



ANDOVER TOWN COUNCIL

To the Members of the **Policy and Resources Committee**:

Cllrs Katherine Bird, Zilliah Brooks, David Drew, Janet Evans, Andy Fitchet, Karen Hamilton, Kevin Hughes, Marion Kerley, Geoff McBride, Phil North and Roy Shukri.

(copies to all other Members of the council)

You are hereby summoned to attend a meeting of the **POLICY and RESOURCES Committee** to be held at Town Council Offices, 66c, High Street, Andover on Thursday 19 July 2012 at 7.00 pm when it is proposed to transact the following business:-

Wendy Coulter - Town Clerk
13 July 2012

THERE IS NO DISABLED ACCESS TO THE TOWN COUNCIL OFFICES – PLEASE CONTACT THE TOWN CLERK THREE DAYS PRIOR TO THE MEETING IF YOU REQUIRE ACCESS.

1 **APPOINTMENT OF CHAIRMAN**

To appoint a Chairman of the Policy and Resources Committee for the Municipal Year 2012/2013.

2 **APPOINTMENT OF VICE CHAIRMAN**

To appoint a Vice Chairman of the Policy and Resources Committee for the Municipal Year 2012/2013.

3 **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

4 **DECLARATIONS OF INTEREST**

To receive and note any declarations of interest relevant to the agenda.

5 **MINUTES**

To agree the minutes of the Policy and Resources Committee meeting held on 19 April 2012 – attached at **Appendix A**.

6 **PUBLIC PARTICIPATION**

There is an opportunity for members of the public to make statements or ask questions on items on the agenda. Each person is limited to 3 minutes and the total amount of time set aside will be 15 minutes.

7 **CODE OF CONDUCT**

To note the Legal Advice from the National Association of Local Councils – attached at **Appendix B**.
To consider and recommend a new Draft Code of Conduct for adoption by full Council.
Draft Code of Conduct attached at **Appendix C**.

8 **QUALITY COUNCIL STATUS**

To consider the criteria for Andover Town Council to become a Quality Council report attached at **Appendix D**.

9 **BEST VALUE**

To consider the attached report on Best Value Principles and to agree a timescale in order to comply with the

Town Council's adopted Business Plan.

Report attached at **Appendix E.**

10 **INTERNAL AUDITORS REPORT**

To consider the report from the Internal Auditor, following approval of Full Council and the agree Budgetary spend. Report attached at **Appendix F.**

11 **PARISH BOUNDARIES**

Smannell Parish Council and Enham Parish Councils have expressed concern about the number of new houses being built in Augusta Park within their Parish Boundary.

Full Council considered their request for a joint letter to Test Valley Borough Council asking that when the Parish Boundaries are next reviewed, they consider whether Augusta Park should be included in the Andover Parish.

Members requested more information about the process including timescales and mechanism.

Discussion Paper attached at **Appendix G.**

12 **SIGNAGE**

To consider the process for the management and maintenance of the Town Centre signage. To receive a verbal report from Councillor North on progress.

13 **FINANCE**

Payment of Accounts at 16 July 2012

To approve the Payment of accounts at 16 July 2012 – papers to follow.

14 **WORK PROGRAMME**

To discuss items on the current work programme and to make changes as necessary – attached at **Appendix H.**

The Chairman will close the meeting.



ANDOVER TOWN COUNCIL

A

Minutes of Policy & Resources Committee

Time and date

7.00pm on Thursday 19 April 2012

Place

Town Council Offices, High Street, Andover

Attendees: Cllrs Phil North (Chairman), Katherine Bird (Vice-Chairman), David Drew, Janet Evans, Karen Hamilton, Kevin Hughes, Marion Kerley and Geoff McBride.

Officers Present: Wendy Coulter (Town Clerk) (taking the minutes)

PR32/11 APOLOGIES

Apologies for absence were received from Councillors Zilliah Brooks and Tony Raper.

PR33/11 DECLARATIONS OF INTEREST

Cllr M Kerley declared a personal and prejudicial interest in item 9, as she was a founder member of the CAB in Andover.

Cllr K Hamilton declared a personal and prejudicial interest in item 9, as the company she works for is providing funding to the CAB.

PR34/11 MINUTES

The Minutes of the Policy and Resources Meeting held on 23 February 2012 were agreed and signed by the Chairman as a correct record.

PR35/11 PUBLIC PARTICIPATION

There were no members of the public present that wished to make a statement.

PR36/11 YOUTH COUNCIL

As part of the implementation of the Town Council's Business Plan, Councillors McBride and Fitchet volunteered to work on the investigation and establishment of a Youth Council in Andover.

Members considered the proposals as set out in the report **attached to record minutes**.

Councillors Fitchet and McBride confirmed that at the initial stages of the research the Primary Schools in Andover would not be approached and that young people aged 16+ would not be consulted at this initial stage.

Members discussed the content of the report and it was proposed by Councillor D Drew and seconded by Councillor K Bird and

RESOLVED: That the actions included in the report (attached to record minutes) for a 'call for ideas' for a Youth Council, be approved.

PR37/11 FINANCIAL REGULATIONS REVIEW

Members noted that a requirement of Financial Regulations is that they be reviewed and amended on an annual basis. Members noted that the Financial Regulations were adopted in March 2011 and that no amendments were required.

Members reviewed the Financial Regulations and it was proposed by Councillor P North and seconded by Councillor J Evans and

RESOLVED: That the Financial Regulations were reviewed and agreed.

PR38/11 WEBSITE REVIEW

Members noted that the Town Council website was launched in March 2012. Members were requested to consider an on-going support and maintenance contract.

Members noted that as part of the day to day management and maintenance of the website the Town Clerk is able to add content such as uploading of photographs, adding meeting dates and documents such as minutes and agendas.

The Town Clerk cannot add sections or alter the primary content of the website.

Members considered a quote from the website provider for on-going support per month.

Members considered that the costs for the on-going support were too high compared to the need to develop the website.

Members agreed that the requirements of the development of the website could be provided on an ad hoc basis.

Members also suggested that the future review and development of the website should be considered by the Amenities and Town Development Committee.

The Town Clerk suggested that a quote be obtained for the development of the Allotments pages on the website.

Members further suggested that an additional quote be obtained for the hosting of the website.

It was proposed by Councillor D Drew and seconded by Councillor J Evans and

RESOLVED:

- 1. That the website hosting be paid on a monthly basis and that future development of the website be considered and paid for on an ad hoc basis.**
- 2. That future website review and development be considered by the Amenities and Town Development Committee.**
- 3. That a quote be obtained for the development of the Allotment Pages on the Website.**
- 4. That a further quote be obtained for the hosting of the website.**

PR39/11 INSURANCE REVIEW

Each year in accordance with Financial Regulations reviews the Town Council's insurance provision.

Members considered a report regarding additional insurance cover for Commercial Legal Protection.

Members noted that the Town Clerk had made enquiries about insuring the Town Council for Commercial Legal Protection Cover, which would cover the Town Council against any claim or dispute made by a member of the public, an employee or

contractor. Members noted that this insurance could also be extended to include Contract Disputes and Debt Recovery.

Members considered the financial implications of extending the Town Council's insurance cover to include Commercial Legal Protection:
 Town Council current renewal of existing policy - £1916.96
 Additional premium for Legal Protection Cover - £530.00
 Additional premium for Contract disputes and Debt Recovery - £265.00

Members considered that the costs were high to increase the Town Council's insurance cover. Therefore the Town Clerk suggested that as the Internal Audit of the Town Council would be taking place in May she ask the Internal Auditor, whether it was important for the Town Council to have the insurance cover.

RESOLVED: That the Town Clerk liaise with the Internal Auditor as to whether the Town Council should include Commercial Legal Protection Cover and Contract Disputes and Debt Recovery Cover within the Insurance Cover.

PR40/11 GRANTS POLICY

Members noted that the Town Council had received a written request from the Andover and District Citizens Advice Bureau for assistance with funding. Members noted that the request was for on-going funding, which was contrary to the Town Council's Policy on Grant Funding. Members also considered that the Town Council Grant Funding Budget was £1,000.

