

To: All Members of the Council

You are hereby summoned to attend the **MEETING OF THE FULL COUNCIL** to be held on **MONDAY, 23 JUNE 2025** at **7pm** in **THE EXHIBITION ROOM, THIRD FLOOR, THE CIVIC, HUDDERSFIELD ROAD, HOLMFIRTH, HD9 3AS** for the transaction of the following business –

- AGENDA – (A)

2526 34 Public Question Time

7.00pm

In accordance with *Standing Orders 3 e to g* members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

The period of time designated for public participation at a meeting shall not exceed 15 minutes unless directed by the Chair of the meeting. A member of the public shall not speak for more than 3 minutes.

A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

TO CONSIDER: any action arising from the Public Question Time.

PROCEDURAL MATTERS

2526 35 Recording of public meeting

7.15pm

As local council meetings can be recorded, the Chair to check if any members of the public wish to record the meeting, to ensure reasonable facilities can be provided. The meeting is already being recorded by the Officer for public broadcast via the HOLME VALLEY PARISH COUNCIL YouTube channel.

2526 36 Items to be heard in private session

7.15pm

Any recording to be halted during such items and members of the public asked to leave the meeting.

TO CONSIDER: agenda items to be heard in private session.

2526 37 Apologies and reasons for absence

7.17pm

Apologies and reasons to be circulated prior to the meeting starting. Clerk to report.

TO CONSIDER: apologies and reasons for absence.

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2526 38 Receipt of written Declaration of Pecuniary and Other Interests

7.20pm

Written declaration(s) of pecuniary and other interests, revised for the council year 2025-26, have been sent out under separate cover for councillors' information. Councillors are requested to delete the DPIs once read.

Clerk to report.

TO NOTE: receipt of written declaration(s) of pecuniary and other interests.

Once noted, DPIs will have signatures, addresses and other sensitive information redacted and will then be posted on the HVPC website. Copies will be shared with the Monitoring Officer.

2526 39 Declaration of interests in agenda items and written dispensations

7.25pm

An **ACTION** for the Clerk from FULL COUNCIL on 24 March 2025 was to secure written dispensations from councillors appointed as HVPC representatives to organisations at the ANNUAL COUNCIL Meeting on 19 May 2025.

At the meeting on 19 May 2025 representatives were appointed. The question of written dispensations more generally arose with a dispensation to speak and vote being **APPROVED** by FULL COUNCIL for that meeting for a councillor with regards to an interest in an item on the agenda.

It was stated that there was confusion about what constituted a pecuniary interest amongst some councillors and regarding whether or not they could apply for a dispensation regarding interests declared on their DPI.

The matter of written dispensations is covered in Standing Order 13.

In response to this matter and to clarify the process the Clerk is putting forward a draft procedure **(Bi)** regarding the granting of dispensations for FULL COUNCIL to consider.

The Clerk advises councillors to refresh their training regarding Code of Conduct matters, including the declaring of interests, by familiarising themselves with:

- NALC Advice Note – Members' Conduct and the registration and disclosure of their interests **(Bii)**
- the Local Government Association Guidance **(Biii)**
- and also through sharing recent a YLCA training presentation attended since the ANNUAL COUNCIL meeting on the Code of Conduct for Parish Councils **(Biv)**.

The Clerk further wishes to draw councillors' attention to the following general points with regards to declaring interests and requesting written dispensations:

1. Only an individual councillor can decide whether to declare an interest. The Clerk or another councillor cannot advise you beyond giving information.
2. With regards to deciding whether or not an interest is declarable, if in any doubt declare it.

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3. Consideration should be given to the need for transparency and impact on possible public perception in deciding whether an interest is declarable.
4. The non-disclosure of a pecuniary interest is a breach of the standards in public life and may be treated as a criminal offence.
5. Lawful reasons why a written dispensation can be requested are:
 - i. that so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business
 - ii. the authority considers that the dispensation is in the interests of persons living in the authority's area
 - iii. it is otherwise appropriate to grant a dispensation.

'Appropriateness' is a key guide in the third reason. There should be an appropriate reason for requesting and granting a dispensation.

Clerk to report further.

TO CONSIDER: the arrangements for receipt and granting of written dispensations for pecuniary and other interests, including the written procedure.

TO RECEIVE: declarations of interests of councillors in agenda items.

TO RECEIVE: declarations of interests of officers in agenda items.

TO RECEIVE: written requests for disclosable pecuniary interests (if any).

TO CONSIDER: any requests for dispensation as appropriate.

TO CONFIRM THE MINUTES OF THE PREVIOUS PARISH COUNCIL MEETINGS

2526 40 Minutes of Full Council meetings

7.35pm

TO APPROVE: the Minutes of the ANNUAL COUNCIL Meeting held on 19 May 2025 numbered 2526 01 to 2526 33 **(Ci)**

To receive information regarding ongoing matters arising from the above minutes which do not appear under other agenda items including:

- i. Updating of Ward Asset Registers and establishing an electronic copy available to councillors as considered on 24 March 2025.
- ii. Producing an overview of councillor training 2024-25.
- iii. Updating the Action Plan, last considered in December 2024.
- iv. Cllr Isaac Barnett has been elected as Vice Chair FINANCE AND MANAGEMENT COMMITTEE for the remainder of 2025-26. This means that he also joins the STAFFING COMMITTEE as the Chair of F&M is a member of STAFFING by virtue of being the preceding COUNCIL CHAIR.
- v. Cllr Chris Green has been elected as Vice Chair SERVICE PROVISION COMMITTEE for the remainder of 2025-26.
- vi. The Clerk had sent out slides from the Whole Council Code of Conduct training from 24 September 2024 as requested and sought and shared advice received from YLCA **(Cii)**
- vii. Any other matter arising.

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Clerk to report further.

TO NOTE: election of Cllr Isaac Barnett as Vice Chair of Finance and Management Committee and of Cllr Chris Green as Vice Chair of Service Provision Committee.

TO CONSIDER: any further action(s) arising from the minutes of the ANNUAL COUNCIL MEETING, held on 19 May 2025.

THE COMMITTEE MINUTES UNDER DELEGATED POWERS

2526 41 Minutes of Standing Committee meetings 7.40pm

TO APPROVE: the Minutes of the FINANCE AND MANAGEMENT COMMITTEE Meeting held on 2 June 2025 numbered 2526 01 to 2526 24 **(D)**.

FINANCIAL MATTERS

2526 42 Council Budget 2025-26 Year-To-Date including Earmarked Reserves 7.45pm

Year-to-date Council Income and Expenditure by Budget Heading May 2025 **(Ei)** and Earmarked Reserves **(Eii)** are included.

Deputy Clerk/RFO to report.

TO NOTE: Income and Expenditure against Budget and Earmarked Reserves year-to-date reports.

TO CONSIDER: any other action in connection with the budget 2025-26.

2526 43 Schedule of Payments 7.48pm

The Schedule of Payments for May 2025 **(Fi)** and the month-to-date Schedule of Payments for June **(Fii)** have been included in the document pack.

Deputy Clerk/RFO to report.

TO NOTE: Schedule of Payments for May 2025.

TO CONSIDER: Schedule of Payments for month-to-date June 2025.

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MATTERS RESERVED FOR FULL COUNCIL

2526 44 Annual Governance and Accountability Return (AGAR) 2024-25

7.50pm

Deputy Clerk/RFO to report.

The following AGAR documentation and its supporting documents were approved by the Finance and Management Standing Committee 2nd June 2025 to be recommended to Full Council, pending any amendments required following the visit of the internal auditor 12th June.

TO NOTE:

The Holme Valley Parish Council Year-End 2024-25 Internal Audit Report and the action plan.

(Gi) As laid out in the action plan, the audit required some amendments to the Fixed Asset List, and therefore to the figure reported at Box 9 of the Accounting Statements 2024/25 and, thus, to the Explanation of Variances report. These were the only changes needed to the documentation approved by F&M to recommend to full Council.

TO CONSIDER:

The revised Fixed Asset List **(Gii)**

TO APPROVE:

- (1) AGAR Section 1 – Annual Governance Statement 2024/25 – to be signed by the Chair and Clerk **(Giii)**
- (2) AGAR Section 2 – Accounting Statements 2024/25 *REVISED* – already signed by the RFO - to be signed by the Chair **(Giv)**
- (3) AGAR Annual Internal Audit Report 2024/25 **(Gv)**
- (4) AGAR Section 3 – External Auditor's Report and Certificate 2024/25 – blank at this stage **(Gvi)**
- (5) All supporting documentation
 - a. Notice of Public Rights and Publication of Unaudited Annual Governance and Accountability Return **(Gvii)**
 - b. Confirmation of the dates of the period for the exercise of public rights **(Gviii)**
 - c. Bank Reconciliation **(Gvix)**
 - d. Reconciliation between Box 7 and Box 8 of the accounting statements **(Gx)**
 - e. Explanation of variances *REVISED* **(Gxi)**
 - f. Contact details **(Gxii)**
 - g. Notice that the Accounting Statements are unaudited and may be subject to change. **(Gxiii)**
 - h. Letter confirming the amount of the precept **(Gxiv)**

Once approved and certified, the complete Annual Governance and Accountability Return 2024/25 Form 3 with all supporting documentation to be forwarded to the external auditor PKF Littlejohn.

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2526 45 Referrals to the Monitoring Officer

8pm

The Kirklees Monitoring Officer has reported to the clerk that there are no referrals regarding named councillors currently under consideration. The Monitoring Officer is dealing with a general issue raised with them and expects to conclude this shortly.

TO NOTE: that FULL COUNCIL has been informed that no referrals are currently under consideration by the Kirklees Monitoring Officer.

2526 46 Joint meeting of Holme Valley Parish Council and Holmfirth Civic Hall Community Trust

8.03pm

A date has been fixed for the joint meeting of Holme Valley Parish Council and Holmfirth Civic Hall Community Trust previously resolved upon. The date is Monday 4 August 7-9pm. The correspondence between the Clerk and Mosedale Gillatt Architects has been shared by email with all councillors and included here as (H) for reference.

TO NOTE: that Monday 4 August 7-9pm at the Civic Hall is the date of the joint meeting of Holme Valley Parish Council and Holmfirth Civic Hall Community Trust to discuss the vision for the Civic.

TO CONSIDER: any further action with regards to commissioning a visioning exercise with Mosedale Gillatt Architects.

A further motion has been put forward by Cllr Whitelaw – see below – for the Holme Valley Parish Council to meet prior to this to sound out ideas regarding the vision in order to avoid the scenario where, come Monday 4 August, 23 different visions for the future of the Civic are put forward by the Council.

It is for *this* meeting to consider whether a meeting is required and, if so, what nature of meeting should be held (formal FULL COUNCIL or more informal), its purpose, and the arrangements for the meeting.

The Clerk advises that there are Monday evening time slots available on 7 and 14 July; a venue would need to be secured as the Civic and a number of other venues will be being utilised for Holmfirth Art Week.

TO CONSIDER: the need for an additional meeting prior to 4 August to discuss a Holme Valley Parish Council vision for the Civic and, if so resolved, the nature of and arrangements for the meeting.

2526 47 Holme Valley Parish Council – amendment to representatives list

8.15pm

Please see below the approved list of councillor representatives for 2025-26, taking off Holmfirth Forward. Following the Annual Council meeting the Clerk learnt that Holmfirth Forward had not requested Parish Council representation and had been added to the list in error in 2024.

The Clerk has received further communication from Holmfirth Forward – the organisation wants a productive, positive working relationship with both the Parish Council and Kirklees

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Council. The three ward councils are invited to meetings, two of whom are also Parish Councillors. Another parish councillor attends as a director because of their involvement in the Conservation Group, Film Festival and for doing the vacancy survey. Another is invited due to links to Holmfirth Library and tourism.

Holmfirth Forward tries to be transparent and party politics has no seat at the table. The organisation would be happy to come to a Parish Council and describe its work. Alternatively, arrangements can be made to invite one or two other Parish Councillors to observe a meeting.

TO NOTE: the revised list of councillor representatives for 2025-26 as shown below.

TO CONSIDER: any further action with regards to councillor representation for 2025-26.

Outside Body	Representative(s) 2025/26
YLCA Branch meeting representatives x 2 (with permission to vote) (FULL COUNCIL)	Cllr Glenn Kirkby Cllr Lawrence Baylin
Brockholes Village Trust (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Andrew Fenwick
Holmfirth Civic Hall Community Trust (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Andy Wilson Cllr Steve Ransby
Holmfirth Conservation Group (PLANNING COMMITTEE)	Cllr Jo Liles
Friends of Honley Library (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Glenn Kirkby Cllr Alison Morgan
Kirklees Rights of Way Forum (PLANNING COMMITTEE)	Cllr Harry Davis
Peak Park Parishes Forum (FULL COUNCIL)	Cllr Sarah Whitelaw
Holme Valley Climate Action Partnership (HVCAP) (FULL COUNCIL)	Cllr Chris Green
Kirklees Place Standards (Holmfirth Centre Planning Group) (FULL COUNCIL)	Cllr Andy Wilson

2526 48 Holme Valley Land Charity

8.20pm

The Clerk has been informed that the Land Charity wants to progress with the giving of funds to support the Civic and Honley Library. The Land Charity wishes FULL COUNCIL to discuss this in principle.

Land Charity to report.

(n.b. this item may be deferred to a later meeting pending the receipt of further information)

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TO CONSIDER: proposals from Holme Valley Land Charity.

REFERRALS FROM STANDING COMMITTEES AND WORKING GROUPS

2526 49 **Resignation of a member of the Service Provision Committee** **8.25pm**

The Committee was notified of the resignation of member Cllr Andy Wilson, effective from Tuesday 3 June 2025.

TO NOTE: the resignation of Cllr Andy Wilson from the SERVICE PROVISION COMMITTEE.

2526 50 **Gartside Building (Holmfirth Public Toilets and Gartside Unit) repair and renewal** **8.26pm**

At the meeting on 9 June 2025 the SERVICE PROVISION COMMITTEE **RESOLVED** to recommend the following motion to FULL COUNCIL.

Clerk to report further.

TO CONSIDER: the recommendation from the SERVICE PROVISION COMMITTEE to approve in principle expenditure of up to £34,475.10 for Phase 1 of plans to repair the Gartside Building roof, install solar panels and other tasks included in agreed Phase 1 scheme of works, including the order of priority within phase 1 as agreed by the Working Group.

2526 51 **Youth Services in the Holme Valley - recommendation** **8.29pm**

At the meeting on 9 June 2025 the SERVICE PROVISION COMMITTEE **RESOLVED** to recommend the following motion to FULL COUNCIL.

Clerk to report further.

TO CONSIDER: the recommendation from the SERVICE PROVISION COMMITTEE to approve expenditure of up to £25,000 for Kirklees Youth Alliance for the provision of youth services in the Holme Valley, to be made by one payment of £10,000 following the meeting on 9 June 2025 and then £5,000 after each remaining SERVICE PROVISION COMMITTEE meeting across the council year 2025-26.

2526 52 **Referrals from the Communications and Engagement Working Group** **8.32pm**

The first meeting of the Communications and Engagement Working Group took place on Monday 16 June 2025.

Assistant Clerk to report.

TO CONSIDER: approval of expenditure of up to £8,000 from budget line 4660 Communications and Engagement to cover:

- i. ongoing website costs
- ii. ongoing publicity commitments
- iii. costs associated with the Big Community Celebration taking place 8 November 2025

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- iv. and to set up an events kit to support Holme Valley Parish Council representation at Summer events in the Holme Valley.

TO CONSIDER: approving the Communications and Engagement Working Group to take forward all communications and engagement matters in line with the group's remit, including delegated responsibility to the Assistant Clerk for carrying out agreed actions for the remainder of the Council Year 2025-26.

CORRESPONDENCE

2526 53 Reports from Kirklees Ward Councillors 8.37pm

An action for the Clerk from the CLIMATE ACTION, COMMUNICATIONS AND ENGAGEMENT COMMITTEE meeting of 23 October 2023 was to add a standing item on FULL COUNCIL agendas for Kirklees Councillors who are also Parish Councillors to report back on relevant activity and news from Kirklees.

This agenda will also be shared with other Kirklees Ward Councillors from Holme Valley South and Holme Valley North to invite any feedback from them regarding news from Kirklees.

TO CONSIDER: actions arising from any reports received from Kirklees Ward Councillors.

MISCELLANEOUS ITEMS

2526 54 Standing item – the Climate Emergency 8.47pm

Council is reminded that items on this agenda should have been viewed where appropriate through the lens of the Climate Emergency the Council has declared.

TO CONSIDER: how actions and decisions taken for all the above items reflect the Climate Emergency.

2526 55 Items for Publicity 8.55pm

A standing item to put forward potential items for publicity arising from the meeting.

CLOSE 9.00pm

Please note that timings on the agenda are given for guidance of the Chair and Council only and should not be taken as the time at which discussion of a particular item will commence.

Jen McIntosh

Clerk to the Council

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HOLME VALLEY PARISH COUNCIL

DISPENSATIONS PROCEDURE GUIDE FOR PARISH COUNCILS

Draft procedure

For first presentation at the meeting of the FULL COUNCIL ON 23 June 2025.

For review by FULL COUNCIL in the council year 2027-28.

1. Introduction

Parish Councils are responsible for determining requests for a dispensation by a Parish Councillor under Section 33 of Localism Act 2011. This is because they are a “relevant authority” under section 27(6) (d) of the Act.

This guide explains:-

- i. the purpose and effect of dispensations
- ii. the procedure for requesting dispensations
- iii. the criteria which are applied in determining dispensation requests
- iv. the terms of dispensations

2. Purpose and effect of Dispensations

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest.

Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31(4) of the Localism Act states that dispensations may allow the Councillor:

- (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

Please note: If a Parish Councillor participates in a meeting where they have a Disclosable Pecuniary Interest and they do not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

3. Process for making requests

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the proper officer of the Parish Council (ie. the parish clerk) as soon as possible before the meeting for which the dispensation is required.

Applications may also be made at the Parish Council meeting itself (if Parish Councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself. All agendas have a standing item to consider declarations of interest in agenda items and dispensations requests.

A request for any dispensation must be made on an individual basis.

4. Consideration by the Parish Council

The Parish Council reserves the authority to grant dispensations for the Parish Council.

The Parish Council may grant a dispensation to a councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per section 2 above) if they consider that:

- (a) so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- (b) the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (c) it is otherwise appropriate to grant a dispensation.

The Parish Council extends the provisions of the above contents of section 4 to apply in the same way in the case of a non-pecuniary registered interest or a non-pecuniary unregistered interest.

The terms of any dispensation shall be in accordance with section 6.

The Parish Council should formally notify the Councillor of their decision and reasons at the time that the decision is made.

5. Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the Parish Council will take into account:

- (a) the nature of the Councillor's prejudicial interest
- (b) the need to maintain public confidence in the conduct of the Council's business
- (c) the possible outcome of any proposed vote
- (d) the need for efficient and effective conduct of the Council's business

- (e) any other relevant, appropriate circumstances.

6. Terms of Dispensations

Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years (examples include: for the remainder of a specific council year or for the remainder of the council term).

7. Disclosure of Decision

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests in the clerk team office

ENDS.

Advice notes 06 May 2022

MEMBERS' CONDUCT AND THE REGISTRATION AND DISCLOSURE OF THEIR INTERESTS (ENGLAND)

This advice note was written by our in-house solicitors and last updated on 6 May 2022.

The information and commentary in the note do not constitute legal advice for any individual case or matter. For specific advice on your circumstances, we strongly encourage you to seek tailored legal advice.

Introduction

The conduct and standards regime has undergone several changes in the last few years. This advice note will set out the main changes and developments.

The Localism Act 2011 – changes to the standards regime

The Localism Act 2011 (the 2011 Act) introduced arrangements to regulate the conduct of members of local councils, the registration and disclosure of certain interests and how complaints about their conduct are handled. The 2011 Act created new criminal offences in respect of a member's failure to register and disclose certain interests and their participation in discussions and voting at meetings on matters where they hold such interests. The statutory provisions are contained in sections 26-34 of the 2011 Act and Schedule 4. Any statutory references in this Note are to the 2011 Act unless otherwise stated.

The statutory standards framework

A local council must promote and maintain high standards of conduct by members of the authority (s.27(1)). In discharging this duty, they must adopt a code of conduct to apply to their members when acting in their official capacity (s.27(2)). Sections 28 (1) and (2) require a relevant authority's code of conduct to:

- Be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- Include provisions that the authority considers appropriate in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests.

The Committee on Standards in Public Life report

In January 2019, the Committee for Standards in Public Life (CoSIPL) published its long-awaited **report** on local government ethical standards and made several recommendations. Some required legislation to be enacted, and others could be affected by bodies such as local authorities. Chapter 5 of the report specifically considers local councils. Recommendation 1 was that the Local Government Association create an updated model code of conduct in consultation with representative bodies of councillors and officers of all tiers **14** local

government. The new **code** was published in December 2020. The government **responded** to the CoSIPL report in March 2022. It has no current plans to make legislative changes as recommended by the CoSIPL. As such, the 2011 Act provisions remain.

The Model Code of Conduct 2020

The LGA's Model Code of Conduct was issued in December 2020. NALC recognised the benefits of a single code after the regime's post-2011 experience, so it endorsed the new code and withdrew the NALC template code of conduct. **Guidance** to accompany the Code was issued by the LGA in July 2021 after consultation with NALC and other sector bodies. We will update as on the issue of any sector-specific guidance.

What are the main provisions of the 2011 Act for local councils?

The provisions in the 2011 Act apply to both members and co-opted members of relevant authorities. A co-opted member is defined in s. 27 (4) as a person who is not a member of the relevant authority but who is either a member of any committee or sub-committee of the authority or a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee. In the rest of this Note, a reference to a member of an authority includes a co-opted member of the authority unless otherwise expressed. This should not be confused with members co-opted onto councils, further leading to a casual vacancy and no call for an election to be held. "Relevant authorities" are defined in s. 27(6) include district, county, London Boroughs, parish councils, fire and rescue authorities, economic prosperity boards, National Park authorities, and the Broads Authority.

The 2011 Act provides no definition of pecuniary or non-pecuniary interests. It imposes mandatory obligations on members in respect of disclosable pecuniary interests (DPIs). These are defined in regulations and further explained below.

Members are subject to obligations at meetings in relation to holding DPIs in business that is under consideration. Members are subject to the statutory obligations about

DPIs irrespective of the code of conduct adopted by their councils or the date that the code was adopted.

In accordance with s.28(13), a relevant authority's function of adopting, revising, or replacing a code of conduct may be discharged only by the authority, not by a committee or officer. A relevant authority must publicise its adoption, revision, or replacement of a code of conduct in such manner as it considers likely to bring the adoption, revision, or replacement of the code of conduct to the attention of persons who live in its area (s.28(12)).

Subject to the provisions of ss.28(1) and (2), the relevant authority is free to decide the form and content of the new code of conduct that it adopts.

S.27 (3) provides that a parish council may adopt the same code of conduct adopted by its principal authority (and see paragraph 5 above on the 2020 Code). Pursuant to s.29 (9), a principal authority for a parish council is the district council for its area.

Handling of code of conduct complaints

The principal authority is exclusively responsible for receiving, investigating and deciding code of conduct complaints which relate to the members of parish councils in their area. Sections.28(6) and (9) require a principal authority to have in place arrangements to investigate and determine allegations that a member of a parish council in its area has failed to comply with their council's code of conduct.

Except for the appointment and role of at least one independent person, the 2011 Act does not prescribe the arrangements that principal authorities must have in place for the investigation and determination of code of conduct complaints. A principal authority may delegate the discharge of such functions to a committee or officers pursuant to s. 101(1) of the Local Government Act 1972 (the 1972 Act). A committee with responsibility for investigating and determining code of conduct matters would be appointed pursuant to s.102 of the 1972 Act. As with any committee of a principal authority, it will be subject to the rules for proportional representation of different political groups set out in ss.15-17 of the Local Government and Housing Act 1989 (unless the whole council votes to suspend the proportionality rules for that committee). As such, a principal authority committee is

not required to include in its membership the members of any of the parish councils for which the principal authority is responsible. A principal authority may arrange for its Monitoring Officer to have certain responsibilities relating to the investigation of a code of conduct complaint or deciding whether a complaint that it receives merits being investigated.

The 2011 Act does not give a principal authority express power to undertake investigations or to conduct hearings (any such action may be implied). Similarly, it has no express powers to require access to documents and information or to require members or others to attend interviews/give evidence, or to require the member or others to attend a hearing.

A principal authority must appoint at least one independent person (s.28 (7)). The views of the independent person must be sought, and their views are considered before a principal authority takes a decision on a complaint it has decided to investigate. The views of the independent person may also be sought by the principal authority in other circumstances. The views of the independent person may also be sought by the member of the parish council who is the subject of an allegation for failure to comply with their authority's code of conduct.

Pursuant to s.28(8), an independent person cannot be a member, co-opted member, or an officer of the principal authority or of any parish council within the principal authority's area or a close friend or relative of such person. In addition, a person cannot be an independent person if, during the five years before their appointment, they have been a member or an officer of the principal authority or of any parish council within the principal authority's area. The independent person may be paid an allowance or expenses connected to their appointment. S.28 (8) (d) provides that a person does not cease to be independent merely because such payments are made.

Breach of code

If the principal authority decides that a member of a parish council has breached its code of conduct, the principal authority cannot take action directly against the member of the parish council (s.28 (11)). The principal authority's powers are limited to censuring them subject to making recommendations that the parish council takes a course of action in respect of the member. Although any

such recommendation is not binding on the parish council, the principal authority may recommend, for example, that the parish council removes its member from a committee or that it asks its member to attend training or to apologise.

S.28 (4) confirms that a council decision is not invalidated because "something that occurred in the process of making the decision involved a failure to comply with the code".

Register of interests

The monitoring officer of the principal authority must establish and maintain a register of interests of the members of the parish councils in its area. Such interests include DPIs and any pecuniary interests and non-pecuniary interests included in the code of conduct adopted by a parish council (s.29).

The monitoring officer must ensure that the register of interests of the members of parish councils in the area is available for inspection at all reasonable hours at a place in the principal authority's area. The principal authority must also publish the register of interests of the members of the parish councils on its website (s.29 (6)). A parish council with a website must publish the register of interests of its members, and the monitoring officer must provide the parish council with any data that the parish council needs to comply with its duty to publish the register of interests on its website if it has one.

Disclosure of interests upon taking office

Under s.30, a member of a parish council must, within 28 days of becoming a member, notify the Monitoring Officer of any DPIs. Upon the re-election of a member or upon the reappointment of a co-opted member, they must also, within 28 days, notify the monitoring officer of DPIs not already included in their register of interests. S.30(3) confirms that DPIs relate to certain interests of:

- The member.
- The member's spouse or civil partner.
- The person with whom the member lives as if they were a spouse or civil partner.

The nature of DPIs in respect of (i) – (iii) above are defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 SI 2012/1464. The interests of the persons in (i) - (iii) above relate to their employment, office, trade, profession or vocation for profit or gain, sponsorship, contracts, beneficial interests in land, licences to occupy land, corporate tenancies, and securities. When notification of a DPI is received by the monitoring officer, it will be entered into the member's register of interests unless it is a sensitive interest. Failure to register a DPI in accordance with s.30 of the 2011 Act is a criminal offence (see also paragraph 35 below). Recommendation 18 of the CoSIP report was that the criminal offences in the 2011 Act relating to DPIs should be abolished. The government in its response did not agree with the recommendation.

Under s. 32 (1), a member of a parish council may ask the monitoring officer to exclude from their register of interest-sensitive interests whether or not these are DPIs, the details of which, if disclosed, might lead to a threat of violence or intimidation to the member or to a person connected with them. The monitoring officer has the responsibility for deciding if a member's interests are sensitive interests which are excluded from their register of interests.

