



SERVING LOCAL COUNCILS IN SHROPSHIRE AND TELFORD & WREKIN

Affiliated to the National Association of Local Councils

Induction Guide for Councillors

TEMPLATE

May 2013

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Adapted by the Clerk for Wistanstow Parish Council

Welcome

Congratulations on your election and welcome to the Council.

You are now a part of the democratic framework in Shropshire, at the first layer of government, representing your community at grass roots level.

This Guide is to help you through the early stages of working with council colleagues and the Clerk.

In order to take up Council duties, and as a reminder, all councillors are required to complete the following, either at the first meeting of the council or when elected:

- Acceptance of Office
- Code of conduct (See paragraph 3 below)
- Register of disclosable pecuniary interests (See paragraph 3 below)

1.0 Introduction to the Council

Local Councils are an essential part of local democracy and have a vital role in acting on behalf of communities they represent by:

- giving views, on behalf of the community, on planning applications and other proposals that affect their area
- undertaking projects and schemes that benefit local residents
- working in partnership with other bodies to achieve benefits for the parish
- alerting relevant authorities to problems that arise or work needing to be done

1.1 Contact Information

Councillors should be aware of the various ways to contact the clerk, what access they have to the clerk's 'office(s)' and that they can accordingly signpost the public.

2.0 Roles and Responsibilities

It is important that all Councillors understand their roles and responsibilities (set out below) to avoid any misunderstandings that may lead to conflict later. Councillors bring different skills, have different attitudes and need to work as an effective team with the chairman as team leader. The clerk is there to provide advice and implement the council's decisions. The clerk is termed the 'proper officer' answerable only to the council as a whole, the employer, and may also hold the statutory position of Responsible Financial Officer. Clerks are professional paid officers and can have decisions delegated to them. The advice of the clerk is important and should always be a Councillor's first point of contact.

The term of office of Councillors is four years commencing on the fourth day after the ordinary day of election and ending on the fourth day after the next ordinary election. The ordinary day of election is the first Thursday in May or such other day as may be fixed by the Secretary of State by order. A person elected as a Councillor cannot act in that capacity until he/she has signed a declaration of acceptance of office and delivered it to

the Parish/Town Clerk. If the declaration is not made and delivered within two months from the day of the election, the office of the person elected becomes vacant.

2.1 Councillors' Duties

Councillors have the following duties set out in law:

- Must sign a declaration of acceptance of office, agree to abide by the council's code of conduct as adopted and register any disclosable pecuniary interests
- Must attend meetings when summoned to do so and is responsible to disclose any pecuniary interests before an item is discussed
- Must inform the clerk of an intended absence in order that it can be recorded/approved
(If a member does not attend any meeting of the Council, Council Committee or Sub-Committee, or does not carry out an executive function as a member, for six consecutive months he/she automatically ceases to be a member of the authority. If a member has special reasons for not being able to attend meetings there may be circumstances under which the Council can extend the period. The Council can only extend the period before the six months has elapsed.)
- Is entitled to vote at meetings
- Can resign at any time by written notice to the Chairman

2.2 Councillors' Role:

- To fix the council's budget and set the precept
- Develop policy and make policy decisions
- Represent the community
- Protect and promote community interests
- Act as custodian to the public purse
- Abide by the Council's Code of Conduct
- Act collectively as employer

2.3 Beware of what a Councillor cannot do!

- Councillors cannot make a decision on behalf of the Council
- Instruct the Clerk or staff in their duties
- Write to the press on council matters
- Represent the Council as and wherever they wish
- Resign by walking out of a meeting

2.4 Role of the Clerk

The Clerk is the professional officer employed by the Council as a whole to provide professional advice and administrative support. The clerk prepares the council for taking decisions, before, during and after meetings, implements decisions and protects the Council as a Corporate Body. Responsibilities range across organising meetings and events, managing sites, facilities, staff and finance, to marketing, negotiating and public relations.

