

Minutes of the meeting of Olney Town Council
Held on Monday 14 January 2019 at 7.30 pm
at The Olney Centre

Present: Jeremy Rawlings, Deirdre Bethune, John Boardman, Stephen Clark, Paul Collins, Desmond Eley, Joanne Eley, Tony Evans, Peter Geary, Graham Harrison, Malcolm Messenger, Dr Sally Pezaro, Colin Rodden, Chris Tennant, Kevin Viney

In attendance: Liam Costello (Town Clerk), and 1 member of the public.

Public Forum:

1. Apologies for absence

All present.

2. Declarations of interests on items on the agenda

None declared.

3. Standing Orders – To consider proposed changes.

The council considered the changes to the Standing Orders as proposed by the working group, based upon their review of the Model Standing Orders, and made the following amendments.

- Standing Order 3.c add ‘unless the meeting is convened at shorter notice’ to end of paragraph

The Town Clerk advised that this was not legally compliant with the Local Government Act 1972 Schd 12A para 10(2), but the council ignored the advice.

- Standing Order 3.e “Members of the public who are Parishioners, representatives of Olney businesses, Olney organisations or council invited attendees may make representations.....”
- Standing Order 3.f “The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting”

- Standing Order 3.g “Members of the public shall be permitted to speak on a maximum number of two agenda items during the course of a meeting, following the introduction of the item”
- Standing Order 3.i last sentence to read “The chairman of the meeting shall direct that a written or oral response be given at the meeting or 10 working days thereafter”.
- Standing Order 3.m to read “A person attending a meeting is permitted to record the proceedings and members of the public shall be given the opportunity to move to a position where they cannot be recorded”

The Town Clerk advised that The Openness of Local Government Bodies Regulations 2014 do not allow for people attending meetings not to be recorded.

- Standing Order 3.n to read “A person recording the meeting proceedings shall be requested to give prior notice to the Chairman who shall inform all attendees.”

The Town Clerk advised that The Openness of Local Government Bodies Regulations 2014 do require prior notice to be given.

- Standing Order 3.s “The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.”

The Town Clerk advised that the Local Government Act 1972 Schd 12 Para 39(2) states that the chairman “**shall** have a second or casting vote”

- Standing Order 3.u.ii “the names of councillors who are present and the names of councillors who are absent”
- Standing Order 3.u.iii “interests that have been declared by councillors and non-councillors with voting rights and the record shall include whether such interest is pecuniary or non-pecuniary together with the nature of the interest”
- Standing Order 4.d.ii “shall determine and fix the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council and these dates shall not be adjusted except in extraordinary circumstances or an emergency”
- Standing Order 4.d.iv “shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such committees”
- Standing Order 4.d.vi “shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee”

- Standing Order 4.d.vii “shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee”
- Standing Order 4.d.viii delete "clear days" at end
- Standing Order 4.d.x add “or subcommittee”
- Standing Order 7.a add “or subcommittee.
- Standing Order 8.a “Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting”

The Town Clerk advised that the Local Government Act 1972 Schd 12 Para 39(2) states that the chairman “shall have a second or casting vote”

- Standing Order 13.d – deferred until Annual Meeting for advice to be sought from Monitoring Officer.
- Standing Order 15.b.xviii “Perform all other duties as recorded in the agreed job description of Olney Town Clerk or reasonably requested by the council or committee”
- Standing Order 17.c.i “the Council’s income and expenditure for each quarter”
- Standing Order 17.d.i “each councillor with a statement summarising the Council’s income and expenditure for the last quarter and the full year for information.
- Standing Order 17.d.ii “to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval”
- Standing Order 17.e “The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors before the end of May. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June”

- Standing Order 18.a.v. “whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise which will be subject to full council approval”
- Standing Order 18.d.v. “tenders shall be opened by the Proper Officer in the presence of the chairman of Finance and Recreation and Services committees or other councillors nominated by such appropriate chairman after the deadline for submission of tenders has passed”
- Standing Order 18.e “Neither the Council nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender. The reason for non-acceptance shall be recorded.
- Standing Order 19.b “Subject to the Council’s policy regarding absences from work, the Council’s most senior member of staff shall notify the chairman of the HR committee or, if he is not available, the HR committee of absence occasioned by illness or other reason at its next meeting”
- Standing Order 19.c “The HR committee shall upon a resolution appoint up to 3 people to conduct the appraisal of the Town Clerk, to include chairman of HR Ctte and external support if necessary. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the HR committee
- Standing Order 19.d “Subject to the Council’s policy regarding the handling of grievance matters, the Council’s most senior member of staff (or other members of staff) shall contact the chairman of the HR committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the HR committee”
- Standing Order 19.f “Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure”
- Standing Orders 19.g,h and i – Deferred until Annual Meeting for advice to be sought from MKC.
- Standing Order 21.a “The Council may appoint a Data Controller”
- Standing Order 24.b “a copy of each letter sent to the Unitary Council shall be sent to the ward councillors representing the area of the Council”