Disclosure of DPIs and other interests at meetings and limitations on voting

S 31(4) provides that if a member of a parish council is aware that they have a DPI in a matter being considered at a meeting, they are barred from participating in any discussion or voting on it unless they have obtained a dispensation. Without a dispensation, a member's participation in the discussion or voting on a matter in which they have a DPI is a criminal offence under s.34 of the 2011 Act. No criminal offence is committed by a member who participates in a discussion or votes at a meeting on the question of whether or not to grant them a dispensation which relieves them of the restrictions which apply to the matter in which they hold a DPI (s.33(4)).

Under ss. 31(2) and (3), if a member is aware of a DPI in a matter under consideration at a meeting but such interest is not already on the authority's register of interests or in the process of entry onto the register having been notified to the monitoring officer, the member must disclose the DPI to the meeting and register it within 28 days of the meeting at which the relevant business is considered.

Failure to disclose or register the DPI is a criminal offence under s.34. A member with a sensitive interest that has not already been notified to the monitoring officer must simply confirm at the meeting that they have a DPI rather than giving details of that interest (s.32(3)).

S.31(10) provides that a relevant authority's standing orders may require a member with a DPI in a matter being considered at a meeting to withdraw from the meeting room while any discussion or vote on it takes place. A parish council is free to adopt such standing orders. A member with a DPI who fails to withdraw from a meeting as required by their council's standing orders does not commit a criminal offence. If a council wanted to sanction a member with a DPI for not leaving the meeting room as required by its standing orders, it may rely on its other standing orders to vote to exclude the member from the meeting.

The code of conduct adopted by a parish council may include obligations on members to disclose at meetings interests which are not DPIs. It is not a criminal offence for a member to fail to register or disclose interests which are not DPIs even if such obligations are imposed by their council's code of conduct. A council may make standing orders which apply when members hold interests which are not DPIs.

S. 106 of the Local Government Finance Act 1992 also prohibits a local councillor in council tax arrears for at least two months from voting on the setting of a precept or any recommendation, resolution or other decision which might affect the calculation of the precept. If a local councillor in such a position fails to notify the council of the facts or votes in a prohibited matter, then on prosecution and conviction, they can be subject to a fine of up to £1,000.

Dispensations

S.33 provides that a parish council may grant a dispensation to a member, not exceeding a period of four years, with respect to the restrictions that apply to them at a meeting, which is considered a matter in which they hold a DPI. S.33 (2) confirms that a parish council may grant the dispensation if, having regard to all relevant circumstances, it considers that:

- Without the dispensation, the number of persons prohibited from participating in any business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
- Granting the dispensation is in the interests of persons living in the council's area,
- It is otherwise appropriate to grant a dispensation.

By virtue of s. 33 (4) a member is free to participate and vote at a meeting on the question of granting themselves a dispensation which relieves them of the restrictions which apply to the matter in which they hold a DPI.

A member's request for a dispensation must be in writing and submitted to the parish council's proper officer. Dispensations may be granted by the full council, or it may arrange for this function to be discharged by a committee or a sub-committee or an officer pursuant to s. 101(1) of the 1972 Act. If a full council (or a committee or a sub-committee) has responsibility for considering/granting dispensations, it can deal with a member's written dispensation request at the meeting at which it is required by them. This arrangement would benefit members who realise that they need a dispensation only after they receive the agenda which confirms the business to be transacted. Dispensation requests may constitute a standing item of business for every council (or committee or sub-committee) meeting and should be dealt with after the names of those members present and absent (and approval, as appropriate, for absence) at the meeting have been recorded. Councils are recommended to adopt standing orders which confirm the procedure for the submission of dispensation requests whilst recognising there may be times when councillors do not realise, they have a DPI and require a dispensation until the day of or at the meeting.

Whilst a member must submit their request for a dispensation in writing to the proper officer, a council may prefer members to complete and submit a standard form. It is recommended that a member's request for a dispensation, whether or not using a standard form, includes the following information:

- The name of the applicant.
- The description (e.g. DPI or other) and the nature of the interest.

- Whether the dispensation is for the member to participate in a discussion only or a discussion and a vote.
- The date of the meeting or the period (not exceeding four years) for which the dispensation is sought.
- An explanation as to why the dispensation is sought.

Dispensations for certain DPIs and other interests

There will be some business due to be decided at a parish council meeting, which most or all of the members present will have a DPI in (or another type of interest). For example, at a meeting setting the council's precept or deciding the council's response to a proposed development affecting the entire parish area, it is likely that many or all of the members live in the parish. In these examples, it is NALC's view that the members hold a DPI (arising from holding a beneficial interest in land or a licence to occupy land in the parish) and will, without a dispensation, be subject to the statutory restrictions which prevent them from participating in or voting at a meeting on such business. The statutory grounds would permit a parish council to grant a dispensation to members. If the function of granting dispensation requests has been delegated to an officer pursuant to s.101(1) of the 1972 Act, dispensation requests made by many or all members of a council can be handled with relative ease. If the function has not been delegated to an officer, then members are free to participate and vote on the question to grant themselves dispensations (see paragraphs 28-31 above). In the example of a parish council meeting which is setting the precept, some monitoring officers share NALC's view that members hold a DPI. However, some monitoring officers do not share NALC's view. NALC understands that the informal government view is that members of a principal authority at a meeting which sets the council tax or members of a parish council at a meeting which sets the precept do not hold a DPI.

Notwithstanding different legal opinions as to whether or not a member holds a DPI in the examples given above, it is a criminal offence for a member to participate and vote at a meeting on a matter in which they are deemed to have a DPI. If a member is unsure if they hold a DPI in a matter being considered at a meeting and they want to participate in a discussion and vote on the matter, the

safest course of action would be for them to seek a dispensation. A dispensation will ensure that the member is not at risk of prosecution.

Although some monitoring officers may hold a contrary opinion, it is NALC’s view that a member of a parish council or another local authority who receives an allowance by virtue of their public office holds a DPI. This particularly applies to members of parish councils who are also members of principal authorities and automatically receive an allowance from the principal authority.

Criminal offences

Under s.34, a failure to register a DPI within 28 days of election or co-option (or re-election or re-appointment), or the deliberate or reckless provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which the member has a DPI will be criminal offences, potentially carrying a Scale 5 fine of £5,000 and/or disqualification for up to five years. Prosecution is at the instigation of the director of public prosecutions.

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Guidance on Local Government Association Councillor Code of Conduct for Local Councils



Written by the LGA - Adapted for local town and parish
councils as part of the civility and respect project in
October 2022



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Part 1 - Introduction

Introduction

[The Model Councillor Code of Conduct 2020](#) was developed by the Local Government Association (LGA) with support from the National Association of Local Councils (NALC) and the Society for Local Council Clerks (SLCC) in response to recommendations from the Committee on Standards in Public Life in their [Local Government Ethical Standards report](#) published in 2019. The Civility and Respect Project endorses the Model Code and aims to encourage its adoption within the local (parish and town) council sector.

The Model Code is a template for local authorities, including local councils, to adopt in whole or with amendments to take into account local circumstances and is relatively short

and easy to read rather than an overly-complex legal document as it needs to be accessible to councillors, officers, and the public alike.

The LGA produced [supporting guidance](#) which is aimed to help understanding and consistency of approach towards the Code. Produced as part of the Civility and Respect Project, this local council specific guidance builds upon that guidance, making it particularly relevant for the local council sector.

The Model Code, together with the supporting guidance, has been designed to encourage good conduct and safeguard the public's trust and confidence in the role of councillor in local government. While the Code sets out the minimum standards of behaviour expected, together with the guidance it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the Code.

Any comments on the use of the guidance or suggestions for improvement would be welcomed and should be sent to ModelCode@local.gov.uk

Guidance notes/definitions

The Model Code uses the terms 'local authority' so where the Model Code is quoted this term is used and means a county council in England, a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, or an eligible parish council. However, this Guidance uses the terms 'local (parish or town) council' and 'principal authority' to make a clear differentiation between the tiers of local government.

General principles of Councillor conduct

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are set out in Appendix 2 below.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, the principles are not part of the rules of the Code and should be used for guidance and interpretation only.

Application of the Model Councillors' Code of Conduct

When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

“The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.”

This means it applies when you are carrying out your official duties, for example when you are considering or discussing council business, either as a councillor or representing the council on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal council business it includes promoting and representing the council in the local community and acting as a bridge between the community and the council. [The LGA's Guidance for new councillors](#) and NALC's [The Good Councillor's Guide](#) are helpful reference points.

The Code does not, therefore, apply solely when you are in council meetings or on council premises.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communications
- in electronic and social media communication, posts, statements, and comments.

This includes interactions with the public as well as with fellow councillors and council officers.

Acting as a private individual

For something to fall within the Code there must be a clear link to a council function or your role as a councillor. For example, an argument with a neighbour which does not relate to council business would not engage the Code, even if your neighbour happens to know you are a councillor and therefore complains to the principal authority about being treated disrespectfully.

Examples

A councillor and an officer had a personal relationship. The councillor sent and encouraged the officer to send inappropriate social media messages, including messages of a sexual nature, during office hours. The panel rejected arguments that the councillor had been acting in an entirely personal capacity. It found that the councillor could not divorce himself from his role as the officer's quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.

A councillor used her personal Facebook account to accuse her council of being corrupt and the clerk of being incompetent on a village Facebook group. She claimed that she wasn't acting as a councillor as she posted from her personal account and was merely expressing views as a concerned resident. The hearing panel determined that she was

acting as a councillor as her post related to council business and she was purporting to be using information she'd received through her role as a councillor.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

If you are a member of a political party or group their rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 and the Local Government (Disqualification) Act 2022 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order, receiving a custodial sentence of three months or longer (whether or not suspended) or being subject to a sexual offences order.

In what circumstances might I give the impression to a reasonable member of the public that I was engaged on council business?

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

- writing to someone on council headed paper or using a council email address may lead someone to assume you were writing in your capacity as a councillor
- handing out a business card where you describe yourself as a councillor may also lead to that assumption
- wearing official council regalia.

Examples

Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block someone's grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers, the clerk or fellow councillors, or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a finance committee.

Another example would be improperly disclosing confidential information you had received because of your role as a councillor.

A councillor got into an argument with another person at a private party. The other person ran a weekly yoga class at the village hall and the village hall was managed by the parish council. At the end of the argument the councillor told the other person that he was a parish councillor and would make sure that she was no longer able to hire the village hall

for her yoga classes. He was found to have breached the Code by invoking his office and seeking to misuse his position to intimidate the other person and to seek to disadvantage the other person, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to council business. However, even if you do not describe yourself as a councillor you may fall within the scope of the Code if you are discussing council business.

For example, a posting which is simply discussing a recent football match is not covered by the Code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer or a posting detailing your own version of council proceedings contradicting official council communications that would fall within the Code even if you have not described yourself as a councillor as it relates to council business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis (see guidance on 'disrespect, bullying and harassment further information).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and councillor use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your council has guidance on the effective use of social media this can help.

NALC ([NALC social media](#)) and the LGA ([LGA Social Media](#)) have published guidance on councillors and social media.

Examples

Following a heavy snowstorm which meant a local street market could not go ahead a district councillor posted on the local community Facebook page that a certain district council officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a council page and he did not explicitly describe himself as a councillor in the post he was found to have breached the Code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his principal authority. He was found not to have breached the Code as the comments did not directly relate to his role as a councillor or council business but were seen as wider political comments.

What does acting as a representative of my local authority mean?

You are, for example, acting as a representative of the council when you are sitting on an outside body to which you have been appointed by the council.

You would also be considered a representative of the council where you were attending an external function or conference on behalf of the council or as the council's nominated delegate.

You would not be considered as a representative of the council where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

If you are a member of a political party, matters in party group meetings would also normally not be covered by the Code as they are more matters for a party to manage. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to council business, for example, then relevant provisions of the Code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local party group.

What if I sit on more than one local authority?

If you sit on more than one local authority, you are subject to the Code and associated procedures of the local authority you are representing at any one time. As such, if you are on a principal authority and a local council, you would be bound by the principal authority code when attending principal authority meetings or speaking to principal authority officers; and bound by the local council code when attending local council meetings or speaking to local council officers.

If your local authorities have adopted the same code, the same rules would apply and, for example, your completed register of interests should be the same for both tiers.

What is a co-opted member?

The Code also applies to co-opted councillors under the Localism Act. A co-opted councillor under the Act is someone who is entitled to vote on any matter to be decided at a council committee or sub-committee.

A local councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code in the same way as if they had been elected.

It does not, therefore include non-councillor members of council committees who do not have voting rights.

However, it would be good practice to ask such people to agree to abide by the Code of Conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the council should they be found to have committed a serious breach of the Code so it is important that they are also aware of the expected standards of behaviour.

Part 2 – General principles of councillor conduct

Respect

As a councillor:

I treat other councillors and members of the public with respect.

I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Showing respect to others is fundamental to a civil society. As a representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

Respect

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to residents, attending council meetings, representing the council on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

Disrespectful behaviour

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your council and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a council, and ultimately create a toxic culture and has been associated with instances of governance failure.

Freedom of expression

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public

duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration.

Is the Respect provision of the Code a gag on councillors?

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in councils. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The Code is not intended to stifle the expressions of passion and frustration that often accompany discussions about council business.

Can councillors challenge officers?

In the everyday running of a council, it is inevitable that councillors will have disagreements with officers from time to time. Councillors can challenge and express disagreement with policies and procedures and this disagreement might, in the appropriate context, manifest itself as challenge to the way in which an officer or officers handled particular matters.

However, councillors should not raise issues about an officer's performance unless it is done in the correct way and at the appropriate forum in accordance with your council's processes and procedures. It should not be raised in a public meeting or through a published attack in the media.

If a councillor's conduct is unfair, unreasonable, or demeaning the Code will be relevant. If a councillor's challenge is abusive or offensive it is likely to breach the Code.

What kinds of conduct are not covered?

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

What if a member of the public is being unnecessarily disrespectful to me?

Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and

demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise councillors. For this reason, many councils and County Associations now offer social media guidance and training to councillors in addition to the civility in public life resources available on the [LGA's website](#).

Examples

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his council's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a village Facebook group referring to possible nepotism in the awarding of funding to a community group by the council. He was found to have breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his council into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his council's Code of Conduct.

Bullying

As a councillor:

I do not bully any person.

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by

telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local council's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local councils less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance

- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

Does this mean that councillors cannot raise concerns about officers or fellow councillors?

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in council meetings about policy or asking the clerk to explain the rationale for the guidance they have given. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

Preventing bullying conduct from developing

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as councillor-officer work relations and appropriate behaviour ([Councillor - officer protocol](#)). The protocol can include such matters as acceptable times to contact the clerk by telephone at home or call at the clerk's home on council business.

Officers also need to be mindful that councillors can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what the clerk or other officers expect; as a result, the councillor simply may not be aware of the impact that their communications have had on the officer. Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

Bullying and harassment and the law

In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or a county court.

In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- physical assault
- making threats of violence or death threats
- stalking
- hate crimes
- sexual harassment

Intimidation of councillors

Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.

The LGA and the Welsh Local Government Association have jointly developed a ['Councillors' guide to intimidation: Practical steps that you and your local authority can undertake to protect yourself as a person in a public position'](#). The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved.

Harassment

As a councillor:

I do not harass any person.

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.

The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance

- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

What does the law say about harassment?

In some cases, acts of harassment can be civil offences, which can be brought to an employment tribunal or county court.

In some cases, conduct that amounts to harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats
- stalking
- hate crimes
- sexual harassment

Example

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two female councillors and female officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

Discrimination

As a councillor:

I promote equalities and do not discriminate unlawfully against any person.

Councillors have a central role to play in ensuring that equality is integral to the council's performance and strategic aims. They can articulate the council's vision and public commitment to equality across public services.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your council may be liable for any discriminatory acts which you commit as a councillor.

This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your council's fulfilment of its positive duties under the Act. Such conduct may cause your council to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your council you should seek advice from the clerk.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

Direct discrimination: treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Indirect discrimination: treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

Harassment: engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs, conventions and practices
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of a council's practice, policy or rule in a way that may constitute indirect discrimination

- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

How can councillors cause their council to be in breach of the Equality Act?

The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made during political debate, even if most people would find them offensive.

Some councillors have particular roles which may give a higher risk for the potential for discrimination; for example, if you are on an appointment panel for a position in the council, or you are able to award local grants in the neighbourhood and will need to decide which organisations to support.

Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the Code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the council doing anything.

Under the Equality Act 2010, a council is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

Examples

The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The hearing panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

A councillor was a member of the council's recruitment panel to appoint a new clerk. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, "good candidate, shame he's black". The hearing panel found that the Code of Conduct had been breached.

Impartiality of officers

As a councillor:

I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the council as a whole. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective council.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the council and are responsible to the electorate whom they represent. They set their council's policy framework, ensure that services and policies are delivered and scrutinise council services.

The chair of the council and committee chairs may have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the council.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the Code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the council. It is also important for a council to have a councillor-officer protocol [councillor-officer protocol](#) which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.

Officers may sometimes give you advice that you do not want to hear or does not suit your views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you with

matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.

The fundamentally held principle is that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole¹”.

Examples

A council was renewing its grounds maintenance contract and was seeking quotes from suppliers. A councillor became involved in the process and sought to influence the clerk on where to seek the quotes, he also sent discourteous and disrespectful correspondence to the clerk. In doing so, he lost sight of his overall responsibility to the council to allow its officers to perform their functions. He was found to have breached the Code of Conduct.

What does working on behalf of the authority mean?

Councils deliver services in a range of ways. Often services will have been contracted out to outside bodies. For example, if you have a play area, equipment repair services may be carried out by outside contractors. Their employees delivering that contract are doing so on behalf of the council and you should not use your position to interfere improperly in delivery of that service.

What if I disagree with the views of an officer?

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels in line with your council's [councillor-officer protocol](#), see guidance on respect, bullying and harassment in Part 2.

Where you have a declarable interest in a matter you are discussing with an officer you should make that clear to the officer – see guidance on declarations of interest in Part 3. Where it is an interest which would stop you from taking part in a meeting you should not discuss those matters with officers except where you are seeking professional advice in the same way as any member of the public could – for example, assistance with making an application – and the officer should make a note that an interest has been declared. If you need to speak to an officer about the matter, you should arrange a meeting as a member of the public and not seek to use your position to gain preferential or quicker access.

¹ Ahmed v United Kingdom (2000) 29 EHRR 1

Having regard to officer advice

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the council could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered. The Proper Officer and the Responsible Financial Officer (both usually the clerk) have a statutory duty to report formally to the council where they believe a council action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer of your principal authority who is entirely independent of and separate from the council and is required to be politically neutral.

You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your council. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your clerk before taking any action.

Councils should adopt a protocol for councillor-officer relations and the document should be accessible on their websites.

Confidentiality and access to information

As a councillor:

I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - I. I have received the consent of a person authorised to give it;
 - II. I am required by law to do so;
 - III. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - IV. the disclosure is:
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the local authority; and

iii. I have consulted the monitoring officer prior to its release.

I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

I do not prevent anyone from getting information that they are entitled to by law.

Councils must work openly and transparently. Their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Confidential information

While council business is by law generally open and councils should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for council business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

Disclosure in the public interest

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your council

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

- **Whether you believe that the information disclosed, and any allegation contained in it, is substantially true.** If you do not believe this, the disclosure is unlikely to be reasonable.
- **Whether you make the disclosure for personal gain.** If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

- **The identity of the person to whom the disclosure is made.** It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media, social media, via emails, or in general discussion.
- **The extent of the information disclosed.** The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.
- **The seriousness of the matter.** The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.
- **The timing of the disclosure.** If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.
- **Whether the disclosure involves your authority failing in a duty of confidence owed to another person.**

The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

- a criminal offence is committed.
- your council or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.

The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a political advantage or to settle a score with a political opponent.

The fourth requirement, that you comply with the reasonable requirements of your council, means that before making the disclosure you must comply with your council's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the clerk. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, where the information disclosed is protected by legal professional privilege or where the information contains sensitive information as defined under the Data Protection Act 2018.

Circumstances in which a council can treat information as confidential

The presumption under local government law is that council business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:

- information given to the council by a Government Department on terms which forbid its public disclosure or
- information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

- relating to any individual.
- which is likely to reveal the identity of an individual.
- relating to the financial or business affairs of any particular person (including the council holding that information).
- relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the council or a Minister of the Crown and employees of, or officer-holders under the council.
- in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- which reveals that the council proposes:
 - to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - to make an order or direction under any enactment
 - relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as 'confidential' under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the council has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the Code if they disclose that information (papers and content of discussion) without lawful excuse.

Does confidentiality under the Code apply only to information which is classified as confidential or exempt by law?

No. The Code goes wider than matters simply considered in a formal council setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:

- it has the necessary 'quality of confidence' about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a resident in the course of your duties. That is why the Code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.

Examples

A resident had made a complaint against a council officer. The officer asked one of the councillors for information as to what was happening with the case and the councillor inadvertently shared confidential information. This was found to be a breach of the Code.

A councillor circulated information about an officer's medical condition to other councillors. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.

What does consent by the person authorised to give it mean?

If somebody, for example a resident, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

In what circumstances am I required to disclose confidential information by law?

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

In what way could I use information I have obtained to advance myself or others?

As a councillor you will receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the

council is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

How does this relate to the Data Protection Act 2018?

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act 2018 applies to their role in handling such information through training, and if they are not sure to seek advice from the clerk or another appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the council is responsible for information they provide to councillors and ensuring they know how it can be used.

Access to information

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your council should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your council which they have a right to access.

If in doubt seek advice from the clerk or other relevant council officers.

The 'need to know'

As a councillor, you are not automatically entitled to access all information the council holds. For example, the council may deal with highly confidential and sensitive information about employees.

In addition to rights set out in law or conferred by your standing orders, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example, the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Councils have more justification for denying free access to particularly sensitive papers such as staffing records. You should not seek to get information if you have a declarable interest in it.

If you feel you are not being given access to information you seek, you can seek advice from the clerk.

You can also exercise the "need to know" in respect of attending meetings. Access to Information Rules set out rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

Can I use council information for matters outside the council?

A councillor is entitled to access information held by the council for the performance of their duties as a councillor. If a councillor wishes to use council information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document or other publicly viewable state (e.g on a council webpage). However, that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the council and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual resident or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor's duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

Please see the [ICO website](#) for helpful guidance on data protection and freedom of information.

Disrepute

As a councillor:

I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your council and may lower the public's confidence in your ability to discharge your functions as a councillor or your council's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- reducing the public's confidence in them being able to fulfil their role; or
- adversely affecting the reputation of your council's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their council being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to residents, making demonstrably dishonest posts about your council on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your council in a public arena might well be regarded as bringing your local authority into disrepute.

What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or council, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

- Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
- Similarly, situations where a councillor defies important and well-established rules of the council for private gain.
- Where a councillor engages in conduct which directly and significantly undermines the council’s reputation as a good employer or responsible service provider.

Examples

A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You have failed. I hope that the Serious Fraud Office is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the tweet would reasonably bring the councillor’s office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a council mistake and failing to prevent council-employed contractors from working on his privately-owned garden. The council mistakenly sent a tree surgeon to perform hedge maintenance on his land, which bordered on council-owned land. The councillor only told the council about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a council made a deeply inappropriate remark at a council meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

Misuse of position

As a councillor:

I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a councillor provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the Code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to local councillors when your local council is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help local groups apply to the council, for example, for a grant, it is quite improper to seek to influence the decision to be taken by the council and would also be in breach of paragraph 3 of the Code.

What kinds of attempts to advantage or disadvantage would be improper?

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

What if the attempt to confer an advantage or disadvantage fails?

The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the Code even if they did not in fact vote that way.

Examples

Most alleged improper uses of position are in connection with matters in which the councillors have interests.

A councillor who was a 'joint co-ordinator' of a community group did not notify the council of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the council.

A councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the clerk to make a payment which had not been approved by the council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.

Misuse of resources and facilities

As a councillor:

I do not misuse local authority resources.

I will, when using the resources of the local authority or authorising their use by others:

- **act in accordance with the local authority's requirements; and**
- **ensure that such resources are not used for political purposes unless**
- **that use could reasonably be regarded as likely to facilitate, or**
- **be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by your council to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment
- transport
- access and use of council buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the council's own policies regarding their use.

You must make sure you use the council's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the council's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

The [Code of Recommended Practice on Local Authority](#) Publicity published by the Department for Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your council. Failure to comply with the council's rules is likely to amount to a breach of the Code.

If you authorise someone (for example a member of your family) to use your council's resources, you must take care to ensure that this is allowed by the council's rules.

You should never use council resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your council may authorise you to use its resources and facilities for legitimate political purposes in connection with your council's business. For example, dealing with correspondence from your residents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your council's resources outside of these limitations is likely to amount to a breach of the Code.

You should never use council resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your council's procedures allow for you to repay any costs accrued.

What are the “resources of the local authority”?

The resources of the council include services and facilities as well as the financial resources of the council.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the council, or working on its behalf, are also resources, as is information held by the council which it has not published.

What constitutes using resources “improperly for political purposes”?

The Code acknowledges that party politics can have a proper role to play, both in the conduct of council business and in the way that councillors carry out their duties.

However, councillors and clerks will need to exercise considerable care to ensure that this provision is not abused. You must ensure that there is a sufficient connection between the use of resources and the business of the council. Only improper use of resources will be a breach of the Code of Conduct.

This part of the Code complements [Section 2 of the Local Government Act 1986](#), which prevents the publication of material "designed to affect public support for a political party". The Code, however, goes further than the Code of Recommended Practice on Local Authority Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests.

You must have regard to any applicable local authority code of publicity made under the powers contained in Section 4 of the Local Government Act 1986. Publicity is defined as "any communication, in whatever form, addressed to the public at large or to a section of the public". It will cover meetings, websites, and social media postings as well as printed and other written material.

You should be particularly scrupulous about the use of council resources when elections are pending, particularly those resources relating to publicity. When using the council's resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

How do you know what the council's requirements for the use of resources are?

Your council should have a protocol dealing with use of council resources. A typical protocol would cover the following topics:

- use of council premises
- councillor-officer relationships including use of officer time
- information technology, for example computer equipment and the use of associated software, including the use of such equipment at home
- telephones
- photocopying
- use of stationery and headed notepaper
- postage
- use of council transport
- allowances and expenses

Your council may also have a separate protocol on the use of social media which would also be relevant.

The key principle underlying all such protocols should be that public office and public resources should not be used to further purely private or party-political purposes.

It is worth noting that where you authorise someone such as a family member to use the council's resources, you must check whether the council's rules allow this.

Example

The complaint alleged a town councillor used his computer equipment provided by his council for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the council's equipment in breach of the Code and had brought his office into disrepute.

Complying with the Code of Conduct

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the council or its governance. If you do not understand or are concerned about the principal authority's processes in handling a complaint you should raise this with the monitoring officer.

As a councillor:

I undertake Code of Conduct training provided by my local authority.

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your council's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your council, you equip yourself with sufficient knowledge of the Code to ensure that you comply with it at all times.

I cooperate with any Code of Conduct investigation and/or determination.

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the council as a whole.

While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any Code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters on and does not allow you to put across your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the principal authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your council.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If

you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

When does the duty not to intimidate start and how do I avoid allegations of intimidation?

Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling of their case may be viewed. However innocently the contact is intended or may appear, great care should be taken when councillors deal with people involved with their case.

You should refer to your principal authority's procedures and protocol for dealing with alleged breaches of your Code of Conduct.

I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

Part 3 - Protecting your reputation and the reputation of the local authority

Registration of gifts, hospitality and interests

Gifts and hospitality

As a councillor:

I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal

may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the clerk for guidance.

What does “hospitality” mean?

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

How much detail should I include on the register?

Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

How do I know if gifts or hospitality have been offered to me because of my role as a councillor?

The Code says you must register any gift or hospitality received in your capacity as a councillor if the estimated value exceeds £50 or such other limit as agreed by your council.

You should ask yourself whether you would have received the gift or hospitality if you were not on the council. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk before deciding whether to accept it. You should also refer to the council’s policy on gifts and hospitality.

