

Aston Clinton Parish Council

28 September 2022 Agenda Pack

AGENDA ITEM 22.56: Draft Minutes

[Draft Minutes of Council Meeting held on 17th August 2022](#)

[Draft Minutes of Council Meeting held on 25th August 2022](#)

AGENDA ITEM 22.57ii: Update to Standing Orders

Aston Clinton Parish Council Standing Orders Proposed Amendment

Review & Amendments Record

Date	Change
May 2018	Revised based on 2018 NALC Model Standing orders
Feb 2022	Updated
Sept 2022	Added to Proper Officer section: In the event of the Planning Committee failing for a quorate meeting in time for planning deadlines, respond directly to the planning authority, having consulted with members of the Planning Committee

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;
 - ii. subject to standing order 9, include on the agenda all motions unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**

- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. 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;
- ix. liaise, as appropriate, with the Council's Data Protection Officer; if there is one;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. 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);
- xii. arrange for legal deeds to be executed;
(see also *standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Planning Committee within two 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 Council OR Planning committee;
- xvi. In the event of the Planning Committee failing for a quorate meeting in time for planning deadlines, respond directly to the planning authority , having consulted with members of the Planning Committee.
- xvii. manage access to information about the Council via the publication scheme; and
- xviii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

Agenda item 22_57iii General Power of Competence

1 INTRODUCTION

The purpose of this report is to provide Council with information to enable it to consider a resolution to invoke the General Power of Competence.

2 BACKGROUND TO THE GENERAL POWER OF COMPETENCE

- 2.1 Parish councils are corporate bodies that have accumulated powers through legislation since 1894. Their powers were constrained to specific and appropriate legislation. This means that before undertaking anything, councillors must be satisfied that Council has the power (under a specified statute) to undertake that activity.
- 2.2 Parish councils have many specific powers (e.g. the provision of open spaces and recreational facilities) in addition to section 137 of the Local Government Act 1972, permitting the expenditure up to certain limits for “purposes not otherwise authorised”. Expenditure on grants and sponsorship is covered by section 137 of the Local Government Act, 1972.
- 2.3 Despite the wide range of powers, parish councils are always at risk of acting unlawfully if they undertake an unusual activity for their community that might not be covered under statutory powers.
- 2.4 Following consultation the Government enacted a “general power of competence” in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). It was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

3. WHAT DOES THE POWER ALLOW COUNCILS TO DO

- 3.1 The General Power of Competence enables eligible councils to take an enhanced role and allows them to do things they had previously been unable to do. It is designed to give councils greater freedom to carry out the functions that are required locally.
- 3.2 Parish councils are provided with “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be the power of first, not last, resort.

4. TYPES OF ACTIVITIES

- 4.1 Some new activities covered by the legislation include:
 - Running a community shop or post office
 - Lending or investing money locally
 - Establishing a company or co-operative society to trade and engage in commercial activity
 - Establishing a company to provide local services.
- 4.2 The power is not restricted to use within the Parish.

5. RESTRICTIONS AND RISKS

- 5.1 The only real limitation is that the General Power of Competence cannot be used to circumvent an existing restriction in an existing specific power.
- 5.2 Existing duties remain in place, such as having regard to the likely effect on crime/disorder and biodiversity. There are also many existing procedural and financial duties that remain in place for the regulation of governance (e.g. no delegation to a single councillor). Furthermore, councils must comply with relevant

existing legislation (e.g. employment law, health and safety, equality legislation and duties relating to data protection and freedom of information).

- 5.3 If another council has a statutory duty to provide a service (e.g. a support service such as a Children's Service), it remains their duty to provide it. Nonetheless, under the General Power of Competence the Parish Council may assist.
- 5.4 Whilst the Council is encouraged to be innovative; councillors must be aware of the risks in particular the potential for being challenged and damage to the Council's reputation if a project goes wrong.

