

RADWAY PARISH COUNCIL

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12, Meadow Way, Fenny Compton, Southam, Warwickshire, CV47 2WD
37007713 892835 clerk@radwayparishcouncil.org.uk

11th July 2024

Dear Councillor

You are hereby summoned to attend an **Ordinary Meeting** of the Parish Council at **Radway Village Hall**, Tysoe Road, Radway, Warwickshire CV35 0UE commencing at **7.30pm** on Thursday 18th July 2024. Please contact the Clerk for further details.

Helen Hide-Wright

Helen Hide-Wright
Clerk & RFO to Radway Parish Council

AGENDA

1. Apologies :
 - a. To receive apologies for absence: Cllr. Gardner, Cllr. Malcolm Littlewood.
 - b. To consider acceptance of apologies.
2. Declarations of interests and consideration of dispensation requests: Councillors must declare their interest in items to be discussed. Any requests for dispensations must be applied for in advance of the meeting.
3. Acceptance of the minutes of the previous meeting:
 - Ordinary Meeting 16th May 2024.
4. Matters Arising from the minutes and previous meetings: Matters arising from the minutes, including those which have been carried over from past meetings.
5. Public participation: The public are invited to address the Council on any relevant matter for a maximum of 3 minutes each. Issues raised by the public may be added to the agenda of the next meeting.
6. Councillor reports: To receive reports for information from Councillors on their agreed portfolio and any other significant matters raised between meetings:
 - (i) Chair (Budget & Finance, Website/IT, Grounds Maintenance and Street Furniture). Internal Audit Report review.
 - (ii) Cllr Mathews (Footpaths, Rights of Way and Street Lighting) Update on King John's Lane. Update on grant application/s and grant funding.
 - (iii) Cllr Rankin (Playground Inspections & Crime Prevention)
 - (iv) Cllr Gardner (Parish Council Policies, GDPR and Green Issues) RPC Financial Regulations. RPC Vexatious Complaints Policy.
 - (v) Cllr Smith-Vincent (Highways).
 - a. Reports from Ward Representatives of Warwickshire County Council (WCC): Chris Mills and Stratford District Council (SDC): Malcolm Littlewood
7. Planning Applications
 - (a) SDC Planning decisions since our last meeting: 24/0310/FUL Millstone Cottage, 6 The Green: Permission with conditions.
24/01516/LBS School House, Tysoe Lane: RPC comment submitted 27.6.2024: "No Objection."
 - (b) SDC Planning applications:

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- (c) Planning Notices: 24/01336/TPO Egge Cottage: SDC Decision: Consent for arboricultural work.
 - (d) Expected changes to the National Planning Policy Framework [NPPF] under the new Government
8. Replacement street lighting Update on planning enquiry
9. Correspondence – a. Warwickshire Local Nature Recovery Strategy – Consultation
- b. Safety of Lithium ion Batteries and e-bikes and scooters
10. Financial Administration a. See Attached
- b. £3,150 for Kings John's Lane project. RPC to underwrite costs of £3,150 pending income from donors/grants.
 - c. Quotation dated November 2023 at £14,951.62 for replacement streetlight project (Eon). Approval for expenditure of £15,500.

Other reports and items for future agenda:

Each Councillor is requested to use this opportunity to report minor matters of information not included elsewhere on the agenda and to raise items for future agendas. *Councillors are respectfully reminded that this is not an opportunity for debate or decision-making.*

13. Dates of Future Meeting:

19th Sept 2024: 21st November 2024

MEETING CLOSES

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Appendix to Agenda for Meeting 18th July 2024

Correspondence and Consultations:

**Councillors are respectfully requested to forward any relevant correspondence to the clerk for inclusion on the agenda, prior to the next meeting.*

Financial Administration

Bank Balances at 31st Junel 2024

Deposit Account:	£ 30,081.45
Current Account:	£ 1,377.35
Total Balance:	£ 31,458.80

Payments made since the last meeting:	£ 3,078.27
Income received since the last meeting:	£ 69.12
Payments outstanding since last meeting:	£ 0.00

Finance Report and passing of accounts for payment at this meeting:

