

Bicester Town Council



Bicester Town Council Meeting

Ref: BTC07/2021

Monday 8th March 2021 - 19:00hrs by Zoom (please see Agenda for login details)

Circulation: Town Mayor - Councillor Jason Slaymaker

Members:

Cllr Jason Slaymaker – **Chairman**, Cllr Nick Mawer– **Vice-Chairman**
Cllr Nick Cotter, Cllr Dan Hallett, Cllr Harry Knight, Cllr Zoe McLernon,
Cllr James Metcalf, Cllr Richard Mould, Cllr Robert Nixon, Cllr Lynn Pratt, Cllr Dan
Sames, Cllr Les Sibley, Cllr Alex Thrupp, Cllr Fraser Webster

Other Circulation:

Cllr Lawrie Stratford – OCC, Cllr Michael Waine – OCC, Cllr Tom Wallis – CDC,
Cllr Lucinda Wing – CDC



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Tuesday 2nd March 2021

Sir/ Madam

You are summoned to attend a meeting of the **Bicester Town Council Committee** will be held on **Monday 8th March 2021** at **19:00hrs** on Zoom.

In line with the Coronavirus Act 2020 and subsequent regulations governing local authorities' meetings, the Council will be holding this meeting via the online video conference facility, Zoom.

To join the Zoom meeting follow this link:

<https://us02web.zoom.us/j/87448401998>

Meeting ID: 874 4840 1998

Password: (to ensure online security it is recommended that meeting passwords are not publicised and are given directly to those intending to attend the meeting. Please therefore email enquiries@bicester.gov.uk for the password at least 24 hours before the scheduled meeting date). Telephone number to join by audio only: 0203 051 2874 (you will be prompted to enter the meeting ID and password before joining the meeting).

Samantha Shippen
Chief Officer

Agenda

All Council Meetings are open to the public and press, unless otherwise stated.

1. Apologies for Absence

To consider apologies and reasons for absence. Committee members who are unable to attend the meeting should notify the Chief Officer (samantha.shippen@bicester.gov.uk) prior to the meeting, stating the reason for absence.

2. Declarations of Interest

Councillors are reminded to declare any interests on any item on this Agenda in accordance with Bicester Town Council's Code of Conduct.

3. Public Session

In accordance with Standing Orders 1 d-f, members of the public may make representations, ask questions and give evidence in respect of any item of business included in the agenda.

Time allocated shall not exceed 10 minutes. No member shall speak for more than 2 minutes.

4. Representative of Thames Valley Police

Committee is requested to consider an update given by Thames Valley Police.

5. Minutes of the Town Council Meeting

To confirm the minutes and **RESOLUTIONS** contained in the minutes of the following Town Council meeting:

BTC06/2021 – 18 January 2021

6. Minutes of the Environment Committee Meeting

To confirm the minutes and **RESOLUTIONS** contained in the minutes of the following Environment Committee meeting:

ENV05/2021- 25 January 2021

7. Minutes of the Finance Committee Meeting

To confirm the minutes and **RESOLUTIONS** contained in the minutes of the following Finance Committee meeting:

FIN05/2021 – 16 February 2021

8. Minutes of the Planning Committee Meetings

To confirm the minutes and **RESOLUTIONS** contained in the minutes of the following Planning Committee meetings:

PL09/2021 – 11 January 2021

PL10/2021 – 8 February 2021

9. Questions on Working Parties and Other Groups

Members are asked to raise any questions they may have regarding the minutes of Working Parties and Other Groups contained in the Minute Book.

10. Report from Oxfordshire County/Cherwell District Councillors

A report may be delivered to Bicester Town Council from Oxfordshire County and Cherwell District Councillors.

11. Report of the Town Mayor

- **February 28** - Cllr Nick Mawer, Deputy Mayor, attended Lord Mayor of Oxford Virtual European Reception.

12. Standing Orders

At the meeting held 18 January a proposal to permanently revoke Standing Orders version 19 and add Standing Orders 20 was proposed and seconded. This proposal is laid on the table for approval.

13. Draft Calendar of Meetings

Council is asked to consider the attached report.

14. Review of Internal Control

Council is asked to consider the attached report.

15. Review of Risk Management

Council is asked to consider the attached report.

16. Members Allowances

Council is asked to consider the attached report from Cherwell District Council and confirm allowances for 2021/22.

17. Exclusion of Press & Public

RECOMMENDED

That in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the public and press be excluded from the meeting during the consideration of the items set out below on the grounds that publicity would be prejudicial to the general interest by reason of the confidential nature of the business to be transacted.

18. Containing Outbreak Management Fund

Council is asked to consider the attached report.

19. Date of Next Meeting – 18 May 2021 – 7pm (*subject to confirmation at earlier agenda item*).

Close of Meeting:

BICESTER TOWN COUNCIL

Monday 8th March 2021

Standing Orders Review

Chairman: Councillor Jason Slaymaker

Telephone: 07512 902386 jason.slaymaker@bicester.gov.uk

Contact Officer: Samantha Shippen – Chief Officer

Telephone: 01869 252915 samantha.shippen@bicester.gov.uk

Ward Affected: All Wards

1. Background

- 1.1 The Council's Standing Orders were last reviewed in 2017/18 with adoption by Council on 18 May 2018.
- 1.2 Shortly after adoption, NALC issued a new model document to take account of changes to data protection and improved advice around both public recording and code of conduct changes.
- 1.3 The Chief Officer has undertaken a review of existing Standing Orders against the NALC model and produced a Draft Standing Orders version 20 for consideration (Appendix 1). The review has been to Policy Committee on 21 December 2020 as required under Standing Order 28b and is now recommended by the Policy Committee to Council for adoption.
- 1.4 It was proposed and seconded at the meeting of 18th January 2021 to permanently revoke Standing Orders version 19 and add version 20. This motion lays in the table for approval

2. PROPOSAL

It is proposed to permanently revoke Standing Orders version 19 and add Standing Orders version 20.