You do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if a birthday present arrives from a family friend who is also the chair of a local community group just before a funding application from the group is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

What about gifts or hospitality I do not accept?

The Code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the council and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not ‘made right’ by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a councillor to a local festival or faith celebration along with other members of the community then it may

be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the council on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the principal authority's monitoring officer. That helps the council to identify if there are any patterns and to be aware of who might be seeking to influence the council.

What about gifts or hospitality that falls below the limit in the Code?

You should always notify the principal authority's monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the council (or is about to) even where that hospitality falls below £50 or the limit set by the council.

While that would not be a matter for the public register it again allows the council to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the council which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

What if I'm at an event but don't have the hospitality or only have a small amount?

The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.

As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

Is there a minimal threshold where I wouldn't have to notify the monitoring officer?

The Code is about ensuring that there is transparency and accountability about where people may be trying to influence you or the council improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an

external meeting lasts all day and the organisers offer you a sandwich lunch and refreshments.

[The Government's guide to the Bribery Act for employers](#) says that 'the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.'

You should use your discretion and think how it might look to a reasonable person but always seek the views of the clerk if in doubt.

What are 'normal expenses and hospitality associated with your duties as a councillor'?

As well as the minimal threshold hospitality above there may be times when you are paid expenses which include an element for food and drink as part of your role.

The focus of the Code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the council or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor's ball would not need to be registered.

However, the hospitality should be registered if it is provided by a person or body other than the council and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in council offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.

What if my role involves me attending regular events or receiving gifts or hospitality?

Some roles in a council will inevitably involve being offered more entertainment than others because of the 'ambassadorial' nature of the role. For example, the mayor or chair of the council may be invited to a number of functions.

Although the mayor or chair, for example, may attend some social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the Code to register the hospitality against your individual register. The question a councillor needs to ask themselves is, "Would I have received this hospitality even if I were not the mayor/chair?" If the answer is yes, then it must be registered.

If matters are recorded on a mayor or chair's register any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be 'donated' to the council or to charity or as raffle prizes for example.

Gifts that are clearly made to the council, for example a commemorative goblet which is kept on display in the council's offices, do not need to be registered in the councillor's register of gifts and hospitality. However, such gifts ought to be recorded by the council for audit purposes.

Register of interests

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council's principal authority to establish and maintain a register of interests of members of the council.

You need to register your interests so that the public, council officers and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer of your council's principal authority the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in [The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#). You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

You must register two different categories of interests:

Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.

Other registerable interests – these are categories of interest which apply only to you and which should be registered as an aid to transparency.

Further details about these two categories follow. For guidance on when these interests give rise to a matter which needs to be declared at a meeting see the guidance on declaring interests in Part 3.

Declarations of interest

As a councillor:

I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the monitoring officer of the local council's principal authority to establish and maintain a register of interests of councillors.

You need to register your interests so that the public, council officers and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1 of the Code, is a criminal offence under the Localism Act 2011.

Appendix B of the Code sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the clerk.

This part of the Code is about the registering of your interests and then how to go about declaring or managing your interests.

At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. However, the rules to set out whether you have an interest or not in any given situation can be complex given the infinite variety of issues that may arise. This guidance is to help you steer a way through those rules.

The Code therefore requires councillors to declare interests in certain circumstances. Disclosure, in the register and at meetings, is about letting members of the public and interested parties know where you are coming from when involved in decision making and is to enable you to be 'up front' about who you are and what your conflicts of interest might be. Conflicts of interest in decision making as a councillor, and what in public law is known as 'apparent bias', are an established part of the local government legal landscape. The Seven Principles of Public Life and the Model Code require councillors to act impartially (i.e. not be biased) when carrying out their duties (see also guidance on bias and predetermination).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council, yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

The object of this part of the Code is therefore twofold.

Firstly, it is to provide an explanation and a guide to the public and councillors as to what is or isn't a conflict of interest and then how a conflict between the interest you may hold as an individual councillor and the public interest you must hold as a decision maker of a public authority can be best managed.

Secondly, the Code provides a means to hold an individual councillor to account for their actions when they fail to manage that conflict of interest properly and put the decision of

the public authority, including the public purse, and decisions around individuals' daily lives, at risk.

The test at law for apparent bias is 'would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias'. This is why you will see this question reflected in the Code when you are asked to consider whether or not you should participate in a meeting where you have a conflict of interest.

The Code contains three different categories of interests – Disclosable Pecuniary Interests (DPI); Other Registerable Interests (ORI); and Non-Registerable Interests (NRI).

For the first two categories these are interests which must be recorded on a public register except in limited circumstances (see guidance on Registration of Interests). The third category do not need to be recorded on the register but will need to be declared as and when they arise.

This means an interest may arise not just from interests already on your register. There will also be times when, although the interest does not personally involve you, it may involve a relative or close associate. You are not expected to register every interest of those people, but you will need to declare them as and when they might arise. These are referred to in the Code as 'non-registerable interests'.

As a brief summary, the requirements of the Code apply where:

- you or someone you are associated with has an interest in any business of your council, and
- where you are aware or ought reasonably to be aware of the existence of that interest, and
- you attend a meeting of your council at which the business is considered.

You must disclose to that meeting the existence and nature of your interests at the start of the meeting, or when the interest becomes apparent. It is usual to have for any declarations of interest at the start of the meeting but it is good practice also to ask again at the start of any agenda item. For example, members of the public may only be present for a specific item so will not have heard the declaration at the start, and a councillor may only become aware of the interest part-way through the meeting or item in any case.

And there will be times that because your interest is so close to the matter under discussion you will not be able to take part in that item of business. Those circumstances are explained in greater detail for each category of interest below.

This means there are three types of interest which you may have to declare:

- Disclosable Pecuniary Interests (Part A of the Register);
- Other Registerable Interests (Part B); and
- Non-registerable interests.

Guidance is given below on each of these categories in turn.

Disclosable Pecuniary Interests

(Annex B, paragraphs 4 and 5)

Disclosable Pecuniary Interests (DPIs) were introduced by [s30 of the Localism Act 2011](#). They are a category of interests which relate to the councillor and/or their partner, such as financial interests of you or your partner such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and are in Table 1 of Annex B of the Code.

‘Partner’ is defined by regulations as your ‘spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.’

They must be registered and, where they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

The Localism Act says that if you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the council, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.

The Act says you need to declare the nature of the interest only if it is not on the public register. In addition, your council’s rules might require you to leave the room where the meeting is held while any discussion or voting takes place.

However, the Model Code states that it is important to declare the nature of the interest and to withdraw while the item is being dealt with. This aids transparency for the public and helps avoid accusations that you may be seeking to influence the outcome by remaining in the room even if your council’s rules don’t explicitly require it.

If you have a DPI, you may in certain circumstances be granted a dispensation to take part (see guidance on Dispensations).

When does a Disclosable Pecuniary Interest arise?

The Localism Act uses the phrase ‘you have a DPI in any matter...’

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that s31 of the Act “requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered relates to their interestIt prohibits a member from participating in discussion or voting on any matter relating to their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations).” [our emphasis].

This means you have a DPI in a matter when the matter being discussed directly relates to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does not directly relate to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property.

Other Registerable Interests

(Paragraphs 6, 8 and 9 of Annex B)

The second category of interests are Other Registerable Interests (ORIs).

If you have an ORI – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

- when a matter directly relates to the finances or well-being of that interest. (paragraph 6); or
- when a matter affects the finances or well-being of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paragraphs 8 and 9).

An interest 'directly relates' to an outside body where the council is taking a decision which directly relates to the funding or well-being of that organisation.

For example, under a) if you are a member of a local group which has applied for funding from the council, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the group's case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.

If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the council is simply discussing that outside organisation but not making a decision which relates to its finances or well-being that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the council was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial

impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the council might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the clerk.

As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

Non-Registerable Interests

(paragraphs 7, 8 and 9 of Annex B)

The third category of interests is Non-Registerable Interests (NRIs).

An NRI arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or well-being. The Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to that interest; or
2. when a matter affects that interest to a greater extent than it affects the majority of inhabitants and a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted a planning application the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare an NRI.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the

meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of residents.

As with DPIs you can be granted a dispensation (see below).

What is the difference between ‘relates to’ and ‘affects’?

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

What does “affecting well-being” mean?

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your well-being on a temporary basis. Closure of a local amenity may have a more permanent impact on your well-being if you use it more than the majority of people in the area.

What are the definitions of relative or close associate?

The Code does not attempt to define “relative” or “close associate”, as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (e.g. whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

What if I am unaware of the interest?

You can only declare an interest in a matter if you are aware of the interest. For example, a sports club of which your father-in-law is a chair may have made an application to the council. You may not be aware that he is the chair, and you are not expected to have to ask about the social affairs of your relatives or acquaintances simply because you are a councillor. However, you would need to declare an interest as soon as you became aware.

A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter's address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the clerk.

Do I always have to withdraw if I have an Other Registerable Interest or a Non-Registerable Interest to declare?

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

If the matter is an ORI or NRI you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or well-being of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

- Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?

For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:

- Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (see guidance on predetermination and bias) and if the answer is yes to that question then you must not take part in the meeting.

Examples

You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are discussing closure of allotments where your brother has a plot. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your brother.

What does 'withdraw from the meeting' mean?

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by time limits. However, unlike the public you would then withdraw once you had spoken.

This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a 'virtual waiting room' while the item is discussed.

Dispensations

Wherever you have an interest the Code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your standing orders or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the clerk) in good time before the relevant meeting and will be considered according to the council's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where -

- It is considered that 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.
- It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
- That the authority considers that the dispensation is in the interests of persons living in the authority's area.
- That the authority considers that it is otherwise appropriate to grant a dispensation.

What is a 'sensitive interest'?

There are circumstances set out in the Localism Act where you do not need to put an interest on the public register or declare the nature of an interest at a meeting although you would have to declare in general terms that you have an interest. These are so-called 'sensitive interests'.

An interest will be a sensitive interest if the two following conditions apply:

- a) That you have an interest (whether or not a DPI); and
- b) the nature of the interest is such that you and the principal authority's monitoring officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

Where it is decided that an interest is a “sensitive interest” you must inform the monitoring officer of the interest so that a record is kept but it will be excluded from published versions of the register. The monitoring officer may state on the register that the councillor has an interest, the details of which are excluded under that particular section.

Where the sensitive interest crops up in a meeting the usual rules relating to declaration will apply except that you will only be required to disclose that you hold an interest in the matter under discussion but do not have to say what that interest is. The Localism Act sets out the scheme where the DPI is a sensitive interest. Your council’s procedures should allow for similar arrangements for other registerable or declarable interests.

For example, if your sister has been subject to domestic violence such that the perpetrator has been served with a Domestic Violence Protection Order you would not be expected to disclose your sister’s address to a meeting.

What do I do if I need advice?

If you are unsure as to whether you have an interest to declare you should always seek advice from the clerk.

The Golden Rule is be safe –seek advice if in doubt before you act.

Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The Code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly (see guidance on declarations of interest)

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the council. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the Code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code, but councillors need to be clear that they are not biased or predetermined going into the decision-making process.

Otherwise the decision is at risk of being challenged on appeal or in the courts. To quote a leading judgment in this field "All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach." ²

The rules against bias say that there are three distinct elements.

The first seeks accuracy in public decision-making.

The second seeks the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.

The third requirement is for public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no investigation is made into whether the decision-maker was biased in fact. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the Code's requirement to declare certain interests and withdraw from participation (see guidance on declaration of interests).

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the council yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

Predetermination

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

² Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly-hostile lines of questioning for example.

You are therefore entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, that you are able to take account of all of the evidence and make your decision on the day.

How can bias or predetermination arise?

The following are some of the potential situations in which predetermination or bias could arise.

Connection with someone affected by a decision

This sort of bias particularly concerns administrative decision-making, where the council must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

For example, a principal authority councillor also belongs to a local council that has complained about the conduct of an officer of the principal authority. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and is not involved with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.

Improper involvement of someone with an interest in the outcome

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

For example, a principal authority receives an application to modify the Definitive Map of public rights of way. A panel of councillors are given delegated authority to make the statutory modification Order. They have a private meeting with local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being

required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If the councillor is merely seeking to lobby a public meeting at which the decision is taking place but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

For example, a council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: “speaking for myself I am inclined to go along with the barrister’s recommendation”. He later participates in the council’s decision to accept the barrister’s recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister’s report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

Another example is where a developer entered into negotiations to acquire some surplus council land for an incinerator. Planning permission for the incinerator had already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new councillors who have campaigned against the incinerator and a full debate, the council’s executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council’s decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

What do I do if I need advice?

If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the clerk

The Golden Rule is be safe –seek advice if in doubt before you act.



The Parish version of the Local Government Association Code Of Conduct

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1

Housekeeping and other bits and bobs



- Introduction of presenter
- Questions from delegates
- Aims of the session:
 - To develop a better understanding for councillors, of the provisions of the Code
 - To give councillors the tools to make informed decisions about their declarations of interest

What we can't do:

- Deal with questions about your own specific interests

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2

Yorkshire Local Councils Associations (YLCA)



- Serves North, South & West Yorkshire with 500+ members
- Main purposes – Advisory service for local councils and training for councillors and council officers
- A membership only organisation for local councils and parish meetings
- A member-led organisation
- Works closely with the National Association of Local Councils
- YLCA Membership benefits include weekly newsletter, training and advice.

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3

Acronyms

- Some that you might come across:
 - YLCA – Yorkshire Local Councils Associations
 - NALC – National Association of Local Councils
 - LGA – Local Government Association
 - and LGA – Local Government Act
 - MHCLG – Ministry of Housing, Communities and Local Government
 - ILCA – Introduction to Local Council Administration
 - FILCA – Finance Introduction to Local Council Administration
 - CiLCA – Certificate in Local Council Administration
 - DPI – Disclosable Pecuniary Interest
 - AGAR – Annual Governance and Accountability Return
 - RFO – Responsible Financial Officer
 - GDPR – General Data Protection Regulation

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4

The Ethical Framework

- Localism Act 2011
- Every council has a duty to promote and maintain high standards of conduct (s27)
- A council must uphold high standards
- Para 2 states “A relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.”

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5

When does the Code apply?

When you are acting in your capacity as a councillor including:

- When you are engaged in the business of your council, as directed or authorised by the council
- When representing the Council externally (at the council's agreement), ie official duties

What does the term 'capacity' mean in this context?

- When carrying out official duties
- Not just in meetings – online, telephone, written and verbal communication, electronic, social media comms, posts, statements and comments
- But take care – as we will see in the examples at the end

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6

Purpose of the Code

- To encourage good conduct
- To safeguard the public's trust and confidence in councillors
- Safeguard trust and confidence in the local council
- Encourage councillors to be mutually respectful – even when there are personal or political differences
- Demonstrate high standards
- The Code sets out minimum standards of behaviour expected from a councillor
- To protect you, the public, your colleague councillors, officers and the reputation of your council

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7

Basis of the Code

The seven principles of public life (Nolan Principles):

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

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8

Intimidation of councillors

- Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.
- The LGA and the Welsh Local Government Association have jointly developed a 'Councillors' guide to intimidation: Practical steps that you and your local authority can undertake to protect yourself as a person in a public position'.
- The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved.

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9

Bullying

As a councillor: I do not bully any person.

- Bullying, harassment, discrimination and victimisation (direct or indirect) are not acceptable
- Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened – if you are making someone feel any of these, you need to take action on your behaviour.
- Some bullies lack insight into their behaviour and are unaware of how others perceive it; *some know what they are doing!*
- Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

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10

Harassment

As a councillor: I do not harass any person.

- Behaviour which alarms a person, causes them distress or puts people in fear of violence (occurred on at least two occasions)

Examples of harassment include but are not limited to:

- sending unwelcome e-mails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

Don't do it! Follow council policy to have any issues that you have resolved in the proper way.

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11

Disrepute

As a councillor: I do not bring my role or local authority into disrepute.

- You hold an office of trust
- You have freedom of expression, but this is not unlimited
- Disrepute is defined as lack of good reputation or respectability
- Under the Code, you may bring the role of councillor into disrepute by:
 - using abusive and threatening behaviour or
 - any action that adversely affects the reputation of your council's councillors, in being able to fulfil their role.
- You may bring the role of the council into disrepute by:
 - circulating highly inappropriate, vexatious or malicious e-mails to residents
 - making demonstrably dishonest posts about your council on social media
 - making grossly unfair or patently untrue or unreasonable criticism of your council in a public arena

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Misuse of position

As a councillor: I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

- Your position brings opportunities, responsibilities and privileges
- Your choices impact on others
- Don't take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.
- Don't use, or attempt to use, your public office either for your or anybody else's personal gain or loss
- In your Declaration of Acceptance of Office, you said you would, 'Serve the Council to the best of my ability'

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Equality and Diversity

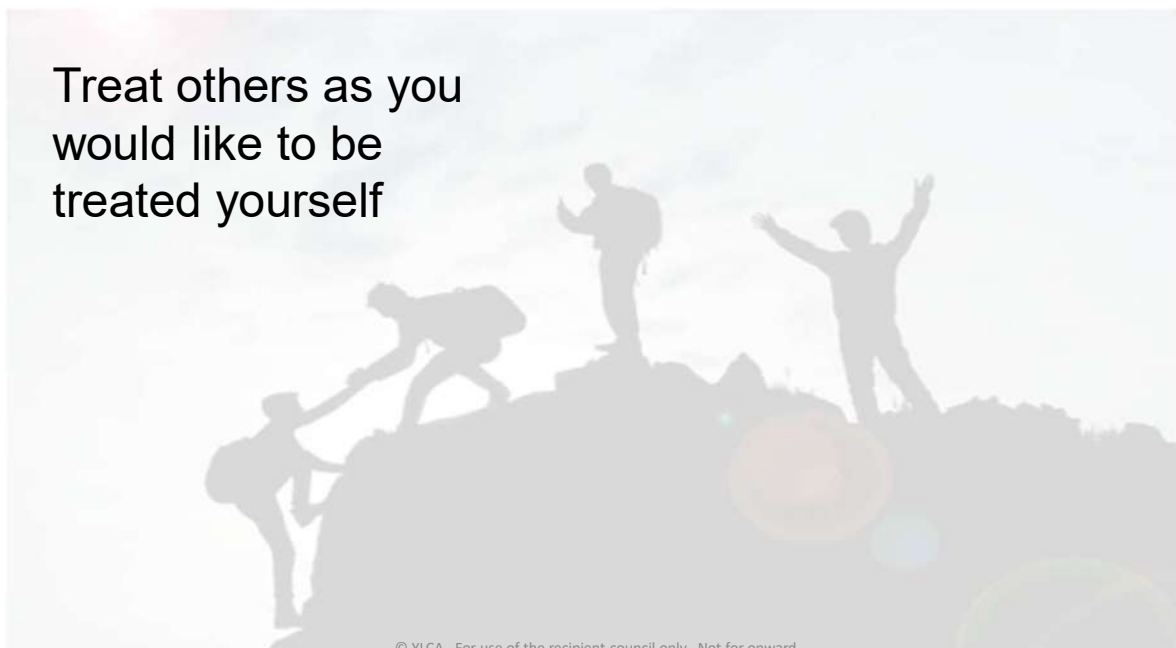
What is equality and diversity?

- Equality means ensuring everyone in your setting has equal opportunities, regardless of their abilities, their background or their lifestyle.
- Diversity means appreciating the differences between people and treating people's values, beliefs, cultures and lifestyles with respect.
- A workplace encouraging equality, diversity and inclusion can help: make it more successful. Prevent serious or legal issues arising, such as bullying, harassment and discrimination.
- To better serve a diverse range of people, improve ideas and problem-solving.

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Treat others as you
would like to be
treated yourself



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Discrimination

As a councillor: I promote equalities and do not discriminate unlawfully against any person.

- Equality should be integral to the council's performance and strategic aims
- Handout - NALC Advice Note – The Equality Act 2010

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably based on any of the Protected Characteristics
- slurs, homophobic, biphobic or transphobic comments, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- intolerance toward religious customs, conventions and practices
- mimicking, mocking, or belittling a person's disability
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

Think before you act and speak.

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Access to information

- As local authorities, parish sector councils must be open and transparent
- Public access is governed by the FOIA 2000 and under that, a council's Publication Scheme
- The 'need to know'
 - As a councillor you are not entitled to see all information held by the Council
 - Example – only members of the Staffing Committee have a 'need to know' any confidential staffing matters such as disciplinary and grievance matters or settlement agreement information
- Confidential information given to you – keep secure (for use in the course of your duties as a councillor, nothing else)
- Some councils gather information back in during the term of office
- Some, keep a record and gather in at the end of a member's term

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Part 4: Register of Member Interests



- Declaration of Interests
- Disclosable Pecuniary Interests
- Other Registerable Interests
- Non-Registerable Interests

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Your interests in the business to be transacted

- Familiarise yourself with your Council's Code of Conduct, Standing Orders and NALC Advice Note – Members' Conduct and the registration and disclosure of their Interests
- Learn about the different types of interest, i.e., Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests

What do you need to do in a meeting when you have a specific type of interest?

- Remember only you can decide whether to declare an interest (the clerk or another councillor cannot advise you). The Monitoring Officer at the principal authority is there to guide you.

Do you know what a dispensation is and how to apply for one?

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Disclosable Pecuniary Interests (DPI)

- Disclosable Pecuniary Interests (The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Statutory Instrument no 1464, 2012)
- Relate to you and your partner – 'spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.'
- At a meeting, if you have a DPI, the localism Act 2011 says:
 - you may not participate in any discussion of the matter at the meeting
 - you may not participate in any vote taken on the matter at the meeting
 - if the interest is not registered, you must disclose the interest to the meeting
 - if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.
- Note that the Act does not state that you need to leave the room – but check your council's adopted Code and Standing Orders (the LGA code does compel withdrawal from the room)

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Disclosable Pecuniary Interests (DPI)

- Disclosable Pecuniary Interests (The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Statutory Instrument no 1464, 2012)
- Declare the nature of the interest if not already declared – based on the subjects in the SI (see above)
- It can create a policy position that you will leave the room
- If no policy, the LGA Code recommends that you withdraw from the meeting
- The term 'withdraw' in the Code means you must not be present in the room
- Speak to the MO if you think you have a **sensitive interest**
- Failure to declare a DPI and being found to have breached the Code will likely result in a fine and a criminal record

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Other Registerable Interests (ORI)

Table 2, Annex B of the LGA Code:

You have a personal interest (ORI) in any business of your authority where it relates to or is likely to affect:

- any body of which you are in general control or management and to which you are nominated or appointed by your authority
- or
- any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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Other Registerable Interests (ORI)

- ORIs concern your involvement or representation with/on outside bodies
- If you have an ORI – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances
 - when a matter directly relates to the finances or well-being of that interest. (paragraph 6); or,
 - when a matter affects the finances or well-being of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paragraphs 8 and 9).
- An interest 'directly relates' to an outside body where the council is taking a decision which directly relates to the funding or well-being of that organisation
- The rule applies whether you are appointed to the body by the council or not

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Other Registrable Interests (ORI)

What must you do in a meeting if you have an ORI?

- The Code says that you must:
 - Disclose the interest
 - You may only speak on the matter if members of the public are also allowed to speak
 - The LGA Code states that you must not otherwise discuss or vote
 - It also states that you will 'withdraw', ie leave the room (unless granted a dispensation)

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Other Registrable Interests (ORI) Examples

- Councillor is a charity trustee for the local village hall (appointed by the council (part of the decision making body – has some control)
VH has applied for funding
= Cllr is allowed to speak (if the public are), but not vote and must withdraw
- Councillor is a charity trustee for the local village hall (not appointed by the council (part of the decision making body – has some control)
VH has applied for funding
= Cllr is allowed to speak (if the public are), but not vote and must withdraw
- Council discussing VH but not making a decision relating to finances or well-being – probably no conflict of interest

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Other Registrable Interests (ORI) Examples

- Councillor is a member of the RSPB
Council discussing birds and their habitats/conservation generally
No conflict of interest
- Councillor is a member of the RSPB
Chair of the local branch
In a position of management and control
= Has an ORI if your involvement would bring benefit
ie, if the body is campaigning on the issue/you campaigning
Risk of predetermination here too

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Non Registrable Interests (NRI)

- Arises when the interest is not a DPI
- NRIs are not included on the Register of Interest
- Where a matter **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate
- You may speak on the matter only if members of the public are also allowed to speak
- The LGA Code stipulates that otherwise you do not participate, and you leave the room – if you have spoken, you then leave

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Non Registrable Interests (NRI)

- The other consideration in respect of a NRI is when a matter **affects** that interest to a greater extent than it **affects** the majority of inhabitants, and a reasonable member of the public would thereby believe that your view of the public interest would be affected
- Perhaps a better description is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor.
- Councillors need to differentiate between interests that 'directly relate' and interests which 'affect' – Guidance on page 42
- Definition of 'relative' and 'close associate' – page 42
- Relative – close or distant: how would a member of the public view it?
- Close associate – someone who is more than an acquaintance – friend, work colleague, business associate, person you socialize with

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Non Registrable Interests (NRI) examples

- Son submitted a planning application – the matter directly relates to your relative = withdraw from the room, you must not take part in the debate or vote
- Next door neighbour submits a planning application but it may not directly relate to your property, if so, it is not a DPI but probably an NRI = withdraw from the room, you must not take part in the debate or vote
- Planning application to build houses on a field adjacent to your business partner's home.
It's not their application.
But they will be more affected by the application than the majority of people – you consider your relationship with them – close associate?
= withdraw from the room, you must not take part in the debate or vote

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Examples from the Guidance

- A councillor used their personal Facebook account to accuse their council of being corrupt and the clerk of being incompetent on a village Facebook group. They claimed that they weren't acting as a councillor as they posted from her personal account and was merely expressing views as a concerned resident. The hearing panel determined that they were acting as a councillor as their post related to council business and they were purporting to be using information they had received through their role as a councillor.
- 0-
- The complaint alleged that a councillor commented under a pseudonym on a village Facebook group referring to possible nepotism in the awarding of funding to a community group by the council. They were found to have breached the Code of Conduct in making the posts because they had failed to treat others with respect and, in doing so, they had conducted themselves in a manner which brought their role and their council into disrepute.

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Examples from the Guidance

- Misusing your position as a councillor - improperly disclosing confidential information you had received because of your role as a councillor.
- A councillor got into an argument with another person at a private party. The other person ran a weekly yoga class at the village hall and the village hall was managed by the parish council. At the end of the argument the councillor told the other person that they were a parish councillor and would make sure that class provider was no longer able to hire the village hall for yoga classes. Cllr was found to have breached the Code by invoking their office and seeking to misuse their position to intimidate the other person and to seek to disadvantage the other person, notwithstanding the fact that they did not in reality have the ability to carry out the threat!

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Examples from the Guidance

- A complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about them during two telephone calls to a police station made in their capacity as a councillor. It was found that the comments amounted to an unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in their council's Code of Conduct.
- The complaint alleged that a councillor 'liked' several racially discriminatory comments on social media and one comment advocating violence against Travellers. The hearing panel found that 'Liking' of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

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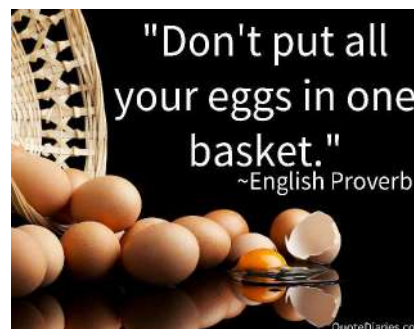
Business Continuity

Have a plan in place to deal with clerk absences to ensure the business of the council can continue. Essential if the clerk is a sole employee.

Think about – computer files back up, lists of passwords, lists of key contacts, access to council files, payroll etc.

What if ?