6. EXISTING GRANT FUNDING LEVELS

- 6.1 Expenditure under the Local Government Act (s137) is limited and has to be accounted for separately. Expenditure is restricted in that it cannot be used to give money to individuals and the amounts must be commensurate with the benefit. Section 137 is a power of last resort.
- 6.2 A council that is eligible to use the General Power of Competence can no longer use Section 137 as a power for taking action for the benefit of the area. However, Section 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

7. ELIGIBILITY FOR GENERAL POWER OF COMPETENCE

- 7.1 The three conditions for eligibility are set out in the Statutory Instrument (paragraph 2.4 above) as follows:
 - 7.1.1 **Resolution:** the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
 - 7.1.2 **Electoral mandate:** at the time the resolution is passed, at least two thirds of the council must hold office as a result of being elected (i.e. not co-opted).
 - 7.1.3 **Qualified clerk:** At the time that the resolution is passed, the clerk must hold a recognized professional qualification (e.g. Certificate in Local Council Administration, Certificate of Higher Education in Local Policy) that includes the CiLCA module relating to the general power of competence.
- 7.2 The council must revisit the decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria to enable the power to continue. A 'relevant' annual meeting is the annual meeting of the Council after the next ordinary election has taken place.
- 7.3 Eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors it must also record its ineligibility at the next 'relevant' meeting.
- 7.4 Aston Clinton Parish Council satisfies all the conditions as it has 11 out of 11 councillors elected and the Parish Clerk holds the Certificate in Local Council Administration (CiLCA) and has passed the CiLCA module on the general power of competence.

RECOMMENDATION

That Aston Clinton Parish Council resolves that it meets the eligibility criteria to exercise the General Power of Competence and therefore adopt the power.

Aston Clinton Parish Council

Reserves Policy

1. Introduction

Aston Clinton Parish Council (ACPC) are required to maintain adequate Financial Reserves to meet its needs.

Sections 32, 43 and 50 of the Local Government Finance Act 1992 require local authorities to have regard to the level of reserves needed for meeting estimated expenditure when calculating the budget requirement. However, there is no specified minimum or maximum level of reserves that an authority should hold.

2. Purpose

- 2.1 The purpose of this policy is to set out how ACPC will determine and review the level of its general and earmarked reserves.
- 2.2 ACPC will hold GENERAL RESERVES for three main purposes:
 - (a) As a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing.
 - (b) As a contingency to cushion the impact of unexpected events or emergencies.
- 2.3 ACPC will hold EARMARKED RESERVES for four main purposes:
 - (a) Renewals - to facilitate services, to plan and finance an effective programme of equipment and infrastructure replacement and planned asset maintenance. These reserves are a mechanism to smooth expenditure so that a sensible replacement programme can be achieved without the need to vary budgets.
 - (b) Carry forward of underspend - some services commit expenditure to projects but cannot be spent from the budget in year. Reserves are used as a mechanism to carry forward these resources.
 - (c) Insurance reserve - to enable ACPC to meet the excesses of claims not covered by insurance.
 - (d) Other earmarked reserves may be set up from time to time to meet known or predicted liabilities.

3. General Reserves

- 3.1 The general reserves are funds which do not have any restrictions as to their use. These are sometimes referred to as 'working balances'. These reserves can be used to smooth the impact of uneven cash flows, offset the budget requirement if necessary, or can be held in case of unexpected events or emergencies thereby enabling ACPC to meet its legal, statutory and proper duties and responsibilities. These may include:
 - Undertaking essential repairs or maintenance work.
 - Undertaking unexpected administrative duties or to challenge or deflect future threats to the Parish, its people and its environment.
 - Making provisions for potential employment issues e.g. staff ill-health, redundancy obligations, disciplinary or grievance investigations/hearings.
 - Short term cash flow difficulties.
- 3.2 The level of general reserves is a matter of judgement and so this policy does not attempt to prescribe a blanket level. ACPC must build and maintain sufficient working balances to cover the key risks it faces .
- 3.3 The primary means of building general reserves will be via an allocation from the annual budget.