BICESTER TOWN COUNCIL

STANDING ORDERS

These Standing Orders were approved by a Meeting of the Council held on **DATE**

Some of the standing orders are compulsory as they are laid down in Acts of Parliament. These are printed in ***CAPITAL, BOLD, ITALICS*** type. These standing orders cannot be altered.

Signed

A handwritten signature in black ink, appearing to read 'S. Shippen'.

**Mrs S Shippen
Chief Officer**

Date ... **DATE**

Version No 20

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1 Meetings

Mandatory for full Council meetings	*
Mandatory for committee meetings	**
Mandatory for sub-committee meetings	***

- * a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.**
- *
** b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- *
** d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Subject to standing order 1(d) above, members of the public are permitted to make representations, ask questions and give evidence in respect of any item of business included in the agenda.
- f The period of time which is designated for public participation in accordance with standing order 1(d) above] shall not exceed 10 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 1(e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 2 minutes unless directed by the chairman of the meeting.
- h In accordance with standing order 1(e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- i In accordance with standing order 1(e) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an officer for a written or oral response.
- j A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- * k A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chairman may at any time permit an individual to be seated when speaking.
- l Any person speaking at a meeting shall address his comments to the Chairman.

- m Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- n **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- o **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission**
- * ** p In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman (Town Mayor) may in his absence be done by, to or before the Vice-Chairman (Deputy Mayor).**
- * r **The Town Mayor if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Town Mayor and the Deputy Town Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- * ** *** s **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- * ** *** t **The Chairman 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. (See also standing orders 2 (h) and (i) below.)**
- * ** *** u **Unless standing orders provide otherwise, voting on any question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before the vote is taken.**
- * ** *** v **The minutes of a meeting shall include an accurate record of the following:**
 - i. the time and place of the meeting;
 - ii. **the names of councillors who are present** and the names of councillors who are absent, reporting those who have conveyed apologies;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and the resolutions made.
- * ** *** w **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.**

- *
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*** X **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- *
** y **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3.**
- *** z Sub-committees shall have a quorum of 3.
- *
**
*** aa **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- bb Meetings shall not exceed a period of 2 hours unless specifically agreed otherwise.
- *
**
*** cc The Chief Officer may change the date of a meeting in consultation with the Chairman of the meeting concerned.

2 Rules of debate

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been proposed and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.

- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;

- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

3 Ordinary Council meetings

See also standing order 1 above

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council may direct.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e The election of the Town Mayor and Deputy Town Mayor of the Council shall be the first business completed at the annual meeting of the Council.
- f The Chairman of the Council, (Town Mayor) unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, (Deputy Town Mayor) unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council (Town Mayor) has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council (Town Mayor) has been elected. The current Chairman of the Council (Town Mayor) shall not have an original vote in respect of the election of the new Chairman of the Council (Town Mayor) but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must

give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council (Town Mayor) and Vice-Chairman (Deputy Town Mayor) of the Council at the annual meeting of the Council, the order of business can be as follows.
 - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Appointment of standing committees, confirmation of the terms of reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them, including the appointment of Chairman to each.
 - iv. Review of representation on or work with external bodies and arrangements for reporting back.
 - v. In a year of elections, if a Council's period of eligibility to exercise the power of competence being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
 - vi. Setting the dates, times and place of ordinary meetings of the Council and committees for the year ahead.

4 Committees and Sub-Committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the

terms of office of members of such a committee;

- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer ~~(—) days before the meeting~~ that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall determine if the public may participate at a meeting of a committee;
- viii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- x. may dissolve a committee or a sub-committee.

5 Extraordinary Meetings of The Council, Committees and Sub-Committees

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee [or the sub-committee], any two members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee (or a sub-committee).

6 Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents

- b In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 5 clear working days before the next meeting.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 5 clear working days before the meeting.
- e If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- f Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and appropriate records kept which shall be open to inspection by all councillors.
- h Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection. Appropriate records shall be kept and shall be open to inspection by all councillors.
- i Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

7 Motions at a meeting that do not require written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. to move to a vote.
 - iii. To correct an inaccuracy in the minutes of the previous meeting.
 - iv. To alter the order of business on the agenda for reasons of urgency or expedience.
 - v. To proceed to the next business on the agenda.
 - vi. To close or adjourn debate.
 - vii. To refer by formal delegation a matter to a committee or to a sub-

committee or an employee.

- viii. To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- ix. To receive nominations to a committee or sub-committee.
- x. To require a report and/or recommendations be made by a committee or a sub- committee or an employee.
- xi. To require a report and/or recommendations made by a professional advisor, expert or consultant.
- xii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xiii. To extend the time limit for speeches.
- xiv. To exclude the press and public for all or part of a meeting.
- xv. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xvi. To give the consent of the Council if such consent is required by standing orders.
- xvii. To suspend any standing order except those which are mandatory by law.**
- xviii. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xix. To answer questions from councillors.
- xx. to temporarily suspend the meeting.
- xxi. To adjourn the meeting.
- xxii. to close the meeting.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

8 Code of conduct and dispensations

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He

may return to the meeting after it has considered the matter in which he had the interest.

- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 8(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 8(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

9 Code of Conduct Complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to

- investigate the complaint or is a legal requirement;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

10 Draft Minutes

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 7(a)(iii) above.
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

11 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion. .
- c If a resolution made in accordance with standing order 11(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

12 Previous resolutions

- a A resolution (whether affirmative or negative) shall not be reversed within 6 months except either by a special motion, the written notice by at least 5 councillors to be given to the Proper Officer, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order 12(a) above has been disposed of, no similar motion may be moved within a further 6 months.

