4th edition

The National Training Strategy for Town & Parish Councils

The good councillor's guide

Essential guidance for local councillors

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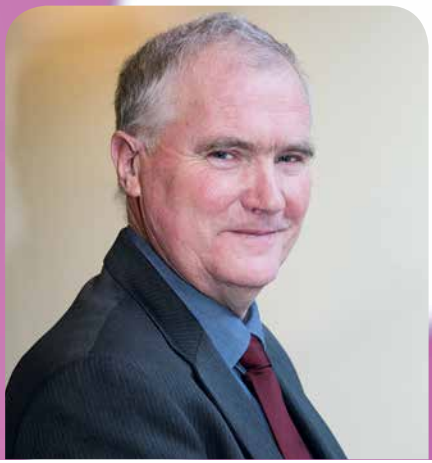
Welcome

It gives me great pleasure to introduce the 4th edition of the National Training Strategy publication *"Being a good councillor – Essential guidance for parish and town councillors"*. This revised edition is a welcome and much needed resource primarily for new councillors but also for those thinking about becoming a local councillor.

If you are reading this guide as a new councillor I congratulate you on joining the council and thank you for taking up a civic office that can make a real difference to the community that your council represents. Now that the excitement of being elected or co-opted has subsided you may well be wondering what you have done and perhaps feel a little daunted by the responsibility you have taken on. You are now part of the democratic framework of the country representing the interests of your community within a broad landscape of national governance. This guide will help you understand more about your role and the difference you can make.

The Localism Act 2011 is an important part of Government's ambitions to devolve power to the local level. It provides some helpful tools for local communities and councils to act on communities' needs and aspirations. For these reasons it is more important than ever to engage with your community in a positive and proactive way. This is no time to sit on the fence or offer views from the side lines. Local councils need active, interested and committed people to serve and get involved in their work. The new section on the 'community rights' introduced by the Localism Act outlines ways in which your council might do this.

If you are not yet a councillor, but are thinking of putting yourself forward, I encourage you to read this guide and to contact your local council to find out



how you might get involved. Whilst ordinary elections take place every four years there are still frequent opportunities to become a local councillor when vacancies arise so I urge you to keep abreast of these windows of opportunity.

Engaging in learning, training and development will be essential in gaining experience; reading this guide is the first step in this process. You should also contact your county association of local councils to find out more about what is available to you in terms of developing your skills and knowledge. Being elected as a councillor does not mean you are expected to have all the solutions for your community but through experience and expanding your grasp of your role you will be better placed to deal with the range of issues that arise.

The time ahead will be challenging, exciting and at times frustrating. As you benefit from training, gain experience and build your confidence, you will have the personal satisfaction of knowing you and your council have made a difference. I hope you enjoy working with your community by serving your local council.

I wish you every success and I am confident that this guide will help you to develop your role as a good councillor.

Regards

Ken D Browse

Ken Browse

Chairman of the National Association of Local Councils

Acknowledgments

The first edition of this guide was researched and written in 2003 by Laurie Howes, Elisabeth Skinner and James Derounian of the Department of Natural and Social Sciences at the University of Gloucestershire.

This fourth edition was written and edited in 2013 and funded by the Department for Communities and Local Government (DCLG).

The National Training Strategy (NTS) stakeholders, who oversee the ongoing implementation of the NTS, acted as an endorsing body in the preparation of the guide. This group consists of the National Association of Local Councils (NALC), Society of Local Council Clerks (SLCC), the Department for the Environment, Food and Rural Affairs (DEFRA), DCLG, and the Local Government Association (LGA). Many people assisted in the writing of this guide and the National Training Strategy stakeholders are grateful for all contributions.

This booklet is an introduction to being a local councillor. It is not intended to be a definitive legal guide. The guidance and information contained in this publication should not be relied on, or used, as a substitute for legal advice. The contents do not necessarily reflect the views of the individual NTS stakeholders. The information contained in the guide represents what is known at the time of printing. Readers are advised to check the progress of government policies and legislation regularly as a matter of good practice. Good councillors make sure that they keep up to date with changes affecting the work of the council.

Electronic copies of the guide are also available from the following websites: NALC (www.nalc.gov.uk) and SLCC (www.slcc.co.uk)

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Local people are more in touch with what their local community or neighbourhood needs or wants than Whitehall. Town and parish councillors are the backbone of their communities and have the support of local people. The Localism Act is the government's affirmation that we support communities, and through the Act have introduced a range of ways that communities, with the help of town and parish councillors, can bring to life the changes they want to see. This guide has been produced to help you use a range of tools, including those provided by the Localism Act, to help make decisions about the things that directly affect you, enabling stronger, more vibrant, more resilient and independent communities.

Don Foster MP, Parliamentary Under Secretary of State, Department for Communities and Local Government

As the first tier of local government, parish and town councils are uniquely placed to make a major contribution to localism. If we are to play a significant part in democracy, it is essential we fully understand our role and responsibilities. I strongly commend this guide to both experienced and new councillors as it clearly defines the required core skills including ongoing development and training. This is so very necessary if we are to better serve our local community and respond to the many challenges that lie ahead.

Mike Evans, Whitely Parish Council & Vice Chair of Hampshire Association of Local Councils

I have found the Good Councillors Guide invaluable as an introductory guide to the roles and responsibilities of councillors. It is written in a clear, concise way and I recommend that all my councillors, whether new or experienced, use it as a quick reference guide!

Mrs Sam Shippen, FCIS, Fellow ILCM, CMC, Town Clerk, Seaford Town Council

Introduction

This guide introduces the work of local councils and the part you play as a councillor in the tier of local government closest to the people. You will also find it a useful reference. It is divided into five parts to help you find your way as a new, or even as an experienced, councillor.

Part One – Where are you heading? Page 10

Part One introduces what you can do as a councillor and what your local council can achieve. It points you in the right direction so that you can serve your community.

Part Two – Due care and attention Page 18

Here we set out the rules of what you must, or must not do, as a council, councillor, employer and financial manager. If you and your council understand the law, then you can act with confidence.

Part Three – Getting under way Page 30

We examine what happens at council meetings. Decisions taken at meetings drive the actions of the council and the best meetings are productive, professional – and never too long!

Part Four – Delivering the goods Page 38

This is about action for local people. We consider the delivery of services and community rights, review your council's role in the planning system including neighbourhood plans and introduce parish plans and Quality Council status.

Part Five – The toolbox Page 50

Finally we provide useful ideas for your councillor's toolbox including danger areas, useful publications, links, documents and contacts for advice.

The index Page 64

The index provides a quick reference when you need to know something in a hurry.

Although the first tier of local government includes town and parish councils and now some city, community, village and neighbourhood councils, the term 'local council' is used throughout.

Chairman is the term used in legislation and applies to holders of this post irrespective of gender.

Occasionally we explain phrases in a jargon buster box at the end of a section. These words are also highlighted in the text.

PART 1

where are you heading?

1. Councillors

If you are a councillor, you are over 18 and a qualifying citizen of the Commonwealth, the European Community or the Republic of Ireland.

You are one of over 80,000 local councillors in England. You are a volunteer and will be held accountable by local people for things that happen locally. So why get involved? You almost certainly want to do something positive and, like most councillors, you hope to make a difference by influencing decisions that affect your community.

Did you stand for election? Was there a vote, or were you returned unopposed? Perhaps you were **co-opted**. Some councillors represent a political party and others are independent of party affiliations. Whichever route you take to becoming a councillor, once you formally accept the office, it usually makes no difference; you are councillors working together in the council to serve your community. Your task is to bring local issues to the attention of the council, and help it make decisions on behalf of the local community.

Co-option: the council chooses someone to fill a vacancy if insufficient candidates are proposed for seats at an election. An ordinary election occurs every four years but there may be an election when a seat falls vacant at other times. In addition, if a vacancy occurs between elections (for example, by the resignation of a councillor), the council must generally find out if the electors want an election before they can co-opt. It is better for democracy if councillors are elected rather than relying on co-option, so they can be confident that the council is the community's choice of representatives.

2. The council

Your council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole body. 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 (more later).

Your council is an elected body in the first tier of local government. Other tiers, known as **principal councils or authorities**, have many legal duties to deliver services such as education, housing, town and country planning, transport, environmental health and social services. Local councils have the legal **power** to take action, but they have very few **duties** and greater freedom to choose what action to take. They can play a vital part in representing the

interests of the communities they serve and improving the quality of life and the local environment. Furthermore they influence other decision makers and can, in many cases, deliver services to meet local needs. In other words, you and your council can make a difference.

What does your council do?

Planning, highways, transport and traffic, community safety, housing, street lighting, allotments, cemeteries, playing fields, community centres, litter, war memorials, seats and shelters, rights of way – these are some of the issues that concern parish government. Central Government is encouraging local councils to deliver more services and play a greater part in their communities. For example your council could provide or give financial support for:

- an evening bus taking people to the nearest town
- affordable housing to rent
- pond clearing
- redecorating the community centre
- a teenagers' drop-in club
- a summer festival
- equipment for a children's activity group
- transport to hospital.

Projects like these may be a challenge and need hard work and commitment – but they are achievable. Of course, your council could always decide to do very little; but local residents might then wonder why the local council exists at all.

Diversity is a strength

There are around 9,000 local councils in England and they are growing in number, especially as councils in urban areas are established. Most local councils were set up in 1894 by an Act of Parliament. This created the civil parish, separating it from the church after its long history of delivering local services such as care for the poor, maintenance of roads and collecting taxes. In 2007 the Government brought in legislation to allow local councils in London, not permitted since the 1960s. The first local council in London, Queen's Park, was approved in 2012 and will come into being in 2014. In the first decade of the 21st century around 200 new councils were created.

