2024

THE GOOD COUNCILLOR'S GUIDE

It gives me great pleasure to introduce the 2024 version of the Good Councillors Guide. This revised edition is a welcome and much needed resource. It is essential guidance primarily for new councillors but also for those thinking about becoming a local councillor. New councillors have a lot of information to take in when they join a council, and the guide can help them understand this.

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.

Once the excitement of being elected or co-opted has subsided you may begin to feel a little daunted by the responsibilities you have taken on and your part in the democratic framework of local government. I hope this guide will help you understand more about your role, the difference you can make and help ensure you are acting within your council's powers and duties.

Cllr Keith Stevens, Chair of NALC.

Cover image: Bigstock

CONTENTS

ACRONYMS AND GLOSSARY 6

INTRODUCTION 8

LOCAL COUNCILS AS LOCAL AUTHORITIES 11

THE PURPOSE OF LOCAL COUNCILS 13

SERVING THE COMMUNITY 18

Communication and social media 23

WHAT LOCAL COUNCILS ARE OBLIGED TO DO BY LAW 29

The rules that apply to the council as a whole 29

The local council as an employer 31

Employment of the proper officer (clerk) 33

MANAGEMENT AND ADMINISTRATION OF THE BUSINESS OF THE COUNCIL 38

Dealing with public money 38

Audits 42

Value for money 46

THE ROLE OF A COUNCILLOR 48

Declaring interests 54

MEETINGS 60

The two Annual Meetings 62
The chair of the council 64
Before a meeting 66
At a meeting 67
After a meeting 71

INFLUENCING THE PLANNING SYSTEM 72

Local development plans 72
Neighbourhood plans 75
The community right to build 77

LOCAL COUNCIL AWARD SCHEME 79

Foundation Award 79
Quality Award 80
Quality Gold Award 80

HINTS AND TIPS ON AVOIDING THE POTENTIAL PITFALLS OF BEING A COUNCILLOR 81

Be prepared 82
How to avoid communications pitfalls 95

SOURCES OF FURTHER INFORMATION 96

Sector-specific advice 96

ACRONYMS AND GLOSSARY

ACV	Assets of Community Value
AGAR	Annual Governance and Accountability Return
ALCC	Association of Local Council Clerks
CALC	County Association of Local Councils
CIL	Community Infrastructure Levy
DPI	disclosable pecuniary interests
GDPR	General Data Protection Regulations
GPC	general power of competence
JPAG	Joint Panel on Accountability and Governance
NALC	National Association of Local Councils
RFO	responsible financial officer
SAAA	Smaller Authorities' Audit Appointments Ltd
SLCC	The Society of Local Council Clerks
SPD	supplementary planning document
VCFS	voluntary, community and faith sector

AXP photography/unsplash

INTRODUCTION

This guide is an essential tool for all councillors, whether new, aspiring, or existing members of a local council. It will help with understanding how this unique sector of local democracy works and how they can best contribute to it. Training and learning are a crucial element of being a good councillor and this guide is just the start of the process. Where relevant, this guide will show where more resources can be accessed, namely from your local County Association of Local Councils (CALC), which can supply essential training and development opportunities.

Throughout this guide, all community-level civil councils are referred to as local councils because, regardless of their formal title (Town, Parish, Community, City, Neighbourhood or Village), they all have the same tier of authority and duties. In effect, Combe Hay Parish Council (population 147) has the same duties and authority as Northampton Town Council (population 137, 000).

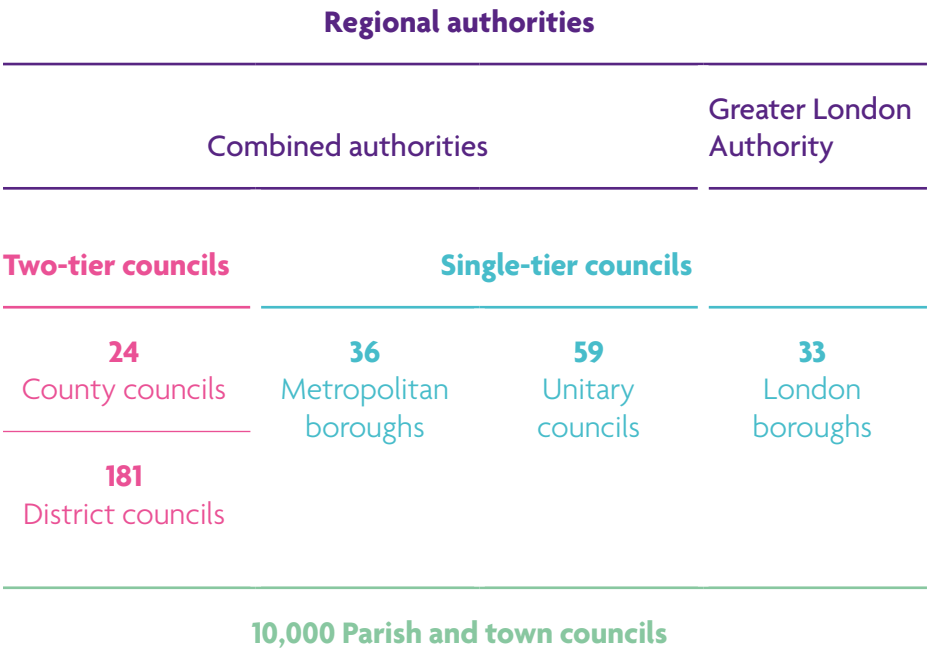
The duties of the local council as a corporate body are not onerous, but respect should be paid to their long history – going back to 1894 – while staying relevant to a fast-paced modern world. Well-informed councillors find the role can be extremely rewarding and that they can make a difference in their communities. Accepting the unique role of a councillor at this tier of local democracy (which is different to those at principal tiers of the democratic system) can be a challenge, but new councillors are not expected to know everything when they start.