It was agreed that the Town Clerk would write to the Andover and District Citizens Advice Bureau, acknowledging the great work and support that the Bureau provided to the residents of Andover but that regretfully their request does not fall within the policy of grant funding of the Town Council.

PR41/11 PREPARATION OF ACCOUNTS – YEAR ENDED 31 MARCH 2012

Members noted the following timetable for the preparation of Accounts and Annual Return for the Year Ended 31 March 2012.

Date	Action	Description
Friday 20 April 2012	Closure of Accounts	Closedown of accounts on software system and preparation of figures for Annual Return
Wednesday 16 May 2012	Internal Audit	Internal Audit and inspection, preparation of papers and reports for Annual Return
Thursday 7 June 2012	Report to P&R	Internal Auditors Report and Action Plan Accounts – Year Ended 31 March 2012
Thursday 14 June 2012	Annual Return to Full Council	Approval and signing of Annual Return for submission to External Auditor

PR42/11 FINANCE

Payment of Accounts at 19 April 2012

Members noted the payment of accounts up to 19 April 2012 – recorded below:

Date	Supplier	Total Paid
19.04.2012	ACE Liftaway – Toilet services (March) Allotments	£469.75
19.04.2012	Andover Business Computers – Networking	£214.46
19.04.2012	Mrs M Bayes – March salary	£453.60

19.04.2012	Mr Bolland – Grass cutting – Admirals Way	£10.00
19.04.2012	British Telecom – telephone services (March)	£77.58
19.04.2012	Bulpitt Print Ltd – posters and flyers Jubilee conc	£62.40
19.04.2012	Miss W Coulter – March expenses	£147.96
19.04.2012	Custom Studio – website construction (maps)	£180.00
19.04.2012	Danwood – quarterly rental photocopier	£187.54
19.04.2012	Hampshire Association of Local Councils – training	£144.00
19.04.2012	Office Furniture – Office Chair	£52.80
19.04.2012	Cllr P North - £ Coin for Jubilee prizes	£5.00
19.04.2012	SSE Contracting – Christmas Lights Infrastructure	£7906.96
19.04.2012	Test Valley Borough Council – Hire of Guildhall	£78.00
19.04.2012	Viking – office cupboard	£140.40
19.04.2012	WPS Insurance Services – 01.04.2012-31.03.2013	£1916.96
TOTAL PAYMENTS April (1) 2012		£12385.10
Date	Supplier	Total Paid
19.04.2012	Miss W Coulter – April Salary	£1898.92
19.04.2012	Custom Studio – Website hosting (April 2012)	£35.94
19.04.2012	Danwood – copying charges (January-April 2012)	£409.49
19.04.2012	DMJ Butler Country Services – Allotment Maint	£842.10
19.04.2012	Edge Designs – Allotments software 17.05.12-16.05.13	£294.00
19.04.2012	Hampshire Association of Local Councils – Affiliation	£2483.00
19.04.2012	Hampshire Association of Local Councils – Training	£60.00
19.04.2012	Test Valley Borough Council – Business Rates	£2565.00
19.04.2012	Test Valley Borough Council – planning fee (Notice B)	£47.50
19.04.2012	Test Valley Borough Council – planning fee (Guildhall)	£167.50
19.04.2012	Spencer Architecture – planning drawings	£963.00
19.04.2012	Kevin Justice – repair tap at Vigo Road	£30.00
19.04.2012	Mr Bolland – Warden Fee (Admirals Way)	£20.00
19.04.2012	Mr Noyce – Warden Fee (Barlows Lane)	£20.00
19.04.2012	Mrs Malan – Warden Fee (Churchill Way)	£20.00
19.04.2012	Mr M Simpson – Warden Fee (The Drove)	£20.00
19.04.2012	Mrs J Eastman – Warden Fee (Mylen Road)	£20.00
19.04.2012	Ms C Lee – Warden Fee (Old Winton Road)	£20.00
19.04.2012	Mrs B Long – Warden Fee (Vigo Road)	£20.00
TOTAL PAYMENTS April (2) 2012		£9936.45

PR43/11 WORK PROGRAMME

Members discussed items on the current work programme and made the following changes:

The Website Review to be added to the Work Programme of the Amenities and Town Development Committee.

To add an item on Quality Council to the next agenda in June 2012

To add an item on Grit Bins to the next agenda in June 2012.

To add an item on signage to the next agenda in June 2012.

PR44/11 URGENT ITEMS

Under Standing Order 15xiii and the agreement of the Chairman of the Committee the Town Clerk reported on the following items.

PR45/11 GUILDHALL LIGHTING PLAQUE – PLANNING APPLICATION

The Town Clerk reported that she had taken urgent action to appoint an architect to complete the Planning Application submission for the Jubilee Lighting Plaque on the Guildhall. The Town Clerk confirmed that she had made the decision as she could not complete the application with the software on the Town Council's system and required a specialist to complete the work.

PR46/11 EXCLUSION OF THE PRESS AND PUBLIC

Due to the confidential nature of the business to be considered regarding personal information Cllr North proposed and Cllr Hamilton seconded that the Press and Public be excluded from the meeting.

PR47/11 STAFFING MATTERS

The Town Clerk reported that the Administration Assistant had been appointed by the Town Council on Tuesday 7 February 2012. A six week review was carried out on 20 March 2012, which was reported back to the Staffing Sub-Committee on Thursday 29 March 2012.

The Staffing Sub-Committee agreed that the Administration Assistant should work 18 hrs per week from 10 April to 11 May in order to cover the extra workload anticipated from the Allotment Tenant payments.

The Town Clerk informed Members that the Administration Assistant's three month appraisal was due on 8 May 2012.

The Town Clerk explained that it had been anticipated that a Staffing Committee meeting would make a recommendation to Full Council regarding the continuing employment of the Administration Assistant. However, that was unlikely to take place before 8 May 2012. Therefore the Town Clerk, as a matter of urgency requested the Policy and Resources Committee, under Standing Order 15xiii to consider extending the Administration Assistant's probationary period until the matter could be considered by full Council on 14 June 2012.

The Town Clerk went on to explain the volume of work that had been completed since the recruitment of the Administration Assistant.

Members discussed the matter and it was proposed by Councillor M Kerley and seconded by Councillor K Hamilton and

RESOLVED: That the Administration Assistant's probationary period be extended until the matter of continuing employment could be considered by Full Council at its meeting on 14 June 2012.

The Chairman closed the meeting at 9.00pm.

Chairman

Date

SALC-SCAPTC-HALC-NCALC Legal Advice Note 26 (June 2012)**(Code of Members' Conduct transition)****Introduction**

1. The conduct and interests of local authority members or councillors are considered under two separate, although converging, branches of the law: a statutory ethical framework (which emphasises individual responsibility and statutory enforcement mechanisms) and the common law on bias (which is justiciable by the courts). The statutory framework does not affect the validity of decisions made by a local authority. On the other hand, the application of the law on bias through judicial review can lead to council decisions being quashed.

Conduct of local authority members—statutory ethical framework

2. The statutory ethical framework stems from the Local Government Act 2000¹ which has been supplanted in England by the Localism Act 2011². It is intended to help ensure high standards of conduct in local government³.
3. There is a duty on relevant authorities⁴ to promote and maintain high standards of conduct⁵ among Members⁶.

The three elements

4. The English framework comprises three subsidiary elements: a Code of Members' Conduct⁷, administrative arrangements for the management of complaints⁸ and the provision for the identification, registration and declaration of interests⁹.

¹ Ie the Local Government Act 2000 Pt 3 (ss 49–83) as amended. (Wales) and Localism Act 2011 Pt 1 Ch 7 (England).

² See www.communities.gov.uk (Local government/ Governance framework/ Constitutions and ethics/ Ethics in local government/ Background to the current ethical framework). There are transitional provisions from the Local Government Act 2000 regime in England to the 2011 regime. The Localism Act 2011 s 28 presupposes that the Code of Members' Conduct adopted under the Local Government Act 2000 Pt 3 may by formal resolution continue until amended or replaced.

³ Localism Act 2011 Pt 1 Ch 7 ss 27-35, sch 4.