2.5 Role of the Chairman

The Council *must* have a chairman, responsible for ensuring that proper decisions are taken in Council Meetings, that meetings run smoothly and on time. The Chairman ensures that all councillors have the opportunity to speak at meetings and that procedure is followed in accordance with standing orders. The Chairman is often the public face of the Council, representing the council in a civic capacity and sometimes speaks on behalf of the Council.

2.6 Role of the Council as a Whole

The Council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole Council. The Council has been granted powers by Parliament including the important authority to raise money through taxation (the precept) and a range of powers to spend public money.

Services can include traffic calming, community safety, street lighting, playing fields, rights of way, allotments, cemeteries, litter, war memorials, seats and shelters. Planning matters will also come before the Council as a statutory consultee. Councils have a Section 137 power to spend up to a certain amount on a service that benefits the community as a whole. Under the Localism Act 2011, local councils are being encouraged to take over more services and have the right to challenge and bid for community assets. In addition, the general power of competence is a new power available to local councils in England that will allow them to do "anything that individuals generally may do".

2.7 The Council as Employer

Councils often have to deal with a range of employment relation issues which require clear and straightforward employment policies and procedures that help to handle employment issues quickly, fairly and consistently.

The Clerk is employed by the Council and answers to the Council as a whole. The Clerk manages any other staff that may be employed by the Council. No one Councillor can act as the line manager of either the Clerk or other employees. These rules and principles should build on mutual respect and consideration between the Clerk and the Council.

3.0 Councillors' Code of Conduct

Under the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, members of Parish and Town Councils are required to register theirs and their partner's disclosable pecuniary interests in a register held by the Monitoring Officer, Shropshire Council within 28 days of becoming a member or co-opted member. Provisions in relation to Disclosable Pecuniary Interests are enforced by criminal sanction that came into force on 1 July 2012. A copy of the register is available for public inspection and is published on the Shropshire Council website.

The Council, in accordance with the Localism Act 2011, Section 27, adopted a Code of Conduct which took effect on 1 July 2012 to promote high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. The Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Please make yourself familiar with your obligations under the code, what to declare and how to declare interests, how to apply for a dispensation, and what to do if you are offered gifts or hospitality.

3.1 Things a Councillor should not do

It is important for councillors to be aware that they must not:

- Bring their council or office into disrepute
- Misuse their official position to their own advantage or to the advantage or disadvantage of others
- Unduly influence any person who works for the council
- Stop somebody seeing or getting copies of documents they are allowed to have or
- Misuse council resources or authorise their misuse, in particular for unauthorised party political purposes.

4.0 The Decision Making Process

Council meetings are where councillors play their part as decision makers. They are formal events where the public and press have a right to observe how the Council operates, the exception being when sensitive matters are discussed such as legal, contractual or staffing matters.

Decisions are often called 'Resolutions' and these are mostly made by the full Council, please remember these are 'corporate decisions'. Decisions can be delegated to Committees and sometimes to the Clerk. Some committees make recommendations to Council and there may also be sub-committees and/or advisory or working groups. The work that these groups undertake should be set out in their 'terms of reference' (TOR), a copy of which the clerk will provide to those appointed. Most Councils will have a Planning Committee (see paragraph 5 for further details) and should also have a Personnel Committee.

The Annual Parish Council Meeting takes place in May, and in an election year on or within 14 days after the day of the election, on which the newly elected or re-elected councillors take office (i.e. the fourth day after the ordinary elections; a total of 18 days following such elections.. There must be at least 3 other Council meetings in the year. The Annual Parish or Town meeting takes place between 1 March and 1 June. This is not a council meeting but a meeting when electors can speak and set the agenda and local issues are debated.

4.1 Powers and Duties

There are wide ranging activities covered by Acts of Parliament setting out powers and functions giving local councils permission to act upon. These include consideration of the provision of allotments if requested to do so, provision and maintenance of bus shelters, borrow money, power to provide a wide range of recreational facilities. There is a useful reference list in '*The Good Councillors' Guide*' a copy of which can be obtained from the Clerk.