A typical local council represents around 2,700 people but some have much larger populations. Shrewsbury Town Council, created in 2009, serves over 72,000 people, which is more than some small counties. These considerable

differences are reflected in annual spending which might range from under £1000 to £4 million. It is important that you know how much your council spends each year. In 2010/11 local councils raised £356 million in council tax and spent over £500 million.

The diversity of local councils is their strength. Each can make a unique response to the needs of their community with a sensitivity that is more difficult for principal authorities to achieve.

Pulling together

Diversity often arises because councillors have different backgrounds, enthusiasms and interests. We should celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are very practical; some like accounts while others prefer reports. The local council needs a range of skills to work as a team.

Your chairman has the role of team leader for council meetings (see Part Three) while your clerk is also a vital team member. The clerk provides advice and administrative support, and takes action to implement council decisions. The clerk may have to act as a project manager, personnel director, public relations officer or finance administrator. The clerk is not a secretary and is not at the beck and call of the chairman or other councillors; the clerk is answerable only to the council as a whole. The clerk is the **proper officer** of the council in law. Legally councils can **delegate** decisions to clerks because they are trusted professional officers whose objectivity allows them to act for the council.

The best councils will have a clerk and councillors who work as a team to provide a service for the community.

A **corporate body** has a legal existence separate from that of its members. It can own land, enter into contracts and be subject to court proceedings. It is responsible for its actions as a body.

Delegation is the act of authorising an officer, a committee, a sub-committee or another council to make a decision on the council's behalf. Delegation must be formally agreed by the full council.

Duties are legal obligations – actions that a council must take by law.

Powers are contained in legislation and permit actions to be taken at the council's discretion.

The precept is the local council's share of the council tax. The precept demand goes to the billing authority (the district council or equivalent) which collects the tax for the local council

Principal councils or authorities are other local government bodies, including county councils, district, borough or city councils, metropolitan and unitary councils.

Proper officer is a term used in legislation to mean the officer assigned to a particular task. In local councils this officer is normally the clerk.

3. Your community

The job of your council is to represent the interests of the whole community. Understanding the needs of different groups in the community (such as young and elderly people) is an important part of your role as councillor. Occasionally there will be a conflict of interest requiring sensitive judgement; for example, dog owners, parents of young children and walkers might disagree about use of the village green. Making difficult decisions, in an open and reasoned way, is something that local councils need to do well.

As a councillor, you have a responsibility to be well-informed, especially about diverse local views. You cannot assume that you represent the interests of all your electors without consulting them.

The tried and tested tools noted below are just some ways in which people can express their hopes and wishes for the community. They provide valuable opportunities for local people to identify features of the parish that need improving or are worth protecting. They stimulate discussion; they inform the decision makers and usually lead to action.

- *Surveys and questionnaires* give residents, including children, an opportunity to express their views about where they live. The response rate from households can be impressive – usually over 50% – and in smaller communities, with personal delivery and collection, it can reach 90%.

- *Design Statements* involve communities in a review of the built and natural environment of their area. The published results can be used by your principal authority to help make planning decisions (see Part Four).
- *A Parish Map* can be a creative exercise; for example, it might be a painting, tapestry or model of the parish. People identify local features that matter as they work on the map.
- *Community conferences or workshops* provide more opportunities for bringing people together to talk about the future of the parish.
- *Community (Parish or Town) Plans* might be led by the local council, drawing in community groups, residents and others, to produce an action plan for improving the local quality of life and the environment. These plans can be based on the findings of a variety of consultation exercises and can form the basis of neighbourhood plans (see Part Four).

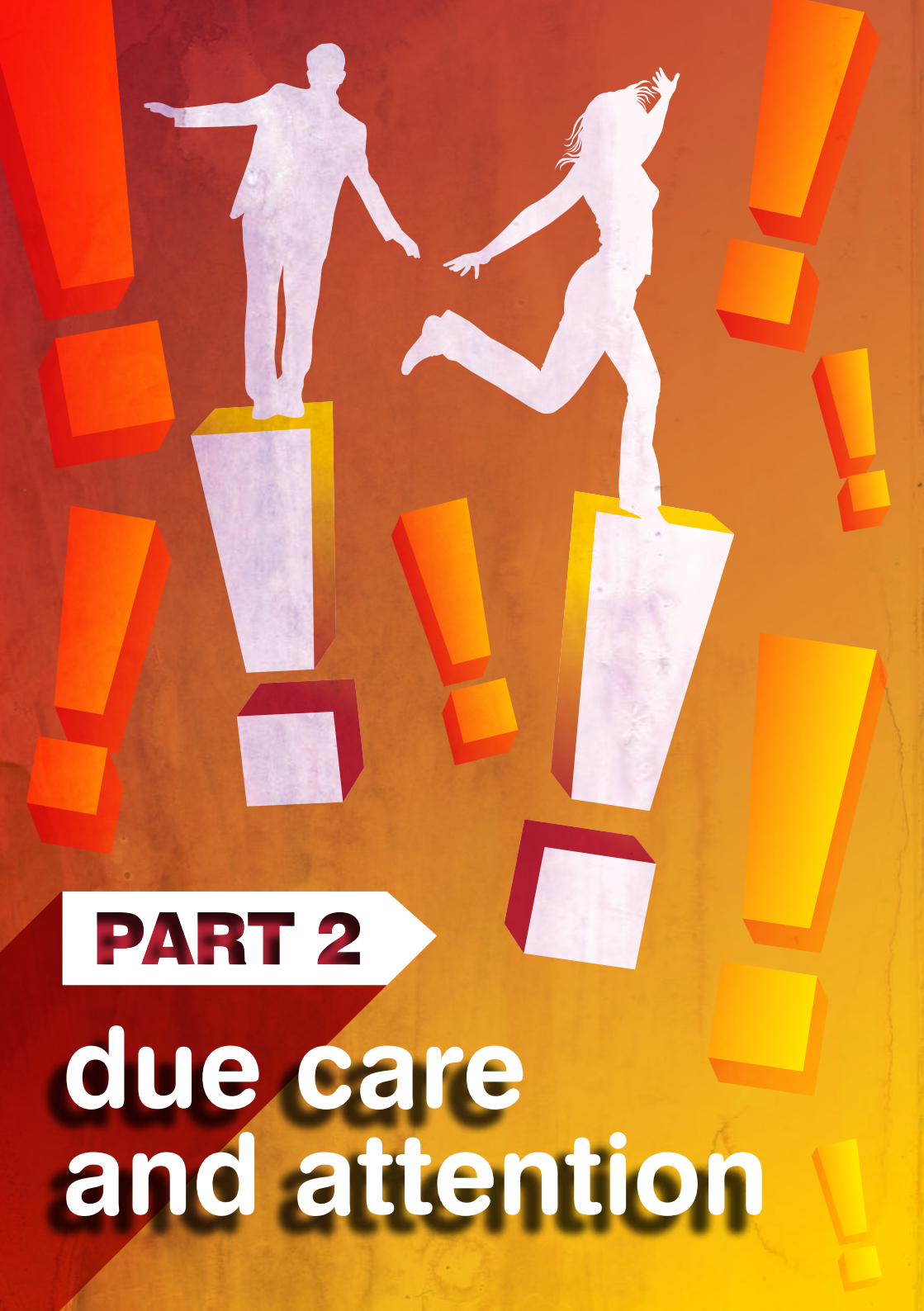
In addition to helping your council identify real improvements, the process of using tools like these can strengthen people's sense of purpose and belonging. The process is as important as the product or the end result.

You should, of course, use the knowledge you have already as a basis for decisions on behalf of your community, but these tools help you to become even better informed and give a stronger mandate for action. The results of community consultation help you to:

- speak on behalf of your community with greater confidence especially in discussions with principal authorities
- provide services and facilities, especially where there is no other provider or the local council can secure better value for money
- support community action and services provided by others; the council can offer buildings, staff expertise and funding to get local projects off the ground
- work in partnership with community groups, voluntary organisations and other local authorities, including neighbouring local councils, to benefit the community.

For many people, it is the satisfaction of acting on behalf of their local community that encourages them to become councillors. The next challenge is to make sure that the council acts properly in achieving what it sets out to do. It must proceed with due care and attention to the law. Part Two introduces the rules that guide your council – not as glamorous as action, but vital to its success.

notes:



PART 2

due care and attention

4. The rules

What can you do? What must you do? What must you not do? The rules may not be exciting, but without understanding them your council could run into trouble.

- A council must do what the law requires it to do.
- A council may do only what the law says it may do.
- A council cannot do anything unless permitted by legislation.

The crucial question is – does the council have a legal power to act? A council must always ask this question when making a decision, especially if it involves public money.

In April 2012, the Government introduced the **general power of competence** for eligible local councils**.** The general power of competence is designed to make it easier for eligible councils[1] to act. It is intended to permit eligible local councils to do anything that an individual might do, as long as other legislation does not forbid it. This could include, for example, the development of land for residential or commercial purposes.

The general power of competence has replaced the power of well-being, although councils that had the **power of well-being** at that date can continue to do so until the end of their elected term of office and also beyond that date to complete any project. If you have any questions relating to the situation in your council, ask your clerk for more information.

The general power of competence enables local councils to respond more effectively to their communities' needs, encouraging innovation and assisting in shared service delivery. However, you must check with your clerk to make sure you are acting appropriately. If the council does something which is not permitted by legislation (even if it would be popular with the community), then the council could face a legal challenge that it acted *beyond its powers*.

Councils who are not eligible to use the general power of competence can undertake an activity only when specific legislation allows it. There is a useful list of activities and specific legal powers in Part Five of this guide.