⁴ The relevant authorities are: (a) a county council in England, (b) a district council, (c) a London borough council, (d) a parish council, (e) the Greater London Authority, (g) the London Fire and Emergency Planning Authority, (h) the Common Council of the City of London in its capacity as a local authority or police authority, (i) the Council of the Isles of Scilly, (j) a fire and rescue authority in England constituted by a scheme under [section 2](#) of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, (k) a police authority (in England or in Wales) established under [section 3](#) of the Police Act 1996, (l) a joint authority established by [Part 4](#) of the Local Government Act 1985, (m) an economic prosperity board established under [section 88](#) of the Local Democracy, Economic Development and Construction Act 2009, (n) a combined authority established under section 103 of that Act, (o) the Broads Authority, or (p) a National Park authority in England established under [section 63](#) of the Environment Act 1995: Localism Act 2011 s 27(6).

⁵ Localism Act 2011 s 27(1).

⁶ Localism Act 2011 s 27(2) includes co-opted members and an elected mayor – Localism Act 2011 s 27(7).

⁷ Localism Act 2011 ss 27(2), 28

⁸ Localism Act 2011 s 28(6)-(11), the continuation of a statutory standards committee is envisaged for the Greater London Authority Localism Act 2011 s 35.

⁹ Localism Act 2011 ss 29-34.

The new Code of Members' Conduct

5. A Council¹⁰ must continue by resolution or revise its existing Code of Members' Conduct¹¹ or adopt a new Code of Members' Conduct¹² which complies with the requirements of the Localism Act 2011¹³. The Code of Members' Conduct covers both elected and co-opted Members¹⁴. A new Code of Members' Conduct must comply with the seven principles of conduct¹⁵ and include provision for the registration of pecuniary and non-pecuniary interests¹⁶. The Government's policy is not to prescribe a Code of Members' Conduct. However, the Local Government Association (LGA) working with the Society of Local Authority Chief Executives (SOLACE), the Association of Council Secretaries and Solicitors (ACSeS) and NALC has produced a model¹⁷. The Department for Communities and Local Government has produced an illustrative text of a Code of Members' Conduct¹⁸. NALC has produced a model for parish councils¹⁹.

The register of Members' interests

6. The Localism Act 2011 provides for the compilation of and publicity for the register of Members' interests²⁰. Interests are of two types: pecuniary and non-pecuniary²¹. Pecuniary interests divide into disclosable pecuniary interests²² and those which are not treated as disclosable pecuniary interests.
7. The following is a table showing the effect of the new definitions:

¹⁰ The function of adopting, revising and replacing a Code of Members' Conduct can only be undertaken by the authority i.e. full Council and is not covered by executive arrangements or through a committee: ss 28(13), 27(8).

¹¹ Localism Act 2011 s 28(5). Codes of Members' Conduct made and adopted or applied under Local Government Act 2000 Pt 3 ceased to have effect on 1 July 2012: Localism Act 2011 sch 4 para 56(1).

¹² Localism Act 2011 s 27(2).

¹³ Localism Act 2011 s 28(1)-(2).

¹⁴ Localism Act 2011 s 27(4).

¹⁵ Localism Act 2011 s 28(1).

¹⁶ Localism Act 2011 s 28(2).

¹⁷ See http://www.local.gov.uk/c/document_library/get_file?uuid=6860b6ab-7cb2-44bb-987b-f638981ff963&groupId=10171

¹⁸ See <http://www.communities.gov.uk/documents/localgovernment/pdf/2128898.pdf>

¹⁹ See [NALC's template code of conduct for parish councils](#)

²⁰ It is for the monitoring officer to secure the compilation of the registers which must be completed on or within 28 days of election or co-option but see s 32 regarding sensitive interests: Localism Act 2011 ss 29(1), 30.

²¹ Localism Act 2011 ss 28(2), 29(2).

²² As defined by Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.

Where the business of the Council relates to or is likely to affect

Non-pecuniary interests	Pecuniary interests (not treated as disclosable pecuniary interests)		Disclosable pecuniary interests as defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464	
	Category	Interest	Category	Specified interest
Any body of which M is a member or in a position of general control or management and to which M is appointed or nominated by the authority;	Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation not carried on for profit or gain.	Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Any body— (aa) exercising functions of a public nature; (bb) directed to charitable purposes; or (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which M is a member or in a position of general control or management;			Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
	Contracts	Completed contracts which is made between the relevant	Contracts	Any contract which is made between the relevant person

Non-pecuniary interests	Pecuniary interests (not treated as disclosable pecuniary interests)		Disclosable pecuniary interests as defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464	
		person (or a body in which the relevant person has a beneficial interest) and the relevant authority.		(or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
	Land	A beneficial interest in land which is outside the area of the relevant authority.	Land	Any beneficial interest in land which is within the area of the relevant authority.
	Licences	A licence (alone or jointly with others) to occupy land in the area of the relevant authority for less than a month or land outside the area.	Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
	Corporate tenancies	A tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; but (b) the tenant is a body in which the relevant person has a beneficial interest but not one subject to the regulations.	Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Non-pecuniary interests	Pecuniary interests (not treated as disclosable pecuniary interests)		Disclosable pecuniary interests as defined by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464	
	Securities	<p>A beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; but</p> <p>(b) neither—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; nor</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. Or</p> <p>(c) that body does not have a place of business or land in the area of the relevant authority</p>	Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Definitions

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member of a parish council and a co-opted member of a committee, sub-committee or joint committee having the right to vote;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Under section 30(3) of the Act a pecuniary interest is a “disclosable pecuniary interest” in relation to a person (“M”) if it is of a description specified in regulations made by the Secretary of State and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

(i) M’s spouse or civil partner,

(ii) a person with whom M is living as husband and wife, or

(iii) a person with whom M is living as if they were civil partners,

and M is aware that that other person has the interest.

8. The register must be available for public inspection locally²³ and be published on the principal authority's²⁴ and (if available) the parish council's website²⁵.

Declaration of interests and participation

9. Interests should (and must if standing orders or the Code of Members' Conduct so provide) be declared at any meeting of the Council²⁶. A Member with a disclosable pecuniary interest²⁷ is prohibited from participation in the business, must not vote²⁸ and may be excluded from the room²⁹. There are provisions relating to dispensations for Members³⁰ where³¹ for example the number of Members disabled from participation would impede the proper conduct of the business³².

Complaints alleging a breach of the Code of Members' Conduct

10. Allegations about breaches of the Code of Members' Conduct are to be dealt with in accordance with arrangements made by the principal authority³³. Arrangements must include reference to at least one independent person who, might, on a transitional basis, have been a former independent member of the standards committee³⁴. It is likely that administrative arrangements will vary from principal authority to principal authority. Breach of the pecuniary interest provisions may be both a criminal offence³⁵ and a disciplinary matter³⁶ and could lead to disqualification³⁷.

²³ Localism Act 2011 s 29(5), (6).

²⁴ Localism Act 2011 s 29(5).

²⁵ Localism Act 2011 s 29(6).

²⁶ The Code of Members' Conduct and/or standing orders may make provision in this respect.

²⁷ Localism Act 2011 s 30(3) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464.

²⁸ Localism Act 2011 s 31(4).

²⁹ Localism Act 2011 s 31(10) if standing orders so provide.

³⁰ Localism Act 2011 s 33.

³¹ A relevant authority may grant a dispensation only if, after having had regard to all relevant circumstances, the authority— (a) considers that without the dispensation the number of persons prohibited by Localism Act 2011 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, (c) considers that granting the dispensation is in the interests of persons living in the authority's area, (d) if it is an authority to which [Part 1A](#) of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or (e) considers that it is otherwise appropriate to grant a dispensation: Localism Act 2011 s 33(2).

³² Localism Act 2011 s 33(2).

³³ Localism Act 2011 s 28(6).

³⁴ Localism Act 2011 ss 28(7), (8). The Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463.

³⁵ Localism Act 2011 ss 34(1)-(3), (5)-(8).

³⁶ Localism Act 2011 s 28(2)-(4), (6).

³⁷ Localism Act 2011 s 34(4).