This guide aims to outline the basics. It touches on the quite distinct roles and responsibilities of councillors and officers, and the complexity for councillors in having to act collectively as one corporate body (and not as individuals) in their dealings with employees, whilst respecting their highly professional and crucial role. All councillors are recommended to read the Good Councillor's Guide to Employment (2023 edition).

Local councillors are not 'volunteers' in the common use of the word. Firstly, local councils are not part of the voluntary, community and faith sector (VCFS). Local councils are the first tier of government, closest to the community. Once the Declaration of Acceptance of Office form is signed (and this must take place for someone to become a councillor), that person takes up the position as a holder of public office in a local authority, albeit unpaid, with all the responsibility that comes with it.

The other tiers of local authority are principal councils, including county councils, district, borough or city councils, and metropolitan and unitary councils, which have different statutory functions to local councils.

Figure 1. The different tiers of Local Authority



LOCAL COUNCILS AS LOCAL AUTHORITIES

Most local councils were set up in 1894 by an Act of Parliament. Civil parish councils (local councils) were created by separating them from the Church, which had had a long history of delivering local services such as care for the poor, maintenance of roads and tax collection.

Not all areas of England are covered by local councils, but there are now over 10,000 – and more are regularly being created all the time, especially in urban areas. In 2007, the government brought in new legislation to allow the creation of local councils in London (not allowed since the 1960s) and the first local council in London, Queen's Park, began in 2014.

The number of electors a local council represents varies enormously. St. Devereux in Herefordshire has fewer than 100, whereas some have much larger populations. Northampton Town Council, created in 2020 and fully functioning by 2021, is the largest local council in England. Serving a population of over 130,000, it is larger than some principal authorities. These considerable differences are reflected in annual spending, which might range from under £1,000 to over £4 million.

The essence of a successful local council is one which has members that understand the clearly defined, and hugely different, roles of the councillors and the officers. They all need to work together as one dedicated team, utilising those separate roles and regardless of their personal political stance, to achieve a single purpose – to improve

and enhance the lives and area of the community the local council represents.

A local council is a corporate body: a legal entity separate from its members. It is a collective decision-making body; its decisions are the responsibility of the whole of the council. All the councillors have equal rights and responsibilities, even the chair[1] or councillors who also sit on a principal authority are no more important than any other member. This means that councillors do not have any authority as individuals. In short, no councillor can act alone or speak on behalf of the council without first being formally granted the authority to do so by that council.

It is also important to understand that local councils are autonomous and not answerable to a higher authority. They have been granted their own powers by Parliament, including the important authority to raise money through taxation (the precept) and a range of powers to spend public money (refer to 'What local councils are obliged to do by law' on p.29).

1 "Chairman" is the title given to the person who is elected by the council to preside at its meetings in law. It relates to both males and females, but most councils now refer to the positions as the chair, as a gender-neutral option.

Do you know how much your council spends in a year? If not, find out, as it is important that all councillors know. Ask the clerk/responsible financial officer for a copy of the most recently approved budget for your local council.

THE PURPOSE OF LOCAL COUNCILS

It is clear from Figure 1 (p10) that each tier of local government has a different function. The duties and responsibilities of the members at each tier are also different, as is the legal framework in which they work. Duties are legal obligations – actions that a council must take by law. Powers are contained in legislation and allow actions to be taken at the council's discretion.

Some councillors are members of various tiers of local authority at the same time and this can be useful to local councils, but it is important that those members know their differing responsibilities when acting at the individual tiers of authority and when it is appropriate to declare a conflict of interest due to this dual membership. If a member of another tier of local authority accepts a seat on a local council, they are equal to (not more important than) all the other members when performing as a member of that local council.