4.2 Meetings, Conduct of Business, Standing Orders

Rules about the way meetings must be run, some of which are set by legislation, are contained within the Council's Standing Orders.

Standing Orders set out the order of business, rules about debate, voting requirements, and the procedures for public participation. Please read Standing Orders so that you are aware of the protocol on the conduct of meetings.

4.3 Council Meeting Agendas

At least three clear working days before a meeting a public notice of the meeting will be placed on the Council's Notice Board or other conspicuous place in the parish.

At the same time, councillors will receive a 'summons' requesting their attendance at the meeting with an agenda. Topics requiring a decision cannot be added to an agenda after it has been issued. If you wish to raise an item for inclusion, contact the Clerk with details. Standing Orders set out how you can give notice to raise a question or ask for a motion to be placed on the agenda.

It is the responsibility of the Clerk, often in consultation with the Chairman to set the agenda. Matters Arising on the minutes, or Any Other Business cannot be raised as the council cannot make unexpected decisions and spend money without sufficient warning.

4.4 Helpful suggestions for Meetings

Agendas and Reports

- ◆ On receipt, read through each agenda and any associated reports to identify important items – those affecting your area.
- ◆ Make sure that you understand what actions are being proposed.
- ◆ Think about what the result will be if those actions are taken.
- ◆ Are the costs involved justified?
- ◆ Think about whether there are any alternatives that could be explored.
- ◆ If you have any questions, please contact the Clerk or the Chairman or the author of the report, **before you attend the meeting.**

In the Meeting

- ◆ Read the Agenda and its associated reports in advance of the meeting and follow the advice set out above.
- ◆ Identify the areas where you feel you have a contribution to make.
- ◆ Prepare yourself – check your facts, the background; ask for an explanation from your Clerk and /or fellow Councillors.
- ◆ Read your Standing Orders so that you understand the procedure. If in any doubt, please ask your Clerk.
- ◆ Remember your duty to declare an interest and if in any doubt check with the Clerk on the best course of action.
- ◆ If possible, tell the Chairman in advance that you wish to speak and on which Agenda Item.
- ◆ Be prepared to intervene on other items – often debates will lead into unexpected territory which may be of particular interest or relevance to you and your constituents.
- ◆ Remember not to confine yourself to the Ward which you represent. Consider the parish area as a whole.
- ◆ Beware the law of defamation!

Apologies for Absence

You have a duty to attend but if something crops up and you cannot attend, notify the clerk so that your apology and reason can be recorded in the minutes. If you fail to attend meetings for six months, without formal council approval, you are disqualified and cease to be a councillor.

4.5 After the Meeting - Council Minutes

It is the responsibility of the Clerk to write the minutes as a legal record of the Council's decision which are confirmed and signed by the Chairman at the next ordinary meeting. No discussion can take place on the minutes, only their accuracy. Minutes should contain a heading and a decision at the very least. They are not meant to be a verbatim record of discussions but the clerk is likely to minute any advice given. Councillors can request that their comments be recorded in the minutes and may also call for a recorded vote to be taken (see Standing Orders).

4.6 Important Documents

The following are important documents that councillors should be able to reference in the decision-making process:

- ◆ Standing Orders
- ◆ Financial Regulations
- ◆ Budget for the current year and any projected financial planning
- ◆ Parish Map
- ◆ Parish Plan, Design Statement and Place Plans
- ◆ Local Development Framework
- ◆ Minutes of previous meetings

Also, available for Councillors to view, upon application to the Clerk:

- ◆ Assets Register
- ◆ Insurance policy
- ◆ Lease agreements
- ◆ Schedule of Council Fees and Charges

4.7 Council Policies and Protocols

The Council has also adopted policies/protocols:

Nil

5.0 Planning Matters

Being involved in planning is an important activity for a local council. The Planning Authority (Shropshire Council) must consider the parish view before it decides to grant or refuse planning permission. The Town and Country Planning Act 1990 provides the main legal basis of the English Planning system as amended by the Planning and Compulsory Purchase Act 2004. Further changes have been introduced by the Localism Act 2011.