Acting without the legal power is an unnecessary risk which could lead to financial and legal difficulties. The good news is that there are lots of sources of advice. Start by asking your clerk whose job includes giving advice to the local council. Your clerk will have access to a ***county association*** (Association of Parish and Town, or Local, Councils) for advice on legal and financial

1 Councils are eligible if they have a qualified clerk and two thirds of councillors have stood for election. The criteria are set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

matters. If your clerk is a member of the ***Society of Local Council Clerks***, they will have access to additional guidance.

If you identify barriers in legislation, national policy or the workings of government, you can let the Department for Communities and Local Government know via their ***Barrier Busting portal***.

So what must you do as a council?

The law gives local councils choice in activities to undertake; but surprisingly there are very few *duties*, or activities that they *must* carry out in delivering services to local people. Exceptions are that a council *must*:

- comply with its obligations under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Equality Act 2010
- comply with employment law
- consider the impact of their decisions on reducing crime and disorder in their area
- have regard to the protection of biodiversity in carrying out their functions
- consider the provision of allotments if there is demand for them from local residents and it is reasonable to do so
- decide whether to adopt a churchyard when it is closed, if asked to do so by the **Parochial Church Council.**

Your local council also has a duty to ensure that all the rules for the administration of the council are followed. The council must:

- appoint a chairman of the council
- appoint officers as appropriate for carrying out its functions
- appoint a responsible financial officer (RFO) to manage the council's financial affairs; the RFO is often the clerk, especially in smaller councils
- appoint an independent and competent internal auditor (see below)
- adopt a Code of Conduct (see below)
- hold a minimum number of four meetings per year, one of which must be the Annual Meeting of the Council (see below).

These rules are set out in law to guide the **procedures** of the council and your council can add its own regulations. Together these rules make up standing orders as formally agreed by your council (see Part Three). If you discover that your council does not have its own (non-financial) standing orders don't panic; this is unwise, but duties set out in **statute**, such as appointing a chairman and a proper officer, still apply. The National Association of Local Councils (see Part Five) provides model standing orders.

Council, committee and sub-committee meetings must generally be open to the public, whilst equality legislation reminds the council that it must make its meetings accessible to anyone who wishes to attend. Similarly the Freedom of Information Act 2000 requires the council to have a publication scheme explaining how certain types of council information are made available.

If you are beginning to think there are too many rules, remember that they protect people's rights (including yours) and give confidence that the council is properly run.

The **Barrier Busting portal** is a website where you can notify Government of legal barriers that hinder localism.

A **county association** is shorthand for your county-based Association of Parish and Town (or Local) Councils.

The **general power of competence** replaced the power of well-being for eligible local councils under the Localism Act 2011. It allows councils to do anything that individuals may do, unless it is forbidden by other legislation, and came into force in April 2012.

The **National Association of Local Councils** is the national representative and support body for local councils.

The Parochial Church Council is sometimes confused with the Parish Council. The PCC is the organisation that manages the Church of England in your locality.

The **power of well-being** (Local Government Act 2000 s2 and s4) was given to eligible local councils. It has now been repealed.

Procedures provide the framework for managing the proceedings of a local council. Some procedures are controlled by law while others come from custom and good practice.

The Society of Local Council Clerks is the professional body that provides advice and support for clerks.

Standing Orders are the guidelines for operating a local council.

A **statute** is an Act of Parliament. It is the law and must be followed. Regulations stem from statutes and give the statute more meaning. Local councils are statutory bodies; this means they are established by statute. Acts of Parliament control the activities of local councils.

5. Rules for councillors

You cannot act as a councillor until you have signed a formal declaration of acceptance of your office. You must sign it at or before the first council meeting following your election in the presence of another councillor or the clerk. Failure to sign means you cannot continue as a councillor, unless you were given permission to sign later.

As a councillor you have a responsibility to:

- attend meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend
- consider, in advance of the meeting, the agenda and any related documents which were sent to you with the summons
- take part in meetings and consider all the relevant facts and issues on matters which require a decision including the views of others expressed at the meeting
- take part in voting and respect decisions made by the majority of those present and voting
- ensure, with other councillors, that the council is properly managed
- represent the whole electorate, and not just those who voted for you.

Councillors' conduct and interests

There seven **Nolan principles** apply to the conduct of people in public life. They are:

- Selflessness: you should act in the public interest
- Integrity: you should not put yourself under any obligations to others, allow them improperly to influence you or seek benefit for yourself, family, friends or close associates
- Objectivity: you should act impartially, fairly and on merit
- Accountability: you should be prepared to submit to public scrutiny necessary to ensure accountability
- Openness: you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure
- Honesty: you should always be truthful
- Leadership: as a councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour.

Code of Conduct

Each local council must adopt and publicise a code of conduct that is in line with the Nolan principles. The code should deal with councillors' obligations about their conduct including the registration and disclosure of their interests (see below). Complaints about councillors' conduct are dealt with by the principal authority.

The **National Association of Local Councils** has developed a template code of conduct[2] specifically for parish councils, which covers these issues. Your council is not obliged to use this template. Alternative models are also available from your principal authority or from the Department for Communities and Local Government website.

You should ask to see your council's code of conduct to ensure that you are aware of your responsibilities and any personal disclosure requirements.

Councillors' interests

As a councillor, you must abide by rules that apply to the disclosure of some business or financial interests. These are called "disclosable pecuniary interests" or "DPIs". DPIs include your employment, ownership of land, and business interests in your parish. Other interests are usually non-pecuniary or personal interests. Your council's code will establish what actions you must take for personal interests.

You must disclose to your principal authority's **monitoring officer** any DPIs and any other disclosable interests that are referred to in your council's code of conduct within 28 days of becoming a member of the council. The monitoring officer will make a register of your interests available to the public – usually on the principal authority's website. This rule on disclosure also applies to your spouse, civil partner or cohabitee, as if their interests were yours. You should be aware that the register of interests does not distinguish between a councillor's interests and those that are held by your partner.

If the monitoring officer decides that, by making a disclosable interest public, you might be subject to a threat of violence or intimidation the fact that you have the interest can be registered *without details* of the interest. This is known as a **sensitive interest.**

You should give a copy of your register of interests to your clerk for your council's website.

If an agenda item relates to one of your DPIs – such as the expansion of a supermarket chain in which you own shares – you must not participate in the

2 You can find the template at www.nalc.gov.uk under Legal Briefing L09-12. This area of the website is only accessible to NALC members.

discussion or vote. You must withdraw if your council's standing orders say so. Also, if the interest has not been registered with the monitoring officer, you must disclose the interest at the meeting (or, for sensitive interests, disclose the issue but not the detail). You must then notify the monitoring officer within 28 days of the meeting.

The declaration of interests at meetings is intended to give the public confidence in your council's decision making. It helps if the agenda gives councillors an opportunity to declare an interest early in a meeting.

Dispensations

A council can decide that a councillor with a DPI can participate and vote on a council motion. This is called granting a **dispensation**. If you have a DPI but think you should be able to participate in the discussion and vote on the matter, you put your request in writing to the council. Your clerk will advise. As a councillor, you can vote on your own request for a dispensation.

Criminal Offences

There are a number of potential criminal offences associated with:

- the failure to register or disclose a DPI
- discussion and/or voting on a DPI.

Successful prosecutions can result in a fine of £5000 and disqualification for five years from your local council and from other local authorities.

6. Rules for employers

Rules also protect your employees and your council as an employer. Misunderstandings can sometimes arise between a council and its employees. The law requires that at all times the council must act as a responsible employer. It is most important for the council to ensure that all staff have a written contract of employment. All clerks should be paid (as a minimum) according to the recommendations agreed by the National Association of Local Councils and the Society of Local Council Clerks. You should note, however, that when councillors occasionally act as clerk, they cannot be paid. In fact, councillors cannot be appointed to any paid employment in the council whilst they remain a serving councillor or within 12 months of leaving office.

Council employees enjoy the full security of the law whether they are full-time or part-time workers. Employment law protects them in terms of pay, annual

leave, sick leave, maternity and paternity leave and pay. It protects them from bullying or harassment and discrimination. An agreed grievance procedure ensures that concerns raised by an employee are handled properly if they occur. Health and Safety law also protects employees (and councillors and members of the public); your clerk should be able to advise on such matters.

Remember, the clerk is employed by the council and answers to the council as a whole. Other staff, although employed by the council, are often managed by the clerk. 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 employee and employer.

For more information on your role and responsibilities as an employer see the NTS guide "***Being a good employer***"; details are in Part Five.

7. Rules for dealing with public money

Being financially responsible for a public body can be daunting. The rules set by Government are designed to make sure that the council takes no unacceptable risks with public money. The words *risk management* should be engraved upon every councillor's mind. The good news is that the rules protect you and your council from possible disaster. Your council should establish a risk management scheme which highlights every known significant risk in terms of the council's activities and makes clear how such risks will be managed. This includes ensuring that it has proper insurance to protect employees, buildings, cash and members of the public. For example, playgrounds and sports facilities must be subject to regular checks that are properly recorded. It's not just about protecting assets; it's about taking care of people.

As a councillor, you share collective responsibility for financial management of the council. The council will have made arrangements for its finances to be administered by an officer known, in law, as the **responsible financial officer** (RFO). Your role is to ensure that the RFO acts properly so that the council avoids the risk of loss, fraud or bad debt, whether through deliberate or careless actions. As a minimum control two councillors must sign every cheque[3]. If you are asked to sign as an approved signatory, always make sure that both purchase and payment have been agreed by the council, and that supporting paperwork matches the cheque (payee and amount). *Never* sign a blank cheque.

3 The rules on this will change soon to permit different payment methods. Further advice on safeguarding public money was issued by the Joint Practitioners Advisory Group as part of the Practitioners Guide in 2012 (JPAG Issue 20120725).