11. Many principal authorities continue to operate a standards committee³⁸ (an ordinary committee of the Council³⁹) having the function of assessing complaints (which allege breaches of the code of members' conduct⁴⁰) against members or councillors either alone or in conjunction with the monitoring officer⁴¹ or the independent person⁴². In the event that the standards committee does not find a prima facie case, it will reject the complaint, but in the event that the committee does find a prima facie case, it can resolve or recommend (depending upon the arrangements⁴³) to:
- a. refer the complaint to the monitoring officer for investigation⁴⁴ or for other steps⁴⁵,
 - b. take no further action.
12. Cases referred for investigation could lead to a local disciplinary hearing (local determination). Standards committees, in their local determination capacity, may decide whether or not a member or councillor has breached the code of conduct and, if so, recommend what action (if any) should follow, from censure to suspension from committees⁴⁶. A standards committee may appoint sub-committees from amongst its number for any purpose, including the tasks of assessing complaints, reviewing decisions and holding local determinations.

Conduct of local authority members—bias and predetermination

13. The law on bias has grown up separately from the statutory code of members' conduct, and the courts have reached the same point as the statutory code by a different route. To determine whether or not there is unacceptable bias in a local authority decision-making process, the law asks two questions:
- a. is the local authority member or councillor predisposed to a particular course of action?

³⁸ Standards committees existed in some authorities before the ethical framework introduced by Local Government Act 2000 Pt 3. They existed in statutory form under Local Government Act 2000 Pt 3 in England. Standards committees are not required under Localism Act 2011 but may be constituted as ordinary committees. Specific provision is however made for a standards committee for the Greater London Authority: Localism Act 2011 s 35.

³⁹ An ordinary committee constituted under Local Government Act 1972 ss 101, 102.

⁴⁰ Allegations must relate to a breach a Code of Members' Conduct and be in writing: Localism Act 2011 s 28(9).

⁴¹ A monitoring officer is appointed by the county council, district council or unitary authority (or the other types of authority referred to in the Local Government and Housing Act 1989 s 21 (as amended)): Local Government and Housing Act 1989 s 5 as amended and see Localism Act 2011 s 29(4).

⁴² For the independent person see Localism Act 2011 s 28(7)-(8)..

⁴³ Made under Localism Act 2011 28(6)-(11).

⁴⁴ Investigations are specifically envisaged: Localism Act 2011 s 28(6)(a), (7), (11).

⁴⁵ The Localism Act 2011 s 28(11) does not specify the action which might be taken.

⁴⁶ The courts have been building up a tariff of appropriate sanctions under the Local Government Act 2000 ethical framework, which must not be excessive or disproportionate: see *Sanders v Kingston (No 2)* [2005] EWHC 2132 (Admin), [2006] LGR 111; *Hare v Marcar* [2006] EWHC 822 (Admin), [2006] LGR 567 and [R \(on the application of Calver\) v Public Services Ombudsman for Wales \[2012\] EWHC 1172 \(Admin\) \(03 May 2012\)](#)

- b. is that predisposition such that it now amounts to a predetermination of the matter⁴⁷?
14. The questions are of general application to all of a local authority member's activities. Predisposition towards or against a particular view may come from, for example, an election manifesto 'commitment', a member's own stance on a particular issue, a political group opinion, or membership of and espousal of the views of an interest group.
15. Predetermination is the inflexible adoption of a view or policy without having regard to other valid considerations (having a closed mind), and this can relate equally to the slavish and unquestioning adherence to a council policy as it can to the inflexible promotion of the position of an interest group. The courts have accepted that in local government, there will be structural predisposition⁴⁸. The courts recognise:
- a. the role played by party politics in local government⁴⁹;
 - b. the need for councillors or members to inform constituents of at least an initial view of matters, as part of their public role;
 - c. the structure of local government, which ultimately requires the same councillors to make decisions; and
 - d. that councils have to work within consistent and legally robust frameworks for proper decision making.
16. The courts do not adopt the same approach to external lobbying, campaign or interest groups.

⁴⁷ See *R (on the application of Lewis) v Persimmon Homes Teesside Ltd* [2008] EWCA Civ 746, [2009] 1 WLR 83 (the Redcar case); and for a fuller exposition of the law at first instance see *R (on the application of Lewis) v Redcar and Cleveland Borough Council* [2007] EWHC 3166 (Admin) and *R (on the application of Gardner) v Harrogate Borough Council* [2008] EWHC 2942 (Admin), [2008] All ER (D) 310 (Nov).

⁴⁸ See *R (on the application of Island Farm Development Ltd) v Bridgend County Borough Council* [2006] EWHC 2189 (Admin), [2007] LGR 60 and *R (on the application of Lewis) v Persimmon Homes Teesside Ltd* [2008] EWCA Civ 746, [2009] 1 WLR 83 (the Redcar case); and for a fuller exposition of the law at first instance see *R (on the application of Lewis) v Redcar and Cleveland Borough Council* [2007] EWHC 3166 (Admin) and *R (on the application of Gardner) v Harrogate Borough Council* [2008] EWHC 2942 (Admin), [2008] All ER (D) 310 (Nov).

⁴⁹ See *R (De Whalley) v Norfolk County Council* [2011] EWHC 3739 applying *R v Waltham Forest London Borough Council ex parte Baxter* [1988] QB 419 (significance of party discipline and group meetings) (the duty of an individual councillor was to make up his own mind on how to vote, giving such weight as he saw fit to the views of other councillors and to the policy of the group of which he was a member. It is only if he abdicates his personal responsibility that questions can arise as to the validity of his vote. The distinction between giving great weight to the views of colleagues and to party policy on the one hand and voting blindly in support of party policy may on occasions be a fine one but it is nevertheless very real.)

17. The common law then poses the objective test of whether a fair minded observer, knowing the background, would reasonably infer that the councillor's or member's judgement would be prejudiced, that is, that there is a real possibility of bias. An inflexible adherence to a predetermined view when a reasonable person would infer a real possibility of bias, without proper regard to all other valid considerations would amount to an unacceptable predetermination challengeable in the courts as unacceptable bias⁵⁰. In addition, improper predetermination may also be struck down on other administrative law grounds, which might include a failure to exercise a discretion properly or a failure to take all relevant considerations into account when reaching a decision⁵¹.
18. The statutory gloss on the common law position is a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because— (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (b) the matter was relevant to the decision⁵² and as a result of an allegation of bias or predetermination, or otherwise, there is an issue about the validity of a decision of a relevant authority, and it is relevant to that issue whether the decision-maker, or any of the decision-makers, had or appeared to have had a closed mind (to any extent) when making the decision⁵³.

The transitional position

19. The new statutory ethical framework is in force from 1 July 2012⁵⁴. From that date the 2007 Codes of Members' Conduct cease to have effect and the existing administrative arrangements cease to apply⁵⁵. The transitional arrangements allow for the earlier⁵⁶ adoption of a new Code of Members' Conduct, the new administrative arrangements for the management of complaints, the new

⁵⁰ It would seem that there has to be positive evidence to show that the local authority had a closed mind: see *R (on the application of Island Farm Development Ltd) v Bridgend County Borough Council* [2006] EWHC 2189 (Admin), [2007] LGR 60. It is extremely difficult to establish bias by way of predetermination: see *R (Lewis) v Redcar and Cleveland Borough Council* [2009] 1WLR 84 CA.

⁵¹ See *Re Medicaments and Related Classes of Goods (No 2)* [2001] 1 WLR 700, [2001] ICR 564, CA; *Bovis Homes Ltd v New Forest District Council* [2002] EWHC 483 (Admin); *R (on the application of Georgiou) v Enfield London Borough Council* [2004] EWHC 779 (Admin), [2004] LGR 497; and *Ghadami v Harlow District Council* [2004] EWHC 1883 (Admin), [2005] LGR 24.

⁵² Localism Act 2011 s 25(2).

⁵³ Localism Act 2011 s 25(1).

⁵⁴ Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 5.

⁵⁵ Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 5.

⁵⁶ With effect from 7 June 2012.

dispensation provisions and the preparation of the new register⁵⁷. Standards committees handling complaints already made have ceased to have the power to suspend a member found to be breach of the 2007 Code of Members' Conduct⁵⁸. Rights of appeal, hearings before the first tier tribunal and in the High Court in respect of matters already in train before 1 July can continue under the old rules after that date⁵⁹. Where complaints have already been made but not yet disposed of by 1 July will be dealt with under the administrative arrangements which obtain from 1 July⁶⁰.