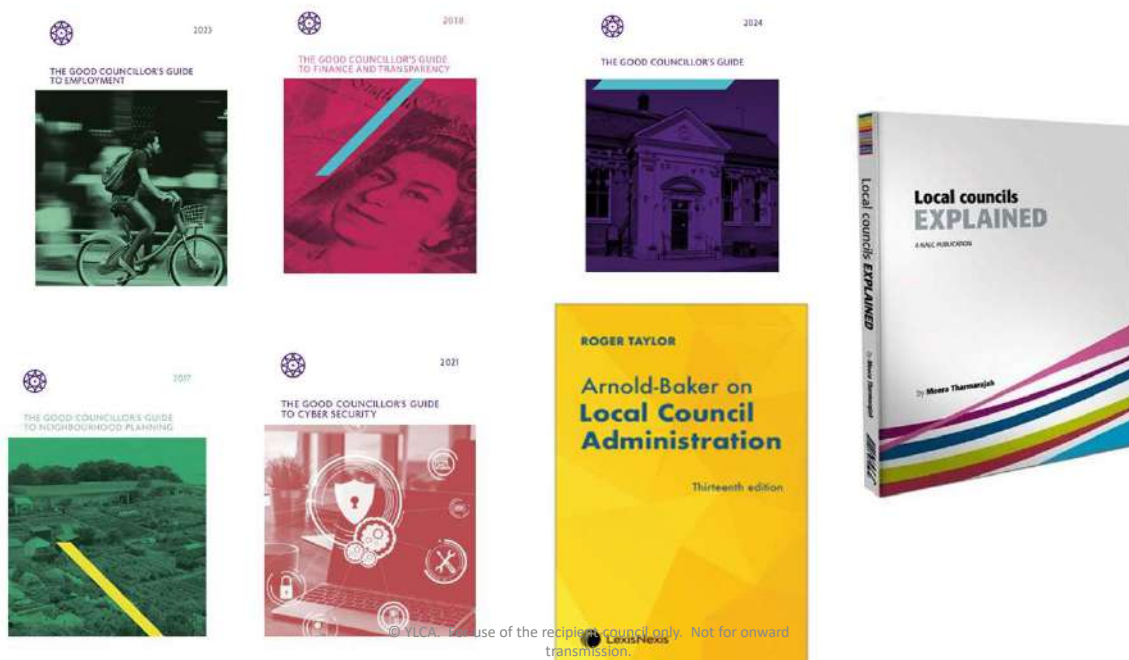
- The clerk has an accident on the day of the council meeting and is off work for one week.
- The clerk has an accident and is non-contactable in hospital.
- The clerk goes on maternity leave for 6 months.
- The clerk leaves the council's employment with immediate effect.
- The council building or an asset catches fire or is damaged by a flood



Up to date Business Continuity Plan to be held by Chair and Vice-Chair.

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COUNCILLOR DEVELOPMENT FRAMEWORK



The Framework is your commitment to councillor training, from the initial “Off to a Flying Start Parts 1 and 2 (for new councillors and those that have not previously completed the training) on to covering the basics, core skills, developing your skills and knowledge and Councillor to Chair.

The offer from YLCA is a 12-month development framework. We would expect councillors to complete both parts 1 and 2 of the “Off to a Flying Start” training followed by 8 other webinar training sessions. We would encourage all councillors to complete the ‘Core Skills’ training first.

You would be expected to look at e-learning and read information as well throughout the 12 months. After you have completed 10 training sessions, within 12 months, you will be awarded with a certificate of attendance and gain 12 Continuous Professional Development (CPD) Points.

We will announce your achievement in the White Rose Bulletin, with your consent.

The training sessions offered that you could choose from are listed below and these training sessions are included in the YLCA Training Programme (available on the YLCA website)

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Any final questions ?

Thank you for attending

**We look forward to seeing you at a Councillors
Discussion Forum session (free of charge)
or a training session – full details on YLCA website**

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DRAFT MINUTES OF THE ANNUAL MEETING OF HOLME VALLEY PARISH COUNCIL MONDAY 19 MAY 2025

IN THE CHAIR: Cllr Pat Colling (Chair 2024-25) for item 2526 01 and then Cllr Glenn Kirkby (Chair 2025-26)

PRESENT:

Cllr Isaac Barnett
Cllr Lawrence Baylin
Cllr Mary Blacka
Cllr Pat Colling
Cllr Harry Davis
Cllr Tom Dixon
Cllr Donald Firth
Cllr Charles Greaves
Cllr Chris Green
Cllr Jenny Holmes
Cllr Glenn Kirkby
Cllr Jo Liles
Cllr Alison Morgan
Cllr Hugh Osborne
Cllr Steve Ransby
Cllr Martin Rostron
Cllr Jane Rylah
Cllr Tricia Stewart
Cllr Sarah Whitelaw

APPROVED APOLOGIES & REASONS: Cllr Donna Bellamy, Cllr Damian Brook, Cllr Andrew Fenwick, Cllr Andy Wilson.

TAKING MINUTES: Jen McIntosh (Clerk)

IN ATTENDANCE: Rich McGill (Deputy Clerk/RFO), Gemma Sharp (Assistant Clerk)

DRAFT MINUTES

Council held a minute's silence to mark the passing and funeral of Mr Greg Cropper, Councillor for 3 terms and Chairman 2017-18, whose funeral was held Tuesday 13 May 2025.

Public Question Time including a welcome and brief report from the Chair 2024-25, Cllr Pat Colling

No members of the public were present.

Cllr Colling gave a brief report on her year as Chair, stating that she was proud of what the Council had achieved in serving the community and taking action rather than just talking. She had enjoyed her year in office, particularly meeting colleagues from other parish councils. She thanked every councillor for their hard work and contributions.

Holme Valley Parish Council

ANNUAL COUNCIL PROCEDURAL MATTERS

2526 01 Installation of Chair

Cllr Charles Greaves arrived as Cllr Colling was introducing this item.

Cllr Glenn Kirkby and Cllr Donna Bellamy received nominations as chair.

ELECTED: Cllr Glenn Kirkby was elected as Holme Valley Parish Council Chair for 2025-26.

A councillor alerted the Chair to the disrespect shown by another councillor sat opposite who had said 'It's a joke' during the vote. Cllr Colling, still in the Chair, directed that any show of disrespect to the procedures in hand must stop.

Cllr Kirkby was applauded, invested with the Chain of Office, photographed and signed the Declaration of Acceptance of Office.

Cllr Kirkby took the Chair and returned thanks for his election and thanked the retiring Chair, Cllr Pat Colling, for doing a wonderful job over the previous 12 months.

Cllr Colling replied, stating that she could not have fulfilled her role as Chair without the support of each and every councillor. She then thanked the clerking team in particular for being supportive and informative.

2526 02 Installation of Vice Chair

ELECTED: Cllr Lawrence Baylin was elected unopposed as Vice Chair for the remainder of the Council year.

Cllr Baylin was presented with the Vice Chair's Jewel and thanked the Council for his election and also thanked the retiring Vice Chair, Cllr Tom Dixon, who had completed sterling work in the role.

His remarks were met with a round of applause.

2526 03 Recording of public meeting

The meeting was recorded for public broadcast via the HOLME VALLEY PARISH COUNCIL YouTube channel.

No other requests to record the meeting were received.

2526 04 Items to be heard in private session

There were no requests to hear any items in private session.

2526 05 Apologies and reasons for absence

Apologies and reasons had been circulated prior to the meeting starting.

Holme Valley Parish Council

The Clerk reported that a verbal apology and reason from Cllr Andy Fenwick had been passed to her shortly before the meeting started which she had not been able to distribute before the meeting.

APPROVED: apologies and reasons for absence were approved for Cllr Andy Wilson, Cllr Donna Bellamy, Cllr Damian Brook and Cllr Andy Fenwick.

2526 06 Receipt of written Declaration of Pecuniary and Other Interests

No revised written declarations of pecuniary and other interests had been received.

The Clerk reminded councillors that the upcoming item 2526 20 asked for all councillors to update their written declaration of pecuniary and other interests.

Councillor (1) sought clarification as to what more precisely a 'pecuniary' interest might mean. He had raised this with the Clerk shortly before the start of the meeting. In the specific circumstances that he held shares that he could not sell and received no income from why would this constitute a pecuniary interest? He went on to give an example of what he considered an anomaly in that if he was part of a pressure group that campaigned against a development neighbouring his property because of a perceived impact on the financial value of his property that appeared to not be treated as a pecuniary interest.

The Clerk stated that pecuniary interests were defined in the Code of Conduct. She would not wish to elaborate on that but could seek further advice from the YLCA on the matter.

It was queried by Councillor (2) as to were not all interests to be treated as pecuniary interests and had this not been covered in the whole Council training of 24 September 2024?

It was explained by the Clerk that the Code of Conduct made reference to 'pecuniary and other interests' and that in certain circumstances 'other' interests could be dealt with differently.

Councillor (2) went on to give an example of a pecuniary interest that they had from which they derived no monetary benefit but which in their view still needed to be declared as a pecuniary interest.

The Clerk stated that this issue had been dealt with in some detail at the whole Council training that had taken place. She could send out the slides/notes from that training.

Councillor (3) said that the scenario set out by councillor (2) was not entirely what was said by the trainer.

An **ACTION** for the Clerk was to send out training information about declaration of interests delivered as part of whole Council training on 24 September 2024.

A further **ACTION** for the Clerk was to seek YLCA advice as to the examples raised.

Holme Valley Parish Council

2526 07 Declaration of interests in agenda items

Cllr Whitelaw declared an 'other' interest in item 2526 17 (a grant application) as a Director of Valleys Anchor and Secretary of Holme Valley South Labour Party on the basis that both of those organisations had given grants to the grant applicant.

Cllr Whitelaw requested a dispensation for the meeting to speak to and vote in any motion regarding the item.

The Clerk said that written dispensations formed a later item. A request such as that made by Cllr Whitelaw could be considered by Council. She advised that such a request be treated as two separate requests – consideration of permission to speak to the item and consideration of permission to vote.

Councillor (2) stated that she could not understand why the grant in item 2526 17 was on the agenda as it was not an 'emergency' as other grants that had been considered outside of the usual cycle were. Further to this, she felt that a number of councillors should not be able to vote on the application as they had a conflict of interest that they ought to have declared.

Councillor Whitelaw stated that the event in question was supported by a number of groups as a community initiative and not for political reasons. She was supported in this by Councillor (4) who stated that it was the business community who were leading the development of this event.

Councillor (5) spoke on a different matter; the Chair stated that whilst he understood the concerns expressed, he asked all councillors to confine remarks to the agenda item under consideration.

Councillor (2) replied by saying that whilst she was not against the event promoted in the grant application she believed that the rules were the rules and should be applied.

The Chair moved to a vote on two separate motions.

APPROVED: A dispensation was granted to Cllr Whitelaw for the meeting to speak to any motion regarding item 2526 17.

Councillor (6) asked Cllr Whitelaw to explain what interests she held in the matter again and she stated that she had an interest as a Director of Valleys Anchor and as Secretary of Holme Valley South Labour Party on the basis that both of those organisations had given grants to the grant applicant for this event.

APPROVED: A dispensation was granted to Cllr Whitelaw for the meeting to vote in any motion regarding item 2526 17.

Councillor (6) recalled that the YLCA trainer had said that where members were not sure about whether an interest constituted a 'pecuniary or other' interest then it was best to err on the side of caution and not speak.

Cllr Ransby declared that he was a director of Holmfirth Forward, the organisation applying for the grant under item 2526 17 and as such would not be speaking to the item in question or voting.

The Clerk reflected on the comments made. Cllr Whitelaw had declared an 'other' interest and the Council had seen fit to approve dispensations allowing her to both speak and vote. It was clear that

Holme Valley Parish Council

Holme Valley South Labour had given a grant to the grant applicant under consideration in item 2526 17. It was therefore for councillors who were members of HVS Labour to consider – did that represent a declarable interest for each of them? It was for each individual member to decide.

Councillor (7) said that if it did constitute an interest then it would put them off getting involved in anything that had the remotest possibility of coming to Council. The training said that declaring interests was a matter of conscience for each councillor.

Councillor (2) repeated their view that every member of HVS Labour ought to be declaring an interest in item 2526 17.

The Chair stopped the discussion at this point, concluding by saying that a vote had been taken and that it was time to move on.

Cllr Tricia Stewart declared that she was related to Holme Valley South Councillor Mo Crook.

There were no further declarations.

2526 08 Standing Committees 2025-26

A final collated Committee Preference Form was circulated at the meeting.

Two of the committees had a number of councillors willing to serve which exceeded the maximum number allowed under existing Standing Orders.

The Clerk had sent out information about the options open to the Council with regards to this situation alongside guidance sought from YLCA. This information would be appended to minutes.

An **ACTION** for the clerk was to append the information referred to to the draft minutes once produced.

RESOLVED: to bring forward consideration of Standing Orders 2025-26 and Scheme of Delegation 2025-26 from item 2526 11 and amend to allow up to 23 members for each committee.

There was a detailed discussion of the pros and cons of a motion to amend Standing Orders to allow up to 23 members on each committee, resulting in two proposed amendments. The amendments were considered first and were not carried.

APPROVED: that Standing Orders 2025-26 and Scheme of Delegation 2025-26 be amended to state that each committee should have membership of up to 23 councillors and be otherwise approved.

Membership of committees.

- 1) **APPROVED:** establishment of the Finance and Management Committee 2025-26 as 18 members with a quorum of 6 as follows:

1. Cllr Andy Wilson
2. Cllr Pat Colling
3. Cllr Tricia Stewart
4. Cllr Jenny Holmes

Holme Valley Parish Council

5. Cllr Mary Blacka
6. Cllr Hugh Osborne
7. Cllr Alison Morgan
8. Cllr Martin Rostron
9. Cllr Isaac Barnett
10. Cllr Donna Bellamy
11. Cllr Harry Davis
12. Cllr Lawrence Baylin
13. Cllr Sarah Whitelaw
14. Cllr Chris Green
15. Cllr Glenn Kirkby
16. Cllr Damian Brook
17. Cllr Jo Liles
18. Cllr Jane Rylah

- 2) **APPROVED:** establishment of the Planning Committee as 8 members with a quorum of 3 as follows:

1. Cllr Andy Wilson
2. Cllr Mary Blacka
3. Cllr Isaac Barnett
4. Cllr Tom Dixon
5. Cllr Steve Ransby
6. Cllr Jo Liles
7. Cllr Donald Firth
8. Cllr Harry Davis

- 3) **APPROVED:** establishment of the Service Provision Committee 2025-26 with 20 members and a quorum of 7 as follows:

1. Cllr Andy Wilson
2. Cllr Pat Colling
3. Cllr Tricia Stewart
4. Cllr Jenny Holmes
5. Cllr Mary Blacka
6. Cllr Hugh Osborne
7. Cllr Alison Morgan
8. Cllr Martin Rostron
9. Cllr Isaac Barnett
10. Cllr Donna Bellamy
11. Cllr Harry Davis
12. Cllr Lawrence Baylin
13. Cllr Tom Dixon
14. Cllr Steve Ransby
15. Cllr Chris Green
16. Cllr Glenn Kirkby
17. Cllr Damian Brook
18. Cllr Jo Liles
19. Cllr Donald Firth
20. Cllr Sarah Whitelaw

Holme Valley Parish Council

2526 09 Office Holders 2025-26

Office holders were appointed for 2025-26 in accordance with Standing Orders as follows:

- 1) **ELECTED:** Cllr Pat Colling as Chair of the Finance and Management Committee.
- 2) **ELECTED UNOPPOSED:** Cllr Andy Wilson as Chair of the Planning Committee.
- 3) **ELECTED:** Cllr Alison Morgan as Chair of the Service Provision Committee.

The appointment of Vice Chair of each of the Finance and Management Committee, the Planning Committee and the Service Provision Committee was delegated to the next meeting of those committees.

The appointment of the Chair of the Staffing Committee was included in item 2526 11 and would follow consideration of the membership of the Staffing Committee.

Cllr Mary Blacka would continue to be the Staff Performance and Development Lead as she was appointed last year by the Staffing Committee and the appointment was for 2 years.

2526 10 The Staffing Committee 2025-26

ELECTED: The Staffing Committee consisting of 7 members including:

- Chair of Council - Cllr Glenn Kirkby
- Vice Chair of Council - Cllr Lawrence Baylin
- Past Chair of Council – Cllr Pat Colling
- Chair of Planning Committee – Cllr Andy Wilson
- Chair of Service Provision Committee – Cllr Alison Morgan
- Staff Performance & Development Lead - Cllr Mary Blacka

In line with Standing Orders one further member remained to be appointed once a Vice Chair of Finance and Management Committee was decided.

This would be considered at the next FULL COUNCIL meeting on 23 June 2025 after a Vice Chair of FINANCE AND MANAGEMENT COMMITTEE had been appointed.

APPOINTED: Cllr Pat Colling (Chair of Council 2024-25) as Chair of the Staffing Committee.

ACTION for the Clerk to include appointment of the Vice-Chair of FINANCE AND MANAGEMENT COMMITTEE as a member of the STAFFING COMMITTEE 2025-26 on the FULL COUNCIL agenda for 23 June 2025.

2526 11 Council Policies

HVPC Standing Orders 2025-26 and HVPC Scheme of Delegation 2025-26 had been brought forward, **APPROVED** and minuted as part of **item 2526 08**, subject to agreed amendments being made.

The Council had been provided with a checklist of policies which could be viewed on the HVPC website as indicated.

Holme Valley Parish Council

APPROVED: HVPC Financial Regulations 2025-26 and HVPC Code of Conduct 2025-26 as presented and all other policies available on the HVPC Website as listed in the checklist presented.

2526 12 Representatives to Outside Bodies 2025-26

The Parish Council's representatives to outside bodies were considered for the Council Year 2025-26.

RESOLVED: to appoint two representatives to Holmfirth Forward, the additional representative being Cllr Donald Firth as reflected in the list below.

APPROVED: the Parish Council's representatives to outside bodies for 2025-26 as presented below.

Outside Body	Representative(s) 2025/26
YLCA Branch meeting representatives x 2 (with permission to vote) (FULL COUNCIL)	Cllr Glenn Kirkby Cllr Lawrence Baylin
Brockholes Village Trust (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Andrew Fenwick
Holmfirth Civic Hall Community Trust (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Andy Wilson Cllr Steve Ransby
Holmfirth Conservation Group (PLANNING COMMITTEE)	Cllr Jo Liles
Friends of Honley Library (FINANCE AND MANAGEMENT COMMITTEE)	Cllr Glenn Kirkby Cllr Alison Morgan
Kirklees Rights of Way Forum (PLANNING COMMITTEE)	Cllr Harry Davis
Peak Park Parishes Forum (FULL COUNCIL)	Cllr Sarah Whitelaw
Holme Valley Climate Action Partnership (HVCAP) (FULL COUNCIL)	Cllr Chris Green
Kirklees Place Standards (Holmfirth Centre Planning Group) (FULL COUNCIL)	Cllr Andy Wilson
Holmfirth Forward (PLANNING)	Cllr Lawrence Baylin Cllr Donald Firth

An **ACTION** for the Clerk was to verify that Cllr Andy Fenwick, absent from the meeting, was still willing to be representative appointed to Brockholes Village Trust. If he was not available for this role Cllr Jo Liles was to be the representative.

Holme Valley Parish Council

2526 13 To appoint Authorised Signatories under the Bank Mandates

Bank mandatees were reviewed in the light of the appointment of role-holders for 2025-26.

APPOINTED: bank mandatees as follows:

- (1) Unity Trust Bank - the main Current Account T2 and the Instant Access Account - **Cllr Kirkby, Cllr Baylin, Cllr Colling, Cllr Wilson, Cllr Morgan.**
- (2) HSBC Current Account and Business Money Manager Account - **Cllr Colling, Cllr Dixon, Cllr Wilson, Cllr Blacka, Cllr Baylin.**
- (3) CCLA Public Sector Deposit Fund – **Cllr Glenn Kirkby, Cllr Pat Colling.**

TO CONFIRM THE MINUTES OF THE PREVIOUS PARISH COUNCIL MEETINGS

2526 14 Minutes of Full Council meetings

APPROVED: the Minutes of the FULL COUNCIL Meeting held on 24 March 2025 numbered 2425 171 to 2425 206.

APPROVED: the Minutes of the EXTRAORDINARY MEETING OF THE FULL COUNCIL held on 14 April 2025 numbered 2425 207 to 2425 214.

The Clerk apologised that outstanding matters had not been itemised on the agenda. This was an oversight on her part.

The Clerk presented a brief verbal report regarding ongoing matters arising from the above minutes which did not appear under other agenda items.

These were:

- i. Updating of Ward Asset Registers and establishing an electronic copy available to councillors.
- ii. Producing an overview of councillor training 2024-25.
- iii. Updating the Action Plan, last considered in December 2024.

The Clerk explained that lack of time between the previous FULL COUNCIL and EXTRAORDINARY COUNCIL meetings and the ANNUAL COUNCIL meeting had prevented some of the outstanding matters being progressed.

They had not been forgotten and remained **ACTIONS** for the Clerk.

A councillor referred to the earlier EXTRAORDINARY COUNCIL resolution to hold a joint meeting between HOLME VALLEY PARISH COUNCIL and HOLMFIRTH CIVIC HALL COMMUNITY TRUST. This was time-sensitive.

The Clerk confirmed that agreeing a date for the meeting remained an **ACTION**.

THE COMMITTEE MINUTES UNDER DELEGATED POWERS

Holme Valley Parish Council

2526 15 Minutes of Standing Committee meetings

APPROVED: the Minutes of the SERVICE PROVISION COMMITTEE Meeting held on 24 February 2025 numbered 2425 69 to 2425 89.

APPROVED: the Minutes of the FINANCE AND MANAGEMENT COMMITTEE Meeting held on 3 March 2025 numbered 2425 93 to 2425 111.

APPROVED: the Minutes of the CLIMATE ACTION COMMUNICATIONS AND ENGAGEMENT COMMITTEE Meeting held on 10 March 2025 numbered 2425 103 to 2425 123.

APPROVED: the Minutes of the STAFFING COMMITTEE Meeting held on 17 March 2025 numbered 2425 32 to 2425 43.

NOTED: the Minutes of the PLANNING COMMITTEE Meeting held on 31 March 2025 numbered 2425 211 to 2425 228 **APPROVED** at the meeting of the PLANNING COMMITTEE Meeting held on 28 April 2025.

APPROVED: the Minutes of the PLANNING COMMITTEE Meeting held on 28 April 2025 numbered 2526 01 to 2526 19.

2526 16 Standing item – the Climate Emergency

The Clerk explained that **item 2526 30 CACE Committee handover** was an opportunity to look in more detail at the Council's current projects concerning climate action.

Council was reminded that all items on the agenda should be viewed where appropriate through the lens of the Climate Emergency the Council had previously declared and to consider how actions and decisions to be taken for all following items reflect/impact on the Climate Emergency.

GRANT APPLICATION FROM HOLMFIRTH FORWARD

2526 17 Grant Application from *Holmfirth Forward*

Holmfirth Forward wished the Parish Council to consider a grant application for a Community Benefit grant for £300 to support the Holmfirth Pride event due to take place in June 2025.

The Clerk clarified that she had placed the item on the FULL COUNCIL agenda even though it was outside of the normal grant cycle because it was time-sensitive. It was for the Council to decide whether or not it wished to consider the application.

The Clerk stated that concerns had been raised with her prior to the meeting about the origins of the grant application (which other bodies were sponsoring the application) and possible conflicts of interests.

Three councillors spoke in favour of considering the application before the Council moved to a vote.

RESOLVED: to allow consideration of a grant application for up to £300 from General Reserves towards DJ costs to facilitate Holmfirth Pride Day on 7 June 2025.

Holme Valley Parish Council

Council then moved to vote on whether to support the application.

APPROVED: a grant application for up to £300 from General Reserves towards DJ costs to facilitate Holmfirth Pride Day on 7 June 2025.

FINANCIAL MATTERS

2526 18 Council Finances – 2024-25 outturn, Budget 2025-26 and expenditure to date 2025-26

The Deputy Clerk/RFO reported that the budget out-turn 2024-25 reflected how the out-turn stood on 31 March 2025. There was still work to do with regards to ensuring all transactions were assigned to the correct financial year before accounts for 2024-25 could be finalised for the Annual Governance and Accounting Return (AGAR).

With regards to the 2025-26 budget, projected income stood at £470,245 of which £447,780 came from the Precept. Projected expenditure was expected to be £406,998 meaning that a surplus of £63,247 at the end of 2025-26 was projected. The surplus represented a necessary boost to General Reserves.

With regards to the Year-to-date budgets/ income and expenditure 50% of the Precept had been received on 1 May 2025. Some recent expenditure needed to be reported as part of the 2024-25 accounts.

NOTED: budget reports received as presented.

2526 19 Schedule of Payments

The Schedule of Payments for April 2025 and the month-to-date Schedule of Payments for May were presented by the Deputy Clerk/RFO.

NOTED: Schedule of Payments for April 2025.

APPROVED: Schedule of Payments for month-to-date May 2025.

MATTERS RESERVED FOR FULL COUNCIL

2526 20 Annual update of Declarations of Pecuniary Interest

It was resolved on 26-06-2023 at Annual Council that all councillors would update their DPI annually.

Fresh forms had been distributed around the room.

An **ACTION** for the Clerk was to email out an electronic blank copy with the new Council logo on, existing DPIs and the slides from the whole council training on declaring interests.

Holme Valley Parish Council

Following discussion, the Clerk suggested councillors deferred revising written DPIs until they had received any guidance forthcoming from YLCA on the definition of a 'pecuniary interest'.

A councillor stated that whilst councillors could complete written DPIs and so be transparent about their interests, written dispensations could then be considered to allow councillors to speak to and vote on matters where their declared interests were not pecuniary and had no additional benefit for them as individuals than for any other person. This was of relevance for agenda **item 2526 21 Arrangements for written dispensation.**

The Clerk requested that members complete their annual update to their written declaration of pecuniary and other interests and that these are returned to her completed, signed and dated at the meeting itself or as soon as possible after YLCA advice on pecuniary interests had been distributed.

NOTED: all councillors to complete a fresh written Declaration of Pecuniary Interest for the Council Year 2025-26 and return to the Clerk.

2526 21 Arrangements for written dispensations

An **ACTION** for the Clerk from FULL COUNCIL on 24 March 2025 was to secure written dispensations from councillors appointed as HVPC representatives to organisations at the ANNUAL COUNCIL Meeting on 19 May 2025.

Where members have an ongoing pecuniary or other interest in an item that was likely to feature in a substantial number of meetings then it was possible to complete a written dispensation to cover a period of time.

A dispensation form to be used for that purpose was presented.

The Clerk stated that whilst Standing Order 13 enabled written dispensations to be received by the Clerk she would as a matter of routine present any such dispensations to Council for consideration.

A Kirklees ward councillor explained Kirklees approach to issuing written dispensations. The Clerk explained that during her tenure to date written dispensations had not been made use of but, as set out in Standing Orders, the provision was there for them to be used.

2526 22 Annual signing of register acknowledging the Code of Conduct

It was resolved on 26-06-2023 that all councillors would sign a separate register at the Annual Council meeting or at the next opportunity to acknowledge that they are in receipt of, understand and continue to sign up to the Code of Conduct. This was a recommendation from Internal Audit.

The register for signing was available at the meeting.

NOTED: all councillors present had signed the register acknowledging receipt of and adherence to the Code of Conduct.

Those councillors absent from the meeting were to be invited to sign the register at their next attendance at a council meeting.

Holme Valley Parish Council

2526 23 Referrals to the Monitoring Officer

The Kirklees Monitoring Officer had reported to the Clerk that there were no referrals currently under consideration.

NOTED: that no referrals were currently under consideration by the Kirklees Monitoring Officer.

2526 24 Establishment of a Communications and Engagement Sub-Committee

The Clerk reported that it had been intended to establish a Communications and Engagement Sub-committee at the meeting as part of the agenda item. However, research to resolve issues regarding committee membership had revealed that the Council could appoint standing committees and working groups but not sub-committees. Only a committee could appoint a sub-committee.

This interfered with the Council's intention to establish a Communications and Engagement Sub-committee.