As an aid, your council *should* have its own financial regulations (as part of standing orders) giving details of how the council must manage its finances. The National Association of Local Councils publishes model financial regulations available from your county association. If your council has not adopted financial regulations then you leave yourselves open to considerable risk and your council must take action to correct this as a matter of urgency.

The council must operate an overall system of **internal control** appropriate to your council's expenditure and activity. There is extensive guidance on risk and internal control in *Governance and Accountability for Local Councils: the Practitioners Guide* published jointly by NALC and the SLCC. As part of its system of internal control, the council arranges for an **internal audit** where someone, (other than the RFO and acting independently of the council), scrutinises the council's financial systems.

The findings of internal controls are reported to the council, so, together with regular feedback from the RFO on the accounts, all councillors should be aware of the council's financial position. This ensures everything is open and above board and you have what you need as a councillor accountable for the council's finances.

The **budget** is an essential tool for controlling the council's finances. It demonstrates that your council will have sufficient income to carry out its activities and policies. By checking spending against budget plans on a regular basis at council meetings, the council controls its finances during the year so that it can confidently make progress towards what it wants to achieve.

Internal and External Audits

The **internal auditor** is an independent and competent person appointed by the council to carry out checks on its system of internal control. The independent internal auditor cannot be involved in any business of the council and cannot, therefore, be a serving member of the council. Another clerk or an accountant could be suitable (but reciprocal arrangements between councils are not permitted). The internal auditor carries out tests focusing on areas of risk and after reporting to the council, signs a report on the **annual return** (required by law) to confirm that the council's system of controls is in place and operating.

The law requires another audit to be carried out so that local taxpayers can be assured that the risks to public money have been managed. The Audit Commission[4] appoints auditors for all parishes in a county (known as

4 The Government has announced its intention to abolish the Audit Commission and to put new arrangements in place for auditing England's public bodies including local councils.

external auditors) to review the council's **annual return**. The annual return is the principal means by which the council is accountable to its electorate. Councils must complete an annual return to confirm that everything is in order. Signed statements confirm responsibility for governance arrangements during the year. In particular they show that:

- the accounts have been properly prepared and approved
- a system of internal control is in place – this includes the appointment of a competent and independent internal auditor – and the effectiveness of both the system and the appointment has been reviewed
- the council has taken reasonable steps to comply with the law
- the **accounts** have been publicised for general inspection so that electors' rights can be exercised
- the council has assessed all possible risks to public money
- there are no potentially damaging or hidden issues such as an impending claim against the council
- significant differences in the figures from the previous year have been explained
- the council has properly managed any trust funds.

As a member of the council, you have responsibility for making sure that the annual return accurately presents the financial management by the council. Your clerk will advise.

If you and your fellow councillors have acted properly leading up to the external audit then you will receive the external auditor's certificate and an unqualified opinion on the annual return known as *limited assurance*. This means that nothing has come to the external auditor's attention that gives cause for concern.

Value for money

It is essential that the council is seen to provide value for money. This means ensuring that public money is spent efficiently to provide an effective service. The aim is to get more council activity for the least possible expense without compromising quality.

It helps the council to assess 'value for money' if it regularly asks whether it is really necessary to spend the money or whether it can find a way of doing it better. Perhaps another supplier can do the job with greater efficiency and effectiveness. It is good practice to consult other councils and to engage with service users and the wider community to find out what they think. It might even be possible to join with other councils to deliver a more

economic service to the community. The Government is considering ways in which the community can have more influence over local council budgets in accordance with the principles of the Localism Act 2011.

The financial rules and the variety of statutes and procedure protect the council. Most importantly the rules give your council the tools it needs to achieve its goals, protect community assets and make best use of public money.

Rules also guide a local council as it makes decisions in the proper manner. Part Three looks at how you make decisions on behalf of local people – at meetings.

The accounts include receipts and payments, records or statements of income and expenditure, the balance sheet and any subsidiary or supporting financial information, including books, deeds, contracts, bills, vouchers and receipts. This information is summarised annually in the accounting statements.

The **annual return** presents for electors and local taxpayers the council's accounting statements and governance arrangements in the year and the external auditor's opinion on them.

The **budget** is the plan for income and expenditure, revenue and capital over the next year. Working papers are designed to help you decide what the budget should be for the next financial year and what precept you need; they should include comparisons with the previous and current financial years and follow the rules prescribed by law.

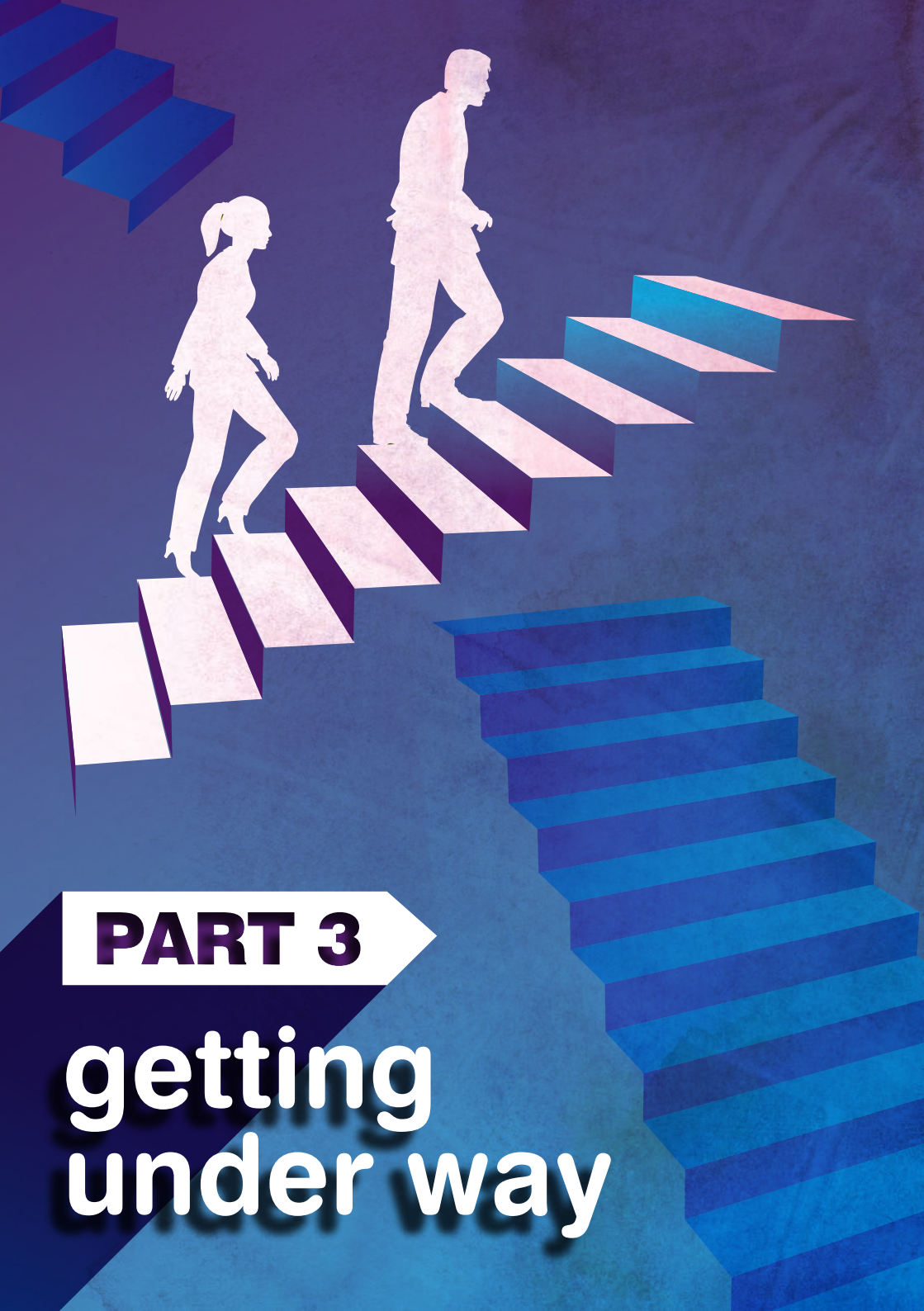
The **external audit** is the process by which an auditor, currently appointed by the Audit Commission, reviews the council's annual return and other documents as required, and reports to the council and to electors.

Internal control is the system by which the council protects the assets it is stewarding on behalf of the community so they can receive the services they want.

Internal audit is carried out by someone independent and competent who reviews the council's systems of internal control and reports to the council.

The **responsible financial officer** (RFO) is the officer appointed under section 151 of the Local Government Act 1972, who is responsible for administering the council's finances. The RFO is often the clerk but can be another officer of the council.

notes:



PART 3

getting under way

8. Meetings

Council meetings are important; this is where you play your part as a decision maker. The chairman is in charge of the meeting, and the clerk (or perhaps a deputy) supports the council as it discusses business. The meeting is the council team in action.

Council meetings and committee meetings are formal events, not social occasions. They have a clear purpose – to make decisions – and are not just talking shops. Furthermore, they are public events; the meetings must be advertised and the press and public have a right to observe how the council operates. The same approach should be adopted for sub-committees. Exceptions are when sensitive issues are discussed (such as legal, contractual or staffing matters) and then the council can agree to exclude the press and public for just that item of business.

The council should decide on a schedule of meetings for the year.

- Council meetings are meetings of the full council. All councillors are expected to attend.
- Committee meetings bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.

Some committees are permanent or standing committees, but others are set up for a short-term project. Many councils have a permanent Planning Committee allowing them to comment on planning applications as required without convening a full council meeting.

