



# AGENDA, SUMMONS AND MINUTES



## THE SUMMONS

- It is a legal requirement that councillors are “summons” to the meeting, so therefore it should always say that. Failing to do so does not invalidate the meeting but can cause complications if decisions taken therein are challenged.
- The Summons and the Agenda must be distributed three clear days before the scheduled meeting - Local Government Act 1972, Sch 12 para 10(2). This excludes the day of the summons, the day of the meeting, Sundays and Bank Holidays.
- The LGA 1972 S. 12 para 10 (2) (b) states that the Summons to attend the meeting specifying the business proposed to be transacted at the meeting shall be left at or sent by post to the usual residence of every member of the council. If allowed by Standing orders, the Summons may be sent electronically and contain an electronic signature (Local Government (Electronic Communications) (England) Order 2015 made under powers of sections 8 and 9 of the Electronic Communications Act 2000)
- Local Government Act 1972 S. 12 para 26 (2) (b) The summons must be signed by the clerk or a person authorised to act on their behalf such as the assistant clerk or locum support. See above regarding electronic signatures.
- Meetings must not be convened in licensed premises unless no suitable room is available free of charge or at reasonable cost Local Government Act 1972 S. 12, paras 7 and 23.

## THE AGENDA

The Agenda will present to Council those matters on which the Clerk requires a decision. It must be included with the summons and provide sufficient description to enable the councillor or a member of the public to know what is going to be discussed.

The Agenda must be posted on Notice Boards and Website as per details above, please note Members of the Public and Principle Authority Councillors are invited to attend

### Changing Agenda's

An agenda cannot be changed once it has been served /posted. If you have forgotten something, you will need to add it to a future meeting.

### Responsibility of the agenda

The agenda is the responsibility of the **Clerk** and will typically be discussed with the Chair who will have an idea of what needs to be discussed. Councillors may request items but must support their requests with appropriate information which the clerk will check for completeness, to ensure the item may be properly heard, debated and determined. The process for this is often outlined in your Standing Orders.

FOR FURTHER RESOURCES VISIT THE MEMBERS AREA OF OUR WEBSITE  
(YOU MUST BE LOGGED IN TO ACCESS THIS)

[WWW.BUCKSALC.GOV.UK](http://WWW.BUCKSALC.GOV.UK)



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## THE ROLE OF THE COUNCILLOR

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### Admittance to Meetings

Public Bodies (Admissions to Meetings) Act 1960 c.67 para 1. While the meeting is open to the public, the body shall not have power to exclude members of the public from the meeting and duly accredited representatives of newspapers attending for the purpose of reporting the proceeding.

The Openness of Local Government Bodies Regulations 2014. Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council, but otherwise may:

- film, photograph or make an audio recording of the meeting;
- use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.
- The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

Public Bodies (Admissions to Meetings) Act 1960. Council must resolve to exclude the public and press from confidential items such as those affecting members of staff, or involving the tendering of business contracts under the above act. If any business on the agenda involved confidential information, we would have a Confidential Business item on the agenda.

### Public Participation Time

Although not a legal requirement it is considered good practice to include an item at the start of the evening for public participation. Having it at the start of the meeting means members of the public are then free to leave, they may have information pertinent to a matter appearing further on in the agenda and this section can be heard outside standing orders. Matters raised in this period may not necessarily be discussed that evening and unless already on the agenda, may not have any decisions made in their regard.

### Annual Meeting of the Parish Council

First business of an Annual Meeting must be to elect a Chairman, who must be an elected member of council. Local Government Act 1972 Ss. 15(2), (3) and 34(2), (3): If the retiring chairman is about to cease to be a member of council then he/she may only have a casting vote.

### Apologies for absences

Apologies for absence must be given by councillors and recorded - Local Government Act 1972 s85. Councillors have a duty to attend, but illness, work commitments or holidays are acceptable excuses. It is important that reasons for absence are given and acceptance of those apologies are resolved.

Given our duty to protect the privacy of councillors reasons for absence, the council may wish to include a list of acceptable reasons in Standing Orders so that the Council need only know that the Clerk has confirmed the apology is due to one of those reasons.

If a councillor fails to attend a formal meeting for 6 months, he is automatically disqualified unless the Council approved the reasons before the end of the 6 month period.

Recording and accepting of apologies is important to calculating the 6 month rule. Noting of the apologies is insufficient, as council may need at some point to reject the apologies of a long term non appearing councillor and a clear record must be available.

### Any other business

The law requires an agenda to be clear and transparent, Any Other Business is neither clear or transparent and decisions cannot be lawfully made on any discussions under this heading.

To facilitate feedback or discussion or sharing of notices, consider a Clerks Report or Chairpersons Update instead.

### Correspondence

Falls into the same category as Any other Business. If a matter of correspondence requires the direction of the council, it should be raised as a separate and clearly defined agenda item. The Clerk may wish to provide a flavour of general correspondence received in their report.



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## Confidential Session

The council must resolve to exclude the public and press from confidential items such as those affecting members of staff or involving the tendering of business contracts under the above act. If any business on the agenda involved confidential information, we would have a Confidential Business item on the agenda. Public Bodies (Admissions to Meetings) Act 1960.

Typically, this is held at the end of a meeting so that members of the public may leave, rather than be dispersed and recalled.

As far as items which are to be taken in a confidential session are concerned, these should also appear on the agenda, but on the basis that they are going to be discussed confidentially.

This means that the agenda item will be more vague than will be the case for others, so it will say, "to discuss a staffing matter", "to discuss a code of conduct matter", "to discuss...". whilst vague, it will show that an item of that nature will be discussed.

## The signing of the minutes

It is the responsibility of the Clerk to ensure the minutes are physically signed. This should take place at the meeting.

## Responsibility for the minutes

The minutes are the responsibility of the proper officer. They don't have to take the minutes. You can have a minute secretary or otherwise, but the Proper Officer is responsible for the minutes of the meeting.

## Retention of Minutes

The physical signed minutes should be retained in perpetuity. Digital Copies include features like consecutive numbering to guard against tampering. Digital Copies are not considered to be adequate replacements for the original documents. Very old minute / minute books can be lodged with the County Archivist for safe keeping.

## Objections to the minutes

The minutes of the meeting are a legal requirement and once accepted as a true and accurate record, cannot be changed. They should be as concise as possible. Objections as to the accuracy of the minutes, should be raised as soon as the draft minutes are published this will enable the clerk to check their notes. The Clerks view is final. Should councillors continue to disagree they can reject the minutes or direct the chairperson to amend them. The Clerk can legally append that the updated minutes are not in line with their notes and/or recollection. The Clerk may also append minutes where council have resolved to act contrary to the Clerk's advice.

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