourhood Plan 2015-2030 and other local and national planning policies. Responses should include the reason(s) why an application does or does not conform to a particular policy.

1) Receipt of Applications

- a) The Clerk shall, as soon as it is received, enter in a book and/or Excel spreadsheet kept for purpose the following particulars of every planning application notified to the Council:
- the date on which it was received;
 - the planning application number;
 - the name of the applicant;
 - the place to which it relates;
 - the ward to which it related and Lead member assigned; and
 - the date by which a response is required.

The Clerk will also record, in the same register(s) Helsby Parish Council's response to each application and the decision by the Planning Authority.

- b) The Clerk, at his/her discretion and if necessary, in consultation with the Chairman, shall decide if the application is a major one. Major proposals typically include those with implications for compliance with the Helsby Neighbourhood Plan such as development of a site with multiple dwellings, developments affecting local infrastructure, amenities or facilities, and those which may impact the community as a whole. A public consultation on such applications may be considered appropriate.
- c) The Clerk will advise all ward members of the receipt of an application concerning their ward, the Lead ward member to whom the application has been assigned and the date by which the Clerk needs to receive an agreed response (typically a few days before the CWAC deadline). If such a process has been agreed within a ward, the Lead ward member will reassign leadership to another ward Councillor so that the duty is rotated for each application received. The Clerk will also copy any correspondence to the Chairman and Vice Chairman of the Council.
- d) In addition, the Clerk shall notify Councillors of the adjoining ward if the application refers to a property adjacent to the ward boundary. For major applications, the Clerk will notify all Council members, indicate the Lead ward member assigned and whether a public consultation is expected.
- e) If the date by which a response is required is not feasible given the nature of the application, the Clerk will contact the Planning Authority (CWAC) and request an extension to the deadline for comments.

2) Review of Application by Ward members

- a) The Lead ward member shall review the application via CWAC website and advise an appropriate response from the options below:

- Option A: Helsby Parish Council has no objections.
- Option B: Helsby Parish Council has objections as described.
- Option C: Helsby Parish Council does not object to or support the application but has comments or seeks safeguards as described.
- Option D: Helsby Parish Council supports the application.

The Lead ward member will draft text describing the objections or comments, in readiness for submission “as is” to CWAC after agreement with other ward members. The Lead member may include photographs, Google Streetscene images etc if these are critical to support arguments in the response. The objections / comments should reflect local planning policies and consider only those aspects which are relevant to the Council’s role.

If the application is extensive and the Lead member requires a hard copy for review, they will download the files they require from CWAC website and email to the Clerk. The Clerk will provide a print-out to the Lead member, which may then be passed on to other ward members.

- b) The Lead ward member will circulate the draft response to other ward members by email or as per the process agreed within each ward. Other ward members will state their preferred response from the options shown in section 2a) above and suggest edits or additions to the draft response if appropriate. The Chairman and Vice Chairman of the Council should also be copied in to any correspondence.

A minimum of three ward members should review any application.

- c) The Clerk will liaise with the Lead and other ward members to ensure an agreed response on the application is received by the date indicated. If members disagree on a response, the Lead ward member will follow up to obtain a consensus or a clear majority view, if necessary, seeking input from other Councillors as appropriate.
- d) For major applications, the Lead ward member will take responsibility for working with other members and the Clerk to arrange a public consultation if considered appropriate and preparing an agreed response in readiness for submission to CWAC. If possible, within the timelines (see Section 1e), the recommended response should be circulated to all Parish Councillors for endorsement at the next Parish Council meeting before submission to CWAC.

3) Response to CWAC Planning Authority and Decision

- a) The Clerk will submit the ward members’ agreed response “as is” to the CWAC website by the required deadline. If the planning application has been the subject of a public consultation, this will be noted in the response and the Clerk will include a copy of the attendee list.
- b) The agenda for Helsby Parish Council meeting will include a list of all planning applications and, if available, the option from section 2a) agreed as the response. The Clerk will prepare a report to accompany the agenda containing the full response describing objections/comments for each application so that learnings from each ward are shared.

- c) All decisions by the Planning Authority will be communicated to the Council by the Clerk at Helsby Parish Council meetings. If the decision is against the recommendation made by the Parish Council, the Clerk will obtain the Planning Officer's report from CWAC website and circulate to all Councillors.
- d) The Clerk will record the Planning Authority decision in the register of planning applications together with any critical planning conditions (e.g. those specifically requested by the Parish Council).

4) Viewing of Plans by Parishioners

- a) CWAC make all plans available to view online at their website: www.cheshirewestandchester.gov.uk and parishioners can submit comments online, by email or by post. CWAC also notify neighbouring properties about a planning application and provide details of how to view and comment.
- b) If an individual parishioner contacts the Clerk about a specific Planning Application, the Clerk will liaise with the Lead ward member and provide assistance to the parishioner as required.
- c) The Clerk will provide a copy of Helsby Parish Council's response to any individual parishioner if requested.

Revised on 14th December 2020.