Some committees are advisory; they make recommendations to the full council, which then makes the decisions. There are also executive committees where the full council delegates responsibility for certain decisions to the committee. The committee then reports its decisions to the full council. This helps the Planning Committee to make decisions without referring to the full council.

- Sub-committees are appointed by a committee to focus discussion on a specific topic among an even smaller group of councillors. Otherwise, they operate like committees.
- Working parties or 'task-and-finish' groups are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision.
- There are rules about who is permitted to join a committee or sub-committee. Sometimes non-councillors can be included (although with a few exceptions, they cannot vote). This is an excellent means of involving others, particularly young people, in council work.

Two annual meetings

If you are elected in May your first meeting will be the **Annual Meeting of the Council**. This is where you elect a chairman and probably a vice-chairman, and appoint committee members and representatives to other bodies. Remember that this is a meeting of the council.

The **Annual Parish or Town Meeting** is not a council meeting. It is a meeting of the parish or town electors taking place between 1 March and 1 June. Electors can contribute to the agenda and in practice these meetings often celebrate local activities and debate current issues in the community. The chairman of the council, any two councillors or any six electors can call the Annual Parish or Town Meeting. The Chairman, if present, will chair the meeting. It is best practice to hold the Annual Meeting of the Council and the Annual Parish Meeting on different occasions to avoid confusion.

Standing orders

The rules for the Annual Meeting of the Council will be contained in the council's standing orders. Remember, these include rules of procedure laid down in legislation and additional regulations chosen by your council. Standing orders help the council to operate smoothly. For example, a third of the councillors (or three, whichever is the greater) must be present for the meeting to go ahead; this is known as **the quorum**. The council can set a higher quorum for committees through standing orders if it wishes. Other standing orders will determine, for example:

- the order of business
- the length of meetings and the duration of speaking time
- the schedule of meetings for the year
- delegation to committees and officers
- voting requirements
- procedures for **public participation.**

Respecting the chairman

The chairman is in charge during council meetings; this is an office created by legislation commanding respect. Remember, the chairman is elected at the Annual Meeting of the Council for one year. Chairmen have a duty to ensure that council meetings run smoothly, that all business is properly considered and all councillors who wish to speak can do so. It is good practice for the chairman to refer to the clerk for advice.

The chairman has few special powers. For instance, it is unlawful for a council to delegate decision making to any individual councillor and the chairman is no different. However, when a vote is tied, the chairman may use a second, or casting vote.

The chairman often enjoys a special relationship with the public, especially in a town where the chairman is also the mayor. It is the chairman who leads the Annual Town or Parish Meeting (remember, this is not a council meeting) and opens the fete, or welcomes official visitors from abroad. This is one reason why the chairman can receive an **allowance** to support this important public role. If a local council resolves to do so, councillors can also claim an allowance, taking into consideration the level recommended by the principal council's independent remuneration panel.

Where councillors, clerk and chairman work together as a team they combine knowledge and skills to deliver real benefits to the community they serve. Good working relationships, mutual respect and an understanding of their different roles are vital. Conflict between these key players, especially during meetings in front of the press or public can damage the council.

The **Annual Meeting of the Council** is a full council meeting held in May where the election of the chairman is the first business.

The **Annual Parish or Town Meeting** is a meeting of the electorate taking place between 1 March and 1 June. There is no prescribed format.

The **chairman's allowance** is a small sum that can be allocated to the chairman to help pay for activities undertaken in the role of chairman such as attendance at civic events and gifts for visitors.

Public participation is encouraged. It means that members of the public can express their views or ask questions in a specified slot during a meeting.

The **quorum** is the number of councillors who must be present. If enough councillors are present then the meeting is said to be quorate. If it is not quorate then business cannot be discussed.

9. Being prepared

Your first meeting as a councillor can be daunting as you wonder what will happen and where to sit. Hopefully other councillors will be welcoming.

At, or before, your first meeting you must sign the declaration of acceptance of office. In law, you are not a councillor until you sign. At the same time, if your council has agreed, you should undertake to observe the Code of Conduct, which you must read.

At least **three clear days** before each council, committee or sub-committee meeting, you should receive a summons and **agenda**. The three clear days is established in law because it is important to be notified of issues to be discussed. Topics requiring a decision cannot be added to the agenda after the deadline has passed; they must wait for another meeting.

Each agenda item should make it very clear what you as a councillor are expected to do and be precise about the subject under discussion. For example, an agenda item saying "footpaths" gives you no idea what to expect. It is more helpful to know that your task at the meeting is

To receive a report from Cllr Gorie on the condition of footpaths in the parish and to agree action in response to proposals for repairs (copy of report attached).

It is actually unlawful to make a decision, especially a decision to spend money, without sufficient (three clear days) warning. Vague agenda items that don't specify exact business (such as Matters Arising, Correspondence and Any Other Business) are dangerous and should be avoided, because the council *cannot* make unexpected decisions.

Putting the agenda together is the clerk's responsibility. The clerk must sign the agenda and can decide how it will be set out. This process is often undertaken in consultation with the chairman. You may ask the clerk to add items to the agenda if you feel a relevant subject should be discussed.

The **5 Ws** help councillors prepare for a meeting.

- **W**hat is the meeting for?
- **W**hat part should I play?
- **W**hat papers must I read?
- **W**hich people do I need to consult?
- **W**hat did I promise to do before this meeting?

The **agenda** is the list of items to be covered during a meeting. It identifies the "business to be transacted" and forms part of the summons.

Three clear days has a specific legal meaning in relation to the issuing of the agenda. It does not include the day on which the agenda was sent out, or the day of the meeting. It also excludes Sundays, bank holidays and the days of the Christmas and Easter breaks. It is good practice to exclude Saturdays too.

10. At the meeting

What if you cannot attend? Remember, you have a duty to attend but sometimes things crop up and you are unable to make it. You must contact the clerk with an apology and explanation. A darts match is not an adequate excuse whereas illness or work commitments are acceptable reasons. If you fail to attend any meetings for six months, you will automatically cease to be a councillor unless the council approved your reason for absence before the end of the six month period.

It is, of course, the chairman's job to manage the meeting by introducing agenda items, inviting members to speak, focusing discussion and clarifying matters for decision. Councillors, having engaged in discussion, vote for or against the proposal by a show of hands. Matters to be decided are called proposals or motions. Decisions, called **resolutions**, are recorded in the minutes as, for example, *"It was resolved that the council will contribute £2000 to the community bus scheme."* If you have no view on a proposal, or cannot decide, you can abstain, but you shouldn't do this too frequently. Normally voters' names are not minuted but if necessary, you can ask for names to be recorded. Remember that council decisions are corporate decisions.

You should keep contributions short and to the point; you probably don't enjoy listening to others who speak for too long. Always work through the chairman and try not to score points off fellow councillors. Never engage in personal attacks on others – however tempting. If you can add a dash of humour and common sense to the proceedings then you will be a pleasure to work with.

The council must advertise the meetings by putting up public notices; electors have a right to attend. You may be wondering when they have their say. Many councils encourage members of the public to speak and ask questions in a short, defined period, early in the meeting.

The meeting must remain quorate at all times, so if you need to leave during a council meeting always warn your clerk and chairman beforehand.

As a rule, meetings should not last more than two hours otherwise concentration begins to lapse. A well-crafted agenda with precise topics for discussion is a valuable tool to help the chairman bring the meeting to a close on time.

A **resolution** is the decision taken when the outcome of a motion or proposal has been agreed.

11. After the meeting

Decisions have been taken and these need to be implemented. The clerk or the minuting secretary writes the minutes as a legal record of what was decided at the meeting. It is important that the minutes are accurate and therefore the minutes of the last meeting are confirmed and signed at the start of the next meeting. It is a good idea if the minutes record clearly the actions to be taken following the meeting.

What happens if a decision needs to be taken between meetings? Where the matter needs full discussion, the chairman might call an extraordinary meeting, but delegation is a useful tool. **Section 101** (of the Local Government Act 1972) allows a council to delegate the power to make decisions to an officer, a committee, a sub-committee or another council. It is good practice to specify in standing orders the kind of decisions that the clerk can make such as routine decisions, dealing with emergencies or spending small sums of money. Standing orders may require decisions to be taken after consultation with two councillors (including the chairman) but the decision remains with the officer. Most importantly, the council must not allow delegation to a single councillor – not even to the chairman.

So councils exist to make and implement decisions. Part Four looks at how councils can be active on behalf of local people.

notes:

PART 4

delivering the goods

12. Services and community rights

We have come full circle and return to the issues raised in Part One. The best local councils want to improve the quality of life and the environment for people on their patch. Since the mid-1990s successive governments have encouraged local councils to become more active in service delivery. This section shows how your council can be dynamic and professional in delivering the goods. To achieve these aims, the local council needs strategic plans, from business plans to corporate plans or action plans.

Local councils can provide many services using their legal powers, from community centres to festivals, and allotments to buses (see Part Five for a list of powers).

Local councils can also provide services in partnership with other bodies, or as their agent. They might manage library services for the principal authority or assist a local charity to help young people. Local councils can offer funding, equipment and premises, to help others provide services. Giving grants to organisations that run child care, services for the elderly, arts activities, pond clearance or sport can improve the quality of parish life. A modest grant often helps another body to secure further finance from other sources, such as the lottery or the European Union.

The local council can act as the first port of call (or information point) for all local services. Access to services delivered by other organisations including principal authorities and **voluntary bodies** could be available through an internet connected computer located with the local council. If you think your council could not possibly afford it, then ask yourself whether local people would pay a little more in council tax if they could see real benefits.

How does your council know which services to deliver or what activities to support? It consults, listens and identifies what is missing; it then agrees priorities for action and its policies begin to take shape.