What happens next

20. A parish council is obliged to adopt a new Code of Members' Conduct, although no timetable is prescribed. It follows that adoption should occur as soon as practicable as the power to do so applies from 7 June 2012 and the existing Code of Members' Conduct ceases to have effect from 1 July. However, while there are now several models available, the Localism Act 2011 presumes that parishes will take the lead from the district council for consistent application throughout the district. The new rules on interests are causing difficulties in interpretation and application.
21. Parish councils may consider it appropriate to await a district council lead.
22. District councils are not only charged with drafting and adopting a Code of Members' Conduct for their own use but also to devise the administrative arrangements for the management of complaints against both district and parish Members. Parish councils should therefore liaise with their district councils.
23. The Monitoring Officer is responsible for devising and keeping the register of Members' interests. Logically, the requirements in each district will reflect the district council's Code of Members' Conduct, which is another reason for following the district council's Code of Members' Conduct.
24. It is for each parish council to put in place arrangements for the granting of dispensations by which in defined circumstances a Member with a disclosable

⁵⁷ Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 2.

⁵⁸ With effect from 7 June 2012: Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 2(h).

⁵⁹ Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 7(3).

⁶⁰ Localism Act 2011 (Commencement No 6 and Transitional, Savings and Transitory Provisions) Order 2012/1463 art 7(6).

pecuniary interest may participate and/or vote⁶¹. The rules on pecuniary interests are to inspire public trust and confidence in the workings of local government and dispensations should be granted only in exceptional circumstances.

25. It is recommended that only full Council should have the power to grant a dispensation upon a written application.
26. Parish councils should be aware that from 9 July new councillors will have to sign a new declaration of acceptance of office (which does not refer to a Code of Members' Conduct)⁶².

⁶¹ A parish council may grant a dispensation only if, after having had regard to all relevant circumstances, the authority— (a) considers that without the dispensation the number of persons prohibited by Localism Act 2011 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, ... (c) considers that granting the dispensation is in the interests of persons living in the authority's area, ..., or (e) considers that it is otherwise appropriate to grant a dispensation: Localism Act 2011 s 33(2).

⁶² http://www.legislation.gov.uk/ukxi/2012/1465/pdfs/uksi_20121465_en.pdf

IMPORTANT NOTE

These guidance notes fairly represent the state of the law at the date mentioned but Members should be aware that the precise position may be different depending upon the particular circumstances of the case.

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S O L I C I T O R S L L P

DRAFT

Andover Town Council**MEMBERS' CODE OF CONDUCT****Part I: General Provisions**

1. This Code applies to you being a holder of public office as a member of Andover Town Council (“the authority”) when acting in your role as a member.
2. This Code is adopted pursuant to the Council’s statutory duty to promote and maintain high standards of Conduct by members of the authority, complies with the requirements of Section 28 of the Localism Act 2011 and is consistent with the principles set out in that section and which are listed in paragraph 4 below.
3. This Code is not intended to be an exhaustive list of all the legal and constitutional obligations placed on members of this authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.
4. This Code is based on and consistent with the following principles:

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

Part 2: General obligations for members

1. When acting in your role as a member of the authority:
 - 1.1 **Do** treat others with respect
 - 1.2 **Do** ensure that you are aware of and comply with the requirements which the Bribery Act 2010 places on you in your role as a member and on the Council as a whole.
 - 1.3 **Do not** do anything which may cause your authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006(a)).
 - 1.4 **Do not** bully any person (bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).
 - 1.5 **Do not** intimidate or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
 - 1.6 **Do not** do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - 1.7 **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of confidential nature, except where –
 - (i) You have the consent of a person authorised to give it;
 - (ii) You are required by law to do so;
 - (iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) The disclosure is –
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority
 - 1.8 **Do not** prevent another person from gaining access to information which that person is entitled to by law.
 - 1.9 **Do not** use or try to use your position improperly to obtain an advantage or disadvantage to yourself or any other person or body.
2. When making decisions as part of the authority
 - 2.1 **Do** have regard to any relevant advice provided to you by the Town Clerk as Responsible Financial Office and Responsible Officer where such advice is offered pursuant to his or her statutory duties.
 - 2.2 **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.
3. When using or as part of the authority, authorising the use of others of the resources of the authority –

- 3.1 **Do** act in accordance with the authority's reasonable requirements including the requirements of the authorities Electronic Communications Policy which you are deemed to have read:
- 3.2 **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- 3.3 **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.4 **Do** not improperly use knowledge gained solely as a result of your role as a member for the advancement of your Disposable Pecuniary Interests.

Part 3: Interests

1. Disclosable Pecuniary Interests

Disclosable Pecuniary Interests are defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (the Regulations) and details are set out in the Schedule to this Code

2. Code of Conduct Interests

These are pecuniary interests of the nature set out in the Schedule to this Code that affect you (but not being a Disclosable Pecuniary Interest) or relate to or affect a relevant person as defined in the Regulations, a member of your family or a close friend.

3. Sensitive Interests

These are interests where you consider that disclosure of the details of a disclosable pecuniary interest or a code of conduct interest could lead you or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. If the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a Disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2012.

4. Registration of Interests

You must, within 28 days of:

- a. This Code being adopted, or
- b. Your acceptance of office as a member, or
- c. Disclosure of a Disclosable Pecuniary Interest not on the Council's Register of Interests or the subject of pending registration

Notify the Town Clerk, who will then notify the Monitoring Officer of any Disclosable Pecuniary Interest where the Disclosable Pecuniary Interest is yours or is the pecuniary interest of your spouse or civil partner, or somebody with whom you are living as husband or wife or as if you are civil partners.

5. Disclosure of Interests

If you are present at a meeting of the Council, or any committee or sub-committee of the authority and you have a Disclosable Pecuniary Interest or a Code of Conduct Interest in any matter to be considered or being considered at the meeting –

- a. You must disclose the existence and nature of that interest to the meeting
- b. You may not participate in and discussion or vote taken on the matter at the meeting

- c. You must leave the room where the meeting is held before any discussion or voting takes place
- d. If the interest is a Disclosable Pecuniary Interest and is not registered or is not the subject of a pending registration you must notify the Monitoring Officer of the interest within 28 days
- e. If the interest is a Disclosable Pecuniary Interest you must not make a statement on the matter in which you have an interest before leaving the room
- f. If the interest is a Code of Conduct Interest you may make a statement on the matter in which you have an interest before leaving the room, in accordance with the Council's Public Participation Scheme.

6. Offences

It is a criminal offence to

- a. Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- b. Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- c. Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary interest that is not on the register that you have disclosed to a meeting
- d. Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- e. As a member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- f. Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.



ANDOVER TOWN COUNCIL

D

Report

Quality Council Status	
Author: Wendy Coulter (Town Clerk)	Presented by: Wendy Coulter (Town Clerk)
Produced for: Policy and Resources Committee	Date of Report: Monday 9 July 2012
Summary of Key Issues To consider the criteria for Andover Town Council to become a Quality Council.	
<p>Current Situation The Quality Council Scheme is a national process, intended to provide 'a minimum benchmark standard' for parish and town councils across the country.</p> <p>What are the benefits to Andover Town Council becoming a Quality Council? The benefits of the scheme affect three groups:</p> <ul style="list-style-type: none"> - The community - The parish or town council itself - The principal local authority <p>1) The community:</p> <ul style="list-style-type: none"> • more responsive services - the Quality council will be capable of solving local problems without recourse to the principal authority • real contact and discussions with its Quality council • a local access point providing information on services • a council which is more accountable, visible, representative and provides community leadership <p>2) Benefits to the parish or town council itself:</p> <ul style="list-style-type: none"> • greater credibility in the eyes of the local community, voluntary and private sectors, and principal local authorities • greater civic pride • more representative of the local community • better ability to articulate the needs and wishes of the local community • more will be achieved by working in partnership with other organisations • ability to demonstrate that it is effectively and properly managed, which will instil greater confidence in the community 	

- can deliver more local services - if the council wishes to
- greater involvement by the voluntary and community sector and by principal local authorities (e.g. developing community led plans, market town health checks etc.)
- a better informed community
- a well-trained clerk, through the Certificate in Local Council Administration (or University of Gloucestershire qualification in Local Policy)

3) Principal Authority benefits

- reassurance that the Quality council has been independently assessed and is therefore capable of working together with the principal authority to deliver services on their behalf or in partnership
- reliable evidence of the competence of the Quality council, through the four year re-assessment process
- proof that the Quality council is willing and able to be fully involved in local issues (this will be particularly valuable when implementing new initiatives)
- stronger partnership working, with the town or parish council bringing their local perspective and experience to the table. Quality councils should be more innovative and pro-active, and will want to share their ideas and experiences
- increased confidence that the Quality council is representative, competent, well managed, and thus capable of taking on and sustaining an enhanced role

What are the tests and criteria for becoming a Quality Council?

