

3rd edition



The National Training Strategy  
for Town & Parish Councils

# The good councillor's guide

Essential guidance for local councillors





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## Essential guidance for local councillors

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# Welcome

**It gives me great pleasure to introduce the third edition of *'Being a good councillor – essential guidance for local councillors'*. This revised National Training Strategy publication is a welcome and much needed resource for new councillors and will also be helpful to anyone 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 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 somewhat 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.

Government is more than ever looking to local communities and our local councils to respond to very local needs and priorities. Both central and local government needs to be more effective in its communication with people and delivery of quality services. For these reasons it is important to play your part and have a say. 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 get involved and make a difference to the community.

So if you are thinking of becoming a councillor I would firstly encourage you to contact your local council to find out how you might get involved; and secondly I would urge you to read this guide. Whilst ordinary elections take place every four years there are still frequent opportunities to become a local councillor when by-elections arise so I people should 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 help develop your skills and knowledge. Being elected as a councillor does not come with all the answers and 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 times ahead will be challenging, exciting and at times frustrating. But 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 wish you every success and I am confident that this guide will help you to develop your role as a good councillor.

Regards

A handwritten signature in black ink that reads "Michael Chater". The signature is written in a cursive style and is positioned over a faint, light purple silhouette of two people walking. A horizontal line is drawn under the signature.

**Michael Chater**

Chairman of the National Association of Local Councils (NALC)

# Acknowledgments

**The original 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.**

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The National Training Strategy stakeholders, who oversee the ongoing implementation of the NTS, consist of the Commission for Rural Communities, NALC, Society of Local Council Clerks (SLCC), Defra, CLG, the Local Government Association, Local Government Improvement and Development and the University of Gloucestershire. Many people assisted in the writing of this guide and the National Training Strategy Steering Group (NTSSG) is 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 contents do not necessarily reflect the views of the individual bodies represented on the NTSSG. 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 being developed in 2011 and beyond. Good councillors make sure that they keep up to date with changes affecting the work of the council.



*Electronic copies of the guide are available from the following websites: NALC ([www.nalc.gov.uk](http://www.nalc.gov.uk)). SLCC ([www.slcc.co.uk](http://www.slcc.co.uk)).*

*© 2011 Extracts from this publication may be made subject to the source being acknowledged.*

**As the first tier of local government, parish and town councils are uniquely placed to make a major contribution to the localism solution. 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.**

*Councillor Mike Evans, Whiteley Town Council & Vice Chair of Hampshire Association of Local Councils*

**Being a relatively new councillor and chairman I have found the Good Councillor's Guide to be an invaluable source of information put across in a simple and straightforward manner. I would encourage all new councillors to read the guide and engage locally with related training to develop their skills and knowledge. We have a responsibility to our communities to be the best councillors we can be and this is the perfect place to start!**

*Councillor John Goss, Campbell Park Parish Council, Buckinghamshire*

# Introduction

This guide introduces the work of local councils and the part you play as councillor in the first 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 engagement, review your council's role in the town and country planning system, and introduce parish plans and Quality Council status.



## Part Five – The toolbox

Page 46

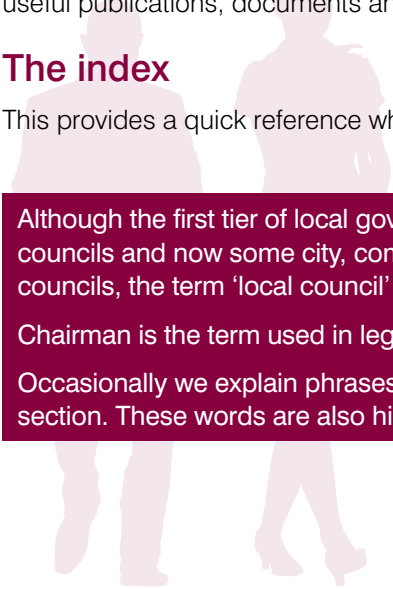
Finally we provide ideas for your councillor's toolbox including danger areas, useful publications, documents and contacts for advice.



## The index

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This 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.

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 British national or a qualifying citizen of the Commonwealth or the European Community. You are not a paid employee of the council because the law forbids it.

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; this is where the council can choose who will fill any vacant seats if not enough candidates stand for election. 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 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; this occurs only 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, the council must find out if the electors want an election before they can co-opt.