A possible solution, discussed between the Clerk and the Assistant Clerk, was to have any such sub-committee report to the Finance and Management Committee. A councillor stated that this directly contradicted the stated aim to cut down layers of bureaucracy in achieving communications and engagement objectives.

Another councillor suggested that the sub-committee could be termed a working group and report directly to Full Council as intended. The Clerk advised that working groups were generally task-oriented.

Further discussion was had and an **ACTION** for the Clerk was to research and report back on the legal basis for the situation she had described (ie Council being not able to appoint a subcommittee).

The matter was returned to at the end of **item 2526 25** and a motion considered to establish a working group to commence working whilst the issue over whether a Sub-committee could report to Full Council was investigated further.

RESOLVED: to establish a Communications and Engagement Working Group reporting to Full Council.

Members to include Cllr Whitelaw, Cllr Baylin, Cllr Colling, Cllr Kirkby and Cllr Holmes.

An **ACTION** for the Assistant Clerk was to contact councillors who were not at the meeting to see if they wished to be members and to contact all members regarding establishing a date and time for the first meeting.

Holme Valley Parish Council

2526 25 Publication on the Holme Valley Parish Council website of direct contact details for individual councillors

The agenda notes reported that the Parish Council had received a request from a member of the public to display full contact details for all councillors, including personal mobile phone numbers and home addresses, on the HVPC website.

Currently, only councillors' HVPC email addresses were publicly listed as standard. Home addresses were currently redacted in the DPI and not published on the website.

Historically, the Council had displayed this information but over time as newer councillors had come in, personal contact details had not been added in line with advice from Kirklees.

When transitioning to the new website, personal contact details were not migrated, as only a small number of current councillors had previously shared this information.

At present, there was no formal resolution or policy in place regarding the publication of councillor contact details.

In their considerations of the matter councillors were asked to be aware that:

1. A member of the public had raised this matter with the Council.
2. Nationally, practice varies from council to council.
3. The Council did not provide mobile phones.
4. Contact could be made with the clerk team through the website, via clerk team email addresses which were widely publicised and via the direct phone line which had voicemail. The clerk team regularly put members of the public in touch with ward councillors.
5. In recent years, both nationally and locally, there had been reports of intimidation and abuse directed towards candidates and councillors by members of the public.
6. Changes in legislation allowed councils to withhold personal details where concerns existed regarding intimidation, abuse, or violence against councillors.

A councillor referred to by the member of the public spoke to the issue, the pertinence of points 3, 4, 5 and 6 above, and proposed a motion from a number of alternative approaches outlined.

RESOLVED: that HVPC not publish personal contact details for councillors, only their HVPC means of contact, as is the current practice.

This meant that councillors could be contacted via their councillor email address or via the office and the clerking team would pass on any messages.

2526 26 Councillor training – evaluations received

Brief written evaluations of training undertaken since 24 March 2025 were presented.

NOTED: Evaluations of councillor training undertaken since 24 March 2025.

Holme Valley Parish Council

2526 27 Review of the lease held by the Holmfirth Civic Hall Community Trust

It was reported to the Council that the Working Group had used advice from VAT specialists the Parkinson Partnership to determine a direction of travel with regards to reviewing the lease held by Holmfirth Civic Hall Community Trust (HCHCT).

The series of motions considered reflected that direction of travel and, once approved by the Council, would lead to the drawing up of a lease and memorandum of understanding. It was hoped to have a completed lease prepared for approval at the Council meeting on Monday 8 September 2025.

A significant element of any new lease would be that it was to be a non-business lease, meaning that the Council would make no charges to the Trust and would take on the commissioning of works under the 10-year programme.

The Council would be able to reclaim VAT on all such works commissioned.

Members of the working group referred to the work that had been put into reaching this point and recommended the motions to the Council for consideration.

The Clerk further reported that the third motion to be considered was 'in principle' and did not stipulate a monetary amount as yet. This was because work needed to be carried out on behalf of the Council to understand HCHCT's finances better, including what the annual running costs were and what level of reserves the Trust should be building up to ensure sustainability. A figure could be settled upon once that work was complete. For guidance only, the Working Group estimated that the running costs figure could be in the region of £25,000.

APPROVED each of the following:

1. Recommendation from the Working Group to draw up a new non-business lease with HCHCT, including:
 - i. Stipulation that this be a 30-year rolling lease, to be reviewed every 5 years;
 - ii. Robust break clauses for both HVPC and HCHCT;
 - iii. Stipulation that HVPC is responsible for the 10-year programme of works drawn up by Mosedale Gillet and for any other structural repairs that may be required;
2. Recommendation from the Working Group to draw up a memorandum of understanding to cover matters which should be excluded from the lease such as the relationship between HVPC and HCHCT.
3. Recommendation from the Working Group to include in principle in the lease a running costs grant to be given annually to cover utilities and energy costs, minor repairs and cleaning costs.

2526 28 The purchase and use of a Parish Flag

Cllr Isaac Barnett introduced a motion to purchase a flag of the Holmfirth coat of arms for display at the Civic Hall, Holmfirth, and also to replace the damaged Union Flag currently flown.

Published guidance regarding flag-flying had been included in papers for the meeting.

Holme Valley Parish Council

Background: the Holme Valley Parish Council had a proud identity and heritage, symbolised through its official crest/coat of arms. Displaying the flag at the Civic Hall would foster a greater sense of community pride and civic presence (for example; similar to Dewsbury, Chorley and York). It would also visually reinforce the Parish Council's role in public life and enhance the dignity of events held at the Civic Hall.

Costs: The proposal was to replace the Union flag with one to be purchased from Flying Colours for £165 (anti fray netting) and also to purchase the Holmfirth crest/ coat of arms from Flying Colours for up to £198.60 resulting in expenditure of up to £363.60 (with the possibility of a £5 discount for a first order).

The Clerk reported via agenda notes that the Civic Trust applied for planning permission regarding the flagpole and owned the Union flag used at the moment.

In line with guidance the Union flag was the flag flown throughout the year.

The Civic Trust also had the Yorkshire and St George's flags which were flown on their appropriate days, 1 August and 23 April.

An objection to the project was that the flag was the Holmfirth flag and did not represent the Holme Valley.

RESOLVED: that the following motions be considered by the Communications and Engagement Working Group as part of the Council's wider engagement and branding strategy.

1. That the Parish Council commissions and purchases a high-quality flag featuring its official coat of arms.
2. That the flag be flown at Civic Hall, Holmfirth on either daily or civic occasions and at other times as deemed appropriate by the Clerk or Chair of the Parish Council.
3. That a modest budget of up to £400 be allocated from General Reserves for the procurement of the coat of arms flag and replacement of the Union flag and any necessary fittings or fixtures required.
4. That the Clerk be authorised to make the necessary arrangements.
5. Any other matter related to flags.

REFERRALS FROM STANDING COMMITTEES

STAFFING COMMITTEE

2526 29 Pay award for a member of the Clerk Team

On Saturday 3 May 2025 the Deputy Clerk/RFO received notification that he had been awarded the Certificate in Local Council Administration (CILCA).

The Council applauded the Deputy Clerk/RFO for his achievement.

A pay award of one incremental point was **APPROVED** in principle for the Deputy Clerk/RFO by the STAFFING COMMITTEE at its meeting on 17-3-2025, payable from the date the qualification was obtained in line with contractual entitlements.

Holme Valley Parish Council

NOTED: the Deputy Clerk/RFO was awarded the Certificate in Local Council Administration on 3 May 2025.

NOTED: The Council congratulated the Deputy Clerk/RFO on being awarded CiLCA.

CLIMATE ACTION, COMMUNICATIONS AND ENGAGEMENT COMMITTEE

2526 30 CACE Committee – handover

The Chair of the Climate Action, Communications and Engagement Committee 2024-25 presented the Handover document/ recommendations to Full Council. This constituted a thorough review of projects begun or planned by the CACE Committee and their current status. Given that the Council was now halfway through its term of office this was an ideal time to review priorities.

The Council Structures Review Working Group provided the ideal forum to consider the paper.

Some of the projects would fall into the remit of the Service Provision Committee and were being taken forward there.

CORRESPONDENCE

2526 31 Reports from Kirklees Ward Councillors

An action for the Clerk from the CLIMATE ACTION, COMMUNICATIONS AND ENGAGEMENT COMMITTEE meeting of 23 October 2023 was to add a standing item on FULL COUNCIL agendas for Kirklees Councillors who were also Parish Councillors to report back on relevant activity and news from Kirklees.

The agenda had been shared with all Kirklees Ward Councillors from Holme Valley South and Holme Valley North to invite any feedback from them regarding news from Kirklees.

During the item Standing Orders were suspended to allow the meeting to conclude the business after 9pm.

Cllr Rylah (HVS) reported on the following Kirklees projects:

- The Healthy Child Programme (£8.1 million)
- Highways (£20.8 million expenditure projected)
- The Local Electric Infrastructure Fund (£2.5 million investment plus private providers)
- The official opening of Dementia Daycare Facilities

Cllr Greaves (HVN) reported on the following Kirklees projects:

- Improvements being carried at Meltham Road Recreation Ground in Honley.
- Programme of works to start at Gynn Lane, Honley.
- Layout reconfiguration at Meltham Recycling and Waste Unit to cut wait times following the reduction to the days open for residents' use.
- Planned reduction in staffing levels for community teams supporting schools etc from 5 roles down to 1 to cover Colne Valley, Holme Valley and Denby Dale.

Holme Valley Parish Council

2526 32 Correspondence with River Holme Connections

The 2024-25 Chair chose to confer what remained in the Chair's Expenses 2024-25 budget line, £435, as a gift to River Holme Connections.

NOTED: correspondence between HVPC and River Holme Connections regarding the gifting of £435 from Chair's Expenses budget line 2024-25.

MISCELLANEOUS ITEMS

2526 33 Items for Publicity

The Assistant Clerk presented potential items for publicity arising from the meeting included:

- Free use of Stotts buses for the Arts Festival
- Honley Show
- Big Community Celebration
- Design Code

A request was made by the Assistant Clerk that, where possible, councillors share social media posts from the HVPC accounts. Such sharing proved to be very helpful in publicising the work of the Council.

The meeting closed at 9.10pm.

Support Ticket #13652

View ticket # 13652

[Add new](#)[View all tickets](#)

Subject Further clarification of pecuniary interests

Description Good morning

At the Annual Council meeting last night a number of councillors wished for further clarification regarding what a 'pecuniary' interest might be.

Apologies, I do realise that this was covered in the training delivered by YLCA on 24 September 2024 to the Parish Council and I have reshared the slides from that training with all councillors this morning.

Two specific examples were given where it was queried if an interest would count as a pecuniary one and I have been tasked as Clerk with seeking guidance regarding these.

One example was where a councillor held £1 or multiples of £1 shares in a local community benefit society with no expectation that such a share could ever be cashed in or would receive a dividend. In other words, the share held might more accurately be termed a donation.

To date, where such interests have been declared in written Declaration of Pecuniary and Other Interests this has meant that the councillor(s) involved have taken no part in discussion or voting where the interests of the community benefit society in question have been on the agenda.

The query raised is that given there is no expectation of monetary benefit from holding the shares should that count as a pecuniary interest?

Having had time to reflect on this since the meeting and treating the example hypothetically my view as Clerk is that this is still a pecuniary

interest and ought to be declared. If the councillor believed that it should not preclude being able to speak to and vote in a motion concerning the community benefit society then they would need to apply for a dispensation and it would be for Council to consider.

I have been clear as Clerk that I can give generic advice but I cannot direct councillors to declare interests or the council to take a particular course of action regarding the declaring of interests.

The second example presented was a hypothetical one. The scenario is that a councillor might own property neighbouring a proposed development and then be part of a pressure group formed to block the development due to (presumed) concerns about the impact on land/property value. Would membership of such a group constitute a pecuniary interest and so exclude the councillor from considering any matter involving the development/developer?

I advised the Council at the meeting that, using training and guidance previously received, it was for individual councillors to consider whether or not they held interests which should be declared and whether any declared interests pointed to any conflict of interests regarding any of the items on the agenda.

I'd be very grateful if you could advise further on this matter and specifically on the two examples outlined.

Status	open
Owner	Jen McIntosh
Council	Holme Valley Parish Council
District	Kirklees
Priority	urgent
URL	
Category	Code of Conduct
Attachments	
Updated	17/06/2025 15:11
Submitted	20/05/2025 11:33

Comments (1)

From: Yorkshire Local Councils Associations.

Dear Jen,

HOLME VALLEY PARISH COUNCIL – ADVICE ON SPECIFIC INTERESTS

We are in receipt of your enquiry which was received earlier today.

These Associations advise member councils in their capacity as a corporate body. We do not give advice to individual councillors on their interests. That does not accord with the objects of these Associations, ie what they are established to provide and who to, and could also be a high risk action for us.

You were correct to advise the Council that, using training and guidance previously received, it is for individual councillors to consider whether they hold interests which should be declared and whether any declared interests point to any conflict of interests regarding any of the items on the agenda. If they are really stuck, they could ask the Monitoring Officer of the principal authority, but that officer is not obliged to assist and won't give them a yes or no answer.

If someone really cannot decipher whether they have an interest, perhaps they should heed the advice to 'if in doubt declare' as the safest option for them. If their declaration affects the quorum and decision making capacity, then a dispensation could be considered.


Yours sincerely,

Sheena Spence
CHIEF OFFICER

This advice is for the exclusive use of the Council or Parish Meeting and is based on the information supplied to YLCA in the enquiry. If received in error, please notify us immediately and delete it. Any disclosure, reproduction, modification, or publication of this transmission without prior written consent is strictly prohibited. Any views indicated are solely those of the author and, unless expressly confirmed, not those of Yorkshire Local Councils Associations.

To send further information if requested or contact YLCA again in this matter, please log into the YLCA website and re-open the ticket - www.yorkshirelca.gov.uk

Comment

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URL (Optional):

Attachments (Optional):

Attach file(s)

Close Ticket?

Open ☒ Closed ☐

Save

DRAFT MINUTES OF THE FINANCE & MANAGEMENT COMMITTEE MEETING HELD ON MONDAY 2 JUNE 2025

Those present:

Chair: Cllr P Colling

Vice Chair: Cllr I Barnett

Councillors: Cllrs L Baylin, D Bellamy, M Blacka, H Davis, C Green, J Holmes, J Liles, A Morgan, H Osborn, J Rylah, T Stewart, S Whitelaw, A Wilson

Officer: Mr R McGill (RFO/Deputy Clerk)

Also present: Mrs Jen McIntosh (Clerk)

Welcome

The Chair welcomed Councillors and Officers to this first meeting of the Finance and Management Committee 2025/26.

Public Question Time

No members of the public were present, and no Councillor spoke in the open session.

2526 01 Public Bodies (Admission to Meetings) Act 1960 amended by Openness of Local Government Bodies Regulations 2014

The RFO/Deputy Clerk recorded the meeting for upload to the Parish Council's YouTube channel.

No-one else wished to record the meeting.

2526 02 To accept apologies for absence

NOTED: The Committee noted that Cllrs Brook, Kirkby and Rostron were absent.

Cllrs Brook, Kirkby and Rostron had tendered apologies.

RESOLVED: The Committee approved the reasons for their apologies.

2526 03 To receive Members' and Officers' personal and disclosable pecuniary interests in items on the agenda

None were declared.

2526 04 To consider written requests for new DPI dispensations

Some new DPI dispensations had been received by the Clerk but, due to her having been away, would be deferred to the next meeting of full Council.

Signed: _____

Holme Valley Parish Council

2526 05 To consider whether items on the agenda should be discussed in private session

RESOLVED: Members resolved at this time that no item should be heard in private session.

2526 06 To confirm the Minutes of the previous Committee meeting

NOTED: Members noted the Minutes of the Finance and Management Committee Meeting held on 3 March 2025, numbered 2425 93 to 2425 111 inclusive, already approved by full Council.

2526 07 To elect a Vice-Chair to this Committee

Cllr Barnett was elected Vice-Chair of the Finance and Management Committee 2025-26.

2526 08 Grants

i. **NOTED:** Members noted the list of all grants awarded by the Finance Committee 2024-25, and the RFO/Deputy Clerk's report.

ii. **Finance and Management Grant budgets and grants earmarked reserves 2025/26**

NOTED: The Committee noted that the Finance and Management Committee had two grants budget lines under its control. These are:

- 4315 Community Assets Grants - £48,440
- 4405 Projects and Events Grants - £20,500

NOTED: In addition, the Committee noted that it had one grants earmarked reserve under shared control with Service Provision:

- EMR 345 Rolling Grants - £7,768
 - Honley Business Association £1,560 via 4315 (for term of this Council)
 - Friends of Cliff Rec £500 via 4405 (for term of this Council)
 - Holmfirth Arts Festival £1,500 via 4405 (final payment)
 - Holmfirth Festival of Folk £1,500 via 4405 (for term of this Council)
 - Holme Valley Patient Transport £1,000 via 4405 (for term of this Council)
 - Service Provision holds £1,708 in this earmarked reserve for rolling Christmas tree awards.

NOTED: Wooldale Community Association £1,000 had also been approved by this Committee as a rolling grant in the March 3rd meeting, but this money was not included in the rolling grants earmarked reserve; the money would come from the 4405 budget-line this year.

Members **noted** that, in essence, this meant that 4315 Community Assets Grants will have £50,000 to spend over the year (£48,440 from the budget and £1,560 from the EMR), and 4405 Projects and Events will have £25,000 to spend (£20,500 from the budget and £4,500 from the EMR).

Signed: _____

iii. Grant Evaluations

a. NOTED: Members noted that new grant evaluations for the year 2024/25 have been received since the last meeting from the following community organisations:

- Brockholes Bowling Club
- Honley Village Community Trust – Welcome Club

The RFO/Deputy Clerk reported he had updated the grants page on the website to include all evaluation reports received to date.

b. NOTED: Members noted that the RFO/Deputy Clerk had emailed out the grant evaluation forms to all the community groups who were awarded grants in the September 2024 grants cycle.

iv. Grants Working Group

Members considered the role of the Grants Working Group and whether it should continue its work.

RESOLVED: The Committee resolved that the Grants Working Group would continue its work, with tasks to include 1) developing a Grants Policy for the Parish Council, and 2) to look into ways of including the priorities of the Parish Council in, for example, the application form.

2526 09

Chair's Expenses

NOTED: The Committee noted that the Chair's Expenses budget for 2024-25 had been £1,000. Expenditure from the Chair's expenses to attend events on behalf of the Parish Council in 2024-25 was £59.17. The Chair also donated £500 to Full Life Church Food Bank in December 2024. Finally, the Chair asked for £435 remaining to be donated to River Holme Connections. This expenditure took place in May 2025 but was reconciled into the 2024/25 accounts, and £5.83 was left in the budget line at year end.

NOTED: The Committee further noted that the Chair's Expenses budget for 2025-26 is £1,000.

Signed: _____

2526 10

Holme Valley Parish Council Annual Governance and Accountability Return 2024/25 - draft

The RFO/Deputy Clerk reported on the updated Fixed Asset List at 31st March 2025.

RESOLVED: This updated Fixed Asset List was approved.

The Committee considered approving the draft AGAR 2024/25 and supporting documentation as presented below for the pending visit of the internal auditor, and to recommend it (pending any amendments from the internal auditor) to full Council:

- AGAR Annual Return 2024/25 Form 3
 - Section 1 Annual Governance Statement
 - Section 2 Accounting Statements
 - Section 3 Annual External Audit Report (currently blank)
 - Annual Internal Audit Report (currently blank)
- AGAR supporting documents to be sent to the external auditor
 - Making Provision for the Exercise of Public Rights – the notice would be posted Monday 23rd June and members of the public could inspect accounts Tuesday 24th June to Monday 4th August 2025
 - Confirmation of the dates of the period for the exercise of public rights
 - Bank Reconciliation with box 8
 - Reconciliation between box 7 and box 8
 - Explanation of variances
 - Contact details (redacted)
 - Declaration that the accounts are unaudited
 - Letter to Kirklees notifying of the precept

RESOLVED: The draft AGAR 2024/25 and supporting documentation as presented was approved ahead of the upcoming visit of the internal auditor and was to be recommended to full Council pending any amendments from her.

NOTED: Members noted that the internal auditor would be visiting mid-June to undertake the year-end audit and complete the Annual Internal Audit Report section of the AGAR.

2526 11

Schedule of Payments

NOTED: Members noted the following Schedules of Payments:

- February 2025 (Rialtas)
- March 2025 (Rialtas)
- April 2025 (Rialtas)
- May 2025 (draft)

APPROVED: Members approved the Schedule of Payments MTD for June 2025.

The Chair subsequently initialled the Schedule of Payments for them to be attached to the minutes of the meeting.

Signed: _____

NOTED: The Committee noted the following accounting summaries for financial year 2024-25 and the RFO's verbal report.

i. For February 2025:

- (1) Cash Books All Accounts Receipts and Payments (to end 28 February 2025)
- (2) Trial Balance (to end 28 February 2025)
- (3) Balance Sheet (to end 28 February 2025)
- (4) Income and Expenditure by Budget Heading (to end 28 February 2025)
- (5) Cash and Investment Reconciliation (to end 28 February 2025)
- (6) VAT Return – year-to-date for the quarter JAN-MAR 2025 not for submission.

ii. For March 2025:

- (1) Cash Books All Accounts Receipts and Payments (to end 31 March 2025)
- (2) Trial Balance (to end 31 March 2025)
- (3) Balance Sheet (to end 31 March 2025)
- (4) Income and Expenditure by Budget Heading (to end 31 March 2025)
- (5) Cash and Investment Reconciliation (to end 31 March 2025)
- (6) VAT Return – for the quarter JAN-MAR 2025 submitted 29th April 2025.

These records for March were noted as the final accounting records for 2024-25, with all transactions assigned to the correct financial year.

NOTED: The Committee noted the following accounting summaries for April, the first month of financial year 2025-26 and the verbal RFO's report.

iii. For April 2025:

- (1) Cash Books All Accounts Receipts and Payments (to end 30 April 2025)
- (2) Trial Balance (to end 30 April 2025)
- (3) Balance Sheet (to end 30 April 2025)
- (4) Cash and Investment Reconciliation (to end 30 April 2025)
- (5) VAT Return – year-to-date for the quarter APR-JUN 2025 not for submission.

Signed: _____

- iv. The Committee considered, as per the guidance in the JPAG Practitioners' Guide, that the Committee must approve the bank reconciliations cross-referenced with bank statements, and this must be minuted.

APPROVED: The Committee approved the follow bank reconciliations:

For February 2025:

- HSBC Current Account Bank Statement and HSBC Current Account Bank Reconciliation
- HSBC Business Money Manager Bank Statement and HSBC Business Money Manager Bank Reconciliation
- CCLA PSDF Bank Statement and CCLA PSDF Bank Reconciliation
- Unity Trust Current Account T2 Bank Statement and Unity Trust Current Account T2 Bank reconciliation
- Unity Trust Savings Account Bank Statement and Unity Trust Savings Account Bank reconciliation

For March 2025:

- HSBC Current Account Bank Statement and HSBC Current Account Bank Reconciliation
- HSBC Business Money Manager Bank Statement and HSBC Business Money Manager Bank Reconciliation
- CCLA PSDF Bank Statement and CCLA PSDF Bank Reconciliation
- Unity Trust Current Account T2 Bank Statement and Unity Trust Current Account T2 Bank reconciliation
- Unity Trust Savings Account Bank Statement and Unity Trust Savings Account Bank reconciliation

For April 2025:

- HSBC Current Account Bank Statement and HSBC Current Account Bank Reconciliation
- HSBC Business Money Manager Bank Statement and HSBC Business Money Manager Bank Reconciliation
- CCLA PSDF Bank Statement and CCLA PSDF Bank Reconciliation
- Unity Trust Current Account T2 Bank Statement and Unity Trust Current Account T2 Bank reconciliation
- Unity Trust Savings Account Bank Statement and Unity Trust Savings Account Bank reconciliation

The Chair and the Vice-Chair signed and dated all the bank reconciliations, checking against the bank statements.

Signed: _____

Holme Valley Parish Council

- iv. **NOTED:** Councillors noted the draft Income and Expenditure report for April 2025 from the accounting summaries, and the following notes from the RFO:

Income -

- On the income side, 1076 Precept the precept had not been received in the month of April. (The RFO/Deputy Clerk reported that £225,615.50 was subsequently received 1st May 2025.)
- 1200 Allotments had received £261.50 of the budgeted £324. Two cheques totalling £60 had been received but not yet deposited. The full budgeted income of £324 had not been received this year as one tenant gave up their tenancy and the new tenant took up an 11-month lease at £27.50 (against the budgeted £30).
- 1300 Garages had received £480 of the budgeted £840. One cheque for £120 had been received but not yet deposited. One tenant (£240) had not yet been able to pay, - see Tenancies below.
- Holmfirth Civic Hall Community Trust had paid the Parish Council in April in financial year 2025-26 for the reimbursement on insurance 2024-25, and this had been reconciled by the RFO into last year's accounts as 1095 Other Income hence why it did not show in the 2025/26 accounts.
- It was reported that EPIKS, the tenant of the Gartside building shop unit, is paying its rent and electricity costs in a timely fashion.

Expenditure side:

- The RFO reported that a new budget code 4660 Communications and Engagement had been created with the full Council cost centre 150. £15,000 had been vired from CACE 4650 Communications & Engagement to full Council 4660 Communications & Engagement, so those funds now sit with Council.
- Similarly, a new budget code 4840 Climate Action had been created with the Service Provision 400 cost centre. £5,000 had been vired from CACE 4805 Climate Action to Service Provision 4840 Climate Action, so those funds now sit with the Service Provision Standing Committee.
- 4000 Salaries and oncosts were noted to be on-budget at 8.5% after one month.
- The RFO reported that some transactions in brackets, like the (£435) against 4200 Chairman's Expenses were transactions that needed to be factored into the previous year's account. The £435 would be resolved to 0 once the money is paid out in May.
- 4735 Phone Boxes the bill of £708 had been paid, - £400 from the Phone Boxes earmarked reserve and £308 from the 4735 Phone Boxes budget line. That budget line essentially now had £82 remaining.

Signed: _____

v. Earmarked Reserves

The RFO/Deputy Clerk reported on earmarked reserves and the movements of reserves, starting with the earmarked reserves at close, 31st March 2025, then, the movements of reserves on April 1st 2025 and, finally, the movements of reserves throughout the rest of April.

NOTED: The Committee noted the RFO/Deputy Clerk's reports on these movements of reserves.

On 1st April the following movements of reserves had been undertaken in line with prior resolutions of the Council:

- EMR 325 Election Funds – This earmarked reserve had been increased from £7,000 to £14,000.
- EMR 331 Gartside Building – This earmarked reserve had been increased by £6,600 to £10,000.
- EMR 336 Royal Events – This earmarked reserve had been increased by £1,000 to £2,000, some of the underspend on the 4650 Communications and Engagement budget line 2024-25.
- EMR 341 Gartside Building Energy Projects – This earmarked reserve had been increased by £4,141 (that is, the underspend on the 4805 Climate Action budget line 2024-25) to £17,657.68.
- EMR 345 Rolling Grants – This earmarked reserve had been increased by £6,668 to £7,668 to cover the rolling grants set up by Finance and Management and Service Provision.
- EMR 346 Public Transport – This earmarked reserve had been reduced from £5,000 to £2,500.
- EMR 351 Holmfirth Toilets Refurb – This earmarked reserve had been reduced from £2,504 to 0.
- EMR 352 War Memorials – This earmarked reserve had been established with £2,500 of funding.
- EMR 353 Phone Boxes – This earmarked reserve had been established with £400 of funding, - the underspend on the 4735 Phone Boxes budget line 2024-25.
- EMR 354 Digital and Physical Assets – This earmarked reserve had been established with £1,000 of funding, - some of the underspend on the 4650 Communications and Engagement budget line 2024-25.

The RFO/Deputy Clerk reported that these movements of reserves had been accounted for in the accompanying Journal details.