The various tiers of local authority can work very well together in partnership, but a local council cannot act on its own in delivering a service that is the statutory responsibility of another tier of local authority. For example, a local council cannot set up its own household waste collection service, as that is the statutory responsibility of a district or unitary authority. They can, however, in certain circumstances be delegated the powers of a higher authority, through a formal agreement to act on their behalf.

Regardless of their size and level of activity, all local councils must perform all their statutory duties set out in law. The legal framework is quite strict, but it is not too onerous. It is important for all councillors to understand that although this legal framework might be frustrating and sometimes slows down a local council's ability to function, especially in this fast-paced modern world, acting in accordance with it is a legal requirement when dealing with public finances on behalf of your local community and being part of the democratic process.

In order to function and, especially, to supply more services to the community, the local council imposes its own tax on its residents. This is called the precept. The precept demand goes to the billing authority (the district, unitary or equivalent council) which collects this tax on behalf of the local council as part of its own council tax and pays it to the local council.

Community safety, housing, street lighting, allotments, cemeteries, playing fields, community centres, litter, war memorials, seats and shelters, rights of way and some aspects of planning and highways – these are some of the things local councils might get involved with at this tier of government. Do you know which projects and initiatives your council is currently involved in running or developing?

All local councils exist to represent the best interests of the residents of that parish, by contributing to the consultations of higher authorities and influencing the decisions they make, such as with planning applications. However, some local councils use the power bestowed upon them by law to act for the whole community's benefit.

Local councils can, for example, supply 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 for most local councils. Of course, for some very small local councils, with limited funds, it may be that representing their residents' interests to the higher authorities (such as with planning applications and consultations) is the majority of their role, but good councils aspire to use the money they raise as a tax (precept) to provide services to improve the wellbeing of the whole community.

Do you know how much your local council requests annually as its part of the council tax (the precept)? Do you know how much a Band D council tax payer in your council area pays for the precept? How does this compare to the average? Is it low and could it potentially be raised to do more for the good of the community? Do you know when and how your council sets its precept? If not, please find out – it is important that councillors know, to inform their decision making.

As a corporate body, a local council 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 the local council that is responsible for its actions as a corporate body. Therefore, decisions can only be made in face-to-face meetings that have been properly summoned.

Andy Carne/unsplash

Super Straho/unsplash

SERVING THE COMMUNITY

The best local councils want to improve the quality of life for people living in their area and enable them to become vibrant and flourishing communities. Local councils can be dynamic and professional in delivering services which can enhance the life experiences and wellbeing of local people. By devising clear strategic plans, such as action, corporate and business plans, which set out both the vision and the practical steps for delivering local services, the council can engage the community in the development of new services to help them come into effect.

There are powers set out in law that enable all local councils to provide services if they choose to utilise these powers (but they are not obliged to). Councils can undertake an activity only when specific legislation allows it. Acting without 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. The clerk will advise on whether the Council has the power to take decisions they are about to take. More information can be provided by your local county association.

In more recent years the general power of competence (GPC) was introduced. It is designed to make it easier for eligible councils to act and do anything that an individual might legally do if other legislation does not forbid it. The general power of competence enables local councils to respond more effectively to their communities, encouraging innovation and assisting in

shared service delivery. If the council does something 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 (sometimes known as *ultra vires*).

Do you know whether your council is eligible and has resolved to use the GPC? Achieving the eligibility to resolve to use the general power of competence might be possible for your council. GPC would facilitate the council being much more effective and innovative in providing services to the community. Ask your clerk about GPC.

In recent years, the principal authorities have found it increasingly difficult to provide their non-statutory services. This gives the potential for local councils to work imaginatively in partnership with these bodies. Local councils can offer funding, equipment, and premises to help to provide these local services. They can also give small grants to organisations that run services such as childcare, services for the elderly, arts activities, pond clearance or sport which can improve the quality of community life.

To ensure that the local council is providing what is most valued by the community and what it needs in the way of improvements, it consults, engages and listens to as wide a range of all sectors of the community as possible to identify what is required; it then agrees priorities for action at its meetings, and its policies begin to take shape.

The tried-and-tested methods 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 area that need

improving or are worth protecting. They stimulate discussion, they inform the decision makers, and they 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.
- 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 (for more, go to 'Local development plans' on p.72).
- 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.
- Community conferences or workshops provide more opportunities for bringing people together to talk about the community's future.
- Parish or Town (community) 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 the consultation methods above and can form the basis of neighbourhood plans (for more, go to 'Local development plans' on p.72).
- Technology provides options for creating polls and surveys online which can be highly effective at reaching a wider audience when used alongside traditional methods (for those who do not have online access). For example, SurveyMonkey™, Doodle™, the polling option from a Facebook™ page, etc. Informal meetings of focus groups

on Zoom™ or Teams™ make conversations more accessible for some.