## 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 authorities**, have many legal duties to deliver services such as education, housing, town and country planning, 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, 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 main issues that concern parish government. The 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 more urban councils 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. In the first decade of the 21<sup>st</sup> century 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 some £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 just 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 handing over the power to make a decision to an officer, a committee, a sub-committee, or another council. 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.

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

**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.

**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. Local people from all parts of the community should have their say.

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.









## **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. A local council can undertake an activity only when specific legislation allows it. For example, the Local Government (Miscellaneous Provisions) Act, 1976, section 19, gives local councils the power to spend money on recreation. There is a useful list of activities and specific legal powers in Part Five.

If the council does something which is not permitted by legislation (even if it would be popular with the community), then the council could be charged with acting *beyond its powers*. Acting without the legal power is an unnecessary risk. 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 should have access to a **county association** (Association of Parish and Town, or Local, Councils) and the **Society of Local Council Clerks** for advice on legal matters.

There are very few activities that a local council cannot undertake; the trick is to ensure that there is a legal power for every action of the council. If the council cannot find a specific power, then section 137 (Local Government Act 1972) is useful. It gives a local council the power to do anything that will directly benefit the community (or part of it) where there is no other legislation permitting it. Section 137 cannot be used retrospectively, that is after the spending has taken place. Under section 137, your council can spend up to a specified limit per elector, increasing annually, on anything it considers worthwhile if (and only if) no other power can be used. Following an amendment in 1989 the expenditure under this power must be commensurate with the direct benefit to the community; this means that there must be a match between the money spent and the benefit to local people.

In 2007 the Government gave eligible local councils the '**power of well-being**'. If a council is eligible to use this statutory power, it cannot use s137 except in a few limited circumstances. The power of well-being enables

a local council to “*do anything which it considers likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area.*” A council determines its eligibility at a meeting of the full council if it can demonstrate that it meets all four specified criteria. These are

- Two thirds of the councillors must have stood for election (rather than being co-opted).
- 80% of the councillors must have attended a recognised two-hour training module on the topic.
- The council must have a qualified clerk.
- The council must have a statement explaining how it engages with its community.

Before using the power, the council must also have regard to the relevant principal authority’s **sustainable community strategy** for its area and to Government guidance on using the power.

There is no limit on expenditure under this power so it provides a local council with considerable scope for action. You learn much more about the power of well-being at the special training event.

In December 2010 the government presented “The Localism Bill” to Parliament. The Bill aims to expand the role of local councils and other bodies representing local communities. The Bill is unlikely to be enacted until late 2011 or early 2012<sup>1</sup>.

The Bill repeals the power of well-being for local authorities in England but makes provision for local authorities including ‘certain’ parish councils to have a new power, wider in scope than the power of well-being. The new power is the ‘general power of competence’. Rather than councils being limited to activities which must be expressly permitted by legislation, the new general power would permit authorities to “*do anything that individuals generally may do*” unless specifically excluded by statute. This should free up local authorities to do whatever they choose to respond more effectively to their communities’ needs, encouraging innovation and assisting in shared service delivery.

## 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**, activities that they **must** carry out in delivering services to local people. Exceptions are that a council **must**:

<sup>1</sup> The information on the Bill is correct at the time of writing. You must check how the legislation has developed by the time you read this guide..

- provide allotments if the council considers that there is demand for them from local residents and it is reasonable to do so;
- comply with its obligations under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- 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;
- 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);
- 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 finance officer, still apply. The National Association of Local Councils (see Part Five) provides model standing orders.

Council meetings must be open to the public except for any part that deals with sensitive information, 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 is made available.

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

A **county association** is shorthand for your county-based Association of Parish and Town (or 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 through an amendment in the Local Government and Public Involvement in Health Act 2007 s77.

**Procedures** are the guidelines for operating a local council within the law.

**The Society of Local Council Clerks** is the organisation that provides advice and support for clerks (see Part Five).

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.

Each principal authority is charged with setting up a Local Strategic Partnership that then consults with local community representatives and draws up a **sustainable community strategy**. The strategy includes aims related to all aspects of life and the environment in contributing to the sustainability of communities.

## 5. Rules for councillors

You cannot act as a councillor until you have signed a formal declaration of acceptance of your office. The **declaration of acceptance of office** includes your agreement to observe the **current code of conduct** adopted by your council (more later).

In addition to your obligations arising from your council's code of conduct, 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.