RESOLVED: To approve the above list of amendments

4. Financial Regulations - To consider proposed changes

The council considered the changes to the Standing Orders as proposed by the working group, and made the following amendments:

- Financial Regulation 1.5 “At least once a year, prior to approving the Annual Governance and Accountability Return, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices”
- Financial Regulation 2.2 “On a regular basis, at least once in each quarter, and at each financial year end, a member of the Finance Committee by rotation of no less than three members shall be appointed to verify bank reconciliations for all accounts produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance Committee”
- Financial Regulation 3.1 “The RFO must each year, by no later than 15th January, prepare detailed estimates of all income and expenditure including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance Committee and the council”
- Financial Regulation 4.1 “a duly delegated committee of the council for items over £2,000; or the Clerk for any items below £2,000”
- Financial Regulation 4.2 “No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate (‘virement’)”
- Financial Regulation 4.5 “In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk’s judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £4,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter”
- Financial Regulation 5.2 “The RFO shall prepare a schedule of payments made, forming part of the Agenda for the Meeting, and present the schedule to council. The council shall review the schedule for compliance. A detailed list of all payments shall be disclosed within the minutes of the

meeting. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information

- Financial Regulation 5.3 “All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure approved by the council”
- Financial Regulation 6.2 “All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services have been received, carried out, examined and represents expenditure approved by the council”
- Financial Regulations 6.5 “A schedule of payments made each month shall be presented to the council for review and oversee compliance with budget at the next available meeting”
- Financial Regulation 7.1 “As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council”
- Financial Regulation 7.3 “No changes shall be made to any employee’s pay, emoluments, or terms and conditions of employment without the prior consent of the council”.
- Financial Regulation 7.7 “Any proposal for termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council”
- Financial Regulation 11.1.d “When, in exceptional circumstances, applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council and shall be subject to full council approval”
- Financial Regulation 11.1.f “All sealed tenders shall be opened at the same time on the prescribed date by the Proper Officer in the presence of the chairman of Finance and Recreation and Services committees or other councillors nominated by such appropriate chairman in accordance with Standing Order 18.

RESOLVED: To approve the above list of amendments

5. **Scheme of Delegation - To consider proposed changes**

The council considered the changes to the Scheme of Delegation as proposed by the working group, and made the following amendments:

- Section 2.2.(3) “Authorisation of routine expenditure within the agreed budget up to a limit of £2,000”
- Section 2.2.(4) “Emergency expenditure up to £4,000 outside the agreed budget”
- Section 4.1.(2).(f). “Confirmation of arrangements for insurance cover in respect of all insurable risks”
- Section 4.1.(5) “To make recommendations and to receive reports from the HR Committee on staff establishment and salaries”
- Section 4.1.(9) “Approval of expenditure up to a limit of £10,000 on items within the committee’s area of responsibility up to the amount specified and included in the budget”
- Section 4.2.(12) “Approval of expenditure up to a limit of £10,000 on items within the committee’s area of responsibility up to the amount specified and included in the budget”
- Section 4.3.(4) “Approval of expenditure up to a limit of £10,000 on items within the committee’s area of responsibility up to the amount specified and included in the budget”
- Section 4.4.(2) “To make representations to the Local Planning Authority (LPA) on applications for planning permission which have been notified to the council”
- Section 4.4.(3) “To appoint a representative to attend and address the relevant LPA committee whenever a request to refer an application to Committee or Panel has been made by the Planning Committee.”
- Section 4.4.(8) “Approval of expenditure up to a limit of £10,000 on items within the committee’s area of responsibility up to the amount specified and included in the budget”
- Section 4.5.(3) “To conduct the appraisal of the Town Clerk by up to 3 people, to include chairman of HR Ctte and external support if necessary”.
- Section 4.5.(4) deferred for advice to be sought from HR Consultant
- Section 4.5.(5) “To submit items within the committee’s remit for inclusion in the budget for the following year”

- Section 4.5.(6) “Approval of expenditure up to a limit of £10,000 on items within the committee’s area of responsibility up to the amount specified and included in the budget”
- Sections 4.6.(4) to (7) deleted.
- Section 4.7.(5) “To make recommendations on projects to council for approval”
- Section 4.7.(6) “To submit items within the committee’s remit for inclusion in the budget for the following year”
- Section 4.7.(8) “The committee shall consist of 10 councillors”

RESOLVED: To approve the above list of amendments