NOTED: The Committee noted that at the end of 1st April 2025, the earmarked reserves were now as per document Q.

Signed: _____

Holme Valley Parish Council

Councillors reviewed the year-to-date April 31st 2025 earmarked reserves report.

NOTED: Members noted that, after the changes above, there were few additional changes across the month.

- i. EMR 337 Covid Memorial was down £262 to £4,614.50 after expenditure on trees for the memorial gardens.
- ii. EMR 353 Phone Boxes – Since the £400 placed in this earmarked reserve on the 1st of April was spent 25th April 2025, this earmarked reserve was reduced to 0 and has disappeared from the Rialtas list.

Members considered any further actions with regard to the earmarked reserves.

RESOLVED: Members resolved that the Chairs of Standing Committees and Council should report regularly to Finance and Management on the earmarked reserves under their control, - outlining what the reserve is for, and project expenditure plans.

2526 13 List of Regular Payments

Members considered the list of regular payments for the new Council year 2025-26 updated by the RFO/Deputy Clerk.

RESOLVED: The new list of regular payments was approved.

2526 14 The Civic, Holmfirth

NOTED: The report from Holmfirth Civic Hall Community Trust was noted by the Committee.

The Committee considered what information from Holmfirth Civic Hall Community Trust should be included in future reports to the Council.

RESOLVED: That the RFO/Deputy Clerk should have regular reports from the Trust, - i. monthly income and expenditure against budgets monthly; ii. minutes of Trust meetings. The RFO/Deputy Clerk would report on these communications to this Committee.

The Committee considered any other arrangements to better manage the working relationship between the Parish Council and The Civic and Holmfirth Civic Hall Community Trust.

RESOLVED: The Committee voted to establish a working group for The Civic, for that group to consider the future of The Civic and pertaining to the relationship with and communication to the Trust. The Committee felt that The Civic Lease/VAT Working group could be repurposed into this role. The working group would set up a first meeting, - not at this stage to include Trust members, - to aim to clarify and crystallise the Parish Council's vision for The Civic. Cllr Bellamy and the Clerk would undertake this. Following that meeting, the Parish Council would then meet with the Trust to arrive at a shared vision. Cllr Bellamy and the Clerk would undertake this.

Signed: _____

2526 15

Honley Library

NOTED: Members noted the report from Honley Library.

The Committee considered what information from Friends of Honley Library should be included in future reports to the Council. The Chair hoped that the work of the working group pertaining to The Civic would also inform the Parish Council's relationship with Honley Library and The Friends.

The Committee heard that plans for the extension to the library were being somewhat scaled back and staggered. The Parish Council wanted to record its disappointment on behalf of the Friends of Honley Library that the extension would not be as originally planned, and to repeat our support for their adjustments.

RESOLVED: The Friends of Honley Library would be asked to provide more financial information in line with the original reports they used to send.

2526 16

Reclaiming VAT on "gifts" to grant recipients

The RFO/Deputy Clerk reported on the advice regarding VAT that the Parish Council had received from Parkinson Partnership. As part of their report, Parkinson Partnership pointed out that the Parish Council could potentially reclaim VAT paid on items (or services) as "gifts" to community groups as non-business activities.

44) The council can reclaim VAT on costs that it incurs for non-business purposes. Gifts are a non-business activity – so when a council purchases goods for another party, it can gift the goods and reclaim VAT. The same principle applies for services, but in practice this can be more difficult. This is more tax-efficient than making a cash grant. Rules are set out in VAT Notice 749 section 6. The council must place the order, receive the supply, receive a VAT invoice made out to the council and pay out of its own funds. This could help with the visioning project, so long as the council steps in to engage the suppliers.

This might mean, for example, that, instead of the Parish Council paying a community organisation a cash grant for them to buy, say, outdoor tables and chairs, the Parish Council could instead pay for the table and chairs directly, gift them, and then subsequently reclaim the VAT paid on the purchase. Members considered any further action on this.

RESOLVED: It was resolved that the Parish Council would trial a process in the next September grants cycle whereby the Parish Council would consider making gifts to community organisations in lieu of cash grants thereafter reclaiming the VAT on these purchases.

The Grants Working Group would develop a further plan on this matter.

Signed: _____

Allotments

- i. **NOTED:** Members noted the RFO/Deputy Clerk's report that all rental payments on the allotments had been received. Some had been rather late and needed prompting or had not paid into the correct Unity Trust account.
It was further noted that one of the tenants had given up their allotment plot and it had been taken on by the 1st person on the waiting list at a cost of £27.50 for 11/12 months of the year.
Members considered any further actions pertaining to the allotments.
RESOLVED: No further action.
- ii. **NOTED:** Members noted that, following the last meeting of this Committee, tenancies agreements had been amended as follows:

"The Tenant's Obligations

The Tenant agrees with the Landlord:

.....

5.15 to not use pesticides and herbicides including glyphosate on the site"

Garages

In respect of the garages, it was:

- iii. a. **NOTED:** The RFO/Deputy Clerk reported that most rental payments on the garages had been received though, again, some were rather late and needed prompting, and a cheque had been received for an incorrect amount.
- b. **NOTED:** One of the tenants had not yet paid the outstanding rent of £240. This was despite letters and multiple emails. However, following communication with Cllr Greaves, it had been established that the tenant was in hospital, having been lately in intensive care.
The Parish Council considered any further action on this debt.
RESOLVED: No further action at this time.
- c. **NOTED:** One tenant in the Dover Lane garages, had lately given up the lease, having moved out of the area. The rental had been taken on by the individual at the top of the waiting list. That tenant had subsequently asked if the Parish Council would be interested in selling the garage/land. The Committee considered this request.
RESOLVED: In the light of other ongoing commitments of this Committee, this item was deferred to a later date.

Gartside Building

- iv. **NOTED:** The RFO/Deputy Clerk reported that all rental payments on the Gartside building had been received and were being paid regularly via a standing order. Payments for the electricity used by the unit were also paid in a timely fashion. Members considered whether any further action were needed.
RESOLVED: No further action.

Signed: _____

2526 18 Interim Internal Audit 2024/25

NOTED: The Committee noted the interim internal audit report from Internal Audit Yorkshire undertaken after a visit 21st March 2025.

APPROVED: The Committee approved the RFO/Deputy Clerk's action plan for the interim internal audit p18 of 18.

2526 19 Internal Control Check

Arrangement had been made for Cllr Liles to undertake the final internal controls check for 2024-25 covering the JAN-MAR period. Cllr Liles reported no significant issues with the check.

NOTED: The Committee noted Cllr Liles' verbal report.

The Committee considered whether any further action was needed with regard to the internal controls check 2024-25.

RESOLVED: No further action.

The Committee considered arrangements for the internal controls checks of the financial year ahead 2025-26.

RESOLVED: Cllr Green would undertake the internal controls check for this Council year.

The Committee thanked Cllr Liles for undertaking the internal controls checks for the previous two years.

2526 20 Banking

Unity Trust

- ia. **NOTED:** Members noted that the Parish Council had now been using the Unity Trust T2 Current Account for around 6 months as its main account. This is set up so that payments from the account require triple authorisation: an Officer (normally the RFO) sets up a payment, then two mandated Councillors authorise the payment to trigger the release of the money. Councillors and Officers using the account reported that the system was effective and efficient, and did not cause excessive extra work for the Officer whilst minimising opportunities for fraud.
- ib. **NOTED:** Members noted that, following the meeting of Council, Councillors on the Unity Trust bank mandate would be as follows: Cllr Kirkby, Cllr Baylin, Cllr Colling, Cllr Morgan, Cllr Wilson.
The RFO/Deputy clerk indicated he would be making provision for these changes in due course.

Signed: _____

Holme Valley Parish Council

- ic. One of the motivations behind switching to Unity Trust Bank plc was the possibility of signing up for a charge-card. Council was keen that Officers were not out of pocket for the purchase of items and services that were typically only available online and could only be purchased with a charge-card or Paypal. In these cases, staff had been paying for items/services out of their own money and then subsequently being reimbursed.

The Unity Trust MultiPay card is underwritten by Lloyds Bank. It is essentially a credit card, but a direct debit facility must be in place for the card and any debt must be paid off as a matter of course each month.

The Committee considered signing Holme Valley Parish Council up for a Unity Trust Bank MultiPay Business account.

RESOLVED: Holme Valley Parish Council would be signed up for a Multipay Business Account.

The Committee considered who would be the Primary Programme Administrator on the programme.

RESOLVED: The RFO/Deputy Clerk would be the Primary Programme Administrator.

The Committee considered who would be the Secondary Programme Administrator on the programme.

RESOLVED: Cllr Colling, as Chair of the Finance and Management Committee, would be the Secondary Programme Administrator.

The Committee considered whether cash access would be required.

RESOLVED: Cash access would be set up for emergency use only.

The Committee considered whether Merchant Category Group blocking would be needed of purchases on the card.

RESOLVED: Merchant Category Group blocking would not be needed.

The Committee considered who will be the cardholders.

RESOLVED: The Clerk and the RFO/Deputy Clerk would be set up as cardholders.

The Committee considered the monthly limit for cardholders.

RESOLVED: The monthly limit would be £2,500.

The Committee considered the individual transaction limit for cardholders.

RESOLVED: The individual transaction limit would be £2,000.

The Committee considered the cash withdrawal limit of the cardholders.

RESOLVED: The cash withdrawal limit would be £200.

Cash withdrawals would be approved by the Secondary Programme Administrator or the Vice Chair in the Secondary Programme Administrator's absence.

HSBC

- id. **NOTED:** Members noted that, following resolutions last year, the intention of the Parish Council was to close the two HSBC accounts. This would, first, require the RFO/Deputy Clerk to be set up on the accounts as the primary user. This had proved rather more difficult than anticipated, but some progress has been made. The RFO/Deputy Clerk had attended the HSBC Huddersfield branch to confirm his identification. The change had been approved and the RFO/Deputy Clerk would, thenceforth, get on with closing the accounts.

Signed: _____

Holme Valley Parish Council

- ie. **NOTED:** Following the meeting of Council, it was noted that Councillors on the HSBC bank mandate would be the same as of 2024-25, that is: Cllr Colling, Cllr Dixon, Cllr Baylin, Cllr Blacka, Cllr Whitelaw, Cllr Wilson.

CCLA

- if. **NOTED:** Following the meeting of Council, it was noted that Councillors on the CCLA Public Sector Deposit Fund mandate would be: Cllr Kirkby and Cllr Colling. The RFO/Deputy clerk would make provision for these changes in due course.

2526 21 Prioritising Climate Action activities 2025-27

Councillor Whitelaw reported on the prioritisation of climate action activities of the Parish Council hitherto managed by the CACE Committee. There were still some outstanding actions on climate priorities that needed taking forward. The Finance and Management Committee considered what would be an appropriate way forward for the Parish Council in terms of prioritising these works related to the climate emergency over the final two years of this Council. Any outcome would inform the Council Structures Review Group.

RESOLVED: Members of the Structures Review Group would carry forward this climate action strategy in partnership with the Service Provision Committee.

2526 22 Councillor Training

The Clerk reported on upcoming training. The Clerk reported that £1,148 was spent 2024/25 on Councillor training against a budget of £900. The overspend was incurred on whole Council training which was attended by 15 Councillors. Five Councillors had attended other training over the year. Twenty out of 23 Councillors this Council term had had some training. Members were encouraged to report any other training they have had or will have to the Clerk.

NOTED: The Committee noted the Clerk's report on Councillor training.

2526 23 Financial Records for the website

NOTED, the financial records for February, March and April 2025 have been added to the website. The records for May will be added in due course.

2526 24 Publicising the work of Holme Valley Parish Council

Members considered recent events or news that this Committee wished to publicise via the press, Parish Council website or social media.

RESOLVED: No further action at this time.

Close of Meeting 20:53hrs

Signed: _____

Detailed Income & Expenditure by Budget Heading 31/05/2025

Month No: 2

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
100 Income								
1076 Precept	223,890	223,890	447,780	223,890			50.0%	
1078 Special Expenses Grant	1,726	1,726	3,451	1,726			50.0%	
1090 Bank Interest	275	562	4,500	3,938			12.5%	
1092 Toilets Donations	340	340	2,500	2,160			13.6%	
1095 Other income	0	(2)	6,650	6,652			0.0%	
1200 Allotment Rents	0	262	324	63			80.7%	
1250 Gartside Building	350	742	4,200	3,458			17.7%	
1300 Garage plot income	240	720	840	120			85.7%	
Income :- Income	226,821	228,238	470,245	242,007			48.5%	0
Net Income	226,821	228,238	470,245	242,007				
110 Staff Expenditure								
4000 Salaries	7,954	16,076	96,108	80,032		80,032	16.7%	
4060 Staff Training	507	537	2,300	1,763		1,763	23.4%	
Staff Expenditure :- Indirect Expenditure	8,462	16,613	98,408	81,795	0	81,795	16.9%	0
Net Expenditure	(8,462)	(16,613)	(98,408)	(81,795)				
150 Administration								
4061 Councillor Training	27	27	900	873		873	3.0%	
4200 Chairman's Expenses	435	0	1,000	1,000		1,000	0.0%	
4205 Council Office Expenditure	179	297	2,000	1,703		1,703	14.8%	
4210 Audit	0	0	1,650	1,650		1,650	0.0%	
4215 Bank Charges	19	41	500	459		459	8.3%	
4220 Conference / Seminars	0	0	500	500		500	0.0%	
4225 Elections	5,918	5,918	10,000	4,082		4,082	59.2%	
4230 Repairs & Maintenance	0	0	1,000	1,000		1,000	0.0%	
4235 Insurance	12,089	12,089	12,000	(89)		(89)	100.7%	
4240 Travel Allowance	0	0	300	300		300	0.0%	
4245 Office Equipment	0	0	300	300		300	0.0%	
4250 Office/Room Hire	10,000	10,000	10,200	200		200	98.0%	
4260 FOIA/EIR requests	0	0	500	500		500	0.0%	
4265 Subscriptions	2,742	2,742	3,000	258		258	91.4%	
4275 Telephone and Broadband	51	50	600	550		550	8.4%	
4285 Remembrance Sunday	0	0	160	160		160	0.0%	
4290 COVID Memorial	845	1,107	0	(1,107)		(1,107)	0.0%	1,107
4400 Electronic Support	0	1,298	1,700	402		402	76.4%	
4660 Communications & Engagement	810	1,020	15,000	13,980		13,980	6.8%	
Administration :- Indirect Expenditure	33,114	34,589	61,310	26,721	0	26,721	56.4%	1,107
Net Expenditure	(33,114)	(34,589)	(61,310)	(26,721)				
6000 plus Transfer from EMR	845	1,107	0	(1,107)				

Detailed Income & Expenditure by Budget Heading 31/05/2025

Month No: 2

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
Movement to/(from) Gen Reserve	(32,269)	(33,483)	(61,310)	(27,827)				
250 Finance & Management								
4315 Grants - Community Assets	0	0	48,440	48,440		48,440	0.0%	
4405 Grants - Projects and Events	0	0	20,500	20,500		20,500	0.0%	
4420 Honley Library	18	18	15,750	15,732		15,732	0.1%	
4425 The Civic	0	0	60,000	60,000		60,000	0.0%	
Finance & Management :- Indirect Expenditure	18	18	144,690	144,672	0	144,672	0.0%	0
Net Expenditure	(18)	(18)	(144,690)	(144,672)				
300 Planning								
4505 Neighbourhood Plan	1,410	1,410	2,500	1,090		1,090	56.4%	1,410
Planning :- Indirect Expenditure	1,410	1,410	2,500	1,090	0	1,090	56.4%	1,410
Net Expenditure	(1,410)	(1,410)	(2,500)	(1,090)				
6000 plus Transfer from EMR	1,410	1,410	0	(1,410)				
Movement to/(from) Gen Reserve	0	0	(2,500)	(2,500)				
350 Publications & Communication								
4650 Communications & Engagement	0	310	0	(310)		(310)	0.0%	
Publications & Communication :- Indirect Expenditure	0	310	0	(310)	0	(310)		0
Net Expenditure	0	(310)	0	310				
400 Service Provision								
4320 Public Toilet - Day to Day	1,049	1,108	23,100	21,992		21,992	4.8%	
4325 Public Toilet - Lettable Space	0	0	1,050	1,050		1,050	0.0%	
4705 Christmas Provision	0	0	4,592	4,592		4,592	0.0%	
4710 New Mill - Churchyard	0	0	788	788		788	0.0%	
4720 Dog Waste	0	0	1,260	1,260		1,260	0.0%	
4730 Minibus	1,908	1,908	23,500	21,592		21,592	8.1%	
4735 Phone Boxes	0	708	400	(308)		(308)	177.0%	400
4740 Seats & Shelters-Maintenance	735	735	13,650	12,915		12,915	5.4%	
4750 War Memorial	0	0	500	500		500	0.0%	
4760 Youth Work in the Holme Valley	0	0	26,250	26,250		26,250	0.0%	
4840 Climate Action	0	0	5,000	5,000		5,000	0.0%	
Service Provision :- Indirect Expenditure	3,692	4,460	100,090	95,630	0	95,630	4.5%	400
Net Expenditure	(3,692)	(4,460)	(100,090)	(95,630)				
6000 plus Transfer from EMR	0	400	0	(400)				
Movement to/(from) Gen Reserve	(3,692)	(4,060)	(100,090)	(96,030)				

Detailed Income & Expenditure by Budget Heading 31/05/2025

Month No: 2

Cost Centre Report

	Actual Current Mth	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
Grand Totals:- Income	226,821	228,238	470,245	242,007			48.5%	
Expenditure	46,695	57,400	406,998	349,598	0	349,598	14.1%	
Net Income over Expenditure	180,125	170,839	63,247	(107,592)				
plus Transfer from EMR	2,254	2,916	0	(2,916)				
Movement to/(from) Gen Reserve	182,380	173,755	63,247	(110,508)				

Earmarked Reserves

Account	Opening Balance	Net Transfers	Closing Balance
323 EMR Community Assets	2,017.00		2,017.00
325 EMR Election Fund	7,000.00	7,000.00	14,000.00
326 EMR Defibrillator Special Resr	1,738.51		1,738.51
331 EMR Gartside Building	3,400.00	6,600.00	10,000.00
332 EMR Honley Library	15,000.00		15,000.00
336 EMR Royal Events	1,000.00	1,000.00	2,000.00
337 EMR COVID Memorial	4,876.50	-1,106.50	3,770.00
341 EMR Gartside Energy Projects	13,526.68	4,131.00	17,657.68
345 EMR Rolling Grants	1,000.00	6,668.00	7,668.00
346 EMR Public Transport	5,000.00	-2,500.00	2,500.00
347 EMR Tourism	4,961.00	0.00	4,961.00
348 EMR Dog Waste & Litter	3,800.00		3,800.00
349 EMR Community Engagement	3,609.87	0.00	3,609.87
351 EMR Holmfirth Toilets Refurb	2,504.00	-2,504.00	0.00
352 EMR War Memorials	0.00	2,500.00	2,500.00
354 EMR Digital & Physical Assets	0.00	1,000.00	1,000.00
355 EMR Shop Front Design Guide	0.00	90.00	90.00
	69,433.56	22,878.50	92,312.06

List of Payments made between 01/05/2025 and 31/05/2025

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
08/05/2025	British Telecom	2526/02/01	60.78	COUNCIL 2425 12	INTERNET AND PHONE
15/05/2025	Time In Time Out Media	2526/02/02	252.00	F&M 2425 12	COUNCIL NEWS
15/05/2025	Salaries Staff	2526/02/03	1,792.04	F&M 2425 12	SALARY STAFF 02
15/05/2025	Salaries Staff	2526/02/04	1,645.25	F&M 2425 12	SALARY STAFF 04
15/05/2025	HMRC	2526/02/05	1,816.41	F&M 2425 12	PAYE TAX AND NI
15/05/2025	West Yorkshire Pension Fund	2526/02/06	1,168.50	F&M 2425 12	PENSIONS
15/05/2025	Salaries Staff	2526/02/07	1,531.94	F&M 2425 12	SALARY STAFF 05
16/05/2025	Kirklees Council	2526/02/08	5,918.38	F&M 2425 12	BY-ELECTION COSTS
16/05/2025	Town and Country	2526/02/09	12,088.61	F&M 2425 12	INSURANCE
16/05/2025	West Yorks Combined Authority	2526/02/10	1,908.00	F&M 2425 12	HV MINIBUS SERVICE APR
16/05/2025	HCHCT	2526/02/11	10,000.00	F&M 2425 12	ANNUAL RENT
16/05/2025	SLCC	2526/02/12	240.00	F&M 2425 12	MEMBERSHIP FEE STAFF 02
16/05/2025	Society Local Council Clerks	2526/02/13	240.00	F&M 2425 12	MEMBERSHIP STAFF 05
16/05/2025	YLCA	2526/02/14	54.80	F&M 2425 12	WEBINAR - COUNCILS AS TRUSTEES
16/05/2025	YLCA	2526/02/15	2,742.00	F&M 2425 12	MEMBERSHIP
19/05/2025	E.ON NEXT	2526/02/16	52.53		ELECTRICITY HOLMFIRTH TOILETS
27/05/2025	Maintenance Contractor	2526/02/17	208.28	F&M 2425 12	EXPENSES
27/05/2025	Maintenance Contractor	2526/02/18	1,578.12	F&M 2425 12	MAINTENANCE
30/05/2025	Leander Architectural	2526/02/19	1,013.40	COUNCIL 2526 19	COVID MEMORIAL PLAQUE
30/05/2025	RIVER HOLME CONNECTIONS	2526/02/20	435.00	COUNCIL 2526 19	DONATION FROM CHAIR'S EXPENSES
30/05/2025	HUDDERSFIELD HUB	2526/02/21	600.00	COUNCIL 2526 19	SPONSORSHIP OF WEBSITE 1/4
30/05/2025	REDBAK LTD	2526/02/22	1,692.00	COUNCIL 2526 19	SHOP FRONT - DESIGN AND PRINT
30/05/2025	Document Logic	2526/02/23	214.36	F&M 2425 12	PHOTOCOPYING
30/05/2025	Enterprise Print	2526/02/24	82.00	COUNCIL 2425 94	GRANTS LEAFLETS & CARDS
30/05/2025	Enterprise Print	2526/02/25	-82.00		RETURNED BILL PAYMENT
31/05/2025	Unity Trust	2526/02/26	10.65	F&M 2425 53 ia	SERVICE CHARGE

Total Payments	47,263.05
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List of Payments made between 01/05/2025 and 31/05/2025

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
04/05/2025	HSBC	2526/02/27	8.00	F&M 2425 12	BANK CHARGES
Total Payments			<u>8.00</u>		

Holme Valley Parish Council Cash Book 2025-26

Unity Trust T2 Current Account

Schedule of Payments June 2025

No	HVPC ref	Payment Sent Date	Payment method	Check v Statement	To pay	Description	Net	Vat	Gross	Authorisation to Pay	Legislation
		04/06/2025	BACS	<input type="checkbox"/>	HOLMFIRTH FORWARD	TOWARDS HOLMFIRTH PRIDE EVENT	£300.00	£0.00	£300.00	Council 2425 94	GPC Localism Act 2011
		04/06/2025	BACS	<input type="checkbox"/>	HCHCT	TOWARDS THE CIVIC COMMITTED PROGRAMME OF WORK	£40,000.00	£0.00	£40,000.00	F&M 2526 13	GPC Localism Act 2011
		04/06/2025	BACS	<input type="checkbox"/>	ENTERPRISE PRINT	COMMUNITY GRANTS LEAFLETS ETC	£82.00	0.00	£82.00	Council 2526 19	GPC Localism Act 2011
		04/06/2025	BACS	<input type="checkbox"/>	HCHCT	CONTRIBUTION TOWARDS ANNUAL MEMBERSHIP OF COMMUNITY FIRST YORKS	£30.00	£0.00	£30.00	F&M 2526 13	GPC Localism Act 2011
		04/06/2025	BACS	<input type="checkbox"/>	FRIENDS OF HONLEY LIBRARY	TOWARDS LIBRARY RUNNING COSTS AS PER CONTRACT	£15,000.00	£0.00	£15,000.00	F&M 2526 13	GPC Localism Act 2011
		09/06/2025	DD	<input type="checkbox"/>	BT	INTERNET AND PHONE	£50.65	10.13	£60.78	F&M 2425 12	GPC Localism Act 2011
		13/06/2025	BACS	<input type="checkbox"/>	STAFF 05	SALARY	£1,531.94	£0.00	£1,531.94	F&M 2526 13	GPC Localism Act 2011
		13/06/2025	BACS	<input type="checkbox"/>	STAFF 02	SALARY	£1,862.90	£0.00	£1,862.90	F&M 2526 13	GPC Localism Act 2011
		13/06/2025	BACS	<input type="checkbox"/>	WEST YORKSHIRE PENSIONS FUND	PENSIONS	£1,187.39	£0.00	£1,187.39	F&M 2526 13	GPC Localism Act 2011
		13/06/2025	BACS	<input type="checkbox"/>	STAFF 04	SALARY	£1,645.05	£0.00	£1,645.05	F&M 2526 13	GPC Localism Act 2011
		13/06/2025	BACS	<input type="checkbox"/>	HMRC	PAYE TAX AND NI	£1,860.34	£0.00	£1,860.34	F&M 2526 13	GPC Localism Act 2011
		16/06/2025	BACS	<input type="checkbox"/>	TIME IN TIME OUT MEDIA	TITO COUNCIL NEWS	£210.00	£42.00	£252.00	F&M 2526 13	GPC Localism Act 2011
				<input type="checkbox"/>	NALC	WEBINAR - BEYOND THE PRECEPT - CLLR 04	£35.00	£7.00	£42.00	Council 2425 94	GPC Localism Act 2011
				<input type="checkbox"/>	INTERNAL AUDIT YORKSHIRE	YEAR-END AUDIT	£423.31	£0.00	£423.31	Council 2425 94	GPC Localism Act 2011
				<input type="checkbox"/>	DOCUMENT LOGIC	PHOTOCOPYING	£45.00	9.00	£54.00	F&M 2526 13	GPC Localism Act 2011
				<input type="checkbox"/>	STAFF 02	REIMBURSEMENT ZOOM MAY	£12.99	£2.60	£15.59	F&M 2526 13	GPC Localism Act 2011
				<input type="checkbox"/>	STAFF 02	REIMBURSEMENT ZOOM JUN	£12.99	£2.60	£15.59	F&M 2526 13	GPC Localism Act 2011
				<input type="checkbox"/>	KIRKLEES YOUTH ALLIANCE	GRANT - YOUTH WORK IN THE HOLME VALLEY	£10,000.00	£0.00	£10,000.00		GPC Localism Act 2011
				<input type="checkbox"/>	STAFF 04	REIMBURSEMENT - CONDOLENCE CARD	£0.79	£0.00	£0.79	F&M 2526 13	GPC Localism Act 2011
				<input type="checkbox"/>			£74,290.35	£73.33	£74,363.68		



Holme Valley Parish Council Internal Audit Report [Year-End]

Financial Year Ending 31st March 2025

Date of Interim Visit: 21st March 2025

Date Report Issued: 15th June 2025

Prepared by: Internal Audit Yorkshire

Date of the Year-End Visit: 12th June 2025

Status: Draft

Internal Auditor: Ms Safia Kauser

Internal audit does not involve the detailed inspection of all records and transactions of an authority in order to detect error or fraud.

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Statement of Responsibility

1.1 Background

The Accounts and Audit Regulations 2015; 5 (1) require a relevant authority to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.' The Governance and Accountability Practitioners Guide is regarded as the 'non-statutory' guidance referred to within the above act. A copy of the guide is available from the National Association of Local Councils website. Smaller authorities in England must complete an Annual Return and an Annual Governance Statement to the public. The Annual Return must be submitted to the external auditor within the statutory deadline of 30 June.