## The Code of Conduct

The Code of Conduct adopted by your council includes provisions that are mandatory by regulations<sup>2</sup>. So you must:

- treat others with respect;
- comply with equality legislation;
- not bully or intimidate anyone;
- not disclose confidential information;
- not bring the council into disrepute by your conduct;
- not use your position or the council's resources for improper purposes.

The current code also requires you to register and update specific financial and other interests within 28 days of election or co-option to the council. The relevant interests include the name of your employer, land ownership, business interests in the parish, and your membership and positions of management in other organisations such as charities, trade unions and political parties. Responsibility for completing and updating the mandatory **register of interests** lies with you. Your signed register of interests must be provided to the **Monitoring Officer** at the principal authority. You should give a copy of your register of interests to your clerk.

At a meeting, you must declare the existence and nature of any personal interest in business being considered before discussion of that item begins. In addition, if a member of the public (with knowledge of the relevant facts) might conclude that your judgement of the public interest could be prejudiced by your interest, then your personal interest becomes a **prejudicial interest**. You cannot then vote on the matter (unless you obtain a dispensation from the Standards Committee of the principal authority) and if you have a prejudicial interest you must leave the meeting for the discussion and the vote. 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.

Remember, the rules outlined in this section are designed to regulate the conduct expected of you as a holder of a public office and to protect the reputation of your council.

<sup>2</sup> The Localism Bill proposes extensive change to this system; you must make sure you keep up-to-date.

The **Code of Conduct** is the council's code for governing the conduct of its councillors.

**Declaration of acceptance of office** is the form by which you accept the office of councillor. You should sign this declaration at or before your first meeting.

The **Monitoring Officer** is an officer at the principal authority whose work includes regulating the proper conduct of councillors in their own authority and in local councils situated in their area.

Personal interests become **prejudicial interests** when they might affect your judgment of the public interest – according to a member of the public with knowledge of the relevant facts.

The **register of interests** is the formal registration of your personal interests that you may need to disclose the existence and nature of at meetings.

Proposed legislation (The Localism Bill) imposes a duty on local councils to promote and maintain high standards of conduct by members. It permits all local authorities to revise their existing code, adopt a new one or withdraw the code. If an authority has a code of conduct, then it is expected to investigate an allegation that a member has failed to comply with it and to decide what action to take. Councillors will continue to complete a register of interests and declare interests affecting their ability to participate in discussion and voting on a particular matter. A failure to comply (without reasonable excuse) with the register and declaration of interests restricting participation in the meeting will amount to a criminal offence<sup>3</sup>.

## 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 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. But note, when councillors occasionally act as clerk, they cannot be paid.

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 pension

<sup>3</sup> Remember to check the legislation currently in place.



rights, annual leave, sick 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. All 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 investing in 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<sup>4</sup>. If you are asked to sign as an approved signature, 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.

<sup>4</sup> The rules on this are changing in 2011 to permit different payment methods.

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: the Practitioners Guide*** published by NALC jointly with 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 yet 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<sup>5</sup> appoints auditors for all parishes in a county (known as **external auditors**) to review the council's **annual return**. The annual return

<sup>5</sup> The Government has announced plans to disband the Audit Commission and to put new arrangements in place for auditing England's public bodies by 2012/13.

is the principal means by which the council is accountable to its electorate and most councils must complete an annual return to confirm that everything is in order<sup>6</sup>. 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.

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

<sup>6</sup> Draft Accounts and Audit Regulations propose that all local councils with income or expenditure of less than £6.5 million will be permitted to prepare an annual return.

service to the community. The Government is considering ways in which the community can have more influence over local council budgets.

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.