13 Voting on appointments

Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

14 Management of Information

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

15 Execution and sealing of legal deeds

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **In accordance with a resolution made under standing order 15(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.**

16 Proper Officer

- a The Council's Proper Officer shall be either (i) the Chief Officer or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.
- b The Council's Proper Officer shall do the following.

- i. **At least three clear days before a meeting of the council, a committee or a sub-committee, serve on the councillors, by email delivery or post at their residences, a signed summons confirming the time, place and the agenda, (provided the councillor has consented to service by email);**
- ii. **Provide, in a conspicuous place, public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them);**
- iii. Subject to standing orders 6(a)–(e) above , include in the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it.
- iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office.**
- v. **facilitate inspection of the minute book by local government electors;**
- vi. **Receive and retain copies of byelaws made by other local authorities.**
- vii. Receive and retain declarations of acceptance of office from councillors.
- viii. Hold a copy of every councillor's register of interests.
- ix. Keep proper records required before and after meetings;
- x. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- xi. liaise, as appropriate, with the Council's Data Protection Officer;
- xii. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xiii. Assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xiv. Arrange for legal deeds to be executed;
- xv. Arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xvi. Record every planning application notified to the Council and the Council's response to the local planning authority in the electronic system for such purpose;
- xvii. Refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;

- xviii. manage access to information about the Council via the publication scheme;
- xix. Retain custody of the seal of the Council which shall not be used without a resolution to that effect;
- xx. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

17 Responsible Financial Officer

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

18 Accounts and Accounting Statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide (England).
- b All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed regularly and at least bi-annually by the Finance Committee.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable a statement to summarise in reports to the Finance Committee:
 - i. the Council's receipts and payments (or income and expenditure) for each period;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the period being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last period and the year to date for information; and
 - 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.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors prior to anticipated approval by the Council. 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.

19 Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, following review by the Finance Committee, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised via the Public Procurement website and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.

- 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.
- f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

20 Handling Staff Matters

- a A matter personal to a member of staff that is being considered by a meeting of Council or a committee or a sub-committee is subject to standing order 14.
- 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 Policy Committee or, if he is not available, the vice-chairman of the Policy Committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel sub-committee at its next meeting.
- c Councillors appointed by the Personnel Sub-Committee shall conduct a review of the performance and annual appraisal of the work of the Chief Officer. The reviews and appraisal shall be reported in Personnel Sub-Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the chairman of the Policy Committee or in his absence, the vice-chairman of the Policy Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Sub-Committee
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Chief Officer relates to the chairman or vice-chairman of the Policy Committee, this shall be communicated to another member of the Personnel Sub-Committee], which shall be reported back and progressed by resolution of the Personnel Sub-Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 14(a), persons with line management responsibilities shall have access to staff records referred to in standing order

20(f).

21 Responsibilities to provide information

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

22 Responsibilities under data protection legislation

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

23 Relations with the press/media

All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media.

24 Restrictions on councillor activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

25 Variation, revocation and suspension of standing orders

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion to the Council on the recommendation of the Policy Committee.

26 Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.

DRAFT

BICESTER TOWN COUNCIL

Monday 8th March 2021

Draft Calendar of Meetings 2021/22

Mayor: Councillor Jason Slaymaker

Telephone: 07512 902386 jason.slaymaker@bicester.gov.uk

Contact Officers: Samantha Shippen – Chief Officer

Telephone: 01869 252915 samantha.shippen@bicester.gov.uk

Ward Affected: All wards

1. Background

- 1.1 The draft schedule of meetings for 2021/22 is attached for consultation. Formal approval will be given to the schedule at the Annual Meeting of the Council.
- 1.2 The arrangements to hold virtual meetings under Statutory Instrument 392 - The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 currently cease on 6th May 2021. Therefore, it can be anticipated that “in person” meetings will be required to resume from 7th May onwards. These will be required to be “COVID secure” which will require an appropriate risk assessment to be in place as a business requirement. Although representations to government by national bodies and potential legal proceedings currently underway may alter this position, the Council needs to prepare a plan of action alongside consideration of the known restrictions as set out in the government Coronavirus roadmap.
- 1.3 Our Annual Meeting of Council was originally scheduled to take place on Monday 10th May 2021. We can be sure that at best step 2 of the roadmap will be in place at that time which would prevent a public meeting of the type for Annual Council Meeting taking place in person. It is therefore suggested that the meeting is moved back to Tuesday 18th May 2021, by which time step 3 may have been activated.
- 1.4 By law, the Annual Meeting of the Council must take place on a date in May each year. The Council could decide to hold the Annual Meeting virtually on or before Thursday 6th May. This does however conflict with being elections week and could compromise any councillor standing for election at district or county council, but is an option for consideration.
- 1.5 If step 3 of the government roadmap has been activated, then a provisional booking has been made at the JPIL Centre. Indoor events of 1,000 people or 50% of capacity (whichever is the lower) may take place, subject to COVID secure arrangements being in place. This meeting may have to be adjusted from our “usual” arrangements, Council is therefore requested to give delegated authority to the Chief Officer to make the best arrangements possible in light of government guidance, venue capacity and risk assessments. The arrangements will include invitees, catering and arrangements for Good Citizen and Grants awards.
- 1.6 If the Annual Meeting doesn't take place until 18th May, the Planning Committee and Events Working Party meetings scheduled for 11th & 12th May respectively, will effectively become meetings in the 2020/21 schedule. They will only be able to take place in person subject to a COVID risk assessment which the Chief Officer will need to oversee, otherwise they may need to be cancelled. The Chief Officer has existing

delegated authority to cancel or reschedule meetings and if required, respond to planning applications on behalf of the Council.