1.2 Purpose of Internal Audit

Internal auditing is an independent, objective assurance activity designed to improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Internal auditing tests the continuing existence and adequacy of the authority's internal controls. The internal audit function must be independent from the management of the financial controls and procedures of the authority which are the subject of review. The person or persons carrying out internal audit must be competent to carry out the role in a way that meets the business needs of the authority. It results in an annual assurance report to members designed to improve effectiveness and efficiency of the activities and operating procedures under the authority's control. Managing the authority's internal controls is a day-to-day function of the authority's staff and management, and not the responsibility of internal audit.

1.3 Responsibility

The internal audit work was undertaken in accordance with the agreed scope of assignment and in accordance with the letter of engagement. The council as a corporate body is responsible for ensuring that council business is conducted in accordance with the law, regulations and proper practices and that public money is safeguarded and properly accounted for. This report and findings are based on the information that was made available during the course of the audit. The matters raised in this report should not be read as a comprehensive statement of all the weaknesses identified or all improvements to be made. Internal Audit work should not be relied upon to identify all circumstances of fraud and irregularity, should there be any. Internal audit does not involve the detailed inspection of all records and transactions of an authority in order to detect error or fraud.

1.4 Our Objectives & Programme of Work

Our work during the interim visit and the year-end visit will enable us to reach judgements on the internal control objectives in the Annual Internal Audit Report which forms part of the Councils Annual Governance and Accountability Return [AGAR]. The Internal audit report should inform the authority's responses to Assertions 2 and 6 in the Annual Governance Statement that forms part of the Annual Governance and Accountability Return [AGAR]. This internal audit report should therefore be made available to support and inform members considering the authority's approval of the annual governance statement.

Our Scope of Work

1.1 We covered the following areas during our interim visit in March 2025.

- Accounting Records
- Payment Controls [Standing Orders, Financial Regulations, Expenditure Testing & VAT]
- Risk Management
- Budgetary Controls and Financial Health
- Income Controls including the precept
- Petty Cash (Not applicable)
- Payroll Controls and Members Allowances
- Bank Reconciliations

1.2 The following areas were covered during the year-end audit in June 2025.

- Asset and Investment Registers
- Year-End Bank Reconciliation & Accounting Statements Y/E 31st March 2025
- Publication Requirements in Accordance with the Relevant Legislation
- Exercise of Public Rights (Previous Year 2023/2024)
- Annual Governance & Accountability Return [AGAR] Publication Requirements (Previous Year 2023/2024)
- Trust Funds

1.3 Internal control objectives F and K were not applicable to the Town Council.

1.5 We would like to thank the council officers for all their help and assistance with the audit.

Internal Audit Findings and Recommendations

Asset And Investment Registers

Objective : Asset and investments registers were complete and accurate and properly maintained

Aim: To provide assurance that all material assets are accounted for correctly

Internal Audit Testing	Compliance	Comments / Recommendations
Does the council keep a register of all material assets owned? Is asset register up to date? Does the asset register record the replacement value of individual assets for insurance purposes?	See findings	<p>Authorities need to maintain a register of the fixed assets, long-term investments and other non-current assets that they hold. The Governance and Accountability Practitioners Guide refers to the definition of 'fixed assets' which means property, plant and equipment with a useful life of more than one year used by the authority to deliver its services. Fixed assets are also known as non-current assets. The key information needed in the asset register is: date of acquisition, cost of acquisition, useful life estimate and location along with value held for investments.</p> <p>It is noted that the council have adopted an asset register policy that was available and published on the town council website.</p> <p>In our last year audit we recommended that there is a breakdown of the costs relating to the purchase of the Holme Moss Topograph to correspond with the summary total reported in the asset register for audit purposes. It is noted that this recommendation has been actioned and there is a breakdown recorded on a separate spreadsheet.</p> <p>The asset register continues to be maintained and included a column to record the insurance value. Three additional assets were purchased during the year to the total value of £1,238.50 £141.00 – Charles Arnold Baker £474.00 – Pavement signs for schools £623.50 – Plaque for Honley Library</p> <p>A review of the nominol ledger was carried to confirm if all asset purchases were included in the register. Following a review we found that all purchases were included and the asset register was up to date.</p> <p>The RFO has confirmed that the council purchased x2 Speed Indicator Devices and donated these to Kirklees authority. These were recorded in the nominol ledger at a cost of £7,202.28. An asset purchase of bench legs recorded at the net value of £792.00 was found not to be recorded on the register. A discussion was held with the RFO in relation to the items recorded on the asset register</p>

		<p>that do not have any value for example, benches. The councils asset register policy confirms that where it is not possible to trace the purchase price of the asset the insurance valuation should be applied. As a last resort, a nominal value of £1 may be applied. This should also be used for assets gifted to the Council.</p> <p>The RFO has confirmed that the asset register shall be updated to include a nominal value for all assets which have £0.00 recorded against them and the assets that are not wholly owned by the council for example the war memorial and the photocopier on lease shall be removed from the asset register for box 9 reporting purposes but shall remain recorded in a separate section of the asset register for monitoring purposes.</p> <p>RECOMMENDATION 1: That the RFO updates the asset register and value at box 9 of the accounting statements prior to approval by council members and submission for external audit.</p>
Compare the Asset Register value reported in section 2, box 9 prior year reported figure, adjusted to include new assets / and/or disposals. Is there a record of disposals to record non-serviceable/disposed assets? Does the Asset Register value correspond to box 9 of the Annual Return?	Yes	<p>£5,282,130.45 – Asset Register value recorded at 31st March 2024 £5,283,368.95 – Asset Register value recorded at 31st March 2025</p> <p>Variance of £1,238.50 – includes additional asset purchases as detailed above</p> <p>See findings above. The RFO has confirmed that the value in box 9 shall be updated accordingly following the changes discussed during the audit.</p>
Does the council hold any long-term investments? Are these held in accordance with the councils investment strategy?	No	Not applicable to the Town Council.

Periodic Bank Reconciliations

Objective : Periodic and year-end bank account reconciliations were properly carried out.

Aim: To provide assurance that bank reconciliations were carried out on a regular basis and reported to Council.

Note: This control area was tested at the interim audit. The remaining testing was carried out at the year-end audit.

Internal Audit Testing	Compliance	Comments / Recommendations
Bank Reconciliation to the 31 March?	Yes	<p>A bank reconciliation was carried out for all bank accounts held by the council and the balances were verified against the bank statements. The total value was found to correspond to box 8 of the AGAR financial statements.</p> <p>(1) £2,245.08 - HSBC Current Account (2) £55,454.13 - HSBC Money Manager (3) £75,000 - CCLA Deposit Fund (4) £18,439.67 - Unity Trust Bank Current T2 Account (5) £506.93 - Unity Trust Instant Savings Account</p> <p>£151,645.81 – Total balances held as at 31 March 2025</p>

Accounting Statements

Internal Control Objective : Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.

Aim: Obtain assurance that accounts prepared on correct statements (income and expenditure, debtors and creditors, over £200,000) or (summary receipts and payments, under £200,000) and that working papers can be followed through to final document

Internal Audit Testing	Compliance	Comments / Recommendations
Year-end accounts prepared on correct accounting basis? Do these agree to the cash-book and are they supported by an adequate audit trail?	Yes	<p>The year end accounting statements continue to be prepared on an income and expenditure basis. The Rialtas accounting software was used to prepare the year-end accounting statements. The underlying detail and breakdown of the reported figures was found to be linked to the cashbook data and nominal ledger detail.</p>

Do the Bank statements and ledger reconcile at 31 March?	Yes	See findings above.
Is the explanation of significant variances from completed? Explanations are now required for all variances of £100,000 or more regardless of the % variance. All responses should comprise both narrative and numerical explanations.	Yes	This pro-forma document is a document submission requirement for external audit. The RFO had completed this form. It is noted that boxes 2 and 6 required an explanation due to the variance being 15% or more.
Is there a reconciliation between boxes 7 and 8? Where appropriate, debtors and creditors properly recorded?	Yes	The pro-forma document was completed and included a breakdown of the creditors and debtors and the difference corresponded to the Rialtas data and the figure reported in box 7.

Legislative Publication Requirements

Internal Control Objective: The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.

Aim: Obtain assurance that the council has complied with the publication of the AGAR for the last five years; compliance with the Local Government Data Transparency Code and Freedom of Information Act, Publication Scheme.

Note: The auditing requirements in the practitioners guide are not entirely clear that provide the guidance for testing relating to objective L. Therefore testing has been carried out to seek assurance on the publication requirements of the Accounts and Audit Regulations 2015 - Section 13 (2) (b) to ensure that Councils display the AGARs for the five years - 2019-20, 2020-21, 2021-22, 2022-23, 2023-24 on their website; Compliance with the Local Government Data Transparency Code (if applicable) and testing of the Freedom of Information Act (Publication Scheme).

LOCAL GOVERNMENT DATA TRANSPARENCY CODE

The Government has published the 'Local Government Transparency Code' as a code of recommended practice under section 2 of the Local Government, Planning & Land Act 1980. This Code came into effect on the 01 April 2015. This is applicable to parish and town councils where gross income or gross expenditure exceeding £200,000. The Code does not replace or supersede the existing framework for access to and re-use of public sector information provided by the:

- Freedom of Information Act 2000 (as amended by the Protection of Freedoms Act 2012)
- Environmental Information Regulations 2004
- Re-use of Public Sector Information Regulations 2005
- Infrastructure for Spatial Information in the European Community regulations 2009

- Sections 25 and 26 of the Local Audit and Accountability Act 2014 which provides rights for persons to inspect a local authority's accounting records and supporting documentation, and to make copies of them.

The Code provides for publication of a comprehensive set of information, including Unique Property Reference Numbers of land and building assets (principal authorities may be able to help with these). There is no prescribed Code for councils where gross turnover is between £25,000 and £200,000 but all councils must have a Publication Scheme complying with the Information Commissioner's requirements.

Internal Audit Testing	Compliance	Comments / Recommendations
<p>Has the council published the required information in compliance with the Local Government Data Transparency Code 2015?</p> <p><i>*This code has been issued in accordance with section 2 of the Local Government, Planning & Land Act 1980</i></p>	<p>See findings</p>	<p>This Code is issued by the Secretary of State for Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 ("the Act") to issue a Code of Recommended Practice (the Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related. It is issued following consultation in accordance with section 3(11) of the Act.</p> <p>Audit testing was carried out using the data available on the Parish Council website.</p> <ol style="list-style-type: none"> 1) Expenditure Exceeding £500: Quarterly Publication. (no later than one month after the quarter to which the data and information is applicable) This was found to be published on the website, see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/transparency-code/transparency-code-2024-25/ 2) Government Procurement Card Transactions: Quarterly Publication (no later than one month after the quarter to which the data and information is applicable) This is not applicable to the Council. 3) Procurement Information (invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000) : Quarterly Publication (no later than one month after the quarter to which the data and information is applicable) The information relating to every invitation to tender was found to be published, see link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2025/01/Procurement-Contracts-2024-25-v1.pdf 4) Local Authority Land: Annual Publication (no later than one month after the year to which the data and information is applicable) : see link https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/Record-of-HVPC-Land-and-Buildings-2024-25-v1.pdf The council need to ensure that the land and buildings include detail to confirm if this is freehold or lease hold as per requirements of the code.

		<p>5) Social Housing asset value: Annual Publication (no later than one month after the year to which the data and information is applicable) This is not applicable to the Council.</p> <p>6) Grants to voluntary, community and social enterprise organisations: Annual Publication (no later than one month after the year to which the data and information is applicable) This was found to be published on the website, see link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2025/06/Grants-Rolling-Total-all-grants-awarded-2024-2025.pdf</p> <p>7) Organisation Chart: Annual Publication (no later than one month after the year to which the data and information is applicable) This was not applicable to the Council as there is no employee whose remuneration is over £50,000. However it is noted that an organisation chart was published on the website, see link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/Organisation-Structure-2024-25-v1.pdf</p> <p>8) Trade Union Facility Time: Annual Publication (no later than one month after the year to which the data and information is applicable) This was not applicable to the Council.</p> <p>9) Parking Account: Annual Publication (in relation to the parking account data, where the local authority accounts have not been finalised, the authority should publish estimates within one month after the year to which the data is applicable and subsequently publish final figures as soon as the authority's accounts are finalised) This was not applicable to the Council.</p> <p>10) Parking Spaces: Annual Publication (no later than one month after the year to which the data and information is applicable) This was not applicable to the Council.</p> <p>11) Senior Salaries: Annual Publication (no later than one month after the year to which the data and information is applicable) This was not applicable to the Town Council as there is no employee whose remuneration is over £50,000.</p> <p>12) Constitution: Annual Publication (no later than one month after the year to which the data and information is applicable).</p>
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		<p>Not applicable. It is our interpretation that the definition of a local authority under section 9P refers to a County Council, District Council or a London Borough Council. The definition is referred to within section 9R(1) in relation to Part 1A see link: https://www.legislation.gov.uk/ukpga/2000/22/part/1A . It is noted that the councils Standing Orders and Code of conduct were published on the website.</p> <p>13) Pay Multiple: Annual Publication Not applicable. This information is required to be published in accordance with section 38 of the Localism Act 2011. Section 43 provides an interpretation of a relevant authority and this does not include a parish council, see link: https://www.legislation.gov.uk/ukpga/2011/20/section/43/enacted</p> <p>14) Fraud: Annual Publication (no later than one month after the year to which the data and information is applicable) This was not applicable to the Council. See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2025/01/Fraud-2024-25.pdf</p> <p>15) Waste Contracts: One-off publication Not applicable to the council as per declaration on the website, see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/transparency-code/transparency-code-2024-25/</p>
<p>Publication of the AGAR for the last five years in accordance with the Accounts and Audit Regulations 2015, section 13 (2)? <i>*See Regulations which requires Publication of the Statement of Accounts; Annual Governance Statement and Certificate/Opinion of local Auditor</i></p>	Yes	<p>2019/20: Yes – see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/financial/accounts/2019-20-accounts/</p> <p>2020/21: Yes – see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/financial/accounts/2020-21-accounts/</p> <p>2021/22: Yes – see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/financial/accounts/2021-22-accounts/</p> <p>2022/23: Yes – see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/financial/accounts/2022-23-accounts/</p> <p>2023/24: Yes – see link: https://www.holmevalleyparishcouncil.gov.uk/your-council/financial/accounts/2023-24-accounts/</p>
Freedom of Information Act – Has the Council adopted a Publication Scheme?	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/Holme-Valley-Parish-Council-Model-Publication-scheme-re-adopted-13-05-2024.pdf

Publication Requirements – Exercise of Public Rights

Internal Control Objective: In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (*during 2023/24 AGAR period, were public rights in relation to the 2022/23 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set*).

Aim: Obtain assurance that the Council has advertised the dates for the inspection of public rights correctly.

Internal Audit Testing	Compliance	Comments / Recommendations
Do arrangements for public inspection of council's records exist? Evidence of public inspection notice seen? And website address?	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/E.-HVPC-AGAR-2023-24-16-Making-provision-for-the-exercise-of-public-rights.pdf

Publication Requirements for 2023/2024 AGAR (previous year)

Internal Control Objective: The authority has complied with the publication requirements for 2023/24 AGAR (*see AGAR Page 1 Guidance Notes*).

Aim: Review evidence for publication: AGAR to be approved and published by 01 July 2024 at the very latest. External Audit Certificate and Conclusion of Audit of Notice to be posted on the council website by 30 September 2024.

Internal Audit Testing	Compliance	Comments / Recommendations
Before 01 July 2024, the authority should have published: a) Notice of the period of exercise rights and a declaration that the accounting statements are as yet unaudited.	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/E.-HVPC-AGAR-2023-24-16-Making-provision-for-the-exercise-of-public-rights.pdf
b) Section 1 the Annual Governance Statement approved and signed page 4	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/AGAR-Section-1-and-2.pdf

c) Section 2 the Accounting Statements approved and signed page 5	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2024/08/AGAR-Section-1-and-2.pdf
Not Later than the 30 September 2024: d) Notice of conclusion of audit e) Section 3 – External Auditor Report and Certificate	Yes	See link: https://www.holmevalleyparishcouncil.gov.uk/wp-content/uploads/2025/05/Conclusion-of-External-Audit-and-S3-2023-24-1.pdf
f) Sections 1 and 2 of AGAR including any amendments as a result of the limited assurance review	N/A	Not applicable

Trust Funds

Internal Control Objective: Trust funds (including charitable) – The council met its responsibilities as a trustee

Aim: Obtain assurance that all charities of which the council is a trustee are filed and up to date; details are available on the Charity Commission Website; charity meetings and accounts are recorded separately from the council

Internal Audit Testing	Compliance	Comments / Recommendations
Is the council a sole trustee? <i>*Review details on the charity commission register</i>	Yes	The council is a sole managing trustee of the 'Holme Valley Land Charity'. The Charity registration number is: 700350. See link: https://register-of-charities.charitycommission.gov.uk/en/charity-search/-/charity-details/700350/trustees
Are charity meetings and accounts recorded separately from those of the council?	See comments	We are informed that each councillor is by default a member when acting as a trustee. Meetings are held separately. A separate website is in place, see link: https://www.holmevalleylandcharity.org.uk/
Are all the Charity Commission filing requirements up to date?	Yes	The reporting for the financial year ending 31 st March 2023 was filed and up to date at the time of our audit visit, see link: https://register-of-charities.charitycommission.gov.uk/en/charity-search/-/charity-details/700350/accounts-and-annual-returns

Holme Valley Parish Council - Recommendations Action Plan

Internal Audit Year Ending 31st March 2025

Internal Audit Yorkshire
For Town & Parish Councils



No	Recommendation	Page Number	Responsibility	Timescale
1	That the RFO updates the asset register and value at box 9 of the accounting statements prior to approval by council members and submission for external audit.	5	RFO/Deputy Clerk	17/06/2025

Fixed Asset List

Purchase Date	Description	Account	(A) Original Cost	Asset No	(B) Annual Return Value 2024-25	(C) Insurance Value @ 31/03/25	Notes
Memorabilia and Art							
	7 Limited Edition signed prints	10 - Civic Items	£0.00	15	£1,037.71	£1,321	
Badges and Chains							
	Chairman's Chain of Office	10 - Civic Items	£0.00	10	£4,729.39	£10,254	
	Chairman's Escort's Chain of Office with badge	10 - Civic Items	£0.00	11	£443.33		
	Silver Gilt VC's Badge of Office	10 - Civic Items	£0.00	12	£343.30		
01/06/2009	VC's Pendant & Chain	10 - Civic Items	£1,825.50	13	£2,181.46		
Defibrillators							
12/2018 01/2019	Defibrillators x 2	70 - Community Assets	£1,400.40	101	£1,400.40	£3,564	
Fixed Street Furniture, Signs, Telephone Booths, Memorials							
28/02/2013	Queen's Diamond Jubilee Seats (12)	70 - Community Assets	£12,000.00	76	£12,858.11	£73,772	
	Bus Shelters x 24 (including x6 integrated benches)	70 - Community Assets	£0.00	70	£30.00		Shelters not insured
	Public Seats (147)	70 - Community Assets	£16,000.00	75	£147.00		Ord Seats not insured
06/07/2014	Tour de France Seats (2)	70 - Community Assets	£2,000.00	77	£2,080.60		
29/03/2018	K6 Telephone Kiosks (5) Upperthong 20120331, Fulstone 20120331, Honley South 20120331, Netherthong 20170731, Holme 20120331	70 - Community Assets	£5.00	105	£15,758.13		
30/09/2012	Handrails (2) - Holmfirth Centre	70 - Community Assets	£1,300.00	90	£1,324.38		
09/01/2012	Street Nameplate - Victoria St (on YBS bldg)	70 - Community Assets	£307.50	91	£329.49		
07/03/2013	Heritage Business Signboard - Norridge Bottom	70 - Community Assets	£2,300.00	92	£2,464.47		
29/08/2017	HCG Interpretation Board	70 - Community Assets	£1,000.00	98	£1,000.00		
29/03/2018	WW1 commemorative seat	70 - Community Assets	£1,000.00	99	£1,000.00		
	Display Board - women's suffrage	70 - Community Assets		100	£1,000.00		
	Dog Waste Bag Dispensers x 15	70 - Community Assets	£2,775.00	102	£2,775.00		
20/08/2020	Outdoor bottle filling station - Holmfirth toilets with decal	70 - Community Assets	£2,052.50	104	£2,052.50		
20/08/2020	Plaques x 2 for Civic Hall and Holmfirth toilets	70 - Community Assets	£798.00	105	£798.00		
09/12/2021	K6 Telephone Kiosk (1 additional Holmfirth centre)	70 - Community Assets	£1.00	109	£1.00		
29/04/2022	K6 Telephone Kiosk (1 additional Wooldale)	70 - Community Assets	£1.00	110	£1.00		
21/04/2023	Illuminated signs for Upperthong phone box	70 - Community Assets	£158.50	112	£158.50		
27/02/2024	Pavement Signs for School - Think Before You Park	70 - Community Assets	£474.00	114	£474.00		
11/06/2024	Pavement Signs for School - Think Before You Park	70 - Community Assets	£474.00	117	£474.00		
18/09/2024	Bench Legs x 18	70 - Community Assets	£792.00	118	£792.00		
17/12/2024	Plaque for Honley Library Covid Memorial	70 - Community Assets	£623.50	119	£623.50		
22/09/2023	Holme Moss Topograph	70 - Community Assets	£9,446.90	113	£9,446.90	£9,725	Breakdown on a separate sheet
Non-electronic Equipment							
	Civic Furniture	30 - Office Furniture & Equipment	£21,089.63	20	£500.00	£5,747	Majority of furniture disposed of in 2017-18. 3 chairs and 1 long table retained.
	Office Furnitue	30 - Office Furniture & Equipment	£3,220.26	25	£3,350.04		Insurance includes Honours Board, Notice Boards etc
	Filing Cabinets and Contents	30 - Office Furniture & Equipment					
21/03/2024	Office Chair	70 - Community Assets	£154.00	115	£154.00		
30/04/2024	Book - Arnold-Baker on Local Council Administration - 13th	70 - Community Assets	£141.00	116	£141.00		
Electronic Equipment							
16/12/2005	Samsung Digimax U-CA5 Camera	30 - Office Furniture & Equipment	£109.98	33	£245.53	£11,507	
01/02/2015	Laptops	30 - Office Furniture & Equipment	£833.30	41	£841.63		
	HP Colour Laser Printer, Wifi Netork hub and cabling	30 - Office Furniture & Equipment			£500.00		
01/01/2011	Casio 135 LEIXGA Digital Projector	30 - Office Furniture & Equipment	£750.00	51	£822.75		
15/09/2020	iPad	30 - Office Furniture & Equipment	£459.00	106	£459.00		Apple replacement cost
04/01/2021	HP Laptops x 2 for Clerk and CEC	30 - Office Furniture & Equipment	£831.66	107	£831.66		
21/11/2020	iPhone	30 - Office Furniture & Equipment	£399.00	108	£399.00		Apple replacement cost
Land and Buildings							
31/03/2017	Holmfirth Civic Hall, Huddersfield Road, Holmfirth HD9 3AS Land Registry: WYK809802	50 - Land & Buildings	£1.00	97	£5,000,000.00	£10,243,555	New valuation 2023 £9,974,250
16/12/2022	Honley Library, West Avenue, Honley HD9 6HF Registry: WYK809802	50 - Land & Buildings	£1.00	111	£1.00	£971,425	
05/08/2016	Holmfirth Public Conveniences and adjoining shop unit, Towngate, Holmfirth HD9 1HA Land Registry: YY71581	50 - Land & Buildings	£1.00	96	£150,000.00	£197,594	
	Barn - Holme Allotments - off Watery Lane, Holme HD9 2QG Land Registry: WYK821758	50 - Land & Buildings	£0.00	100	£57,368.17	£79,349	
	Holme Allotments - off Watery Lane, Holme HD9 2QG Land Registry: WYK821758	50 - Land & Buildings	£25,000.00	80	£1.00	£0	Allotment land not insured, only barn
	Thirstin Rd Garage Site - adjoining 34, Thirston Road, Honley HD9 6JG Land Registry: WYK821750	50 - Land & Buildings	£0.00	85	£2.00	£0	Land not insured; buildings are resp of tenant
	Dover Lane Garage Site - Dover Lane, Underbank, Holmfirth HD9 2RB Registry: WYK539066	50 - Land & Buildings	£0.00	86	£3.00	£0	Land not insured; buildings are resp of tenant
	Total Values		£109,725.63		£5,281,343.95	£11,607,813	
Key (with ref to Practitioners' Guide re assets):							
(A) Column A is original purchase cost, where known. Where original cost not known, may substitute with insurance value.							
(B) Figures in Column B should not change, year on year (as PKF guidance - email of 14/9/15 refers) except where items disposed of or acquired; total of Col B transferred onto Annual Return (Box 9)							
(C) Column C is for insurance purposes only (to check sufficient insurance cover and will fluctuate to tie in with actual insurance cover)							
(D) 31/3/17 Original valuation £5m, then revised to £4.59m by specialist valuer (for insurance purposes) on behalf of Norris & Fisher in Sept 2017, then £4,805,730 on 20/2/18 at renewal time; then £4729980 in February 2019; then £9,974,250 2023; should be revalued every 5 years.							
As agreed with Internal Auditor, col C revised accordingly, but col B only changes if disposal or additional asset acquired.							
Other items of significance (that the Parish Council has a measure of responsibility for, but does not own)							
	War Memorials x 8	70 - Community Assets	£0.00	95	£0.00	£0.00	
	Closed Churchyard, Sude Hill, New Mill, HD9 7ER	70 - Community Assets	£0.00	110	£0.00	£0.00	Closed Churchyard and stones not insured, other than public liability ins
	Ricoh MPC 2504 Leased copier/scanner/printer	30 - Office Furniture & Equipment	£0.00	103	£0.00	£0.00	

Holme Valley Parish Council
Fixed Asset Listing
31 March 2025

Purchase Date	Description	Account	(A) Original Cost	Asset No	(B) Annual Return Value 2024-25	(C) Insurance Value @ 31/03/25	Notes
Schedule of Disposals 2024-25:							
Total disposal value:					£0.00		

Section 1 – Annual Governance Statement 2024/25

We acknowledge as the members of:

ENTER NAME OF AUTHORITY
Holme Valley Parish Council

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2025, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
	✓		
			has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

***Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.**

This Annual Governance Statement was approved at a meeting of the authority on:
23/06/2025
and recorded as minute reference:
MIN 2526 44(1) ENCE

Signed by the Chair and Clerk of the meeting where approval was given:

Chair
Clerk

SIGNATURE REQUIRED

SIGNATURE REQUIRED

www.holmevalleyparishcouncil.gov.uk
ENTER URL OF AVAILABLE WEBSITE/WEBPAGE ADDRESS

Section 2 – Accounting Statements 2024/25 for

Holme Valley Parish Council

	Year ending		Notes and guidance
	31 March 2024 £	31 March 2025 £	
1. Balances brought forward	253,277	221,342	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	284,924	327,934	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	19,861	22,371	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	85,328	91,574	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	251,392	323,203	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	221,342	156,870	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	231,312	151,646	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	5,282,130	5,281,344	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)	✓			The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.
11b. Disclosure note re Trust funds (including charitable)	✓			The figures in the accounting statements above exclude any Trust transactions.

I certify that for the year ended 31 March 2025 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE 

Date

16/06/2025

I confirm that these Accounting Statements were approved by this authority on this date:

23/06/2025

as recorded in minute reference:

2526 44 (2) MINUTE REFERENCE

Signed by Chair of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

Annual Internal Audit Report 2024/25

Holme Valley Parish Council

ENTER P www.holmevalleyparishcouncil.gov.uk SS

During the financial year ended 31 March 2025, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2024/25 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			✓
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2023/24, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2023/24 AGAR tick "not covered")			✓
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	✓		
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (during the 2024-25 AGAR period, were public rights in relation to the 2023-24 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2023/24 AGAR (see AGAR Page 1 Guidance Notes).	✓		
O. (For local councils only)	Yes	No	Not applicable
Trust funds (including charitable) – The council met its responsibilities as a trustee.	✓		

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

21/03/2025

12/06/2025

DD/MM/YYYY

Name of person who carried out the internal audit

Safia Kauser - Internal Audit Yorkshire

Signature of person who carried out the internal audit

S. Kauser

Date

12/06/2025

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

Section 3 – External Auditor’s Report and Certificate 2024/25

In respect of

Holme Valley Parish Council

1 Respective responsibilities of the auditor and the authority

Our responsibility as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not** provide the same level of assurance that such an audit would. The UK Government has determined that a lower level of assurance than that provided by a full statutory audit is appropriate for those local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is responsible for reviewing Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with NAO Auditor Guidance Note 02 (AGN 02 as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website –

<https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/> .