- 3.4 The level of financial reserves held by ACPC will be considered during the budget setting process.
- 3.5 If, in extreme circumstances, General Reserve were exhausted due to major unforeseen spending pressures within a particular financial year, ACPC would be able to draw down from its Earmarked Reserves to provide short-term resources.

4. Earmarked Reserves

Earmarked reserves represent amounts that are generally built up over a period which are earmarked for specific items of expenditure to meet known, or anticipated liabilities or projects. The 'setting aside' of funds to meet known future expenditure reduces the impact of meeting the full expenditure in one year. ACPC, when establishing an earmarked reserve, will set out:

- (a) The reason/purpose of the reserve.
- (b) How and when the reserve can be used.
- (c) Procedures for the management and control of the reserve.
- (d) A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

5. Setting of Reserves

- 5.1 The Governance and Accountability Practitioners' Guide (2021) sets out guidance and audit considerations for Town & Parish Councils.
- 5.2 Earmarked reserves will be established on a "needs" basis, in line with planned or anticipated requirements.
- 5.3 ACPC will be required to identify the following when making recommendations for each reserve:
 - The reason for/purpose of the reserve
 - How and when the reserve can be used
 - Procedures for management and control of the reserve/s
 - A process and timescales for review of the reserve to ensure continuing relevance and adequacy.
- 5.4 Any decision to set up a reserve must be made by ACPC.
- 5.5 Expenditure from reserves can only be authorised by the Full Council, not by Committees.
- 5.6 If general reserves are used to meet short term funding gaps, they must be replenished in the following year. However, earmarked reserves that have been used to meet a specific liability would not need to be replenished, having served the purpose for which they were originally established. Virements may be made by ACPC at any time during the year - both to and from reserves (general and earmarked) by resolution of the Full Council.
- 5.7 All earmarked reserves will be recorded on a schedule held by the Responsible Financial Officer which lists the various earmarked reserves and the purpose for which they are held.

6. Review of the Adequacy of Balances & Reserves

- 6.1 In assessing the adequacy of reserves the strategic, operational and financial risks facing the authority will be taken into account. The level of earmarked reserves will be reviewed as part of the annual budget preparation.
- 6.2 Monies resulting from budgetary underspends will ordinarily be added to the general reserves. If, however, the general reserves are higher than necessary, working balances may be used to reduce the subsequent precept.
- 6.3 If in extreme circumstances general reserves were exhausted, due to unforeseen spending pressure within a particular financial year, ACPC would be able to draw down from its earmarked reserves to provide short-term resources.

Aston Clinton Parish Council Training & Development Policy

1. Introduction

-
- 1.1 Aston Clinton Parish Council [ACPC] is committed to ensuring its councillors and employees fully understand their roles, duties and responsibilities; are trained to the highest standard and are kept up-to-date with all new legislation in order to assist ACPC in achieving its aims and objectives.
 - 1.2 ACPC is committed to ensuring equality of learning opportunity, hence no employee or councillor will be excluded from learning on grounds of gender, age, marital status, disability, racial grounds, sexual orientation, religion or belief, responsibility for dependants, trade union membership or employment status.

2. Identification of Training & Development Needs

- 2.1 Training requirements will usually be identified by the individual, the Chairman or the Clerk. Opportunities to attend courses will be investigated by the Clerk and brought to the attention of ACPC.
- 2.2 The Clerk is expected to keep up-to-date with developments in the sector, such as new legislation and best practice, and highlight to ACPC any training required for employees and councillors.

Employees

- 2.3 Employees are encouraged to identify and discuss their training needs with their line manager and acquire qualifications appropriate to their post.
- 2.4 A newly appointed Clerk will be expected to hold or be working toward the CiLCA qualification and ACPC will provide appropriate training and support to achieve this.
- 2.5 Opportunities to attend courses will be investigated by the Clerk and be brought to the attention of ACPC.
- 2.6 Training needs will be discussed through annual appraisals and meetings and be brought to the attention of ACPC.