- 1.7 If the roadmap dates are changed and provisions to continue remote meetings are not in place, it may be impossible to carry out meetings. Consideration should therefore be given once again, to allowing for emergency decision making authority to be given to the Chief Officer in consultation with a group of councillors. Should this be required, a special meeting of Council will be called before 6th May to enable such delegation.

2. Recommendation

The Council is recommended to

1. **APPROVE** the draft schedule of meetings to be forwarded to the Annual Meeting of Council for adoption;
- 2 **AGREE** delegated authority to the Chief Officer to make the best arrangements possible for the Annual Meeting of Council in light of government guidance, venue capacity and risk assessments.



BICESTER
TOWN COUNCIL

CALENDAR OF MEETINGS 2021/22

	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6
Council	Annual Meeting 18 May (T)	21 June (incl Annual Governance & Accounts)	7 Sept (T)	16 Nov (T)	24 Jan (incl budget)	14 March
Environment Committee	24 May	19 July	20 Sept	22 Nov (Budget)	31 Jan	28 March
Finance Committee	8 June (T) (Year End)	26 July	5 Oct (T)	29 Nov (Budget)	8 Feb (T)	11 April (Incl Grant Aid) 7.30pm
Planning	11 May (T) 15 June (T)	12 July 9 August	13 Sept 11 Oct 8 Nov	13 Dec 17 Jan	21 Feb	21 March 25 April 7.30pm
Policy Committee	1 June (T)	2 August	25 Oct (Budget)	20 Dec	15 Feb (T)	5 April 7.30pm
Traffic Advisory @ 2.00pm THURSDAY	27 May	29 July	30 Sept	25 Nov	27 Jan	31 March
Personnel Sub-Committee WEDNESDAY	26 May (W)	28 July	6 Oct	1 Dec (Budget)	2 Feb	13 April 7.30pm
Events Working Group WEDNESDAY	12 May	7 July	8 Sept 3 Nov (Budget)	19 January		16 March

1. All meetings commence at 7.00pm unless otherwise stated
2. Other than the Annual Meeting of the Council, meetings will take place in the Council Chamber at The Garth, Launton Road, Bicester
2. **In 2022 the Annual Town Meeting will take place on**
3. In 2022 the Annual Meeting of the Council will take place on Monday 9th May at a venue to be advised
4. Changes to meeting dates, times and venue may occasionally occur, the Chief Officer has the authority to cancel or rearrange meeting dates and venue if required.
5. Working Party, Task and Finish Groups and Sub-committee meetings will be convened as required

BICESTER TOWN COUNCIL

Monday 8th March 2021

Review of the Effectiveness of Internal Control

Mayor: Councillor Jason Slaymaker

Telephone: 07512 902386 jason.slaymaker@bicester.gov.uk

Contact Officers: Samantha Shippen – Chief Officer

Telephone: 01869 252915 samantha.shippen@bicester.gov.uk

Ward Affected: All wards

1. Background

- 1.1 The Accounts & Audit Regulations 2015 regulation 6 requires smaller authorities, which includes town councils, to conduct a review of the effectiveness of the system of internal control.
- 1.2 The Council is required to be in a position to make a positive response to the statement “We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness” Assertion 2 in the Annual Governance Statement in the Annual Governance and Accountability Return (AGAR) which forms part of the external audit.
- 1.3 Governance & Accountability for Smaller Authorities in England is the guide to “proper practices” and states that in order to warrant a positive response to the statement the council requires a number of processes to be in place and effective.
- 1.4 The processes contained therein have been reviewed and comments in italics below in the report.

2. Processes Reviewed

- 2.1 **Standing Orders and Financial Regulations.** The authority needs to have in place standing orders and financial regulations governing how it operates. Financial regulations need to incorporate provisions for securing competition and regulating the manner in which tenders are invited. These need to be regularly reviewed, fit for purpose, and adhered to.
Financial Regulations were last adopted in November 2019, these were sent to Policy Committee on 2 March 2021 for review and recommendation for adoption by Council in May 2021; Standing Orders were last adopted in May 2018 and were scheduled for review in the same meeting as this report.
- 2.2 **Safe and Efficient Arrangements to Safeguard Public Money.** Practical and resilient arrangements need to exist covering how the authority orders goods and services, incurs liabilities, manages debtors, makes payments and handles receipts.
 - 2.2.1 Authorities need to have in place safe and efficient arrangements to safeguard public money.
Arrangements are covered by Financial Regulations and monitored by the Chief Officer, external accounts consultant, Internal Auditor.