- Talking to residents whilst you are out and about in the community is of equal value in terms of keeping up to date with resident views. This approach can easily be formalised by organising councillor surgeries where local residents know they can come and talk face-to-face with a councillor about issues and ideas they have.A parish (or town) 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, local health services and transport. It is a good idea to draw up a plan, whatever the size of your community. A local council that listens knows it will have local support for actions it may take.

With all community engagement it is important that the personal information of individuals is protected. The Data Protection Act 2018 came into force to protect such information. It is important that this law is respected when conducting any community consultation or engagement. For more information go to www.gov.uk/data-protection.

There are occasions when the council will be required to meet certain levels of community engagement, such as with a Public Works Loan application, and the guidelines must be followed. However, community engagement generally is good practice. What community engagement has your council done? Was it compulsory or voluntary?

Once the local council knows what local people want, they can decide how they are going to pay for it. Many councils start with the money and then decide how far it will stretch. Some councils claim 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. It is recommended to ask first, and then set the budget accordingly.

Whatever the council's approach to plan-making, if the council is raising a precept it is required (by law) to set a budget each year. The plan creates the budget that determines the precept. 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. In some councils, non-precept funding makes up one third of their income.

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

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

- speak on behalf of the community with greater confidence, especially in discussions with principal authorities;
- provide services and facilities, especially where there is no other provider, or where 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.

Occasionally there will be a conflict of interest requiring sensitive judgement. For example, dog owners, parents of young children and walkers might disagree about the use of the village green. Making challenging decisions in an open and reasoned way, along with appropriate use of social media (if used), is something that local councils need to do well.

COMMUNICATION AND SOCIAL MEDIA

A local council can make effective use of modern communications methods to communicate internally.

Has the clerk advised you about what training is available for councillors? If not, please ask the clerk. You will learn a lot about your role reading this guide, but attending training sessions will give you more detailed information, the opportunity to meet other councillors and the opportunity to learn in more detail – particularly about complex areas like social media.

Although decisions and formal discussions can only take place in a reasoned way at a correctly convened council meeting, there is nothing to stop councils having informal conversations and exchanging ideas in Teams™ or on Zoom™. The clerk (or an officer with delegation) should be party to such discussions.

Email discussions should be using a secure council email address, preferably with the .gov.uk domain. The council should take advice from an IT specialist.

Messaging apps are useful for informal communication too. However, it must be remembered that any such written communication between councillors is regarded as council data, which could potentially be requested under the Freedom of Information Act 2000 or the Data Protection Act 2018, and which must be provided if it exists. Councillors should act politely and respectfully in any communication, internally and externally.

In almost all cases a local council should have a website. Only the very smallest councils might rely on a website hosted by another organisation, and if they do, editorial rights for the clerk are essential. Nowadays, people expect to be able to go online to find out about their local council. If the council makes more information available on its website, it is likely to attract fewer public enquiries.

Councils with an income below £25,000 have a duty to publish certain financial information on their website; larger councils are advised to do so as a matter of course.[2] Councils with an income above £200,000 have a separate code of transparency with additional responsibilities.

2 Transparency Code for Smaller Authorities 2014

For local councils, acting as a corporate body, the use of social media to communicate with the local community and raise the profile of the local council is to be encouraged. If used properly it is a powerful tool and can successfully reach a more time-poor, younger or housebound audience. However, it is also important for the council not to rely on it completely; it should be used only in addition to more traditional methods of communication so as not to exclude residents without online access.

Communications about council activity should be managed by the officers using the council's social media accounts. This is just the same as sending letters from the council "through the office". The council's formal social media accounts should not be used by councillors individually because they do not have any authority to act alone on behalf of the council. Posts should be controlled and monitored by an officer(s) to ensure they comply with the General Data Protection Act Regulation (GDPR) and the council's own communications policies.

What social media accounts does your council, as a corporate body, use as a method of communication and engagement with the local community?

Do you know how you can offer suggestions and contributions to inform the council's content?

It is advised that an officer (usually the clerk) be responsible for adding content to these corporate accounts. Please talk to the clerk for more information.

If an individual councillor chooses to use a personal social media account to communicate with the community, it is

particularly important that they remember that the code of conduct and standards in public life rules still apply.

- They should not bring the council into disrepute and should act with honesty, integrity, etc.
- Councillors cannot rely on the fact that they are using a personal social media account to divorce themselves from the responsibility that they have under the council's own Code of Conduct and civility and respect pledge.
- Once a decision has been resolved by the council, councillors should stand by that decision, as a member of that council.
- Councillors should not use social media to criticise the council's decision, even if they voted against it. This is because a councillor's own personal opinion is not paramount in the collective decision-making process of a local council.
- They should not give the impression that they represent the views of their council, as only the council officers can do that, on the corporate account and once a resolution has been passed by the council.
- They should not give the impression that they can act as individuals to resolve any issues raised by the public, as only the council can resolve to take any action.