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England and contains the framework within which Local Plans are developed. The purpose of the NPPF is to help achieve 'sustainable development' that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Planning and Compulsory Purchase Act 2004 placed an obligation on local planning authorities to produce a Local Plan (or Core Strategy) shaping how land use and places will change and develop over the next 15 to 20 years. It also sets out a spatial planning strategy – what the general location of development will be. Planning decisions need to be made in line with the development plan, unless there are good reasons why this should not be done. These reasons are called material considerations.

The Localism Act 2011 gives local communities more say in planning by encouraging local councils to prepare neighbourhood plans, to establish general planning policies for the development and use of land in their neighbourhood. Shropshire Council is offering a simplified localised planning approach, giving support to those wishing to develop Community Led Place Plans, which will include information from previous parish plans and design statements. Once in place these will form material considerations when considering planning applications. Emerging from the Core Strategy Local Plan in Shropshire is the Site Allocations and Management of Development Plan (SAMDev)

which is currently out for consultation about just how much development is permitted and where.

In responding to planning matters, either in council meetings or planning committees, councillors should ensure they understand material and non material planning considerations and are familiar with the Council's Planning Protocol.

6.0 Dealing with Public Money

The Audit Commission Act 1998 places a duty on how councils should behave when accounting for public money. The Clerk or Responsible Financial Officer administers the finances of the Council and collectively Councillors are responsible for ensuring the proper management of the Council's finances to avoid risk of fraud, loss or bad debts. The Council must operate a sound system of internal control in accordance with the Accounts and Audit Regulations 2003 No533.

Detailed information is set out in 'Governance and Accountability in Local Councils in England', produced and updated by representatives of the Audit Commission, NALC, SLCC, DCLG and other key stakeholders which can be downloaded from the SLCC and NALC websites. The accountability and audit framework places a duty on local councils to complete the annual return (its statement of accounts and governance arrangements) published by the Audit Commission. Larger councils are required to submit a more rigorous return than smaller councils (annual income or expenditure threshold currently being £1million).

The Act states how accounts should be kept, the form of accounts, and how and when they must be approved and published; where and for how long taxpayers can view the accounts and details behind them and how taxpayers can exercise their rights in relation to the accounts.

The annual return is in four linked sections:

1. The statement of accounts
2. The annual governance statement
3. The external auditor's certificate and opinion
4. The report from internal audit

The council's finances are controlled by checking spending against budget plans regularly at council meetings The Council's own Financial Regulations set out how the council must manage its finances and its overall system of internal control. As part of this, the Council appoints an independent auditor to conduct an internal audit which is in turn reported with the accounts to the council and to the external auditor. As a member of the Council you are responsible for ensuring that the annual return accurately presents the financial management by the Council. The council's finances are controlled by checking spending against budget plans regularly at council meetings

6.1 Budget and Precept

The Council is empowered to incur expenditure in the execution of its statutory powers. It obtains its funds (the precept) from the principal authority for the expenses it is expecting to incur in the financial year ahead and so it is important that an accurate budget is set for the proper carrying out of the Council's functions. The budget setting process normally starts around October each year and request for the precept is normally sent in mid-February. Setting a three year rolling budget is good practice.

7.0 Handling Information

7.1 Freedom of Information

The Freedom of Information Act 2000 allows the public access to certain types of information held by the Council, subject to release of personal information under the Data Protection Act 1998. Requests must be in writing, email is accepted and the Council must respond promptly and normally within 20 working days. The Council is entitled to make a charge which must be set out in a **Publication Scheme** which also sets out the type of information published and the manner in which is published. The Council does not have to respond to repeated or 'vexatious' requests if it has already responded to an identical or substantially similar request from the same person. There are some other exemptions which fall into the category of 'absolute exemptions' such as court proceedings or personal information that would breach the Data Protection Act. The Council then has a duty to consider whether disclosure is required in the public interest. Guidance is available from the Information Commissioner.