- 2.2.2 Authorities need to review regularly the effectiveness of their arrangements to protect money. Every authority needs to arrange for the proper administration of its financial affairs and ensure that one of its officers (the RFO) has formal responsibility for those affairs.
Covered by Financial Regulations and monitored by the Chief Officer (as RFO), external accounts consultant, Internal Auditor.
- 2.2.3 Authorities need to ensure controls over money are embedded in Standing Orders and Financial Regulations.
Adequately covered and reviewed by Internal Auditor.
- 2.2.4 Authorities need to approve the setting up of, and any changes to, accounts with banks or other financial institutions. Authorities also need to approve any decisions to enter into 'pooling' or 'sweep' arrangements whereby the bank periodically aggregates the authority's various balances via automatic transfers.
Banking arrangements have been reviewed and reported, changes following the elections in May 2019 are to be implemented; no sweep arrangements exist.
- 2.2.5 If held, corporate credit card accounts need to have defined limits and be cleared monthly by direct debit from the main bank account.
*Chief Officer has a credit card with limit of £4,000 it is cleared monthly by approved BACS payment **not** direct debit.*
- 2.2.6 The authority needs to approve every bank mandate, the list of authorised signatures for each account, the limits of authority for each account signature and any amendments to mandates.
All mandates reviewed after elections in 2019.
- 2.2.7 Risk assessment and internal controls need to focus on the safety of the authority's assets, particularly money. Those with direct responsibility for money need to undertake appropriate training from time to time.
Review completed in 2020/21 and internal procedures implemented with staff. New staff have been given Financial Regulations and training by the Chief Officer, they are also given regular reports.
- 2.3 **Employment.** The remuneration payable to all employees needs to be approved in advance by the authority. In addition to having robust payroll arrangements which cover the accuracy and legitimacy of payments of salaries and wages, and associated liabilities, the authority needs to ensure that it has complied with its duties under employment legislation and has met its pension obligations.
Review undertaken by Personnel Sub Committee, external processing of salaries in place, external HR Consultant engaged to give advice, confirmation from Pensions Regulator on file, renewed in February 2020. Processes checked by Internal Auditor.
- 2.4 **VAT.** The authority needs to have robust arrangements in place for handling its responsibilities with regard to VAT.
VAT processes reviewed by external consultant & reclaims processed by same, registration for real time submission in place since January 2020 return. Processes checked by Internal Auditor.
- 2.5 **Fixed Assets and Equipment.** The authority's assets need to be secured, properly maintained and efficiently managed. Appropriate procedures need to be followed for any asset disposal and for the use of any resulting capital receipt.
Covered by Financial Regulations, significant improvements to recording system undertaken in 2020/21 and continue. Processes checked by Internal Auditor.
- 2.6 **Loans and Long Term Liabilities.** Authorities need to ensure that any loan or similar commitment is only entered into after the authority is satisfied that it can be afforded

and that relevant approvals have been obtained. Proper arrangements need to be in place to ensure that funds are available to make repayments of capital and any associated interest and other liabilities.

Covered by Financial Regulations. No new loans taken out in 2020/21.

- 2.7 **Review of effectiveness.** Regulation 6 of the Accounts and Audit Regulations 2015 requires the authority to conduct each financial year a review of the effectiveness of the system of internal control. The review needs to inform the authority's preparation of its annual governance statement. *The purpose of this report is to comply for 2020/21.*

3. Recommendation

The Council is recommended to **CONSIDER** and **APPROVE** the effectiveness of the review of internal control for the 2020/21 financial year.

BICESTER TOWN COUNCIL

Monday 8th March 2021

Review of Risk Management

Mayor: Councillor Jason Slaymaker

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Contact Officers: Samantha Shippen – Chief Officer

Telephone: 01869 252915 samantha.shippen@bicester.gov.uk

Ward Affected: All wards

1. Background

- 1.1 The Chief Officer has carried out a review of the Risk Management Schedule previously approved in March 2020.
- 1.2 Following the recommended example in Governance and Accountability, the schedule has been updated to include an additional column for impact assessment.
- 1.3 The revised schedule is attached for approval at Appendix 1.

2. Recommendation

The Council is recommended to **APPROVE** the risk management schedule.

BICESTER TOWN COUNCIL

RISK MANAGEMENT SCHEDULE 2020

FINANCIAL					
Subject	Risk Identified	Impact	Score	Management/Control of Risk	Review/Assess/Revise
Precept	Adequacy	Inability to meet service delivery needs	1*2	Sound budgeting underlies annual precept. The Finance Committee regularly receives budget update. Existing procedure adequate information and detailed budgets in the late autumn. Backed by financial regulations. The precept is an agenda item at the January meeting. Reviewed by Internal audit	Existing procedure adequate
Banking	Inadequate internal processing	Loss of income	1*1	Control via split staff duties, review by internal audit and internal controls. Most higher value is in cheques (low risk), cash covered below. Insurance in place for cash in transit.	Review via Financial Regulations
Banking	Bank Institutional Failure	Monetary loss leading to inability to function	1*3	Regular review of institutions; split between institutions, regular review by RFO, Finance Committee & Internal Auditor. Level of funds held in high street banks above FSA guarantee. Spread of risk by using CCLA PSDF investment. Investment Policy in place.	Existing procedure adequate
Cash	Loss via theft or dishonesty	Monetary loss limited maximum circa £2,000	2*1	Cash income limited to allotments & events predominantly. All income receipted, held in safe and banked in accordance with financial regulations, limited petty cash held in accordance with Financial Regulations. Fidelity Guarantee & cash in transit insurance in place.	Existing procedures adequate Review via Financial Regulations
Financial controls and records	Inadequate checks	Inaccurate reporting leading to inability to continue service delivery	1*3	Control via split of staff duties. Reconciliation checked by councillors and reported to Finance Committee. signatories on transactions following sign off on control sheets. Checks by consultant accountant, internal and external audit. All payments must be minuted.	Existing procedures adequate Review via Financial Regulations and internal controls annually
Salary	Incorrect payment or process	Legal action, monetary loss	1*2	processing by external provider, rates reviewed annually by Personnel Sub-Committee.	Existing procedure adequate
VAT	Reclaim not processed	Legal breach & fine	1*1	External contractor processes quarterly.	Existing procedure adequate
Annual Governance & Accountability Return	Not submitted in time	Legal breach	1*1	Council aware of timing process by 30 th June, Annual return completed and signed by the council, submitted to the internal auditor for section completion. Checked and sent on to the external auditor	Existing procedures adequate