If a councillor is using social media to campaign on an issue where a decision by the local council is yet to be made, it gets even trickier, because councillors must be careful to not give the impression that they will not keep an open mind for the council meeting at which that decision is to be taken. If not, the Council decision could be challenged based on predetermination. A good councillor attends a council

meeting to listen to all arguments put forward before deciding which way to vote.

When communicating on a personal social media account about your council's activity, if you are in any doubt about whether it would breach the Code of Conduct, leave it out. Do not risk a challenge and/or a complaint being made against you.

For further guidance on councillors using social media visit www.local.gov.uk/our-support/communications-and-community-engagement/social-media-guidance-councillors.

Praveen Goonathilake /unsplash

COMMUNITY RIGHTS

Do you know about the community rights that came in under The Localism Act 2011?

The Localism Act 2011 introduced new ways in which communities can act, collectively known as community rights. These include:

- The community has the right to bid on nominated buildings and land as an Assets of Community Value (ACV) if they come up for sale.
- The right to reclaim underused or disused publicly owned land to bring it back into beneficial use.
- Community Shares, a social finance model, help local groups (other than local councils) to raise money to do the things they want to do in their community through the issuing of shares which can only be issued by co-operative societies, community benefit societies and charitable community benefit societies. The Community Shares Unit, run by Co-operatives UK, provides support and information. Visit www.uk.coop/support-your-co-op/community-shares.

As local councils are closest to their communities, they can act – or assist other community organisations to act – in using these new initiatives for the benefit of their communities. Local councils up and down the country are already running a wide variety of public services successfully, from car parking to allotments and cemeteries, but in the past, it has been down to the district or county council to decide whether and if to devolve services to local councils. More information can be found at https://mycommunity.org.uk.

WHAT LOCAL COUNCILS ARE OBLIGED TO DO BY LAW

THE RULES THAT APPLY TO THE COUNCIL AS A WHOLE

There are surprisingly very few duties, or activities, that a local council must carry out in law to deliver services to local people.

A local council must:

- comply with its obligations under:

  the Freedom of Information Act 2000

  the Data Protection Act 1998

  the Equality Act 2010

- publish certain information such as annual accounts, notice of meetings, agendas, and meeting notes
- comply with the relevant Local Government Transparency Code (further details in'Internal and external audits' on p.42)
- comply with employment law
- consider the impact of their decisions on reducing crime and disorder in their area
- consider the protection of biodiversity in carrying out their function
- consider the provision of allotments if there is demand from 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 – though

it would be wise to seek advice from the County Association of Local Councils before doing so.

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

- appoint a chair of the council to preside at meetings
- appoint officers as appropriate for carrying out its functions i.e. the proper officer (clerk)
- appoint a responsible financial officer (RFO) to manage the council's financial affairs; although this is a separate role, the RFO is often also the clerk, especially in smaller councils
- appoint an independent and competent internal auditor (further details in 'Internal and external audits' on p.42)
- adopt a Code of Conduct – 'The Code of Conduct' on p.54
- hold a minimum of four meetings per year, one of which must be the Annual Meeting of the Council ('The two Annual Meetings' on p.62).

These rules are set out in law to guide the procedures of the council and your council can add its own regulations, formally agreed by your council, to its standing orders.

If the council does not have its own (non-financial) standing orders – although this is unwise – it is still bound by the duties set out for local councils in law, such as appointing a chair and a proper officer. NALC supplies model standing orders (and model financial regulations) which should be adapted, as appropriate, to the local council's size and complexity, except items set out in bold type which are required by law.

All full council, committee and sub-committee meetings must be open to the public except in certain circumstances,[3] such as when dealing with:

- commercial tenders
- legal matters, e.g. seeking solicitor advice
- matters relating to individuals, e.g. staff matters.

These are not public meetings as such, but are local council meetings that must allow members of the public to attend, observe, record, and report the proceedings of the meeting.

Similarly, the law requires the council to have a publication scheme explaining how certain types of council information are made available.[4]

Equality legislation reminds the council that it must make its meetings accessible to anyone who wishes to attend (at an accessible venue with disabled toilets, hearing loops etc. if possible).

THE LOCAL COUNCIL AS AN EMPLOYER[5]

There are rules to which the council must adhere to protect its employees and the council as an employer. The most crucial points to note as a councillor are:

3 Openness of Local Government Bodies Regulations 2014

4 Freedom of Information Act 2000

5 For further information on this topic, see the *Good Councillor's Guide to Employment* (2023 edition), published by the National Association of Local Councils (NALC). Available from www.nalc.gov.uk/publications#the-good-councillor-s-guide-to-employment.