Accounting Data Services Ltd Inv 9528	£ 31.68
Accounting Data Services Ltd Inv 104925	£ 31.68
Associated Diamon Drilling Ltd Inv 1384 – Jacobs Ladder Posts	£ 3,600.00
Radway Village Hall Inv dated 4.7.24: Hall Hire 18.7.24 & 16.5.24	£ 28.00
Mr Manwaring – Mowing	£ 305.00
Flower Tubs – Sheila Evans	£ 78.63
Flower Tubs – Helen Jay	£ 43.95
Mark Tompkins – Green Area Maintenance	£ 100.00
NPower Inv IN0968246 (Payment by Direct Debit)	£ 394.70
Clerk's Salary: July 2024	£ 313.73
Clerk's Salary: Aug 2024	£ 313.73
WCC Pension contribution July & Aug 2024	£ 166.28
Working from Home Allowance July & Aug 2024	£ 52.00
Clerk's expenses –	£ 10.65

Invoices issued:

Cotswolds National Landscape – Jacobs Ladder Plastic Posts	£ 3,000.00
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Excel Spreadsheet detailing income and expenditure to 31st June 2024

Appendix to Agenda for Meeting 18th July 2024

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RPC Accounts Summary

RADWAY PARISH COUNCIL 2024 - 2025 FINANCIAL YEAR

30 June 2024

	<u>Actual</u>	<u>Budget</u>
Receipts		
Precept	£6,396.50	£12,793.00
Bank Interest	£100.44	£300.00
SDC Council Tax Support Grant	£0.00	£0.00
Other Income	£0.00	£385.00
VAT Reimbursement	£0.00	£800.00
TOTAL RECEIPTS	£6,496.94	£14,278.00

Administration

Staff costs:

Staff Costs: Salary, NI, PAYE	(£827.03)	£3,800.00
Staff Pension: Employee & Employer Contributions	(£451.95)	£760.00
HMRC NDDS	£0.00	£200.00
Administration Expenses	(£99.39)	£412.00
Audit Fees	(£300.00)	£650.00
Data Protection	£0.00	£35.00
Election Fees	£0.00	£0.00
Councillor Training	£0.00	£250.00
Subscriptions (WALC)	(£146.00)	£150.00
Insurance	(£707.48)	£750.00
Total Administration	(£2,531.85)	£7,007.00

Village Maintenance

WCC Street Light Maintenance	£0.00	£110.00
Maintenance Budget (Street Furniture)	£0.00	£200.00
Defibrillator	(£80.94)	£50.00
F N Pile Mower Service	£0.00	£500.00
Grass Cutting (R W Manwaring)	(£656.25)	£1,400.00
NPower Electricity for Street Lights	(£496.41)	£1,200.00
Total Village Maintenance	(£1,233.60)	£3,560.00

Hall Hire & Playground

Hall Hire	(£14.00)	£110.00
Play Area Annual Inspection	£0.00	£190.00
Chambers Trust - Recreation Ground - Rental	£0.00	£250.00
Recreation Area Maintenance: Equipment & Grounds Maintenance	(£1,613.76)	£1,000.00
Total Hall Hire & Playground	(£1,627.76)	£1,550.00

Communications & IT Expenditure

Website	(£130.80)	£250.00
Newsletter / Information Sheet	(£63.36)	£320.00
Total Communications & IT Expenditure	(£194.16)	£570.00

Miscellaneous

Grants	£0.00	£750.00
Community Projects	£0.00	£716.00
Christmas Trees	£0.00	£125.00
Total Miscellaneous	£0.00	£1,591.00

TOTAL PAYMENTS	(£5,587.37)	£14,278.00
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Closing Period Bank Balances As At:

30 June 2024

Current Account	£1,455.62
Deposit Account	£30,081.45
Total Bank Balances	£31,537.07

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FINANCIAL REGULATIONS

MAY 2024

Adoption Date	
Next Review Date	

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1. General

- a. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- b. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- c. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- d. In these Financial Regulations:
 - (i) 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
 - (ii) "Approve" refers to an online action, allowing an electronic transaction to take place.
 - (iii) "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
 - (iv) 'Proper practices' means those set out in *The Practitioners' Guide*
 - (v) *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - (vi) 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- e. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. The RFO;
 - acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and control systems;
 - ensures the accounting control systems are observed;
 - ensures the accounting records are kept up to date;
 - seeks economy, efficiency and effectiveness in the use of council resources; and
 - produces financial management information as required by the council.
- f. **The council must not delegate any decision regarding:**
 - **setting the final budget or the precept (council tax requirement);**
 - **the outcome of a review of the effectiveness of its internal controls**
 - **approving accounting statements;**
 - **approving an annual governance statement;**
 - **borrowing;**

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- declaring eligibility for the General Power of Competence; and
- addressing recommendations from the internal or external auditors
 - g. In addition, the council shall:
 - determine and regularly review the bank mandate for all council bank accounts;
 - authorise any grant or single commitment in excess of £1000.