PROPERTY					
Subject	Risk Identified	Impact	Score	Management/Control of Risk	Review/Assess/Revise
Asset Register	Assets not recorded	Financial loss Loss of control of items	1*2	An asset register is established for items of £1,000+ value; an inventory is being established for capital items of lower than £,1000 Insurance is held at the appropriate level for all assets. Regular checks are made on equipment by staff, a system of asset tag is to be introduced.	Document checks in a more thorough way
Maintenance of assets incl buildings	Poor maintenance	loss or personal injury financial inability to deliver service risk to third parties	2*2	Improve maintenance schedule and recording Provide adequate budget Review insurance	Review and document
Insurance	Adequacy Cost Compliance Fidelity Guarantee	Financial strain Reputational damage Legal action	1*2	Comprehensive review undertaken annually, buildings sums reviewed in 2019. Long term agreement 3 year renewal expires April 2023. Additional measures to test compliance. Adequate cover.	3 year agreement expires 2023, market testing prior to further renewal.
Council records - paper	Loss through theft, fire, flood or other damage		2*2	Important documents should be scanned electronically or kept in Document safe. Deeds are held in Document Safe. Older minutes and historical documents could be archived with OCC archive. Document Retention & Disposal Policy was introduced in July 2018.	Likelihood is low Review bi-annually Consider deposit of minutes with OCC Record Office Review 2022
Council records – Electronic	Loss through damage, fire, flood, corruption of data		2*1	Regular backup to remote location.	Test restore from back up periodically

PROCEDURAL					
Subject	Risk Identified	Impact	Score	Management/Control of Risk	Review/Assess/Revise
Freedom of Information	Non-compliance with Act	Reputational risk Enforcement by ICO	1*2	publication scheme for Local Councils reviewed in 2018.	Regular review of documented procedure for dealing with requests.
Data Protection	Non-compliance with Act	Reputational risk Enforcement by ICO Legal action by individual	1*2	Registration with IOC GDPR procedures introduced in 2018 Limited requests	Monitor and report impact of requests made. Regular review of documented procedure
Legal powers exceeded	Illegal activity or payments Committees exceeding delegated authority Working Groups taking decisions	Reputational or financial	1*2	All activities and payments made within the powers of the council, resolved and clearly minuted. GPC reaffirmed in May 2019 Established Clear terms of reference, minutes to Council for approval, terms reviewed in May 2019 Clear referencing, councillor training.	Ongoing review Annual review
Minutes, Agendas and standing documents	Accuracy and legality Non Compliance with Statutory requirements	Reputational or financial Legal action	1*2	Minutes and agendas are produced in the prescribed method and adhere to legal requirements. Minutes are approved and signed off at the next meeting. Minutes and agendas are displayed according to legal requirements. Business conducted at the council is managed by the mayor/chairman with advice from a trained Chief Officer Standing Orders & Financial Regulations based on NALC models	Review on regular basis Chairman training when required Regular review
Code of Conduct	Non compliance	Reputational risk Legal action on individual	1*1	Adopted code 2012, Councillors given copy upon election. Chief Officer willing to give informal advice. Consider training for councillors.	Councillor training by Monitoring Officer should be considered
Members Interests	Conflict of interest Failure to register interests	Reputational risk Legal action on individual	1*1	All councillors completed register following election, reminder to update regularly. Chief Officer willing to give informal advice. Consider training for councillors.	
Staff	Loss of Chief Officer / Service Manager/ other staff Actions carried out	Inability to deliver service Reputational risk Legal action	2*2	Loss of Key Staff insurance cover introduced from April 2019 for Chief Officer, Service Manager and Outdoors Team Supervisor Regular reporting of actions completed and outstanding via forward plan & regular update meetings. Staff to be	Regular review

				adequately trained and review carried out via one to one and appraisal processes.	
Public liability	Risk to third party property or individuals	Loss or injury Reputational risk	2*2	Insurance is in place, risk assessments of individual events to be undertaken	Annual review
Employers Liability	Non Compliance with legal requirement	Loss or injury Reputational risk		Insurance in place. Ensure adequate training & procedures for councillors and staff	Annual review
Legal Liability	Legality of activities	Financial strain Reputational risk		Chief Officer adequately trained and has access to advice via OALC and SLCC membership	Maintain membership of OALC/NALC and SLCC

REPUTATIONAL					
Subject	Risk Identified	Impact	Score	Management/Control of Risk	Review/Assess/Revise
Business Continuity	Council not being able to continue its business due to an unexpected or tragic circumstance	Dependent upon severity, impact could be moderate to severe	1*2 or 1*3	All computer files are backed up remotely either via the server or held on CITRIX. Tests have been carried out to ensure restoration is achievable. Capacity to work at home for administration team was boosted in March 2020 with laptop purchase and VPN Paper records are more at risk, consideration should be given to risk of loss. Important documents should be scanned electronically and/or kept in secure storage. Deeds are held in fireproof safe. In the event of the Chief Officer being indisposed the Chairman of Policy to convene a Personnel Sub-Committee to allocate "Proper Officer" responsibilities contact OALC for advice/support. Business continuity insurance in place with Zurich.	Test carried out to restore files successful. Test periodically. Ensure protected storage once return to office. Assess cost/benefits of scanning systems. Ensure procedures are followed Loss of Key Staff insurance
Meeting Location	Adequacy Health and Safety	Inability to continue democracy	1*2	Meetings are generally held in Council Chamber which has available disabled access. If required meetings can be re-located (at a cost) to a larger venue. Health & safety considered adequate.	Review bi-annually

Draft prepared February 2021
Approved: 8 th March 2021
Review: March 2022

**Report of the Independent and Parish
Remuneration Panel on the Review of Parish
Members' Allowances for the 2021/2022
Financial Year**