- Every individual councillor on the council is equal in their level of responsibility towards the employees, even if the council has delegated staffing matters to a staffing committee (which is strongly recommended). It is vital that all councillors understand that the proper officer (the clerk) is employed by the council and only answers to the council as a whole, a situation that is unique to the local council sector.
- All council employees, full-time or part-time, are protected by employment law in terms of pay, annual leave, sick leave, maternity and parental leave, bullying or harassment, and discrimination.
- All staff:
  - » must have a written particular of employment[6]
  - » must be paid (as a minimum) the minimum wage, or the national living wage for workers aged 25 and over
  - » must have clear line-management arrangements, provided by a more senior officer who may report to the staffing committee. The only exception is the management of the clerk, who may be line-managed by the staffing committee (which can appoint one of its members to conduct regular appraisals (in consultation with all councillors)) but not directly line-managed by individual councillors.

6 The Good Councillor's Guide to Employment (see footnote 5) sets out what a council should include in the Written Statement of Employment Particulars (contract). Your CALC can also provide support and information.

EMPLOYMENT OF THE PROPER OFFICER (CLERK)

The proper officer is the official legal title of the clerk to the council. Councillors need to keep in mind that their status as a member of the council is for a maximum of four years, at which point they cease to be members until after the next election, when, of course, they may be re-elected to serve for another term of office. By contrast, the officers, and particularly the clerk, provide a consistent presence even if no councillors stand at the next election (or all the councillors resign or are disqualified mid-term); the clerk remains in post as the officiator, administrator, and practitioner of the business of the council. For this reason, it is particularly important that everyone – councillors and officers – regard themselves as equals but in very different roles. A councillor who claims to have served 40 years on the local council has in fact served ten separate terms of office.

The employment arrangements for the clerk are unique to the local council sector, in that the clerk is employed by the whole council and is only answerable to the whole council, not to individual council members. The clerk is not a secretary and is not at the disposal of the chair or any of the councillors.

The management and administration of the council's business is the responsibility of the clerk and sometimes other employees, too. It is a very responsible role. All employees, including the clerk, are accountable to the council as a whole and therefore it is important that all councillors (though they cannot get practically involved) have a broad understanding of what that management and administration involves.

Although all council members, including the clerk, are liable for the welfare of employees (regardless of whether they are on the staffing committee), no individual councillor can issue instructions to, or individually line-manage, the clerk as the clerk can only act on the approved stated policies of the council and on decisions of the whole council that are made at a correctly convened council meeting.

The clerk provides the council with:

- impartial professional advice
- administrative support
- project management skills
- personnel directorship
- public relations support
- information that enables a decision to be taken.

In smaller councils, the clerk might also take on the separate role of responsible financial officer, as this role must be performed by an employee that is accountable to the council (not a councillor).

The council might also employ other officers, with different employment arrangements, but it is the clerk who is the most senior officer. Councillors need to be mindful that all staff are protected by UK employment law and are entitled to be treated with dignity at work. It is the responsibility of all councillors to ensure that their staff are treated with respect – they may need to occasionally remind other councillors of this responsibility, to protect their own personal liability as a responsible employer. For further information it is recommended that you read *The Good Councillor's Guide to Employment* produced by NALC (www.nalc.gov.uk/

Phil Kiel/ unsplash

publications#the-good-councillor-s-guide-to-employment) and the Member Officer Protocol of the council.

It is the clerk's responsibility to ensure that the council acts within the law and it is vital that all councillors take the advice of the clerk in terms of what the council can and cannot do. The main elements of this are set out in the previous chapter ('What local councils are obliged to do by law' on p.29), but the clerk is the first port of call for clarification and the fine details.

Delegation is the act of authorising an officer, a committee, a sub-committee, or another council to make decisions on the council's behalf. The delegations must be formally agreed by the full council at a meeting and set out in its standing orders (more later). Legally, councils can delegate most of their decisions to their clerks because they are trusted professional officers whose objectivity allows them to act for the council.

In the most successful councils, the individual roles of the clerk and councillors are clearly understood; i.e. the councillors stick to their own role and respect the professional role of the clerk. Failure to observe these primary principles can cause the council significant difficulties. The Local Government Act of 1972 does state that councillors can act as the clerk, as long as they are unpaid, but it is advisable that this only ever be a temporary arrangement – simply because it is an important part of a clerk's role to be impartial and to advise and support the whole council, not allowing themselves to be unduly influenced by individual councillors, parties or factions. This crucial element of the clerk's role is compromised where a councillor is also acting as the clerk.