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2025; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

2 External auditor’s limited assurance opinion 2024/25

(Except for the matters reported below)* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the authority:

(continue on a separate sheet if required)

3 External auditor certificate 2024/25

We certify/do not certify* that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2025.

*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YYYY

Smaller authority name: **Holme Valley Parish Council**

**NOTICE OF PUBLIC RIGHTS AND PUBLICATION
OF UNAUDITED ANNUAL GOVERNANCE &
ACCOUNTABILITY RETURN**

ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2025

**Local Audit and Accountability Act 2014 Sections 26 and 27
The Accounts and Audit Regulations 2015 (SI 2015/234)**

NOTICE

1. Date of announcement **Monday 23 June 2025**

2. Each year the smaller authority's Annual Governance and Accountability Return (AGAR) needs to be reviewed by an external auditor appointed by Smaller Authorities' Audit Appointments Ltd. The unaudited AGAR has been published with this notice. As it has yet to be reviewed by the appointed auditor, it is subject to change as a result of that review.

Any person interested has the right to inspect and make copies of the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested. For the year ended 31 March 2025, these documents will be available on reasonable notice by application to:

**Richard McGill, Responsible Finance Officer
Holme Valley parish Council
The Civic
Huddersfield Road
Holmfirth HD9 3AS
Tel: 01484 687460
Email: deputyclerk@holmevalleyparishcouncil.gov.uk**

commencing on **Tuesday 24 June 2025**

and ending on **Monday 4 August 2025**

3. Local government electors and their representatives also have:

- The opportunity to question the appointed auditor about the accounting records; and
- The right to make an objection which concerns a matter in respect of which the appointed auditor could either make a public interest report or apply to the court for a declaration that an item of account is unlawful. Written notice of an objection must first be given to the auditor and a copy sent to the smaller authority.

The appointed auditor can be contacted at the address in paragraph 4 below for this purpose between the above dates only.

4. The smaller authority's AGAR is subject to review by the appointed auditor under the provisions of the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations 2015 and the NAO's Code of Audit Practice 2015. The appointed auditor is:

**PKF Littlejohn LLP (Ref: SBA Team)
15 Westferry Circus
Canary Wharf
London E14 4HD
(sba@pkf-l.com)**

5. This announcement is made by Richard McGill, Responsible Finance Officer

LOCAL AUTHORITY ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all relevant smaller authorities, including local councils, internal drainage boards and 'other' smaller authorities.

The basic position

The [Local Audit and Accountability Act 2014](#) (the Act) governs the work of auditors appointed to smaller authorities. This summary explains the provisions contained in Sections 26 and 27 of the Act. The Act and the [Accounts and Audit Regulations 2015](#) also cover the duties, responsibilities and rights of smaller authorities, other organisations and the public concerning the accounts being audited.

As a local elector, or an interested person, you have certain legal rights in respect of the accounting records of smaller authorities. As an interested person you can inspect accounting records and related documents. If you are a local government elector for the area to which the accounts relate you can also ask questions about the accounts and object to them. You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the smaller authority form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

The right to inspect the accounting records

Any interested person can inspect the accounting records, which includes but is not limited to local electors. You can inspect the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records. You can copy all, or part, of these records or documents. Your inspection must be about the accounts, or relate to an item in the accounts. You cannot, for example, inspect or copy documents unrelated to the accounts, or that include personal information (Section 26 (6) – (10) of the Act explains what is meant by personal information). You cannot inspect information which is protected by commercial confidentiality. This is information which would prejudice commercial confidentiality if it was released to the public and there is not, set against this, a very strong reason in the public interest why it should nevertheless be disclosed.

When smaller authorities have finished preparing accounts for the financial year and approved them, they must publish them (including on a website). There must be a 30 working day period, called the 'period for the exercise of public rights', during which you can exercise your statutory right to inspect the accounting records. Smaller authorities must tell the public, including advertising this on their website, that the accounting records and related documents are available to inspect. By arrangement you will then have 30 working days to inspect and make copies of the accounting records. You may have to pay a copying charge. The 30 working day period must include a common period of inspection during which all smaller authorities' accounting records are available to inspect. This will be 1-14 July 2025 for 2024/25 accounts. The advertisement must set out the dates of the period for the exercise of public rights, how you can communicate to the smaller authority that you wish to inspect the accounting records and related documents, the name and address of the auditor, and the relevant legislation that governs the inspection of accounts and objections.

The right to ask the auditor questions about the accounting records

You should first ask your smaller authority about the accounting records, since they hold all the details. If you are a local elector, your right to ask questions of the external auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do so. For example, the question might be better answered by another organisation, require investigation beyond the auditor's remit, or involve disproportionate cost (which is borne by the local taxpayer). Give your smaller authority the opportunity first to explain anything in the accounting records that you are unsure about. If you are not satisfied with their explanation, you can question the external auditor about the accounting records.

The law limits the time available for you formally to ask questions. This must be done in the period for the exercise of public rights, so let the external auditor know your concern as soon as possible. The advertisement or notice that tells you the accounting records are available to inspect will also give the period for the exercise of public rights during which you may ask the auditor questions, which here means formally asking questions under the Act. You can ask someone to represent you when asking the external auditor questions.

Before you ask the external auditor any questions, inspect the accounting records fully, so you know what they contain. Please remember that you cannot formally ask questions, under the Act, after the end of the period for the exercise of public rights. You may ask your smaller authority other questions about their accounts for any year, at any time. But these are not questions under the Act.

You can ask the external auditor questions about an item in the accounting records for the financial year being audited. However, your right to ask the external auditor questions is limited. The external auditor can only answer ‘what’ questions, not ‘why’ questions. The external auditor cannot answer questions about policies, finances, procedures or anything else unless it is directly relevant to an item in the accounting records. Remember that your questions must always be about facts, not opinions. To avoid misunderstanding, we recommend that you always put your questions in writing.

The right to make objections at audit

You have inspected the accounting records and asked your questions of the smaller authority. Now you may wish to object to the accounts on the basis that an item in them is in your view unlawful or there are matters of wider concern arising from the smaller authority’s finances. A local government elector can ask the external auditor to apply to the High Court for a declaration that an item of account is unlawful, or to issue a report on matters which are in the public interest. You must tell the external auditor which specific item in the accounts you object to and why you think the item is unlawful, or why you think that a public interest report should be made about it. You must provide the external auditor with the evidence you have to support your objection. Disagreeing with income or spending does not make it unlawful. To object to the accounts you must write to the external auditor stating you want to make an objection, including the information and evidence below and you must send a copy to the smaller authority. The notice must include:

- confirmation that you are an elector in the smaller authority’s area;
- why you are objecting to the accounts and the facts on which you rely;
- details of any item in the accounts that you think is unlawful; and
- details of any matter about which you think the external auditor should make a public interest report.

Other than it must be in writing, there is no set format for objecting. You can only ask the external auditor to act within the powers available under the [Local Audit and Accountability Act 2014](#).

A final word

You may not use this ‘right to object’ to make a personal complaint or claim against your smaller authority. You should take such complaints to your local Citizens’ Advice Bureau, local Law Centre or to your solicitor. Smaller authorities, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, one of a series of factors the auditor must take into account is the cost that will be involved, they will only continue with the objection if it is in the public interest to do so. They may also decide not to consider an objection if they think that it is frivolous or vexatious, or if it repeats an objection already considered. If you appeal to the courts against an auditor’s decision not to apply to the courts for a declaration that an item of account is unlawful, you will have to pay for the action yourself.

For more detailed guidance on public rights and the special powers of auditors, copies of the publication [Local authority accounts: A guide to your rights](#) are available from the NAO website.

If you wish to contact your authority’s appointed external auditor please write to the address in paragraph 4 of the *Notice of Public Rights and Publication of Unaudited Annual Governance & Accountability Return*.

CONFIRMATION OF THE DATES OF THE PERIOD FOR THE EXERCISE OF PUBLIC RIGHTS

This form is only for use by smaller authorities subject to a review and should not be published on your website

Please submit this form to PKF Littlejohn LLP with the AGAR Form 3 and other requested documentation

Name of smaller authority: **Holme Valley Parish Council**

County Area (local councils and parish meetings only): **Kirklees, West Yorkshire**

On behalf of the smaller authority, I confirm that the dates set for the period for the exercise of public rights are as follows:

Commencing on **Tuesday 24 June 2025**

and ending on **Monday 4 August 2025**

Signed:



Role: Responsible Finance Officer

Bank reconciliation – pro forma

This reconciliation should include **all** bank and building society accounts, including short term investment accounts. It **must** agree with the column headed “Year ending 31 March 2025” in Section 2 of the AGAR – and will also agree to Box 7 where the accounts are on a cash and payments basis. Please complete the highlighted boxes, remembering that unpresented cheques should be entered as negative numbers.

Name of smaller authority: **Holme Valley Parish Council**

County area (local councils and parish meetings only): **Kirklees, West Yorkshire**

Financial year ending 31 March 2025

Prepared by (Name and Role): **Richard McGill, Responsible Finance Officer**

Date: **26/05/2025**

	£	£
Balance per bank statements as at 31/3/25:		
HSBC Business Current Account	2,245.08	
HSBC Business Money Manager Account	55,454.13	
CCLA - Public Sector Deposit Fund	75,000.00	
Unity Trust Current Account T2	18,439.67	
Unity Trust Instant Access Account	506.93	
		151,645.8
Petty cash float (if applicable)		-
Less: any unpresented cheques as at 31/3/25 (enter these as negative numbers)		
		-
Add: any un-banked cash as at 31/3/25		
		-
Net balances as at 31/3/25 (Box 8)		<u>151,645.8</u>

Reconciliation between Box 7 and Box 8 in Section 2 - pro forma

(applies to Accounting Statements prepared on an income and expenditure basis only)

Please complete the highlighted boxes.

Name of smaller authority:

Holme Valley Parish Council

County area (local councils and parish meetings only):

Kirklees, West Yorkshire

There should only be a difference between Box 7 and Box 8 where the Accounting Statements (Section 2 of the AGAR) have been prepared on an income and expenditure basis and there have been adjustments for debtors/prepayments and creditors/receipts in advance at the year end. Please provide details of the year end adjustments, showing how the net difference between them is equal to the difference between Boxes 7 and 8.

	£	£
Box 7: Balances carried forward		156,869.73
Deduct: Debtors (enter these as negative numbers)		
HMRC - reimbursement of VAT	(1,553.60)	
HCHCT - reimbursement insurance	(6,635.66)	
Northern Powergrid	(2.00)	
	(8,191.26)	
Deduct: Payments made in advance (prepayments) (enter these as negative numbers)		
Vision ICT - hosted email accounts	(580.00)	
HCHCT - room hire for NOV event	(100.00)	
Time In Time Out - TiTo APR	(210.00)	
	(890.00)	
Total deductions		(9,081.26)
Add:		
Creditors (must not include community infrastructure levy (CIL) receipts)		
Grant to Holme Valley Lions	435.00	
Maintenance - seats & shelters	687.70	
Maintenance - toilets	937.75	
Expenses - toilets	71.26	
Meltham Town Council - ticket	29.17	
HCHCT - room hire Parish Meeting	96.00	
BT - internet and phone MAR	47.46	
Parkinson Partners VAT advice	800.00	
Donation to River Holme Connections	435.00	
	3,539.34	
Add:		
Receipts in advance (must not include deferred grants/loans received)		
Allotment Rent - MB	30.00	
Garage Rent - BB	240.00	
Allotment Rent - AH	48.00	
	318.00	
Total additions		3,857.34
Box 8: Total cash and short term investments		151,645.81

Explanation of variances – pro forma

Name of smaller authority: Holme Valley Parish Council
County area (local councils and parish meetings only): Kirklees, West Yorkshire
Insert figures from Section 2 of the AGAR in all Blue highlighted boxes

Next, please provide full explanations, including numerical values, for the following that will be flagged in the green boxes where relevant:

- variances of more than 15% between totals for individual boxes (except variances of less than £200);
- New from 2020/21 onwards: variances of £100,000 or more require explanation regardless of the % variation year on year;

	2023/24 £	2024/25 £	Variance £	Variance %	Explanation Required?	Automatic responses trigger below based on figures input, DO NOT OVERWRITE THESE BOXES	Explanation from smaller authority (must include narrative and supporting figures)
1 Balances Brought Forward	253,277	221,342				Explanation of % variance from PY opening balance not required - Balance brought forward agrees	
2 Precept or Rates and Levies	284,924	327,934	43,010	15.10%	YES		The budget of the Parish Council actually reduced from £336,720 to £332,260 from 2023/24 to 2024/25. The reasons for the precept going up was principally because the Parish Council needed significantly more money to fund new earmarked reserves it set up 2024/25 (£30,000 for The Civic; £5,000 for public transport; £5,000 for tourism; £3,800 for dog waste) and to ensure it had as per the JPAG Practitioners' Guide, 3 months net revenue expenditure available in general reserves as a contingency fund. To that end, £16,453 from the precept contributed directly to general reserves. In addition, £7,000 from the precept went directly into the Elections earmarked reserve (to be added to annually until the next full Council Election), and £9,453 into the £30,000 earmarked reserve for The Civic.
3 Total Other Receipts	19,861	22,371	2,510	12.64%	NO		
4 Staff Costs	85,328	91,574	6,246	7.32%	NO		
5 Loan Interest/Capital Repayment	0	0	0	0.00%	NO		
6 All Other Payments	251,392	323,203	71,811	28.57%	YES		The biggest contributor to this increase in All Other Payments was expenditure on The Civic, a building which the Parish Council owns but which is managed by a charitable trust. In 2023/24 expenditure by the Parish Council on The Civic was £19,396. In 2024/25, expenditure on The Civic was £88,998. Much of this was planned, and paid from earmarked reserves, and represents an ongoing commitment of the Parish Council to the building. However, £26,508 was unanticipated additional emergency expenditure to fix the roof and other urgently needed repairs. In addition to this, Council Office Expenditure went somewhat overbudget to fund financial advice (£800) on the nature of the relationship between the Parish Council and The Civic charitable trust, and the ability to reclaim VAT on building work. Other notable expenditure was that the Parish Council's insurance premium increased from £8,937 to £11,851 on the back of a new valuation of The Civic at just under £10,000,000. The Parish Council also paid £5,500 in grants/donations to a local food bank which was struggling to meet need over Christmas. Whilst they remained in budget, expenditure on the Parish Council's grants budget lines were around £5,000 higher than the previous year, - £64,539 against £59,706. Through its earmarked reserves, the Parish Council also paid out £7,676 this year (against £474 last year) on road calming measures (purchase of two speed cameras and parking bollards for schools). The Parish Council has plans to develop the public toilet block in Holmfirth, and this meant that expenditure increased from £566 last year to £3,350 this year, with more anticipated in the year ahead. Finally, the Parish Council committed to pay for a full year to fund youth work in the Holme Valley, - paying for a youth worker to facilitate youth clubs, - meaning £25,000 was paid out against the £14,000 for the part-year in 2023/24. Against, these increases a few budget lines did reduce, - Elections from £24,860 to £9,016 and Honley Library from £25,000 to £15,080;
7 Balances Carried Forward	221,342	156,870				VARIANCE EXPLANATION NOT REQUIRED	
8 Total Cash and Short Term Investments	231,312	151,646				VARIANCE EXPLANATION NOT REQUIRED	
9 Total Fixed Assets plus Other Long Term Investments and Assets	5,282,130	5,281,344	-786	0.01%	NO		
10 Total Borrowings	0	0	0	0.00%	NO		

Rounding errors of up to £2 are tolerable
Variances of £200 or less are tolerable

Contact details

Name of smaller authority: **Holme Valley Parish Council**

County Area (local councils and parish meetings only): **Kirklees, West Yorkshire**

Please complete this form and send it back to us with the AGAR or exemption certificate

	RFO (Main contact)	Clerk
Name	Richard McGill	Jennifer McIntosh
Address	Holme Valley Parish Council The Civic Huddersfield Road Holmfirth HD9 3AS	Holme Valley Parish Council The Civic Huddersfield Road Holmfirth HD9 3AS
Daytime telephone number	01484 687460	01484 687460
Mobile telephone number	[REDACTED]	[REDACTED]
Email address	deputyclerk@holmevalleyparishcouncil.gov.uk	clerk@holmevalleyparishcouncil.gov.uk

	Chairman
Name	Cllr Glenn Kirkby
Address	[REDACTED]
Daytime telephone number	[REDACTED]
Mobile telephone number	[REDACTED]
Email address	cllrglennkirkby@holmevalleyparishcouncil.gov.uk



26th May 2024

Regarding the draft final accounts for the financial year ending 31st March 2025, I declare that the Accounting Statements as published are unaudited and may be subject to change.

A handwritten signature in grey ink, appearing to read 'RM McGill', is positioned above the printed name.

Rich McGill

Responsible Finance Officer and Deputy Clerk of Holme Valley Parish Council



30th January 2024

To Amy Whibley
Senior Finance Officer
Kirklees Council

Dear Amy Whibley

Re. the Precept and Budget for Holme Valley Parish Council for the year 2024/25

I am writing to confirm that at the Full Council Meeting on 29th January 2024 Holme Valley Parish Council resolved to approve adoption of a budget for 2024/25 of £332,260.

Within this budget, the Parish Council calls on Kirklees Council for the following amounts:

- Precept **£327,934** ($10741.38 \times £30.53$ Band D, an increase of £3.35 = £327934.3314)
- Special Expenses Grant **£3,437** ($10741.38 \times £0.32$ = £3437.2416)

The total amount due from Kirklees Council will be **£331,371**.

We would appreciate receiving the money in two instalments as 2023-24.

Yours sincerely

Jennifer McIntosh
Clerk to Holme Valley Parish Council

CORRESPONDENCE REGARDING THE VISIONING EXERCISE - JUNE 2025

Thursday 5 June 2025

Subject: Instruction to undertake a visioning exercise for the Civic from Holme Valley Parish Council

FAO Tim Mosedale, Mosedale Gillatt Architects

Good afternoon, Tim

As you are aware, Holme Valley Parish Council, working in partnership with our colleagues at Holmfirth Civic Hall Community Trust, are looking to commission Mosedale Gillatt Architects to develop a vision for the future development of the Civic.

Instruction for Mosedale Gillatt Architects regarding visioning exercise

Holme Valley Parish Council instructs Mosedale Gillatt Architects to facilitate a visioning exercise regarding the future possible development of Holmfirth Civic Hall.

Holme Valley Parish Council accepts the quotation for the work provided by Mosedale Gillatt Architects and, in principle, the scope of activities as follows:

Scope.

(This is substantially the brief you provided to HCHCT back in October, Tim, reworded in places to be an instruction from the Parish Council.)

To prepare a 'Vision' for the future of The Civic and help create a way forward to reinstate the building at the heart of the Community and ensure its success in the future.

Working closely with the Parish Council and Holmfirth Civic Hall Community Trust Trustees through a Vision Working Group throughout the development, the intention would be to look at every aspect of the building, assessing how it is used now and how it might be used in the future.

The document would highlight both constraints and opportunities and ultimately provide up to three different options for the entire building.

The Working Group of the Parish Council and Trustees will play a key role in the development of the designs – Mosedale Gillatt Architects to share design ideas as they develop.

Once three different options have been developed and then discussed, the scope will allow for the development of a '**preferred scheme**' that takes the best elements out of all the earlier options. At this point, or possibly sooner, the Working Group may choose to consult on the emerging designs. Mosedale Gillatt Architects to be involved in/ facilitate any consultation events or presentations in relation to the project.

Mosedale Gillatt Architects drawings will be coloured and easy to read with helpful annotation and will also include 3D sketches, coloured plans and a summary report. This

information to be easily transferrable to boards for public display or used to submit as part of future funding bids for example. They could also be displayed in the new Foyer or on notice boards outside to raise the profile of the Civic and start to raise interest and develop both audience and volunteer capacity for the building.

Key outputs would include:

1. **Client workshop at The Civic – The Brief:** This is to establish the brief, assess the constraints and opportunities and confirm the needs of both current and potential user groups. Opportunity to discuss potential funders, stakeholders and ultimately the aspirations of the project in detail. This will set the ‘benchmark’ and brief for the design options that follow. As the design develops in the later stages, this brief may evolve with them. **SEE NOTE AT END.**
2. **Outline proposals / options:** Prepare outline design proposals (based on the brief) in sketch form for discussion – this will include coloured plans, 3D sketches and precedent illustrations showing different ways of delivering the brief. Suggested that 3 options are developed at this stage (there may also be minor variations to each one) - but the intention here is to make sure all opportunities have been considered. This will act as an ‘audit trail’, recording what was looked at and why decisions were made.
3. **Client Workshop at The Civic – Design:** discussion and presentation of the emerging designs and options. Following this, Mosedale Gillatt Architects will make any amendments.
4. **Planning Pre- application:** if agreed Mosedale Gillatt Architects to submit the options as part of a Planning ‘Pre-application’. This is the only way to get comments from the Planning Authority and can take about 4-6 weeks, but it will provide a formal response and include comments from Highways, Environmental, Ecology etc as well – and hopefully draw out any potential issues at this early stage. Should the scheme progress to a full Planning approval later this will be in the knowledge that their concerns have been resolved and will reduce risk. At this time Mosedale Gillatt Architects will also discuss the options with the Conservation Officer.
5. **Consultation – stakeholders/wider public:** Mosedale Gillatt Architects see this as being led by Holmfirth Civic Hall Community Trust/Holme Valley Parish Council working group but Mosedale Gillatt Architects can attend any workshops if needed (see Fees section below). Managing expectations is important, so working group may choose to be selective about which options are shared – often it can be drawings that ‘ask questions’ rather than provide solutions. Mosedale Gillatt Architects has included for preparing A1 coloured sheets of our drawings for display but not the printing or mounting on boards etc.
6. **Budget costs:** Mosedale Gillatt Architects would recommend that some or all the options are budget costed by a QS to help inform the decision-making process.
7. **Project issues:** Mosedale Gillatt Architects would be able to advise on the different options, identify opportunities for phasing the works, project timelines and future costs (with the QS) to help create a realistic programme and budget. Mosedale Gillatt Architects would also highlight any issues in relation to the potential impact on current operations. Proposals would include suggestions for the front entrance external areas and access.
8. **Preferred option & Final Report:** following the above process Mosedale Gillatt Architects could prepare a ‘Preferred Option’ which will draw on the comments received and any client decisions, this would be costed and included within a final written report that will record the process undertaken. Drawing and images from the report can be used for further marketing / display as required.

9. **Other consultants:** a Quantity Surveyor will be required for budget costs, Mosedale Gillatt Architects believes it can introduce outline comment from the Structural engineer and Services consultant if required. Please see below.

Fees:

1. **Architectural Fees:** To carry out the above fee would be **£6,921** excluding VAT but including travel. Allows for two face to face meetings at Holmfirth.
2. **Consultation with stakeholders:** Mosedale Gillatt Architects would welcome the opportunity to be involved if desired. An open day or presentation could be held on Teams at no charge, or if there is a presentation/ half day event in Holmfirth attendance of Tim Mosedale for **£650/day** including travel.
3. **Consultants:**
 - a. Quantity Surveyor **£1350** (budget cost to 3 options, and one final option cost). Site meeting would be an additional **£550** including travel but hopefully financial meetings could be held on Teams if required.
 - b. Service consultant: **£800** Clarke Degnan have confirmed this fee for high level commentary on the proposed drawings, to include approaches to sustainability as well as future M&E services.
 - c. Structural engineer: may not need input from JCC but suggest **£800** to cover their time for review and comment if required.
4. **Surveys:** The existing drawings held by Holmfirth Civic Hall Community Trust are not 100% accurate, and Mosedale Gillatt Architects would need accurate drawings to complete the study. Tim Mosedale happy to make a start on the drawings that are provided; Mosedale Gillatt Architects have also asked for two quotations from survey companies that have been forwarded on to HOLMFIRTH CIVIC HALL Community TRUST. This will allow Mosedale Gillatt Architects to have accurate information to design from and will also be a requirement for any future planning application. As a guide Tim Mosedale would think it could be in the region of **£2,500**. A concerted start can be made using what Mosedale Gillatt Architects have.

It is noted from the indicative grant application initially submitted by Holmfirth Civic Hall Community Trust that your fees are currently estimated as a total of £17,096 excluding VAT, £22,904 including VAT.

Notes from Mosedale Gillatt Architects:

1. All fees are exclusive of VAT but include travel and reasonable expense.
2. Any fees for a planning 'pre-application' are excluded.
3. Costs for printing or mounting consultation boards etc are excluded.

Notes from Holme Valley Parish Council:

The Client Workshop listed as the first key outcome to develop the brief to take place on **Monday 4 August 2025 7-9pm** at the Civic.

This may include all members of Holme Valley Parish Council and Holmfirth Civic Hall Trust and will:

- i. Take input from HOLME VALLEY PARISH COUNCIL on ideas for the future development of the Civic and desired elements/outcomes of the visioning exercise.
- ii. Take input from HOLMFIRTH CIVIC HALL COMMUNITY TRUST on ideas for the future development of the Civic and desired elements/outcomes of the visioning exercise.
- iii. Identify and agree common ground.

- iv. Outline what Mosedale Gillatt Architects propose regarding progressing the visioning exercise as set out in first key outcome above.

Please do let me know if you have any queries regarding this instruction.

Jen McIntosh – Clerk
Acting on behalf of Holme Valley Parish Council

Tuesday 10 June 2025

Dear Jen

Many thanks for your appointment e mail below, it is much appreciated and we are looking forward to working with you and the team on this exciting project.

I can confirm I will be able to attend the proposed meeting on Monday 4 August 2025 between 7-9pm. During this workshop I will cover all aspects of item 1 (in Key Outputs below), but I also intend to bring some initial drawings/suggestions from item 2 (early thoughts on initial options) – this will be in the form of sketches and drawings to help steer the conversation and explore what may / may not be possible from the study as it develops after the workshop. I am looking forward to sharing initial ideas and listening to the views of everyone at the meeting.

Finally, please can you clarify if all the fees identified below (in red) are confirmed - or is it just the architectural fees (£6921)? I am particularly keen to arrange the measured survey (Fees: item 4 - £2500)) as this can take a couple of weeks to organise and then undertake.

I look forward to hearing from you – in the meantime if you have any other queries please don't hesitate to get in touch.

Kind regards
Tim

Wednesday 11 June 2025

Hi Tim

Great to get your response – very much looking forward to meeting you on 4 August.

Regarding fees, yes, the Parish Council **APPROVED** a visioning exercise and report costing up to £20,000 be commissioned and paid for by Holme Valley Parish Council in the financial year 2025-26. This money is in the budget. For clarity, the Parish Council expects to be able to claim back all VAT associated with the project.

It would be helpful if you could now draw up a quotation of costs, addressed to Holme Valley Parish Council (based on those costs detailed below but making clear, for example how much time you anticipate you'll be spending on consultation with stakeholders as part of the project), that I can present to the Council for approval. Our next meeting is 23 June, meaning I could

really do with receiving this by 5pm Monday 16 June so it can be included in papers which will be sent out on Tuesday 17 June. Further to that, invoices for works associated with this project should be addressed to the Parish Council and emailed to me.

Thank you again, Tim, on behalf of all at Holme Valley Parish Council.

Kind regards

Jen McIntosh

ENDS.