2. Risk management and internal control

- a. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- b. The Clerk shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.
- c. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.
- d. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- e. **The accounting control systems determined by the RFO must include measures to:**
 - ensure that risk is appropriately managed;
 - ensure the prompt, accurate recording of financial transactions;
 - prevent and detect inaccuracy or fraud; and
 - allow the reconstitution of any lost records;
 - identify the duties of officers dealing with transactions and
 - ensure division of responsibilities.
- f. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. Accounts and audit

- a. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- b. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonably accuracy at any time. In particular, they must contain:**
 - day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;
 - a record of the assets and liabilities of the council;
- c. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- d. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper

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practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.

- e. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- f. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- g. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- h. The council shall ensure that the internal auditor:
 - is competent and independent of the financial operations of the council;
 - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of the council
- i. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the council;
 - initiate or approve accounting transactions;
 - provide financial, legal or other advice including in relation to any future transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- j. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- k. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- l. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

- a. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

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- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in November for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council.
- 4.3. No later than November each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments/income and expenditure for the following financial year, taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.
- 4.5. The draft budget forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the council.
 - f. Having considered the proposed budget and forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than November for the ensuing financial year.
 - g. Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
 - h. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
 - i. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
 - j. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

5. Procurement

- a. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- b. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- c. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- d. For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- e. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.11) obtain prices as follows:

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- f. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**
- g. For contracts greater than £3,000 excluding VAT the Clerk shall seek at least 3 fixed-price quotes;
- h. where the value is between £500 and £3,000 excluding VAT, the Clerk shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.
- i. For smaller purchases, the clerk shall seek to achieve value for money.
- j. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- k. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (v) below:
 - i. specialist services, such as legal professionals acting in disputes;
 - ii. repairs to, or parts for, existing machinery or equipment;
 - iii. works, goods or services that constitute an extension of an existing contract;
 - iv. goods or services that are only available from one supplier or are sold at a fixed price.
 - v. When the Council does not have the sole responsibility for procuring goods and services.
 - l. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council. Avoidance of competition is not a valid reason.
- m. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- n. Individual purchases within an agreed budget for that type of expenditure may be authorised by:
 - the Clerk, under delegated authority, for any items below £500 excluding VAT.
 - the council for all items over £500;

Such authorisation must be supported by a minute or other auditable evidence trail.

- o. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.
- p. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.
- q. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £500 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.
- r. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

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and that where a loan is required, Government borrowing approval has been obtained first.

- s. An official order or letter shall be issued for all work, goods and services above £250 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- t. Any ordering system can be misused and access to them shall be controlled by the Clerk.

6. Banking and payments

- a. The council's banking arrangements, including the bank mandate, shall be made by the Clerk and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with Lloyds Bank. The arrangements shall be reviewed annually for security and efficiency.
- b. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- c. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the Clerk.
- d. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- e. All payments shall be made by online banking/cheque, in accordance with a resolution of the council, unless the council resolves to use a different payment method.
- f. The Clerk shall have delegated authority to authorise payments in the following circumstances:
 - i. payments of up to £500 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
 - ii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998, where the due date for payment is before the next scheduled meeting of the council, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
 - iii. The Chair is responsible for fund transfers between internal bank accounts to ensure sufficient funds are available in the current account to cover outgoing payments.
- g. The Clerk shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council. The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The minutes will record the proposer and seconder of the authorisations. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

7. Electronic payments

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- a. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify Three councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
 - b. All authorised signatories shall have access to view the council's bank accounts online.
 - c. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.4. The Service Administrator shall set up all items due for payment online. A list of payments for approval shall be presented to the next Council meeting.
- 7.5. In the prolonged absence of the Service Administrator an authorised signatory shall set up any payments due before the return of the Service Administrator.
- 7.6. Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.7. Evidence shall be retained showing which members approved the payment online via the on line banking system.
- h. A full list of all payments made in a month shall be provided to the next council meeting and appended to the minutes.
 - i. With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
 - j. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
 - k. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order provided that the instructions are signed or approved online by two members. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
 - l. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk and the Chair. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Bank details on invoices will be checked before payments are made by the Clerk.
 - m. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.

8. Cheque payments

- a. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members.