For

Parish Councils in the Cherwell District

December 2020

Report of the Independent and Parish Remuneration Panel

Review of Parish Members' Allowances for the 2021/2022 Financial Year

1.0 Introduction

- 1.1 The Local Authorities (Members' Allowances)(England) Regulations 2003 (as amended) provide all parish councils with the discretion to introduce allowances schemes whereby a parish basic allowance and travelling and subsistence allowances can be paid to their elected members whether or not that election was contested. Travelling and subsistence allowance, but not a parish basic allowance, can be paid to co-opted members of parish councils.
- 1.2 The setting of the levels of the allowances is open to parish councils to determine after first considering the recommendations of the Parish Remuneration Panel. This is in line with the Government's view that the allowances system provides for clear and transparent local accountability as parish councils, like other local authorities, will be both accountable and answerable to their local communities in terms of the allowance payments made to their members.
- 1.3 The Panel has completed its work on the review of allowance matters which fall to it under the 2003 Regulations. This report sets out the recommendations of the Panel which must be considered by parish councils when they determine whether to continue to pay allowances or introduce allowance schemes for the first time and, where appropriate, the levels of the allowances to be paid.

2.0 The Parish Remuneration Panel

- 2.1 The Parish Remuneration Panel was established by Cherwell District Council pursuant to Regulation 27 of the 2003 Regulations.
- 2.2 The current membership of the Panel is:
 - Ms Jeanette Baker
 - Ms Charlottle Green
 - Mr Ray Everitt
 - Mr Andrew Hodges
 - Mr David Shelmerdine
 - Mr Christopher White

- 2.3 The Panel met on 7 December 2020 to consider its recommendations for the 2021/2022 municipal year.
- 2.4 Mr Ray Everitt sent his apologies.
- 2.5 Mr Christopher White was appointed as Chairman for the meeting.
- 2.6 Natasha Clark (Governance and Elections Manager) and Lesley Farrell (Democratic and Elections Officer) provided the Panel with administrative advice and support.
- 2.7 The Panel's findings are set out in this report, together with recommendations for consideration by parish councils.

3.0 Terms of Reference of the Panel

- 3.1 The Terms of Reference of the Panel remain as originally agreed when it was first constituted in 2003.
- 3.2 These Terms of Reference accord with the provision of Regulations 28 which provide that the Panel must produce a report and recommendation on:
 - (a) the amount of parish basic allowance payable to the elected members of parish councils;
 - (b) the amount of travel and subsistence allowance payable to members of parish councils;
 - (c) whether the parish basic allowance should be payable only to the chairman of the parish council or to all its elected members;
 - (d) whether, if a parish basic allowance is to be made to both the chairman and other elected members, the allowance payable to the chairman should be set at a higher level than that of the other elected members and if so, the higher amount which should be payable;
 - (e) the responsibilities and duties in respect of which members of parish councils should receive travel and subsistence allowances.

4.0 Basic Allowance

- 4.1 The 2003 Guidance allows for the Panel to recommend the same levels of parish basic allowance for all parish councils or different levels for different councils.

- 4.2 In considering allowances for parish councils, the approach previously adopted by the Panel has been to express the parish basic allowance as a percentage of the basic allowance paid by Cherwell District Council to its Members.
- 4.3 In undertaking the review of allowances for Cherwell District Council (CDC) elected Members, the Panel acknowledged that the CDC Members' Allowances were low in comparison to other similar councils and the elected Members represented good value for money.
- 4.4 The Panel acknowledges that the Covid-19 pandemic has impacted on the work of parish councils and parish councillors with meetings being held virtually rather than physically. Similarly, engagement with residents and community groups has been recast with consequent effect on the workload that arises
- 4.5 Nonetheless, mindful that it is not known if these changes are time-limited, or if some of the new ways of working would continue, the Panel highlighted that whilst it was important to acknowledge these changes and pressures, it was important to be consistent with previous reviews and not be influenced by exceptional circumstances, and as such, it does not affect its recommendations
- 4.5 The Panel noted that in 2020/2021 its recommended increase to Members' Allowances in line with the staff cost of living increase had been agreed by Council. In October 2020 a 2.75% staff cost of living increase was agreed and applied to Members' Allowances, backdated to 1 April 2020.
- 4.6 When considering its recommendations, the Panel considered recommending that the same staff cost of living increase be applied to Members' Allowances, as had been their recommendation in the previous two years. However, taking into consideration the views of the District Council Members, the current financial climate, and the Government announcement in November 2020 that public sector pay would be frozen in 2021/2022, the Panel agreed to recommend that allowances should be frozen for the 2021/2022 municipal year.
- 4.7 The Panel had previously agreed an electorate based banding criterion for calculating the levels of the parish basic allowances whereby the parishes were divided into Band 1, Band 2 and Band 3 (from the largest to the smallest).
- 4.8 The Panel believed that the banding approach was the most appropriate and logical method and provided a link in terms of assessing payment levels for future reviews by the Panel. The Panel reaffirmed that the banding of parish councils according to electorate remained appropriate and believed that there remained a strong and identifiable correlation between electorate, financial resources and levels of member activity and responsibility.
- 4.9 The agreed electorate bands remain:

Band 1 – electorate above 5001
Band 2 – electorate between 901 and 5000
Band 3 – electorate below 900

- 4.10 The agreed bandings are:
Band 1 – Banbury, Bicester and Kidlington
Band 2 – Adderbury, Ambrosden, Bloxham, Bodicote, Caversfield, Deddington, Gosford and Water Eaton, Heyford Park, Hook Norton, Launton and Yarnton.
Band 3 - All remaining parishes
- 4.11 By this criterion, the Parish Basic Allowance expressed as a percentage of the Basic Allowance of Cherwell District Council would be 20% for Band 1 Parish Councils, 10% for Band 2 Parish Councils and 5% for Band 3 Parish Councils.
- 4.12 Whilst acknowledging parish populations are increasing, the Panel agreed that the banding levels were still appropriate. The Panel agreed that due to population changes some parishes may change band in 2021/2022 and it was therefore necessary to review population levels annually to ensure parishes were banded correctly.