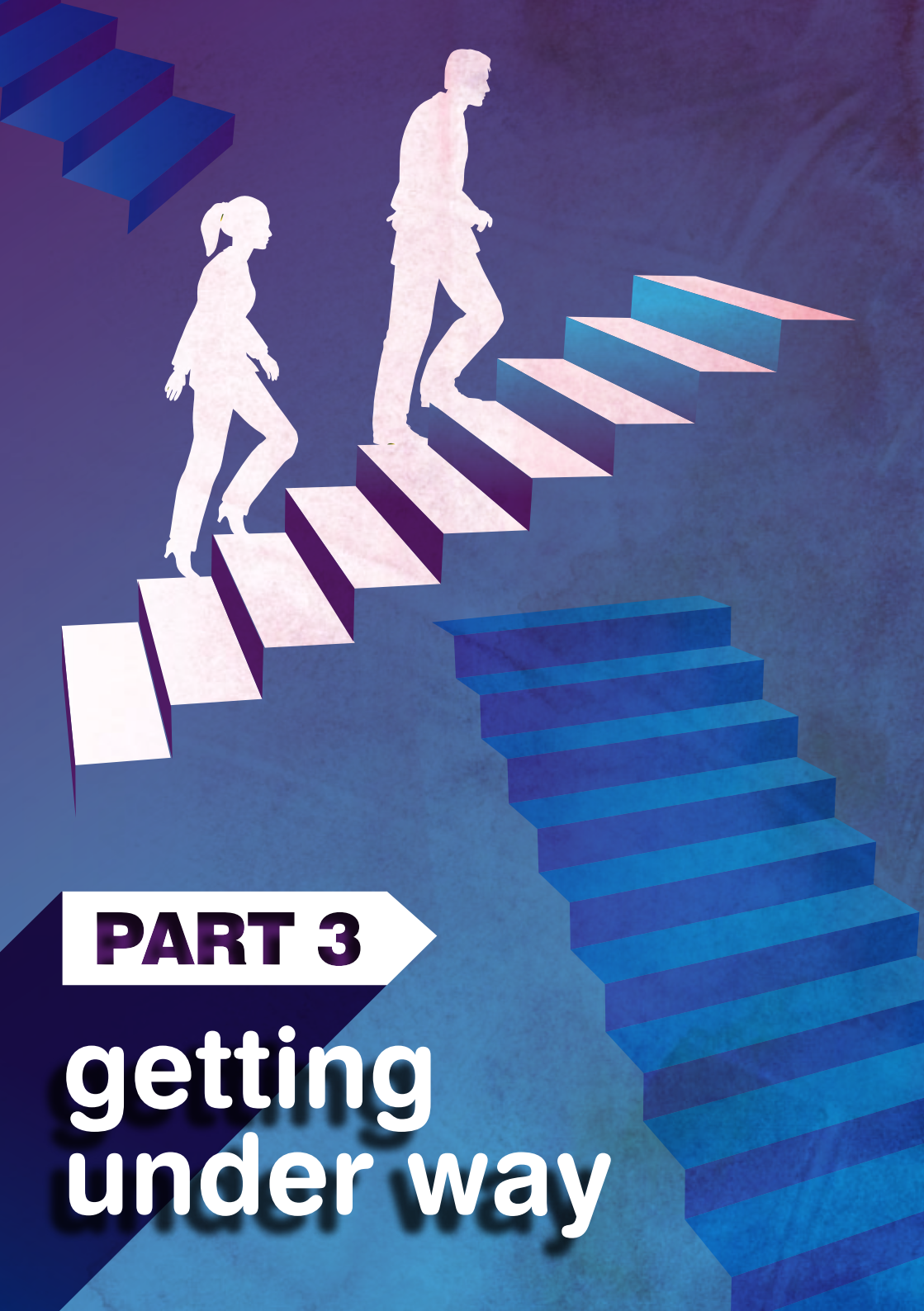
The **budget** is the plan for income and expenditure, revenue and capital over the next year. Working papers are designed to help you decide what the budget should be for the next financial year and what precept you need; they should include comparisons with the previous and current financial years 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 responsible for administering the council's finances. The RFO is often the clerk.





## **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 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 press and public have a right to observe how the council operates. 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 makes its decisions in council, committee and sub-committee meetings. Council and committee meetings must all be advertised and open to the press and public. 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 (or hands over) 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.



- 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. Strictly speaking electors can set the agenda, and in practice these meetings often celebrate local activities and debate current issues in the community. The chairman of the council calls the Annual Parish or Town Meeting and, if present, will chair it. 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 as recommended by the principal council.

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 **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 people who must be present. If enough people 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 you undertake to observe the Code of Conduct<sup>7</sup>. Before you sign, the clerk must give you a copy of this important document which you must read.

7 The Localism Bill proposes to repeal the mandatory Code therefore this requirement may no longer be necessary.

At least **three clear days** before each council or 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.

- What is the meeting for?
- What part should I play?
- What papers must I read?
- Which people do I need to consult?
- What 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** is a term in law. 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, before the end of this period you must ask the council to approve your reason for continued non-attendance. Without formal council approval, you are disqualified; you cease to be a councillor.