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- b. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- c. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- d. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

9. Petty Cash

9.1. The council will not maintain any form of cash float. All cash received must be banked intact.

10. Payment of salaries and allowances

- a. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- b. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- c. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- d. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- e. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- f. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook.
- g. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

11. Loans and investments

- a. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- b. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- c. All investment of money under the control of the council shall be in the name of the council.
- d. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- e. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

12. Income

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- a. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- b. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the council.
- c. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- d. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- e. Personal cheques shall not be cashed out of money held on behalf of the council.
- f. Any repayment claim under section 33 of the VAT Act 1994 shall be made at least annually at the end of the financial year.

13. Payments under contracts for building or other construction works

- a. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- b. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

14. Stores and equipment

- a. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

15. Assets, properties and estates

- a. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- b. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- c. 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.

16. Insurance

- a. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- b. The Clerk shall give prompt notification to the council of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

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- c. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers.

17. Suspension and revision of Financial Regulations

- a. The council shall review these Financial Regulations annually and following any change of clerk. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- b. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- c. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.
- d. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determine by the council, or duly delegated committee.

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Appendix 1 - Tender process

- 1) Any 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.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, 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. 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.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

Appendix 2 - Notes

This Model Financial Regulations template was produced by the National Association of Local Councils (NALC) in April 2024 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

Notes to assist in the use of this template:

- This document is a model for councils of all sizes to use to develop their own financial regulations, suitable for the size of the council and the activities it undertakes.
- Bold text indicates legal requirements, which a council cannot change or suspend.
- For the rest, each council needs to adapt the model to suit its size and structure. For example, some councils have both a clerk and RFO, possibly with several more staff, while others have a single employee as clerk/RFO. Some councils have committees, some have a high level of delegation and some make all decisions at full council meetings. Many now use online payment methods, but others still rely on cheques.
- Curly brackets indicate words, sentences or sections that can be removed if not applicable, or amended to fit the council's circumstances. An example of this is the phrase {or duly delegated committee}, which can be deleted if there are no committees.
- Specific areas that may need adapting:
 - o In 1.5 – is the Clerk the RFO?
 - o In 3.3 and 3.4, the words “Governance and Accountability” do not apply in Wales
 - o In section 4, does the council have committees and how many years are forecast?
 - o In 5.6, does the council issue an open invitation to tender, or invite specific firms?
 - o In 5.9, are online prices acceptable evidence?
 - o In 5.13, 5.15 and 5.17, does the council have committees?
 - o In 5.16, will a councillor ever be instructed to place an order?
 - o In 5.20, is there a minimum level for official orders?
 - o Section 6 includes several alternatives to cover delegation to committees or to officers, approval of invoices individually or in batches, or for approval of regular contractual payments at the beginning of the year.
 - o Sections 7, 8 and 9 also includes several alternatives, including wording for where the clerk is a signatory. These are intended to allow a council's financial regulations to fit what they actually do, not to force any council to change what they do.
 - o Section 10 gives two alternatives, with or without petty cash.
 - o 13.6 has alternatives for VAT-registered and unregistered councils – only use one.
 - o 13.7 and 13.8 are removable if they don't apply to the council.
 - o Much of Section 16 can be deleted if not applicable.
 - o 17.3, is the Clerk the RFO or will the RFO consult the Clerk?

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- Square brackets indicate where the council needs to specify who, or how much, or what the timescale is. For example [£500] might need to be £100, or [October] might need to be November, or [the council] might need to say the Policy and Resources Committee.
 - In 4.1 and 4.7, select the wording for England or Wales, based on your location.
 - In Section 4, the council needs to determine the timescale for its budget setting.
- It is challenging to try to offer guidance on setting financial limits. A council spending £1,000 a year is unlikely to delegate authority to spend £500 to its proper officer, but one spending £5 million a year might regard £5,000 as a reasonable limit. Each council needs to determine its own limits, that help, rather than hinder, its operations.
- Key limits to set:
 - In 5.6, at what limit will the council require a formal tender process to ensure fair competition, rather than just asking for quotes? If this is set too low, it may discourage suppliers. Many small councils might only use formal tenders once every few years.
 - In 5.8, at what limit will the council require fixed-price quotes rather than estimates?
 - In 5.9, at what level can smaller purchases be made without competition?
 - In 5.15, at what level can purchases be made under delegated authority (having complied with the rules about obtaining prices)?
 - In 5.18, how much can the clerk commit to spending in an emergency?
 - In 6.9, can payment of invoices (for purchases that have already been authorised) be authorised by an officer under delegated authority as a general principle, or only to avoid problems?
 - In Section 9, what are the limits for card payments?
 - In 16.5, what value of assets can be bought or disposed of, without seeking council approval?
- The contents list is a table that extracts section headings from the document. It can be updated by clicking on the contents list, whereupon a tab saying “update table” appears at the top of the list.
- Once this model has been tailored to fit the council’s needs, the resulting Financial Regulations (with the insertion of the council’s name at the top) should be adopted at a meeting of the full council. The date of adoption should be inserted below the Contents. Any subsequent proposal for amendment should also be made to the full council.
- The council should keep abreast of developments in legislation that affect the local council sector and should review and update its Financial Regulations annually.
- Please ensure that the latest approved version is published on the council’s website.

