

DIDDLEBURY PARISH COUNCIL

Chairman – Cllr. David Hedgley

Clerk – Mrs J de Rusett, 12 Church Road, Brampton Bryan, Bucknell, SY7 0DH
Tel: 01547 519282 “e” mail: diddleburypc@gmail.com
Website: www.diddleburyparish.co.uk

Analysis of possible breaches of procedure/regulations relating to the resurfacing works carried out at the Diddlebury Village Hall and the school car park and playground

Source material No. 1- Arnold Baker on Local Council Administration.

“Agenda: 7.5 ... The summons (agenda) must specify the business which it is proposed to transact in such a way that the member who receives it can identify the matters which they will be expected to discuss. A local council cannot lawfully decide any matters which are not specified on the summons”

Equally, a purpose of an agenda is to notify ratepayers in the parish of what the parish council is intending to do so they have an opportunity to have their say.

The resurfacing business was not on the Agenda for the 27th July 2022 as the Clerk had not been alerted to the possibility of it being raised. We believe however that the information set out in the Minutes of 27th July fully explained to parishioners what was being proposed and how it was to be funded. No objections were raised.

Source material No. 2 - DPC’s Standing Orders

Standing Order 17 (b) states that all payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s Financial Regulations.

The actual payments were approved in council, in September.

Source material No. 3 - DPC’s Financial Regulation reviewed and adopted on 28th April 2018

Financial Reg No.1.7 states members of council are expected to follow the Instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations bring the office of councillors into disrepute.

Financial Reg. 4 - Budgetary control and authority to spend

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

- The council for items over £1,000
- A duly delegated committee of the council for items over £500, or
- The Clerk in conjunction with the Chairman of Council for any items below £500

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

The Clerk was not available to deal with this procedural step.

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

Councillors were kept fully informed by the Chairman as the contract negotiations proceeded.

10 - Orders for work, goods and services

10.3 All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate supplier, subject to any de minimis provisions in Reg. 11

With guidance from SALC in the Clerk's absence, the Chairman complied by obtaining three quotations for the works.

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

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

Due to the circumstances which prevailed at the time, 10.4 above could not be followed. The parish council is aware of its failures and will endeavour to fully comply in the future with the rules to which it is subject. The council reiterates that no losses were sustained by the ratepayers and the resulting works were well received and appreciated.