7.2 Data Protection

All Councils hold a wide range of information and are required to '**notify**' the Information Commissioner of personal data it holds, subject to certain exemptions. Personal data may be as simple as holding someone's name and address but in addition includes amongst other things details of complaints, lists of contacts, employee/personnel records and information provided for the purpose of placing a contact to which the data subject is a party. Images taken by CCTV systems can now also fall within the data protection regime.

Councillors are covered by the Council's notification and have the same responsibilities with regard to data protection as the Clerk/employees of the Council. If councillors are processing electronic personal data in an individual capacity (ie where you are not acting on behalf of the Council) you are likely to be classed as data controllers and would individually need to notify the Information Commissioner. For advice and guidance, go to www.ico.gov.uk.

7.3 'Need to know'

Councillors do not have a 'need to know' for all council business and cannot claim an automatic right to see all council documentation and information. The National Association of Local Councils (NALC) has provided the following in establishing whether a councillor has a 'need to know':

- If you are a member of a committee, you have the right to inspect documents or to obtain information relating to the business of that committee
- If not a committee member, you need to demonstrate why sight of the information in question is necessary to enable you to perform your duties as a councillor
- The document/information will be held if a councillor's motives are indirect, improper, or ulterior
- Councillors may not go on a fishing expedition in respect of council documents but should specify precisely

7.4 Confidential Information

The Council's Standing Orders and the Code of Conduct require Members and Officers to maintain confidentiality. When a councillor is acting, or gives the impression as acting, as a representative of the Council, a councillor is obligated not to disclose information which is confidential or where disclosure is prohibited by law. There are some exceptions, for instance if you are required to do so by law, where you have a person's consent or disclosure is in the public interest (justified in only very limited circumstances). Improper disclosure of confidential information constitutes a breach of the Code of Conduct.

7.5 Defamation and Privilege

Councillors when making statements in council and committee meetings should be aware that they are subject to the general principles of law relating to defamation. As a general defence a councillor should show that any such alleged statement was made on a 'qualified' privileged occasion, when the councillor who makes the statement must show that the statement was made without malice and in pursuit of a public duty. If, upon investigation, the statement is found to be true, it is not defamatory at all, but if it is found to be untrue, privilege can be claimed if the Councillor acted without malice.

7.6 Press and Media

Dealing with the Press

- ◆ Check the Council's policy on the issue of press statements.
- ◆ Seek help from the Clerk on how to handle individual press members.
- ◆ Get to know the reporters who cover your area and those who are regularly present at Council Meetings. Learn how to explain your views on issues and do not talk "off the record" – some things are best kept unsaid!
- ◆ When approached either in person or on the telephone, think carefully before you speak, and ask for time to consider your reply if necessary.

Dealing with the Media

- ◆ Seek help from your Clerk.
- ◆ Think carefully about anything you say. Remember that it may well be reported, and it may be your voice that says it! If necessary therefore, ask for time to consider your reply and take appropriate advice.
- ◆ Be aware that the reporter has deadlines and these are even tighter than for newspapers – local radio has bulletins every hour!
- ◆ Remember that a recorded interview may be cut and edited in just the same way as a press report.
- ◆ Beware of radio reporters who ring you and say that they want to do a recorded interview immediately over the telephone. Unless you are very confident, ask them what they want to talk about and ring them back in ten minutes. Use this time to compose yourself, to decide what you are going to say and, if necessary, to take advice.
- ◆ When taking part in live broadcasts (including phone-ins), always agree beforehand what areas you will and will not discuss.
- ◆ Do your homework and learn all the facts before you go to the studio.
- ◆ Be honest in your answers. Even the slightest hesitation on air can sound like evasion, dishonesty or incompetence.
- ◆ Even if you do not know the answer to a particular question, it is better to admit that, rather than make up something which, with hindsight, may have been improper.
- ◆ Broadcast appearances are best left to those who feel at home on radio or TV. Most of us need extra coaching, so if you are likely to be a Spokesperson, try to get broadcasting skills training.