Radway Parish Council

Vexatious Complaints Policy

Update Schedule

	Adoption date
Approved by Radway Parish Council	
Next review due May 2025	

- 1) Introduction
- 2) The Purpose of This Policy
- 3) HarassmentError! Bookmark not defined.
- 4) Bullying
- 5) Defining Vexatious or Unreasonably Persistent Complaint
- 6) Vexatious or Abusive Complaints/Freedom of Information Requests
- 7) Use of this Policy
- 8) Resident of the Parish
- 9) Non-Residents of the Parish
- 10) Persistent Communication on the Same Matter from Multiple Complainants
- 11) Record Keeping

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1) Introduction.

Radway Parish Council does not tolerate bullying, harassment or intimidation, in any form, of any of their employees or Councillors. This applies to such behaviour from members of the public and Parish Council employees/Councillors alike. A small percentage of people may correspond with or complain to the Council in a way that could be described as obsessive, harassing, bullying, intimidating or abusive.

2) The Purpose of This Policy

This policy sets out Radway Parish Council's stance on vexatious or abusive complaints (whether directed to a member of the Council or employee of the Council), demands and/or repeated requests for information including Freedom of Information requests and how they will be dealt with.

3) Harassment

Under the Protection from Harassment Act 1977 s1 (1)

A person must not pursue a course of conduct-

- (a) Which amounts to harassment of another, and
- (b) Which they know or ought to know amounts to harassment of the other.

Such action can be:

- Physical conduct;
- Verbal conduct;
- Non-Verbal conduct.

4) Bullying

The Council defines bullying as a pattern of offensive, intimidating, malicious, insulting, humiliating behaviour intended to undermine an individual or group, gradually and as a consequence eroding their confidence and capability possibly with the intention to force them to resign and this will not be tolerated. Such behaviour may also be designed to annoy and/or create extreme workload for a Parish Council which normally employs part-time officers and to meet only 6 times a year as a full Council.

Such behaviour might also be designed to cause extreme distress.

Such behaviour might be repetitious.

Such behaviour from a minority of individuals can take up a disproportionate amount of limited Council resources and can affect the Parish Council's ability to do its work and provide a service to the community and can result in unacceptable stress for the Clerk and Councillors.

5) Defining Vexatious or Unreasonably Persistent Complaints

Under the Freedom of Information Act 2000 Section 14 (10), public authorities do not have to comply with vexatious requests.

The Council has a legal duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and Councillors/members, Vexatious or persistent complaints and correspondence can be characterized in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or
- Behaviour which is designed to cause extreme distress, bully, humiliate and intimidate specific individuals and the Corporate Body and/or

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- Frequent correspondence or correspondence timed to cause the Council maximum disruption and workload and/or
- Behaviour which displays an insistence on pursuing unmeritorious issues, trivial points and/or unrealistic outcomes beyond all reason and/or
- Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner and/or
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation, and/or
- Behaviour where ex-employees or Councillors are contacted to try to undermine the current Councillors or employee of the Council and/or
- Behaviour which has the effect of hindering the Council's ability to go about its democratic business due to the significant workload generated.
- Behaviour where the aim is to character assassination.
- Behaviour characterized by a refusal to accept the issues raised are not within the power of the Council to investigate, change or influence.

6) Vexatious or Abusive Complaints/Freedom of Information Requests

Most complainants or people making Freedom of information Requests behave in legitimate ways. A very small minority make complaints /requests that are vexatious, in that they persist unreasonably with their complaints/requests or make complaints/requests in order to make life difficult for the Parish Council or to subvert the legitimate business of the Council.