These rules and principles should build on mutual respect and consideration between employee and employer. Misunderstandings can arise between a council and its

employees, and so it is strongly advised that the council have an agreed grievance procedure to ensure that concerns raised by an employee are handled properly if they occur.

The Good Councillor's Guide to Employment gives practical guidance on recruiting and managing employees effectively and in compliance with employment legislation. It is strongly recommended that all councillors (not just those on a staffing/HR committee) have read this guide and understand the implications for their role as a councillor. It is available on the NALC website and in hard copy.

Have you read *The Good Councillor's Guide to Employment*? Do you understand your responsibilities as an employer

HEALTH AND SAFETY

Health and Safety law also protects employees, councillors, and members of the public when on council premises. Your clerk should be able to advise on such matters.

Have you asked the Clerk about the Council's responsibilities for Health and Safety?

THE CIVILITY AND RESPECT PLEDGE

More information about building and maintaining positive relationships between officers and councillors is detailed in the NALC/SLCC (The Society of Local Council Clerks) Civility and Respect project, accessible at www.nalc.gov.uk/our-work/civility-and-respect-project.

Has your council signed up to the civility and respect pledge?

MANAGEMENT AND ADMINISTRATION OF THE BUSINESS OF THE COUNCIL

The officers manage and administer the council's business, with the proper officer (clerk) taking ultimate overall responsibility for ensuring thorough and effective processes and staff management. The councillors are the decision makers and provide the strategic direction of the council's work; they also play a scrutiny role, reading the reports provided by the officers and checking the details are correct. Understanding the internal control procedures necessary to carry out this task is vital.

DEALING WITH PUBLIC MONEY

The rules for dealing with local council finance are set by the Government and are designed to make sure that the council takes no unacceptable risks with public money.

Risk management must be a main priority of a local council (along with being a responsible employer), but the good news is that the financial regulations protect your council from potential disaster and your personal liability as a member of the council.

All money that comes into the council (even from sources other than the precept, such as development bonuses and grants) is considered to be public money, and must be administered within the council's financial regulations and within the powers local councils have been granted by law.

Your council officers will set up 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 must be formalised by the council as a working document. It includes ensuring that the council 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 is not just about protecting assets; it is about taking care of people.

The council shares collective responsibility for the fiscal management of public money; because of this, it must ensure that an officer known, in law, as the RFO reports all financial activity as transparently as possible on a regular basis to the council, to avoid the risk of loss, fraud or bad debt, whether through deliberate or careless actions. Robust financial checks and oversight are of immense importance.

Although it is technically a separate role, in smaller councils it is not unusual for the clerk to also undertake the RFO role.

A council can make electronic payments or choose to pay the bills by cheque; no matter the arrangement, there must be processes in place to reduce the risks of error or fraud. For example, the electronic payment should be set up, or the cheque made out, by an officer and then authorised by at least two councillors.

The broad principles of how a local council deals with public money are set out in its standing orders, but the finer detail, which protects the liability of individual councillors and ensures that the council gets value for money, is set out in the councils' financial regulations. These rules can be frustrating and even counterintuitive for an inexperienced councillor. An example arises when goods needed are available on a website and could be bought by a councillor with a personal credit card, with the cost subsequently

claimed back from the council. This is bad practice, because unless the order for goods is placed by the council (clerk or responsible financial officer), the council cannot claim back the VAT.

The National Association of Local Councils publishes model financial regulations, which are available from your county association. If the council has not adopted financial regulations, it is open to considerable risk and must correct this as a matter of urgency.

An officer, namely the responsible financial officer, ensures that the council adopts effective internal control and financial accounting systems. The RFO must supply regular and easy-to-understand reports to the council, appropriate to your council's expenditure and activity. There is extensive guidance on risk and internal control in *Governance and accountability for smaller authorities in England – a practitioners' guide to proper practices* to be applied in the preparation of statutory annual accounts and governance statements, published by the Joint Panel on Accountability and Governance (JPAG).

The term "officer" is used in this guide for anyone employed in any role to do with the management and administration of the council. This includes the proper officer (clerk), but also includes the responsible financial officer, deputy clerk, assistant clerk, project officer, administrator, etc. Where the information relates to a specific role, it is stated; i.e. clerk, RFO etc.

The budget is an essential tool for controlling the council's finances. It proves that your council will have sufficient income to carry out its activities and policies in the coming year and creates the reserves it might need for any future initiatives the council aspires to undertake. By checking spending against budget plans regularly at council meetings, the council controls its finances during the year so that it can confidently progress towards what it wants to achieve. Transparency and openness are fundamental principles underpinning everything your local council does.

For further information see the *Good Councillor's Guide to Finance and Transparency* (www.nalc.gov.uk/publications#the-good-councillor-s-guide-to-finance-and-transparency).

Is your clerk also the responsible financial officer (RFO)?