Test 1 – Electoral Mandate

Criteria – At accreditation, at least two-thirds of the members of the council must have been elected. (Therefore for Andover Town Council, 13 Members need to have been elected to office). Co-opted and appointed Members are cannot be included.

Evidence – A copy of the latest election return(s) for the council. This should include the last full council election return plus copies of any other returns for elections held by the district authority to fill a vacancy for the council.

Test 2 – A Qualified Clerk

The Clerk must hold either:

The Certificate in Local Council Administration (CiLCA)

Or:

The Certificate of Higher Education in Local Policy or Local Council Administration awarded by the university of Gloucestershire.

The Certificate in Local Council Administration (CiLCA) requires a clerk to prepare a portfolio of their work, demonstrating their basic understanding of the roles and principles of local council administration.

A council is expected to support its clerk in gaining this qualification. It should be prepared to fund not only the registration fee for the certificate, plus any training required, but also to recognise the time and effort needed to prepare the portfolio.

The Staffing Sub-Committee are to consider the Town Clerks completion of CiLCA with the suggestion that she works at home every other Monday to work on her CiLCA .

Evidence – A copy of the qualification certificate for the clerk

Test 3 – Council Meetings

A council must hold regular meetings.

The Council should demonstrate that:

- It meets at least six times a year (the annual meeting of the council can be counted)
- Time is allocated for public participation
- Notices of meetings are publically displayed at least three clear days before each meeting
- Draft minutes of the meetings are published within two months of the meeting taking place and are available for inspection by any elector in the parish

Evidence – Copies of notices and minutes for the twelve months prior to the application for Quality Status.

Test 4 – Communication and Community Engagement (part mandatory, part discretionary)

A major requirement of Quality Status is that the council can demonstrate that it communicates, consults and actively

involves its electorate, local organisations and members of the public.

Mandatory Section –

- Website which provides;
 - A list of council members and officers, together with details of how they can be contacted and
 - Provides access to the annual report
- Have an email address that is publically available
- Produce or publish a regular newsletter at least four times a year OR contribute a specific section on your local council to a community newsletter at least four times a year
- Include in the newsletter or in the community newsletter the names of councillors and the clerk and how they can be contacted
- Ensure that the councils newsletter or community newsletter is readily available at public sites across the parish or town (such as local shops, notice boards, libraries and village halls)

Evidence – provide both website and email address and provide examples of the methods used to inform and communicate with the residents about parish council activities (newsletters, magazines, articles in local papers or publications). Details of how local people access the council and how we ensure the electorate's views are represented should also be provided.

Discretionary Section –

Many parish and town councils vary in their approach to communications and the discretionary section reflects this. Only nine of the seventeen discretionary communications requirements listed must be met to achieve Quality status.

At least 9 of these 17 discretionary requirements must be met:

1. The annual report is sent to every household in the parish and town council area
2. The annual report includes a summary of council activities during the year
3. The council is currently involved in community-led planning, has a parish or market town plan, or has contributed to a town or village plan
4. An information or access point is provided for details on local government services and parish council activities
5. An information or access point is linked electronically to the district and county councils (This item is largely aimed at councils which have an office open to the public, not at smaller councils).
6. Information about local government services and council activities is distributed to every household
7. Links have been established with voluntary and other community organisations in the area
8. A community engagement strategy has been formulated
9. You provide a regular weblog on your website about council activity or encourage your community to talk to you through an online forum or through surveys on your website
10. Councillors hold regular 'surgeries' for local residents (i.e. more than six times a year)
11. Residents are consulted on planning matters
12. Relevant principal authorities are informed of parish council activities
13. Council activities are publicised in local libraries, shops and/or other public places
14. Council activities are publicised in the local press
15. Council activities are reported in district council publications
16. Consultations or questionnaires are undertaken with the electorate on local issues affecting the parish council area
17. Information leaflets or brochures are provided on the work of the parish council (NB: these are in addition to the annual report)

Evidence – Anything that can be found to back up the nine selected items. The aim is to demonstrate that the council understands the views of its community and works to represent them at all times.

Test 5 – Annual Report (Mandatory)

The Quality Parish and Town Council Scheme requires that the report should be formal and be in a form suitable for wider publication. It should reflect the work of the council, its activities and achievements over the previous year.

It is a requirement that the annual report must have been:

- Completed and published by 30th June of the following year (financial year end 31 March 2012, published by 30 June 2012)
- Made available for inspection by any elector in the council area
- Made publically available by being placed at the offices of the principle authorities and local libraries

The Annual report should include:

- A list of council members and officers plus their contact details
- A summary of the councils accounts
- An overview by the chairman of the councils achievements

Evidence – Councils are required to send a copy of the latest annual report

Test 6 – Accountability (Mandatory)

This test is to ensure that all Quality parish and town councils maintain accurate and transparent financial arrangements.

The last available statement of accounts must have an unqualified opinion from the external auditor in order to qualify for Quality status.

It is required that the last available Statement of Accounts and Annual Governance Statement demonstrate that they were prepared in accordance with the statutory requirements and appropriate proper practices, and, have been approved and published as required by law and proper practices.

The latest available Statement of Accounts and Annual Governance Statement must have been approved within 3 months of the accounting date.

A Quality Council must also demonstrate that it has an adequate system of internal controls and adequate and effective arrangements for internal audit.

Evidence – Statement of Annual Accounts and Annual Governance Statement for the year to 31 March within 15 months of the Application date.

Copy of the latest audited Statement of Accounts and Annual Governance Statement where the External Auditor has completed the Certificate and Opinion. This must be for the immediately preceding year of account.

Copies of all Reports from the Internal Auditor to the council for the last complete financial year.

Copies of Minutes of Council / Committee approving the latest available Statement of Accounts and Annual Governance Statement.

Confirmation that the External Auditor has not issued a Report in the Public Interest (under section 8 of the Audit Commission Act 1998) within the last 3 years [from date of application] and that such a Report is not known to be under preparation.

Test 7 – Code of Conduct (Mandatory)

The council must show that it has formally adopted a Code of Conduct.

Evidence – A copy of the minutes that include the resolution to adopt the revised Model Code of Conduct.

Test 8 – Promoting Local Democracy and Citizenship (Mandatory)

Help promote the responsibilities of citizenship in the local community and encourage active citizenship. This could be via a greater understanding of how local councils work, a greater involvement in the affairs of the community and a greater engagement in the democratic process.

The Council must demonstrate that:

- It works proactively to support local democracy and citizenship in its local area

Evidence – Any activities that support local democracy or citizenship in the parish area. This could include activities such as actively involving and listening to the views or young people in a local council project or how the council supports and listens to the Youth Council.

Test 9 – Terms and Conditions (Mandatory)

It is required that councils with a paid clerk provide evidence that they have adopted (as a minimum) the NALC/SLCC Terms and Conditions agreement.

And provide evidence that they have issued all staff with a written contract of employment

Evidence – provide a statement signed by both the Chair and Clerk that they adhere to both parts of the test.

Test 10 – Training (Mandatory)

This test requires councils to have evaluated the training needs of its staff and councillors and formulated a 'Training Statement of Intent' based upon this. At re-accreditation councils will be required to provide a new 'Statement of Intent' and provide evidence that their previous statement of intent has been acted upon.