The Localism Act 2011 introduced a number of new ways in which councils can act on behalf of their communities, which are collectively known as **community rights**.

The **community right to bid** gives communities a better chance to save a local asset of significance to the community, like a library, a village shop, a community centre, or a pub. A community can nominate buildings and land as an asset

of community value and stop the clock on a sale of listed assets for up to 6 months. This gives local councils and other community groups the opportunity to raise finance for the bid. It takes just 21 people to nominate an asset.

A wide range of assets have been nominated from community centres, to pubs and Hastings Pier. The first asset purchased using the Community Right to Bid was the Ivy House pub in Peckham in March 2013. You should do some research to find out what support funding is available to communities considering taking over local assets.

As a local councillor and community leader you can contribute to the nomination process by identifying important community assets with the community and other representatives. You may volunteer to be one of the people to sign the nomination form and you can encourage members of the public and local groups to support the nomination and raise the profile of the nomination in the local media.

If your community is interested in managing or owning publicly owned land or buildings, you could contact your local authority to explore options for transferring these to your community at less than full market value through **community asset transfer.**

Under the right to reclaim land communities can apply to get underused or disused publicly owned land brought back into beneficial use. Properties directly owned by government departments and Housing Associations are exempt. Local councils and communities can ask local authorities to exercise compulsory purchase orders where they think there is scope for regeneration of disused or underused privately owned land or buildings.

Community shares help local groups to raise money to do the things they want to do in their community, from buying community shops to establishing community energy projects. The Community Shares Unit provides a support and information to investors and to communities wanting to develop share offers.

Local councils are close to their communities, so any services they run can be more easily tailored to local needs. Local councils up and down the country are already running a huge variety of public services successfully, from car parking to allotments to highway maintenance, but in the past it has always been down to the district or county council to decide whether and if to devolve services to local councils.

The **community right to challenge** changes this – if you feel that you could do a better job of delivering local public services than the local authority, you can use the right to challenge the authority to give you a chance to run those services. The council must consider your proposal and can only reject it on certain grounds. Your successful expressions of interest will trigger a

procurement exercise for the service. A support package of £11.5m has been made available to help local organisations, including local councils, to develop their proposals.

The Department for Communities and Local Government (DCLG) is also encouraging local councils to engage in **Neighbourhood Community Budgeting**. Neighbourhood community budgets (NCBs) aim to give communities more influence and control over local public services by allowing the local community to help design neighbourhood level budgets. The Government hopes that this idea will help establish what services can be delivered at neighbourhood level and what needs to be in place to enable communities to take more control of service if they want to.

Local councils in Ilfracombe and Haverhill have led the development of NCBs in their area. DCLG would like to encourage other local councils to speak to their principal councils about how a neighbourhood community budget could operate in their area. Perhaps this kind of project is something your council might be interested in?

The **community right to bid** gives local people the right to register an asset of value to the community so that they have a six month window of opportunity to make a bid when the property comes up for sale. It is not a right to buy.

The **community right to challenge** is a right to register an interest in running a service currently run by another authority. It involves making a proposal which then triggers a procurement exercise.

Community shares enable local people to raise money for local projects.

Neighbourhood Community Budgeting involves local communities in deciding how to spend the money made available by other agencies (such as principal authorities) for services in their area.

A **strategic plan** is a guide to action. It is a statement (or several) explaining what the council wants to achieve.

A **voluntary body** is a not-for-profit organisation established by volunteers; but it may raise money and employ staff to do its work. Local charities and the Rural Community Council are examples.

13. Planning

Your council's strategic plan will help to manage change but the wider planning system deeply affects life in the community and is a vital tool for delivering benefits. Being involved in town and country (land use or spatial) planning is, for many councils, their single most important activity.

So what part does your local council play in the planning system? Local councils have a right to ask for copies of planning applications affecting their area and to express their views to the **planning authority**. In addition, under the Localism Act's neighbourhood planning provisions, there are a number of 'community rights' that local councils can take up in addition to those described in the previous chapter. These are examined in some detail below.

Local development plans

Many local councils spend time and energy at full council or planning committee meetings, deciding what recommendations to make. While the **planning authority** doesn't have to agree, it must consider the parish view before it decides to grant or refuse permission for the development.

Your council's recommendations on a planning application should fit with statutory **local development plans**, otherwise they may be ignored. These include the local plan and, if available, the neighbourhood plan.

The local council needs to understand the procedures by which the planning authority makes decisions. Some decisions are made by the authority's planning committee, while many are delegated to officers. Central to the decision making process are **material considerations** – issues that are, in law, *material* or relevant to a planning application. Such matters must be taken into account when making a recommendation on a planning application. Material considerations include:

- development plan (including the local plan or neighbourhood plan)
- a site's planning history (including earlier applications)
- accessibility
- traffic
- roads and parking
- archaeology
- a community plan or design statement (see Part One).

Your personal feelings about the application, or the applicant, are not relevant. It is the wider public interest in respect of the planning application that is important.

The planning authority is responsible for **development control**, where development is managed through planning applications. The local council's local knowledge, combined with a sound understanding of the planning process, means that its views are more likely to be heard by the planning authority. As one planning officer observed; *"there are those local councils who understand the system and have influence…and there are those that don't*."

Local councils can spend hours on development control and forget that it is equally important to influence the policies of the planning authority. The most important policies are contained in the planning authority's **development plan**. If your council didn't participate when the development plan was discussed, then they may be unpleasantly surprised by its proposals.

A design statement can be a supplement to the planning authority's policies and can influence development control. Once accepted by the planning authority it becomes a **supplementary planning document** (SPD). The beauty of a design statement adopted as an SPD is that the planning authority must take it into account as a material consideration when making decisions. This gives the council and its community considerable power.

Neighbourhood plans and the community right to build

Through the Localism Act 2011, the Government introduced two new ways in which local councils can influence planning in their area: the neighbourhood plan and the neighbourhood (or community) development order.

- If approved, a **neighbourhood plan** becomes the development plan for the area, superseding the local plan (although it must be aligned with it). The neighbourhood plan can give your local community more say about where new homes are built and what they should look like. It can, for example, allocate land for industry and leisure or set retail and infrastructure policies.
- Neighbourhood (or community) development orders arise from the **community right to build** set out in the Localism Act 2011. Local councils and community groups have the right to propose small-scale, site-specific community-led developments. This right allows communities to build new homes, shops, businesses or facilities where they want them, without going through the normal planning application route. Any project built under the community right to build is managed by the local council or community group.

To get approval for a neighbourhood plan or development order the council must

- work with the local planning authority
- take expert advice to ensure that the plan or order complies with national planning policies and strategic elements of the local plan
- engage fully with all parts of the local community
- seek approval from an independent inspector
- gain support from at least 50% of local people voting in a referendum.

Once in place, a neighbourhood plan gives your community more control over the way in which your area develops; a neighbourhood plan becomes part of the development plan which will be used by the local planning authority when determining planning applications.

By April 2013 there were over 500 neighbourhood plans being developed across the country from Cumbria to Cornwall to Cambridgeshire. The first neighbourhood plan was approved in Upper Eden in Cumbria with 90% support from the local people who voted in the referendum.

In addition, with the introduction of the Community Infrastructure Levy (CIL) local councils who develop neighbourhood plans are entitled to 25% of CIL receipts and can decide for themselves how to spend the money on local infrastructure. Do some research and find out whether there is any funding available to help your community.

Planning can get people very agitated and the council has a responsibility to represent the whole community – not just people with the loudest voices. The council must ensure that proper procedures are in place. You must have lawful, well-managed meetings and councillors must make sure that in planning matters they act in accordance with their council's code of conduct.

You can download helpful and more detailed guides on planning from the **Planning for Councillors** website. (See Part Five)

The **community right to build** enables the community to design its own development. The process (including a referendum gives the local community control over the decision to grant planning permission.

Development control is the formal name for the control of development through the planning permission process.

The **development plan** covers the whole range of a planning authority's district. It includes policies for housing, retail, industry, heritage and landscape protection and infrastructure.

Material considerations are matters that are material (or relevant) in planning law to an application.

A **neighbourhood plan** is a local development plan for a specific place. It is drawn up by the local community working with the planning authority and is approved by an independent inspector before going to a community referendum.

The (local) **planning authority** is normally the district council (or equivalent). The county council is the planning authority for some issues such as minerals extraction and waste disposal. If you work with a single (unitary) authority, it's much simpler. Planning in a National Park is the responsibility of the National Park Authority.

Supplementary planning documents have been adopted by the local planning authority to inform decisions on planning applications.

14. The parish or community-led plan

A parish plan is a community plan and not a land use plan. It is a set of policies and an action plan for the next few years covering a much wider range of issues such as housing, the local economy and transport. It is a good idea to draw up a plan, whatever the size of your community.

The plan should be developed in consultation with the local community. Remember in Part One we suggested that parish surveys, parish maps, community conferences and design statements are ways in which your council can establish the needs and wishes of local people. Tools like these strengthen community spirit, especially if they involve all parts of the community. A council that listens knows that it has local support for actions it may take.

Once you know what you (and local people) want, you can decide how you are going to pay for it. Many councils start with the money and then decide how far it will stretch. Some councils claim that they have so little money that they can do almost nothing. Evidence clearly suggests that local taxpayers would be willing to pay more if they could see the results in terms of better local services. Ask first, and then set the budget accordingly.

Whatever your council's approach to plan making, financial regulations say it must have a budget. The **P**lan creates the **B**udget that determines the **P**recept; it is good advice to follow this PBP principle. Remember, the precept is taken from the council tax. Your council should investigate other sources of funding such as grants and sponsorship to help implement its plans; on average, non-precept funding makes up one third of local council income.