Remember, if you have a personal interest in a matter, you must declare that interest as soon as you are aware of it. If you declare a personal interest, it will be recorded in the minutes. The big question, if you have declared a personal interest in respect of a matter being considered at a meeting, is whether it is a prejudicial interest (prejudicing your judgement of the public interest). If so, you cannot vote on the matter (unless you have a dispensation from the principal authority's **Standards Committee**) and you must leave the meeting for that item.

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 and decisions are recorded in the minutes as, for example, *"It was resolved that the council will contribute £2,000 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 **resolutions** 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. If your council has signed up to Paragraph 12(2) of the Code of Conduct, a councillor who has declared a prejudicial interest in an item on the agenda can make representations on the

matter as a member of the public during this slot. The councillor leaves the room as usual when the council discusses the matter. In addition, principal authority councillors and police officers attending can be invited by the chairman to present a report under an appropriate agenda item.

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.

**Resolutions:** when a proposal has been agreed, it becomes a resolution.

The **Standards Committee** is a committee of the relevant principal authority for your area.

## 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 important, 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.





## **PART 4**

# delivering the goods

## 12. Services

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 work with the village hall trust to help local 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 couldn't 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.

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. Town and country 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 authority. 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 the **local development framework** (LDF), otherwise they may be ignored. The planning authority must be guided by the statutory documents in the LDF.

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 documents in the LDF
- 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.

The Government is introducing the idea of the neighbourhood plan building on the parish plan<sup>8</sup>. The new plans introduce a radical new element to the planning system. Local councils will be empowered to make proposals for development or an order granting planning permission in their area provided they have the support of the community in a referendum. They will be able to require the planning authority to assist them in preparing their plan. This enables local councils to lead their communities and to have more control over the way in which their area develops.

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 they declare their interests in planning matters.

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

The **development plan** or core strategy is part of the Local Development Framework. It includes a set of plan documents drawn up by the local planning authorities.

The **local development framework (LDF)** was established by the Planning and Compulsory Purchase Act 2004. It is a package of statutory documents containing policies for developing an area.

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

8 The proposals are contained in the Localism Bill; stay alert to provisions of this legislation at the time of reading this guide.

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 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 when 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 parish life.

# 15. The quality council

The Quality Scheme was launched in 2003 and revised in 2008 to provide a benchmark for all local councils, and as such reinforced the government's support and recognition of the role of local councils as the first tier of local government closest to the people.

The scheme is open to all local councils, irrespective of size and all councils are encouraged to attain Quality status. By passing several tests the council shows its residents, its principal authorities and other organisations that it meets the minimum standards set out below. 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.

All local councils, of whatever size and whether rural or urban, are encouraged to work towards achieving Quality Status. For example, Quality councils range from 98 electors in Wixford Parish Council in Warwickshire to more than 44,000 at Aylesbury Town Council in Buckinghamshire.

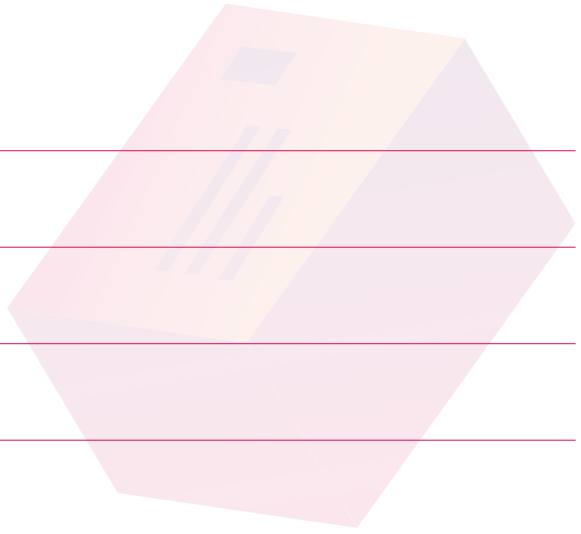
Quality Councils are expected to:

- be representative of and actively involve all parts of their community;
- be effectively and properly managed, with members and officers upholding high standards of conduct;
- work closely with voluntary and community groups, articulating community needs through effective communication and parish plans;
- be committed to ongoing training and development for both staff and members;
- work in partnership with other local authorities and agencies to get the best deal in service delivery for the local community.