Evidence – A statement of intent that shows that the council has identified key areas of training need for both staff and members and details of how you identified these needs. On subsequent re-accreditation of Quality status evidence should be supplied to show how you have acted on your previous statement of intent. Supporting evidence

might include a list of training courses that have been attended, by whom and on what date.

Financial Implications:

The council must be aware that the application fee is not the only cost to the council in attaining Quality status. The clerk and councillors will need to spend time in collating the evidence to support the application. The council will need to present all the original documentation in a way that is easily understood and gives an overall impression of the quality of the council's work.

If the clerk is to research and collate the evidence, the council must ensure that he or she is given the time to do so. If this work is in addition to their normal duties, the council should consider paying for the additional hours required to complete the application. Councils should recognise that clerks who achieve the Certificate in Local Council Administration are contributing to their own development as well as helping their council towards achieving Quality status. The portfolio takes between 20-30 hours to complete and much of this time will be taken up researching and compiling all the evidence.

Application fees relate to the gross income or expenditure of the local council (whichever is the higher):

Application Costs

Expenditure of parish/town council Application fee (including VAT)

Under £50,000 - £58.75

£50,000 to £100,000 - £117.50

Over £100,000 - £235.00

Budgetary Implications

Currently the Town Council does not have provision in the budget for the production and distribution of a regular Newsletter. In consideration of this, if the Council were to decide to take the option of a distribution to all households, the cost to post could be up to £6,600, for one newsletter, unless Members would consider hand delivering.

The advice regarding time to put the portfolio together is between 20 and 30 hours, however this does not include the extra time to comply with the Quality Council Status standards.

The Town Council already complies with Tests 1-3. Test 4 – Communication and Community Engagement is the area where the Town Council will need to consider budget, resource implications and timescales, depending on which of the options it decides to complete.

A Newsletter, researched, compiled, published and distributed is estimated to take 10 hrs. This is required to be completed 4 times a year, therefore 40 hrs a year in staff time would be required.

The Town Council complies with Tests 5-7. Test 8 – Promoting Local Democracy and Citizenship requires further work and the staff time required for this is as yet unknown.

The Town Council complies with Tests 9 and 10.

Legal and Policy Implications

If Andover Town Council achieves Quality Council Status it will have demonstrated to the local community that it is representative, in touch with its communities, competent, and capable of taking on an enhanced role.

Recommendations:

To consider the Criteria for achieving Quality Council Status and to consider the projects/work required to qualify that are not currently covered by the Town Council.

9 July 2012

Note: The person to contact about this report is Wendy Coulter (Town Clerk), Andover Town Council, 66C, High Street, Andover, Hampshire. SP10 1NG.

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Distribution: To all Councillors



ANDOVER TOWN COUNCIL

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Report

Best Value	
Author: Wendy Coulter (Town Clerk)	Presented by: Wendy Coulter (Town Clerk)
Produced for: Policy and Resources Committee	Date of Report: Monday 9 July 2012
<p>Summary of Key Issues</p> <p>Town & Parish Councils do not have a statutory duty to undertake a Best Value review; however there is a recommended practice for Town and Parish Councils to adopt Best Value principles when reviewing or considering providing new or existing services.</p> <p>The Best Value principles are:</p> <ul style="list-style-type: none"> • To Challenge • To Compare • To Compete • To Consult <p>In addition the Council should consider the principles of Value for Money (VAM) and Value Added (VA) in undertaking any review</p> <p>The Policy and Resources Committee(PRC) are asked to:</p> <ol style="list-style-type: none"> 1. Note the principles of Best Value, and to identify which, if any, services should be identified to be reviewed using these principles. 2. Note the time table for implementing a Best Value Service Review and the implications. 3. Note the comparative section of the Council's spending and budget over the last two financial years as set out below in this report. 	
<p>Best Value Principals</p> <p>The Town Council should apply the principle of Best Value to the provision of all its services. Abiding by the principle of Best Value will assist the Town Council in any bid for Quality Council status and demonstrate to the residents the Council's commitment to ensure that the Town Council provides VFM and VA services.</p>	

There are four principals to Best Value:

Challenge – Does the Town Council have a statutory duty to provide this service? If not, why should the Council choose to deliver the service and at what quality standard of service

Compare – To research and bench mark the service with other providers including Principal Authorities, Town and Parish Councils and private providers.

Compete – Are there other methods of delivering the service and how do these impact on VAM and VA.

Consult – To undertake a consultation exercise with local residents and, interest groups to obtain a local view of the options identified as a result of the review

Services to be reviewed

The Members of the PRC are asked to identify which services should be considered for review.

Currently the Town Council only provides three principle services which are the Allotment Service, Christmas Lights and Grants.

Due to the nature and depth of work required, Best Value Reviews are usually completed once every three to five years on each service, or where there has been a fundamental change in the delivery of a service.

Members are asked to consider the timing of any Best Value reviews and are reminded that considering the first principle of best value to challenge, the Allotment service and Christmas Lights have been provided in full by the Town Council for only one year.

It is normal practice to identify a programme of Best value reviews over a three to five year period based on resource availability

Best Value Review implementation time table

Action	Time
Challenge	2 weeks
Compare	6 to 8 weeks
Compete	4 weeks
Consult	8 weeks
Best Value Recommendations	4 weeks
TOTAL MAXIMUM TIME	26 weeks

Current Situation

As part of the Town Councils Business Plan, the Policy and Resources Committee has been tasked with ensuring that the Town Council is providing Best Value.

As a starting point and for information, Members are asked to note the summary Budget reports for 2010/2011 and 2011/2012 as set out below.

	Consolidated Budget for 2010/11		Consolidated Budget for 2011/12	
	2010/2011 Budget	2010/2011 Actual Expenditure	2011/2012 Budget	2011/2012 Actual Expenditure
Services				
Corporate Management	1,500	9,683	10,150	11,028
Democratic Representation	10,606	380	2,900	201
Administration Rechargeable	80,000	23,875	77,900	53,785
Other Services to the Public	38,000	42,000	8,000	7,719
Other Services				
Grant Aid	0	0	1,000	6,000
Cultural & Related Services				

Allotments	0	0	14,000	14,337
Development Projects				
Town Development	0	0	38,000	27,521
COST OF SERVICES	130,106	75,938	151,950	120,591
Allotments	0	0	-14,580	-10,119
Other Income	0	-1068		-68
Interest Income	0	-105	-100	-338
NET OPERATING COST	130,106	74,765	137,270	110,066
Town Precept	130,106	130,106	130,225	130,225
SURPLUS	0	55,341	(-7,045)	20,159
RESERVES	0	55,341	48,296	75,500

Actual Spend 2010/2011 and 2011/2012

Members will note, that although some Budgets have overspent in 2010/2011 and 2011/2012, overall the Town Council has maintained expenditure within its forecasted budget.

This is due to several factors.

- The Estimate for expenditure on Election costs in 2010 and 2011 was overestimated approximately £42,000 was set aside over 2010/2011 but only £37,151.37 was spent.
- The Estimate for expenditure on Salaries in 2010/2011 was overestimated the budget was set at £69,000 but only £10,749.20 was spent as a full time Clerk was taken on in December 2010.
- The Estimate for expenditure on Town Development was overestimated in 2011/2012 the budget was set at £38,000 but only £27,520.99 was spent.

Members will note that the net budget which was significantly overspent in 2011/2012 was the Allotments Budget (budgeted net income £480: actual expenditure £4,218 giving an overspend of £4,698) This has been addressed by the recent decision to increase the rent of the allotments, but as the Allotments are a service provided by the Town Council, the spend and budget should be monitored carefully.

Cost, Time and Risk Issues

Considering that the Council only have the equivalent of 1.5 Full Time Employees, Members are requested to consider the potential implications for the delivery of a best value review at this time including the following issues:

1. Staffing availability and costs, for research and reporting.
2. Cost of public consultation and associated staff costs
3. Impact on the Councils other services.
4. Councillor availability to assist in the review
5. Is this the appropriate time to undertake a review with new services?
6. Raising Public awareness and public relations management.
7. Are the Council prepared to take action in line with the results of the public consultation?

Legal and Policy Implications

As part of the Quality Council Status, Town and Parish Councils are expected to abide by the principles of Best Value.