This is an exciting time to be a local councillor. Plans and policies will guide you as you seek to improve the quality of life in your community. Indeed, a parish or town plan can provide the evidence you need to develop a neighbourhood plan.

15. The Quality Council

The **Quality Council Scheme** was launched in 2003 and updated in 2008 and 2013. The scheme aims to establish minimum standards, encourage continuous improvement and provide a benchmark for excellence for all local councils. It is supported by five national stakeholders: the Department for Communities and Local Government; the Department for Environment, Food and Rural Affairs, the Local Government Association, the National Association of Local Councils and the Society for Local Council Clerks.

The scheme is open to all local councils, irrespective of size, and all councils are encouraged to attain Quality status. By providing specific evidence of what it has done in a number of areas a Quality Council shows its residents, its principal authorities and other organisations that it meets a nationally recognised standard of achievement. A Quality Council is in a better position to influence local decision making processes and take on additional responsibilities from a principal authority if it so chooses. It may also help the council to attract additional funding.

All local councils, from the smallest to the largest, are encouraged to work towards achieving Quality status.

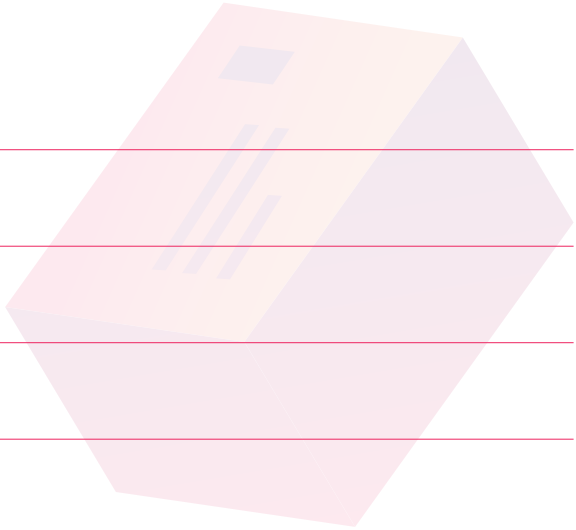
Quality Councils are expected to:

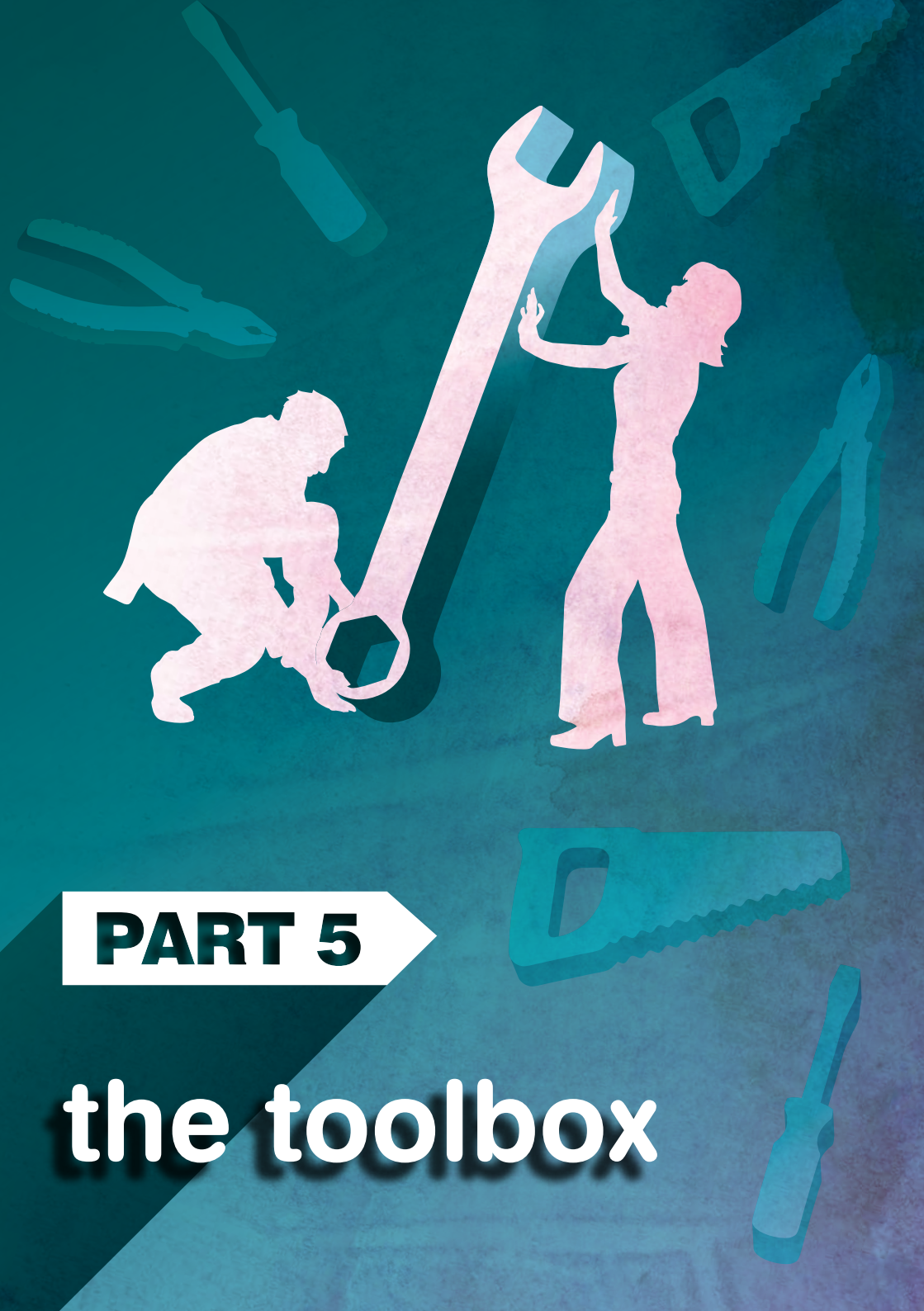
- be effectively and properly managed, with members and officers upholding high standards of conduct
- be representative of and actively involve all parts of their community
- encourage people to stand for the council and to vote in local council elections
- work closely with voluntary and community groups to develop and facilitate projects which benefit their communities
- work in partnership with other local authorities and agencies to get the best deal in service delivery for the local community
- be committed to on-going training and development for both staff and members.

The central idea is that a Quality Council is well run, engaged and accountable, and is committed to doing things well, and getting better over time. It is a vision of democracy at its best: local votes for local people for local action.

The next and final part of this guide contains advice, contacts and other information to keep you on course as a local councillor.

notes:





PART 5

the toolbox

16. Hazards

Even in the best councils, things go wrong so one of the most useful resources is the council's clerk. Trained clerks can recognise when something needs attention and if they cannot fix the problem, they will know someone who can.

Risk management allows your council to anticipate where breakdowns and accidents might occur. For example, it is unhelpful if the clerk and councillors (including the chairman):

- are unsure of their respective roles, duties and responsibilities
- don't work as a team or respect each other's roles
- don't communicate with each other
- concentrate on scoring points.

Furthermore, the council will have difficulty if it:

- allows one person or a small group of councillors to dominate its work
- allows a councillor (including the chairman) to make decisions on its behalf
- doesn't listen to and communicate with its community, other local councils, principal authorities, outside bodies
- ignores or antagonises the press
- doesn't have written contracts of employment for staff
- doesn't keep its records in order
- lacks a robust system of financial control
- doesn't manage meetings effectively
- is not well-informed on topics to be discussed.

Everyone in the team is responsible for checking that the council avoids these dangers; ultimately the council is liable. By contrast, well-prepared and well-informed councillors avoid difficulties and spend their energies on serving their communities.

17. Important documents

Always know where your important documents are kept so you can refer to them when necessary.

You are advised to have your own copy of:

- a schedule of meetings for the coming year
- the council's standing orders
- the council's financial regulations

- the council's code of conduct
- contact details of councillors and the clerk (but note, only contact the clerk during working hours)
- the budget for the current year
- the minutes of meetings that took place during the previous year.

You will also find it useful to refer to the following (if they exist).

- A map of the parish
- local council's development control and planning policies
- Your council's statement of community engagement
- Your council's communication strategy
- Policies for equal opportunities and health and safety
- Your council's publication scheme for the Freedom of Information Act
- Procedures for emergencies
- Grievance and disciplinary procedures
- Bullying and harassment (dignity at work) policy

The clerk will keep the following documents; we suggest you ask to read them.

- Risk assessment policy
- Assets register (list of property)
- Leases
- Insurance policies
- The cash book for recording receipts and payments
- Schedule of council charges and fees for services and facilities
- Partnership agreements
- Planning documents (including the parish plan and/or neighbourhood plan) for the locality

You might also need to know

- the population of the parish and how the population is made up
- how much an average household pays in council tax to the local council
- contact details of principal authority councillors
- contact details of local organisations

Don't worry if your council doesn't have all this information; it can be assembled over time. A few items, such as the financial regulations, are essential however, and must exist already.

18. Important links

You may have noticed that certain terms throughout this publication have been hyperlinked. If you are reading the hard copy, you will need the web addresses below to find this information.