5.0 Enhanced Payment to the Parish Chairman and Town Mayors

- 5.1 The Panel reaffirmed its previous position that Parish Chairmen and Town Mayors often have significant additional responsibilities above their duties as an ordinary Town/Parish Councillor, this responsibility should continue to be reflected in an enhanced allowance.
- 5.2 The Panel reaffirmed that enhanced payments to Parish Chairmen and Town Mayors should be based on a 50% increase to the parish basic allowance.

6.0 Travel and Subsistence Allowances

- 6.1 The Panel noted that under the 2003 Regulations, the categories of duty that qualify for the payment of a travel and subsistence allowance are:
- (a) for attending a meeting of the parish council or any of its committees or sub-committees or meeting of a body to which appointments or nominations are made (including committees or sub-committees of those bodies);
 - (b) for attending meetings of any association of authorities of which the parish council is a member;
 - (c) for performing any duty under the parish councils Standing Orders made under Section 135 of the Local Government Act 1972 requiring a member or members to be present when tender documents are opened;

- (d) for the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises; and
 - (e) for carrying out any other approved duty by the Council, or any other duty of a class so approved for the purpose, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.
- 6.2 The Panel noted that the setting of travel and subsistence allowances was a matter for each parish council to determine. However, the Panel reaffirmed that the levels recommended to parishes should mirror those agreed by the District Council highlighting that travel rates were in line with HMRC rates and subsistence allowances based on Local Government Association Rates.
- 6.3 The Panel reaffirmed its view that parish councils were best placed to determine which of the duties in Point 6.1 should be included in their allowances scheme.
- 6.4 The Panel also noted that under previous arrangements various other matters relating to the payment of travel allowances were specified by the Secretary of State to cover those occasions when members were required to travel on official Council business by means other than their own vehicle, specifically:
 - (a) travel by public transport (the rate payable not to exceed the amount of any ordinary or other cheap fare (if available) and where there is more than one class of fare travel should be by second class fare unless it is decided that first class fare should be substituted);
 - (b) supplementary allowances (the rates/fares referred to above to be increased by any supplementary allowances but not exceeding the expenditure incurred);
 - (c) travel by taxi (and public transport) (in cases of urgency, and where no other public transport is available, the reimbursement of the actual taxi fare and, in any other case, where travel is by public transport, the payment not to exceed the amount of the fare);
 - (d) travel by hired vehicle (the usual allowance rates applicable to the cc of the hired vehicle in accordance with the allowance rates specified by the relevant council excluding the hire costs).
- 6.5 The Panel reaffirmed its view that it would be appropriate to make additional payments to cover tolls and other miscellaneous type parking charges.

- 6.6 The Panel also reaffirmed its view that the various matters outlined in Point 6.4 above should continue to be included in parish allowances schemes.

7.0 Dependants' Carers' and Childcare Allowance

- 7.1 The National Association of Local Councils (NALC) is currently continuing to seek an amendment to the Local Authorities (Members Allowances) (England) Regulations 2003 to allow the provisions of paragraph 7 to apply equally to local councils (parish/town) as well as principal authorities (district/county/unitary). This would give councillors on local councils the same right as councillors on principal authorities to be able to claim the dependants' carers' and childcare allowance. Currently this is unavailable to Parish Councils in England.
- 7.2 The Panel noted with disappointment that there was no change to the current position with regards to dependants' carers' and childcare allowances and agreed that they would continue to monitor the work of NALC with a view to reviewing these allowances in the parish scheme. The Panel agreed that it would support payment of Dependants' Carers' and Childcare Allowances if and when such payment was permitted.

8.0 Recommendations to Parish Councils

- 8.1 Having given due consideration to the information provided to the Panel, it recommends:

- (a) Parish allowance rates should continue to be based on a proportion of the District Councillor basic allowance rates.
- (b) That the Parish Basic Allowance should remain at the current levels for 2021/2022 but rounded to be exactly 20%, 10% and 5% of the District Councillor basic allowance.

Band 1 Basic Allowance (20% of District Basic Allowance)	£900 pa
Band 2 Basic Allowance (10% of District Basic Allowance)	£450 pa
Band 3 Basic Allowance (5% of District Basic Allowance)	£225 pa

- (c) Parish Chairmen/Town Mayors Allowance should remain at the current level but amended to be exactly 150% of the Basic Allowance for each band:

Band 1 Parish Chairmen/Town Mayors Allowance	£1,350 pa
Band 2 Parish Chairmen/Town Mayors Allowance	£675 pa
Band 3 Parish Chairmen/Town Mayors Allowance	£337.50 pa

- (d) Travel and subsistence allowance should remain at the current level:

Bicycles	20p per mile
Motorcycles	24p per mile
Motor Vehicles	45p per mile
Electric or Similar Specialised Vehicles	45p per mile
Breakfast Allowance	£6.02 per meal
Lunch Allowance	£8.31 per meal
Evening Meal Allowance	£10.29 per meal
Absence overnight	£91.14
Absence overnight in London or at the National Association of Local Council's National Conference	£103.96

- (e) It would be appropriate for the payment of tolls and other parking charges to continue to be included in parish allowance schemes;
- (f) It would be appropriate for the occasions when parish members can travel by means other than by their own vehicle to continue to be defined in parish allowance schemes; and
- (g) It be noted that each parish council can determine the 'approved duties' for which it is legitimate to claim travel and subsistence allowances within the five categories specified in the 2003 regulations.

The Committee thanked Democratic Services for their contribution in providing information to assist the Panels work.

Mr. Christopher White (Chairman)
Parish Remuneration Panel
December 2020.