Recommendations:

- a. To note the **Summary Budget Report for the Year Ended 31 March 2011.**
- b. To note the **Summary Budget Report for the Year Ended 31 March 2012.**
- c. To note the **principles of Best Value.**
- d. To note the **time implications and issues with the implementation of a Best Value Review as**

identified in the report.

- e. To agree which Town Council services should be subject to a review.**
- f. To consider the time frame for undertaking reviews.**

9 July 2012

Note: The person to contact about this report is Wendy Coulter (Town Clerk), Andover Town Council, 66C, High Street, Andover, Hampshire. SP10 1NG.

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Distribution: To all Councillors



Miss W Coulter
Andover Town Council
First Floor Offices
66C High Street
Andover
Hampshire SP10 1NG

Our ref: DS/A822

29 May 2012

Dear Miss Coulter

**Andover Town Council
Management Letter: Internal Audit 2011/12**

The Town Council's Internal Audit has been completed in accordance with the requirements of the audit regime and we have completed the Annual Report by the Internal Auditor for the financial year ended 31 March 2012. The Annual Return needs to be fully completed before being sent to your external auditors.

The Internal Audit process is an integral part of the new audit regime which concerns itself with the principles of good governance, accountability and transparency. These are set out and considered in detail in the NALC publication entitled Governance and Accountability in Local Councils in England and Wales – A Practitioners Guide ("the Guide").

You may take comfort that your Council operates a system of internal controls which is adequate and effective, given the resources available to it, and for the most part adheres to the Guide and other accounting and control principles for the financial year 2011/12.

I need now to bring to your attention the findings of the internal audit process and you should report these findings to your Policy and Resources Committee and/or at full Council. The findings detailed below are reported on an exception basis for the sake of brevity and are in sufficient detail for you to take action as appropriate.

www.hwca.com

HW Controls & Assurance LLP 30 Camp Road, Farnborough, Hampshire, GU14 6EW
Telephone: 01252 510333 **Fax:** 01252 377101 **Email:** farnborough@hwca.com

A list of the names of the principals is available at the registered office
Registered in England & Wales, no. OC323078



Internal audit

As identified last year, Section 5-6-8 of the Council's Anti Fraud and Corruption Policy states that there will be a 3 year internal audit plan. A plan was not prepared prior to my visit, but the structure of such a plan was discussed during my visit. The main areas of review each year are as set out in the Guide and in addition to these it was agreed that particular attention was needed in relation to allotments, given the number of allotments available and the work associated with this, along with the relevant income and expenditure that arises. Please see below for the issues arising from the detailed review.

Any other areas requiring close attention are to be identified and incorporated into the ongoing plan as and when changes in circumstances dictate.

Allotments

As mentioned above, attention was focused on the allotments for the reasons indicated. Although the software being utilised to oversee the administration of the allotments appears adequate for the task there may be reports that can be used to help streamline the processes and so alleviate the administrative burden.

Notwithstanding this, the Council could also consider the following:

- Phasing the issue of invoices.

Phasing the issue of invoices should help avoid a deluge of allotment holders all trying to pay the rent in person at the same time.

- Pursuing non payers.

A systematic approach is required to follow up non payment of rents, which may prove easier if the phased issue of invoices is adopted. It is important that the Council is seen to be even handed and so should follow the procedures it has laid down in these circumstances and which allotment holders are already aware of.

- Individual waiting lists.

Having separate waiting lists for each site might simplify the handling of waiting lists, especially as it will avoid the need for a preference regarding sites to be recorded.

- Waiting list blocking

If an individual does not accept a certain number of plots that are offered to them, say 3, they could be put to the end of the waiting list.

**Signage**

Given the access provided to the public to the Council offices there should be more signage regarding fire exits, low headroom and no smoking on the premises.

VAT

A visit from HM Revenue & Customs has identified the incorrect calculation of VAT in a couple of instances, resulting in a reduction in the VAT that can be reclaimed. By following the procedures explained by the VAT officer during the visit should ensure this situation does not reoccur.

Audit Reports

Although the issues raised from the audit for the year ended 31 March 2011 were acknowledged by the Council and a plan implemented for dealing with these, it is not clear from that plan whether all issues have been satisfactorily resolved. This can be rectified by including a summary of the action taken and identifying any items remaining when formulating the plan for the year ended 31 March 2012.

Risk Assessment

The risk assessment document needs to be reviewed annually and updated to show the items that have been resolved as well as then reconsidering the priority on outstanding issues. The weighting system adopted should enable this process to be undertaken without too much effort, although it is important that any changes in circumstances are correctly reflected as a part of the review at the latest.

Standing Orders

Updated Standing Orders were adopted by the Council at their meeting on 15 March 2012. It is understood the revised wording of standing order 15 Committees subsection ix was intended to help clarify the status of councillors when they were acting in an ex officio capacity on a committee. It seems to have been the intention that this provision would only apply in so far as they were not already a member of any such committee and so their involvement on that committee would purely be ex officio. This is not clear from the wording adopted and should be rectified as a matter of priority in order to ensure the standing order correctly reflects the intention of the Council.

You should attach a copy of this letter to your Annual Return for your external auditor to see.

Yours sincerely

David Smy
Partners Assistant



ANDOVER TOWN COUNCIL



Discussion Paper

Parish Boundaries	
Author: Wendy Coulter (Town Clerk)	Presented by: Wendy Coulter (Town Clerk)
Produced for: Policy and Resources Committee	Date of Report: Thursday 12 July 2012
Summary of Key Issues	
<p>Smannell Parish Council and Enham Parish Council have expressed concern about the number of new houses being built in Augusta Park within their Parish Boundary.</p> <p>Full Council considered a letter received requesting that Andover Town Council write a joint letter to Test Valley Borough Council requesting that when the Parish Boundaries are next reviewed that Augusta Park could be included in the Parish of Andover.</p> <p>Full Council requested more information about the process including timescales and the mechanism for a Parish Review.</p>	
Current Situation	
<p>Currently in or bordering the Parish of Andover there are three major housing developments. Augusta Park, Picket Twenty and Picket Piece.</p> <p>These housing developments are due to be completed within the next five to ten years, thereby significantly increasing the population of the Parish of Andover.</p> <p>To carry out a Parish Review or 'Community Governance Review' is lengthy and costly and is usually only carried out when significant population rises occur. Therefore Test Valley Borough Council may decide to carry out a review, once all the development work has been completed.</p>	
Discussion	
<p>Members are asked to discuss the principle of a Community Governance Review and whether further discussions should take place with the parishes of Smannell and Enham to consider the options or whether they agree to register their wish with Smannell and Enham for Test Valley Borough Council to consider whether Augusta Park should be included in Andover Parish during the next Community Governance Review.</p>	

12 July 2012

Note: The person to contact about this report is Wendy Coulter (Town Clerk), Andover Town Council, 66C, High Street, Andover, Hampshire. SP10 1NG.

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POLICY & RESOURCES WORK PROGRAMME: 19 JULY 2012

Date of Meeting	ITEM	Requested by	Purpose of Item	Expected Outcome
19 July 2012	Best Value for Money	P&R	To receive a budget report and to agree and note the process for accessing the Town Council's Best Value practice	To receive a budget report from Town Clerk, to review monies spent.
19 July 2012	Quality Council	P&R	To access the criteria for Andover Town Council to become a Quality Council	To recommend the process to Full Council
19 July 2012	Signage	P&R	To consider the management of Signage in the Town Centre	
26 September 2012	Review Council's Risk Assessment	STAT	To fulfil statutory duties	To make recommendation to Full Council
26 September 2012	Grit Bins	P&R	To consider whether the Town Council should purchase Grit Bins	
17 October 2012	Annual Budget	STAT	To prepare and recommend to Council the Annual Budget for 2013/2014	Recommend Budget to Full Council
12 December 2012	Annual Budget	STAT	To finalise any changes to Council Budgets	Recommend Budget to Full Council
12 December 2012	Precept	STAT	To finalise any changes to Precept level	Recommend Precept Level to Full Council
January 2013	Internal Audit	STAT	To review arrangements for Internal Audit as necessary	
February 2013	Business Plan Review	P&R	To ensure business plan is being implemented and actioned upon	Report from Town Clerk on progress of actions