Community rights information

www.mycommunityrights.org.uk/

www.mycommunityrights.org.uk/community-right-to-bid/

www.mycommunityrights.org.uk/community-asset-transfer/

www.mycommunityrights.org.uk/community-right-to-build/

www.mycommunityrights.org.uk/community-right-to-challenge/

www.mycommunityrights.org.uk/neighbourhood-planning/

www.planningforcouncillors.org/

Organisations (government and non-government)

The Department for Communities and Local Government www.communities.gov.uk

The Department for Environment, Farming and Rural Affairs www.defra.gov.uk

The Local Government Association www.local.gov.uk

National Association of Local Councils www.nalc.gov.uk

The Society of Local Council Clerks www.slcc.co.uk

Publications

NALC and SLCC Governance and Accountability for local councillors publication
www.nalc.gov.uk/Latest_News/Governance_and_Accountability_2010.aspx

Local Government Act 1972, Section 101
www.legislation.gov.uk/ukpga/1972/70/section/101

Other government initiatives

www.barrierbusting.communities.gov.uk/

www.communityshares.org.uk

19. Sources of advice and information

Always start by asking your clerk. It is the clerk's job to receive information from other bodies and keep up-to-date on your behalf. As a council you should monitor the clerk's workload to ensure that there are sufficient hours to carry out the tasks required by the council.

Organisations

The first stop for advice will probably be your county-based *Association of Parish and Town (or Local) Councils* (known as the county association). It is vital that your council is a member to benefit from its services and keep abreast of changes affecting local councils. The *National Association of Local Councils* (NALC) provides advice for local councils in membership of the local county association and NALC on legal matters, policy, training and development. It also keeps councils up-to-date with news affecting local councils. As a councillor you cannot approach NALC directly for legal advice. If your council requires advice, your clerk should first see if the County Association can help. If not, they will refer your council's query to NALC. There is also information available on the NALC website www.nalc.gov.uk.

Your clerk (and the council) benefit if the clerk is a member of the *Society of Local Council Clerks* (SLCC) and its *Institute of Local Council Management* (ILCM). The Society provides legal, financial and other advice, a useful training pack and considerable support and guidance from the clerks' network. Your council may wish to pay the clerk's subscription to the SLCC. There is also information available on the SLCC website www.slcc.co.uk.

Rural Community Councils (sometimes called ACRE www.acre.org.uk) and *Councils for Voluntary Service* are county-based organisations offering advice on local service delivery, funding and community projects.

You might want to refer to the Local Government Association at www.local.gov.uk while Government departments responsible for local government and rural or environmental issues are:

- The Department for Communities and Local Government www.communities.gov.uk
- The Department for the Environment, Food and Rural Affairs www.defra.gov.uk

If you want to draw the Government's attention to legislative barriers to localism, go to the Barrier Busting Portal at www.barrierbusting.communities.gov.uk/.

Other websites

If you want to know more about the community rights outlined in Part Four, get in touch with the Government's support provider at www.mycommunityrights.org.uk. They give advice, let you know about grants and put you in touch with experienced communities willing to act as mentors. You can find out more on this website about the right to bid, community asset transfer, the right to challenge, the right to build and neighbourhood planning. There is also useful material on planning at www.planningforcouncillors.org and community shares at www.communityshares.org.

Publications

Your clerk or the chief officer of your county association will help you find the following publications. County associations disseminate information and often assemble valuable packs for new councillors.

Standing Orders for Local Councils is a valuable book published by the National Association of Local Councils. It explains the legal background to procedures for local councils and provides a set of standing orders that your council tailors to meet its needs. The book can be obtained through your county association.[5]

Governance and Accountability for Local Councils: A Practitioners' Guide (England) is a valuable reference pack usually held by the clerk or RFO. It explains statutory 'proper practices' for local councils. Your clerk and RFO should always have the most recent version.

Being a good employer is an extremely useful booklet that takes you through all stages of the employment process from recruitment to departure.

Useful magazines include:

- LCR – a the quarterly magazine produced by the National Association of Local Councils; LCR Online is the updated weekly sister website www.lcronline.org.uk
- The Clerk – published every two months by the Society of Local Council Clerks www.slcc.co.uk
- The Direct Information Service (DIS) is a fortnightly news bulletin produced by the National Association of Local Council www.nalc.gov.uk/publications/DIS/DIS.aspx

The Community Planning Handbook by Nick Wates (published in 2000 by Earthscan) is a useful and concise source on public involvement in planning and action.

5 An updated version of this publication will be available by the end of 2013. Please see www.nalc.gov.uk

Training

First launched in 2001 the National Training Strategy sought to increase consistency and quality in training taking place across the country. Revised and updated in 2010, the strategy sets out the core aims, objectives and aspirations for the sector and its development of skills and qualifications. The strategy can be found on both the NALC and SLCC websites.

There is a wide range of training available to local councils. Sector-specific training is delivered through a number of different mechanisms and organisations at both national and local (county) level. County associations, the SLCC and its branches, Rural Community Councils, principal authorities, educational bodies and private trainers are encouraged to work in partnership to deliver training. In most cases the lead body of County Training Partnerships (CTPs) is the county association who can point you in the right direction (see also www.nalc.gov.uk). The NTS has provided training resources for CTPs to use in developing training programmes for councillors and chairmen.

There are also a number of online training courses which are available on the **NTS e-learning website**. Any local councillor or clerk can access these courses by setting up an online e-learning account at www.ntselearning.co.uk/

The SLCC offers an extensive suite of national training programmes tailored to support clerks' professional development delivered through a network of providers and training officers. The full range of courses, events and how to access them can be found on the SLCC website www.slcc.co.uk.

Nationally recognised qualifications and courses include the NTS Certificate in Local Council Administration (CiLCA), the accredited certificate for the sector designed to test competence for the role of council clerk. There are many training courses that prepare candidates for CiLCA delivered by CTPs and the SLCC. "Working With Your Council" is a core induction package developed by the SLCC as an NTS product. It can be completed by distance learning and is widely recognised as a useful induction tool and an excellent preparation for CiLCA. Further information is available on both the NALC and SLCC websites.

The SLCC also provides a higher education qualification for clerks. This is a programme of advanced courses in Community Governance (formerly Local Policy and Community Engagement & Governance) including single modules, a Certificate of Higher Education and a Foundation Degree. The awards are made by the University of Gloucestershire which also provides a Level 6 course for an Honours degree.

Continuing Professional Development (CPD) is the process by which employees can track, record and plan learning. A structured CPD programme has been developed by the SLCC in partnership with NALC as an NTS product. It offers a framework for an employee to assess skills prior to setting annual development plans based around learning needs. Employees then record the learning activities required to meet those needs. CPD points are self-awarded following completion of activities. The CPD scheme is also the vehicle by which members of the Institute of Local Council Management (ILCM) can progress through the ranks of membership. A copy of the CPD booklet including the skills audit, development plan and record can be downloaded from both the NALC and SLCC websites with information on how to join the ILCM.

It is good practice for councils to have a development plan for both staff and councillors which is reviewed on an annual basis. A development plan outlines what training and development staff and councillors will undertake during the period covered by the plan. This might include a range of activities such as attending training, taking on a new challenge or participating in a mentoring programme. The development plan should be linked to the council's strategic plans, with the aim of ensuring that staff and councillors have the necessary skills and knowledge to deliver the objectives set out in those plans.

20. List of legal powers and duties

Finally we provide an indicative list of powers and functions to help you appreciate the wide range of activities covered by Acts of Parliament (see also *Governance and Accountability*). It is a useful reference when you need to know if the local council has permission to act but note, no list can be totally comprehensive.

We hope you find this guide useful and, most importantly, that you enjoy your work as a councillor making a difference in the community that you serve.

What can local councils do?

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	Small Holding & Allotments Act 1908, s.23
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health At 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain	Open Spaces Act 1906, Sections 9 and 10
	Power to provide	Local Government Act 1972, s.214
	Power to contribute towards expenses of cemeteries	Local Government Act 1972, s.214 (6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for:	
	Places of public recreation	Public Health Act 1875, s.164
	Cycle parks	Road Traffic Regulation Act 1984, s.57(7)
	Public swimming baths	Public Health Act 1936, s.223
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
	Mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities	Charities Act 2011, ss.298-303
	Power to act as charity trustees	Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2

Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to Inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government (Miscellaneous Provisions) Act 1976 s.19 Local Government Act 1972, s.133
Crime prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders	Clean Neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general Power of competence	Localism Act 2011, ss.1-8
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	Power to repair and maintain public footpaths and bridle-ways.	Highways Act 1980, ss.43, 50
	Power to light roads and public places	Parish Councils Act 1957, s.3; Highways Act 1980, s.301
	Power to provide parking places for vehicles, bicycles and motor-cycles.	Road Traffic Regulation Act 1984, ss.57, 63
	Power to enter into agreement as to dedication and widening.	Highways Act 1980, ss.30, 72
	Power to provide roadside seats and shelters.	Parish Councils Act 1957, s.1
	Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway	Highways Act 1980, ss.47, 116
	Power to complain to district council about the protection of rights of way and roadside waste	Highways Act 1980, s.130
	Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s.72
	Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s.96
Honorary titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s.249
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11

Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss.124, 126, 127 Local government Act 1972, s.139
Litter	Provision of bins	Litter Act 1983, ss.5, 6
Lotteries	Powers to promote	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market buildings	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Powers to provide mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Neighbourhood planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9; Town and Country Planning Act 1990, ss.61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260
Open spaces	Power to acquire and maintain land for public recreation Power to acquire and maintain land for open spaces	Public health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish Property and documents	Powers to receive and retain Duty to deposit certain published works in specific deposit libraries	Local Government Act 1972, s.226 Legal Deposit Libraries Act 2003, s.1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s.133

Public Conveniences	Power to provide	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities Provision of boating pools	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority.	Localism Act 2011, ss.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss.87-108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s.144
Traffic Calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1
Water	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites	Local Government Act 1972, s.142

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The Society of Local Council Clerks (SLCC)
8 The Crescent
Taunton
Somerset
TA1 4EA
Tel: 01823 253646 / web: www.slcc.co.uk

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