The central idea is that the council has a close relationship with its community and is so active that people want to serve as councillors – hence the elections. 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.







**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 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 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
- The parish appraisal or survey
- The parish plan
- The design statement
- Your local council's development control policy
- 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)
- Lease agreements
- Insurance policies
- The cash book for recording receipts and payments
- Schedule of council charges and fees for services and facilities
- Partnership agreements
- Local development framework documents 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. Sources of advice

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. 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](http://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 the **Institute of Local Council Management** (ILCM). The Society provides legal, financial and other advice, extensive training resources and considerable support and guidance from the clerks' network. Your council may wish to pay the clerk's subscription to the SLCC and ILCM. There is also information available on the SLCC website [www.slcc.co.uk](http://www.slcc.co.uk).

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

### 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.

**The Parish Councillor's Guide** by Paul Clayden, (the latest edition published by Shaw and Sons), is a quick and readable guide to the law and practice of local councils with topics in alphabetical order.

*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.

*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 NTS guide that takes you through all stages of the employment process from recruitment to departure.

*LCR* (formerly the Local Council Review) – is the quarterly magazine produced by the National Association of Local Councils. Alongside this is the free (to LCR subscribers) weekly updated LCR Online, [www.lcronline.org.uk](http://www.lcronline.org.uk);

*The Direct Information Service* (DIS) is a fortnightly news bulletin produced by the National Association of Local Councils, also available as an electronic bulletin – “DIS Extra”;

*The Clerk* – published every two months by the Society of Local Council Clerks.

*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.

## Training

First launched in 2001 the National Training Strategy sought to increase consistency and quality in training taking place across the country. Revised in 2010 to offer a vision for learning and development up to 2015 the NTS represents 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](http://www.nalc.gov.uk)). The NTS has provided training materials for CTPs to use in developing training programmes for councillors and chairmen.

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](http://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. CiLCA meets the requirement for a qualified clerk for both the Quality Scheme and the power of well-being. 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 University of Gloucestershire provides a higher education opportunity which also gives clerks qualified status. This is a programme of advanced courses in Community Engagement and Governance (formerly Local Policy) including single modules, a Certificate of Higher Education, a Foundation Degree and 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.

Councils wishing to achieve Quality status under the scheme must detail a "statement of intent" for training as one of the tests. The statement forms a basic development policy for both staff and councillors. Guidance on this section of the scheme can be found on the members' area of the NALC website. Note that if a council wants Quality status, its clerk must have CiLCA or hold the recognised higher education qualification from the University of Gloucestershire

Councillors should also look out for the NTS online dynamic learning environment (DLE) and e-learning induction modules designed as an interactive version of this guide.

## 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.

| Function                                  | Powers & Duties   | Statutory Provisions   |
|---|---|--|
| Allotments                                | Powers to provide allotments.<br>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 and Washhouses                      | Power to provide public baths and washhouses  | Public Health Act 1936, s.221  |
| Burial grounds, cemeteries and crematoria | Power to acquire and maintain<br><br>Power to provide<br><br>Power to agree to maintain monuments and memorials<br><br>Power to contribute towards expenses of cemeteries | Open Spaces Act 1906, ss.9 and 10<br><br>Local Government Act 1972, s.214<br><br>Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1<br><br>Local Government Act 1972, s.214 (6) |
| Bus Shelters                              | Power to provide and maintain shelters  | Local Government (Miscellaneous Provision) Act 1953, s.4   |

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|-----------------------------|---|--|
| Byelaws                     | Power to make byelaws in regard to pleasure grounds   | Public Health Act 1875, s.164                                    |
|                             | Cycle parks   | Road Traffic Regulation Act 1984, s.57(7)                        |
|                             | Baths and washhouses  | 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 1993, s. 79  |
|                             | 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 and management and providing 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 | Local Government (Miscellaneous Provisions) Act 1976 s.19        |
|                             | Power to acquire, provide and furnish community buildings   | Local Government Act 1972, s.133                                 |
| Crime prevention            | Powers to spend money on various crime prevention measures  | Local Government and Rating Act 1997, s.31                       |
| Drainage                    | Power to deal with ponds and ditches  | Public Health Act 1936, s.260                                    |