Councillors

- 2.7 Newly elected councillors will be provided with a Councillor Pack which will include sufficient information to allow them to undertake their duties upon election. This will include the Code of Conduct, Standing Orders, Financial Regulations, Committee and Working Group membership, Year Planner and councillor contact details.
- 2.8 Newly elected councillors must attend BMKALC's 'Councillor Induction Training' within 6 months of being elected/co-opted.
- 2.9 All councillors are encouraged to attend on-going development training and attend courses to support any particular subjects or projects being undertaken by ACPC or attend refresher training when the need arises.
- 2.10 The Clerk will notify councillors of any courses or training events, as well as relevant briefings, newsletters and magazines.

3. Training budget

- 3.1 Funds will be allocated to a training budget each year to enable reasonable training and development.
- 3.2 ACPC will meet the annual subscription to the Society of Local Council Clerks (SLCC), Bucks & Milton Keynes Association of Local Councils (BMKALC) to enable employees and Councillors to take advantage of their training courses and conferences.
- 3.3 Purchases of relevant resources such as publications will be considered on an ongoing basis.
- 3.4 ACPC will reimburse reasonable travel costs to training events.

4. Recording & Evaluation of Training

- 4.1 As part of the ACPC's continuing commitment to training and development, employees and councillors will be asked to provide feedback on the value and effectiveness of the training and development undertaken. This information will be used to assess and improve the training process.
- 4.2 The Clerk will maintain a record of training attended by employees and councillors.

5. Responsibilities

Councillor's Role

- 5.1 To demonstrate a commitment to train and develop employees in relation to ACPC's objectives.
- 5.2 To demonstrate a commitment to support fellow councillors who wish to develop their role and understanding.
- 5.3 To ensure training and development plans are focussed on ACPC's needs and to provide adequate resources.

Clerk's Role

- 5.4 Induct new councillors and employees.
- 5.5 Identify training needs.
- 5.6 Keep up-to-date with changes to legislation, policies and practices affecting ACPC.
- 5.7 Be aware of training and development opportunities.
- 5.8 Evaluate the effectiveness of training events.

AGENDA ITEM 22.59ii 20 21/22 AGAR

ASTON CLINTON PARISH COUNCIL NOTICE OF CONCLUSION OF AUDIT Annual Governance & Accountability Return for the year ended 31st March 2022

**Local Audit and Accountability Act 2014 Sections 20(2) and 25
The Accounts and Audit Regulations 2015 (SI 2015/234)**

1. The audit of accounts for **Aston Clinton Parish Council** for the year ended 31st March 2022 have been completed and the accounts have been published.
2. The Annual Governance & Accountability Return (AGAR) is available for inspection by any local government elector of the area of **Aston Clinton Parish Council** on application to:

Parish Clerk & RFO
Aston Clinton Parish Council
Council Office, Aston Clinton Park
London Road
Aston Clinton HP6 5HL

Tel: 01296 631269

Email: clerk@astonclinton.org

Between 10am and 4pm on Monday to Friday.

3. Copies will be provided to any person on payment of £0.10p for each copy of the Annual Governance & Accountability Return.

This announcement is made by **Mrs S Payne, Clerk & RFO** on **19th August 2022**

[External Auditor's Report & Certificate](#)

Agenda item 22.59111 Financial Reports

[Income & Expenditure Reports at 31st August 2022](#)

[Balance Sheet Report at 31st August 2022](#)

Agenda item 22.62 Consider Proposal from Aston Clinton Society regarding white gates at village entrances

Scale 1:14



Gateway overall dimensions:
Height: 1800mm
Width: 2000mm

Gateway overall dimensions:
Height: 380mm
Width: 1650mm

NOTE: THIS SIGN MEETS THE MINIMUM REQUIREMENTS OUTLINED BY THE DfT & TSRGD