The Local Newsletter

Beware of providing items for your local newsletter particularly if it has not been agreed by the Council that you have this authorisation. It is normally the Clerk who provides this information. If you do provide articles for inclusion, remember that any views expressed should be clarified as being your own and anything you write must not bring your Council into disrepute. It is worth repeating here that the decisions made by your Council are made by the Council as a whole, even if you voted against a decision.

8.0 Members' Services

Larger Councils may provide a support service for Members who require this, such as access to photocopiers, printers, vending machines and meeting rooms. This will depend upon what has been agreed by the Council and services of this nature should not be taken for granted.

8.2 Training and Development

Councillors will be informed of any available training or briefings they are expected or invited to attend. Induction Training for councillors is available via SALC and covers the areas set out in the table below.

The Clerk will inform you of any other training that becomes available. Some training may incur a small cost. However, some events/briefings may be free.

Councillors are encouraged to attend training and development when offered to develop their knowledge and skills in carrying out their role.

Please contact the clerk to make any bookings for you and with any special learning requirements.

SALC Induction Training:	
Roles, Responsibilities and Skills	Powers and Duties
Chairmanship	Code of Conduct
Planning	Handling Information
Finance and Audit	

Skills needed to be a Councillor

Councillors require many skills to carry out the various aspects of their role effectively. Councillors are required to listen, question, consult, negotiate, deal with conflict and make objective assessments. Contact your clerk if there are skills you wish to develop, for instance public speaking, use of IT etc.

9.0 Managing Risk

The Health & Safety at Work Act 1974 places a duty on Councils as employers and employees to protect health and safety of its employees and the public visiting its premises. This includes maintaining the safety of any places of work, the working environment (including equipment) and without risks to health for which the Clerk will undertake appropriate risk assessments. The Disability Discrimination Act 2010 imposes obligations on Councils as employers and wider obligations to ensure access to services, including permanent physical adjustments to premises and meeting rooms.

9.1 Insurance

The Council undertakes a review of its risks annually. Using the Asset Register as a guide, the Council will identify the level and severity of any likely risk and take appropriate steps to manage the consequences, which includes reviewing its insurances prior to renewal date.

Policies normally cover core risks, such as property and public liability in addition to mandatory cover for Employers' Liability, Fidelity Guarantee (Employee Dishonesty), and Hirer's Indemnity. Other optional cover is available.

10.0 Quality Parish Council Scheme

The Government introduced the Quality Parish Council Scheme in 2003 with the aim of encouraging councils to meet minimum standards. In order to achieve 'Quality' status, parish councils currently need 2/3rds of their councillors to have been elected.

If the number of seats on a council matches the number of candidates, then there isn't usually a vote. If more people are encouraged to stand for election, then the chances of a contested election are improved which in turn reinforces the democratic mandate of successful candidates.

10.1 The General Power of Competence

The Localism Act includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. The general power gives councils more freedom to work together with others in new ways to drive down costs and increase their confidence to do creative, innovative things to meet local people's needs.

To qualify as an "eligible parish council", a parish council in England must meet conditions prescribed by the Secretary of State in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

11.0 Useful Contacts and Sources of Advice

- Your Clerk – It is the Clerk's job to receive information and to keep the Council informed. Your Clerk can also get help through membership of the Society of Local Council Clerks (SLCC)
- Shropshire Association of Local Councils (SALC)
- The National Association of Local Councils (NALC)
- Shropshire Voluntary Community Services
- Rural Community Council for Shropshire
- Shropshire Council

12.0 Useful Publications

- NALC's 'The Good Councillor's Guide'
- 'A Guide to Becoming a Quality Parish Council' – SLCC and NALC
- 'Being a Good Employer – A Guide for Parish & Town Councils' NALC, SLCC- LGE
- Governance and Accountability for Local Councils: A Practitioners' Guide