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| 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   |
| Gifts                      | Power to accept  | Local Government Act 1972, s.139  |
| Highways                   | <p>Power to repair and maintain public footpaths and bridleways.</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Power to provide parking places for vehicles, bicycles and motor-cycles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters, and omnibus shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to district council as to protection of rights of way and roadside wastes</p> <p>Power to provide certain traffic signs and other notices</p> <p>Power to plant trees etc. and to maintain roadside verges</p> | <p>Highways Act 1980, sections.43,50</p> <p>Parish Councils Act 1957, s.3; Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p> |

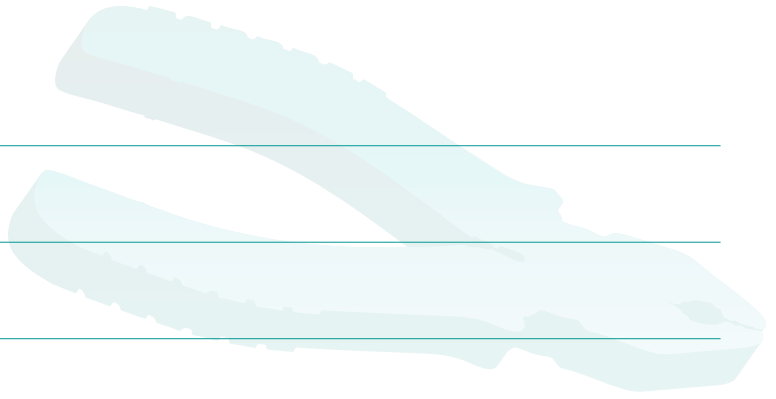
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| Honorary titles                  | Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area | Local Government Act 1972, s.249 (5), s.249 (9)                                     |
| 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<br><br>Power to accept gifts of land  | Local Government Act 1972, ss.124, 126, 127<br><br>Local government Act 1972, s.139 |
| Litter                           | Provision of receptacles   | 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 their 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   |
| 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 land for public recreation and maintain<br><br>Power to acquire and maintain land for open spaces   | Public Health Act 1875, s.164<br><br>Open Spaces Act 1906, ss.9 and 10              |

|                                   |  |  |
|-----------------------------------|--|--|
| Parish Property and documents     | <p>Powers to direct as to their custody</p> <p>Duty to deposit certain published works in specific deposit libraries</p>   | <p>Local Government Act 1972, s.226</p> <p>Legal Deposit Libraries Act 2003, s.1</p>   |
| 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                        | <p>Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them</p> <p>Power to provide a wide range of recreational facilities</p> <p>Provision of boating pools</p> | <p>Public Health Act 1875, s.164</p> <p>Local Government Act 1972, Sched.14 para.27</p> <p>Public Health Acts Amendment Act 1890 s.44</p> <p>Open Spaces Act 1906, ss.9 and 10</p> <p>Local Government (Miscellaneous Provisions) Act 1976, s.19</p> <p>Public Health Act 1961, s.54</p> |
| 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 contribute to organisations encouraging tourism   | 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, ss.26-29   |
| War memorials                     | Power to maintain, repairs, protect and adapt war memorials  | War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133   |



|              |  |   |
|--------------|--|---|
| Water Supply | Power to utilise well, spring or stream and to provide facilities for obtaining water from them  | Public Health Act 1936, s.125   |
| Websites     | Power for councils to have their own websites  | Local Government Act 1972, s.142  |
| Well-being   | Power for (eligible) parish councils to do anything they believe is likely to the achieve the promotion or improvement of the economic and/ or social and/ or environmental well-being of their area | Local Government Act 2000, s.2 amended by the Local Government and Public Involvement in Health Act 2007 s.77 |





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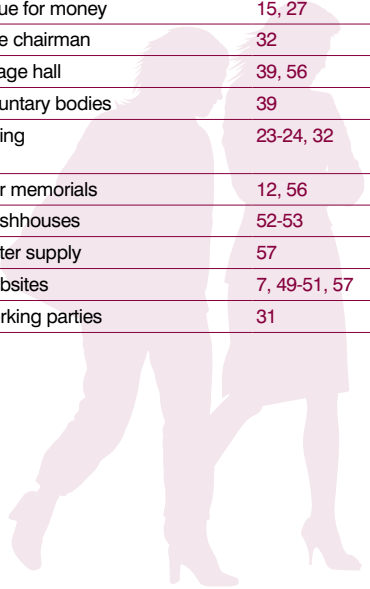
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Published by the NTS

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The National Training Strategy  
for Town & Parish Councils