It is not necessary to meet a person's unreasonable demands, or to answer every single point in an unreasonable letter. Judgement will be required to separate a person's legitimate queries from those that are unreasonable, often with the same complaint.

If the person's persistence adversely affects the Council's ability to do its work, the Parish Council needs to address such behaviour.

7) Use of this Policy

In the first instance, where the Clerk is of the view that complaints, requests or persons could be identified as vexatious, the Clerk will refer the matter to the Chair. With the Chair's agreement, the complainant will be contacted in writing (including by email), with a copy of the policy, explaining why the behaviour is a concern and asking them to change their behaviour.

The notification correspondence will be copied to all Councillors and a record kept of the reasons why a complaint/request has been classified as vexatious.

If the behaviour persist and the Clerk or Councillors identify behaviour that they think exhibits these characteristics, and which they believe may be vexatious or unreasonably persistent, they should refer it to Council under closed session.

- In exceptional circumstances (for example significant time until the next available meeting), the policy can be triggered by email consultation with a quorate (3) minimum of Councillors including the Chair or Vice-Chair. In the event of a split vote, the Chair or Vice-Chair will have the deciding vote.

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If the Council agrees with the assessment, it should prepare a brief statement of why it considers the complaint or correspondence to be vexatious, including its effect upon the Clerk, Councillors and/or Parish. This should be accompanied by a report for the Council showing the effects and resource impact, and, if resources allow, information about the related correspondence via email, telephone and letter, including information about whom the correspondence was addressed to, who it was copied to, and a brief description of each piece of correspondence.

Vexatious complaints/requests may be dealt with in one or more of the following ways/sanctions:

- In an email or letter, setting out a code of commitments and responsibilities for the party/parties involved if the Parish Council is to continue processing the complaint/request. If these terms are contravened, consideration will then be given to implementing other actions as indicated below.
- Decline contact with the complainant, either in person, by telephone, email or any combination of these for twelve months, provided that one form of contact is maintained which will usually be by conventional post, i.e. letter.
- Being permitted to only communicate with one nominated member of the Council or staff.
- Notify the complainant/requestor in writing that the Council has responded to the points raised and tried to resolve the complaint/request but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/requestor will also be notified that the correspondence is at an end and the Council does not intend to engage in further correspondence dealing with the complaint/request.
- Inform the complainant/requestor that the Council intends to seek legal advice on unreasonable or vexatious complaints/requests and behaviour.
- Temporarily suspend all contact with the complainant/requestor in connection with the issues relating to the complaint/request being considered for a period of 3 months (with reinstatement of contact following that period if agreed by the Council).

There is no route to appeal sanctions.

Review of Sanction/s:

At the following full Parish Council meeting, which occurs six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed. The Council, with reference to evidence from the Clerk, should consider whether there has been any improvement in the vexatious behaviour in that time. The Clerk should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

8) Residents of the Parish

If the complainant is a local resident of the Parish, the notification letter should state which sanction the Council has imposed. They should advise that the decision will be reviewed by the Council in six months from the date of the letter advising them that the complaint/correspondence has been determined to be vexatious. The District and County Councillors will be informed that a constituent has been designated as an unreasonably persistent or vexatious complainant.

Any restrictions will be appropriate and proportionate to the nature of the person's contact with the Council.

In closing the investigation into a complaint, the Council may consider:

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- Refusing to register and process further complaints/requests providing the person with acknowledgements only.
- Banning a person from the location of the Council meeting.
- Involving the Police where the person has committed, or threatened to commit a criminal offence (harassment, assault, or criminal damage (, or if the complainant/requestor refuses to leave the location of the Council meeting.

There is no route of appeal against the decision that a complaint or correspondence is vexatious.

9) Non-Residents of the Parish

If the complainant(S) does not reside in the Parish, they will be advised that all future correspondence will be ignored and left unread. There is no route of appeal against the decision that a complaint or correspondence is vexatious.

10) Persistent Communication on the Same Matter from Multiple Complainants.

If the persistent communication on one matter is from four or more complainants, rather than from one complainant, the Clerk or Councillors identifying the behaviour will draft a standard response to all further communication on that matter. As no sanctions are being imposed, this action can be triggered without approval at a full Council meeting.

11) Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken.

Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- When the restricts came into force and ends
- What the restrictions are
- When the person and the Council were advised

Full Parish Council will be provided with an annual report giving information about members of the public who have/are been treated/being treated as vexatious/persistent as per this policy.