These guidelines clearly set out what should be made available to the public in relation to the council including reporting on meetings, public participation, and access to information.

In addition, the *Transparency Code for Smaller Authorities* (2015) applies to local councils and certain other small public bodies with an annual income not exceeding £25,000. It replaces the need for external annual audit in most cases, but these smaller local councils are instead legally obliged, under the Code, to publish the following information:

- all items of expenditure above £100
- end-of-year accounts
- annual governance statement
- internal audit report

- list of councillor or member responsibilities
- details of public land and building assets
- minutes, agendas, and meeting papers of formal meetings.

Although this Code only applies to local councils with an annual income of £25k or less, it is considered best practice for all local councils, whatever their turnover, to be meeting the transparency requirements it sets out. This best practice is reinforced by the NALC Award Scheme.

Local councils with an annual turnover exceeding £200,000 are expected to follow a separate Transparency Code specifically for larger authorities.

All local councils, whatever their size and income, must publish the year-end accounts on a website. Technically this could be a website belonging to another organisation with a local council page, but editing access for the clerk (who has responsibility for making sure the council abides by the law) is essential. NALC recommends that local councils have their own website and preferably a government (.gov.uk) domain name.

AUDITS

The clerk and/or RFO will arrange for the right audits to be carried out and can advise councillors on the correct order in which each stage of the process must be carried out, as this is specified by the external auditor assigned to the council.

INTERNAL AND EXTERNAL AUDITS

Internal audit is the first stage of the process and must be undertaken within the last fiscal year before the next stage, external audit, can be carried out. Larger councils with

high turnovers or complex services to deliver may choose to have interim internal audits at various points throughout the year, for reassurance that all is well and that the council is functioning as it should.

The internal auditor is a competent person who is completely independent of the council; therefore, they cannot be a serving member of that council. They are someone formally appointed to carry out prescribed checks on the council's entire system of internal control – not just the finances, which means they should not just be an accountant, as they need to have some knowledge of how a local council should lawfully run. A clerk for another council, especially if they are qualified, would be suitable, but it is important to note that a reciprocal arrangement between councils is not allowed.

The internal auditor must carry out tests focusing on all risk areas and report their findings to the council. They must then sign a report on the annual return, which is required by law for all councils (unless they make no financial transactions) to confirm that the council's internal systems of control are in place and working effectively.

It is even more important for small local councils that the internal audit carried out is of a high quality and to a good specification, for public reassurance and to compensate for them being exempt from the external audit process (those with an annual income below £25,000).

The local county association can provide the council with model specifications of what is needed from an internal auditor, and example lists of what checks must be undertaken.

The Smaller Authorities' Audit Appointments Ltd (SAAA) handle this stage in the process for local councils and appoint an external auditor every four years.

Councils with an annual turnover of £25,000 or less can send the external auditor a declaration that they are exempt from this part of the process (they cannot just ignore the process altogether). By doing so, that council is then obliged, under the Transparency Code for Smaller Authorities and the Local Government Transparency Code 2015, to publish a range of financial information on a website (www.gov.uk/government/publications/transparency-code-for-smaller-authorities).

If the council crosses this threshold of £25,000 at any point in the relevant fiscal year, such as by receiving a grant or contribution from a developer, they will be subject to the external audit for that year. Your clerk/RFO can supply more information.

The law requires that all councils with an annual turnover over £25,000 must undergo this second stage of the audit process, called the external audit, so that local taxpayers can be assured that the risks to public money have been professionally managed.

The external auditors review the council's annual return as signed by the internal auditor and the RFO and chair of the council in the prescribed order specified in their guidance (sometimes referred to as the AGAR – Annual Governance and Accountability 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. It includes signed statements confirming responsibility for the governance arrangements of the local council during the year. 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 follow the law
- the accounts have been publicised for general inspection so that electors' rights can be exercised (www.nao.org.uk/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf)
- the council has assessed all risks to public money
- there are not 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 responsibly managed any trust funds.

There is also a specific requirement within the audit process which is to allow members of the public to inspect the council's accounts and raise questions with the auditor.

Officers handle all the practical tasks in carrying out the audit process, but it is the councillors' responsibility to collectively, as a corporate body, ensure that the annual return accurately presents the fiscal management by the council.

If councillors have acted properly leading up to the external audit, then the council 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 supply value for money. This means ensuring that public money is spent efficiently to supply an effective service. The overriding aim is to achieve more council provision for the least possible expense, but without compromising quality.

It helps the council to assess 'value for money' if it regularly questions whether it is necessary to spend the full amount or whether another supplier can do the job with greater efficiency and effectiveness. Also, the council should engage with their service users and the wider community to find out what they think. It is sometimes possible to join with other councils to deliver a more economical service to the community.

The financial regulations and various statutes and procedures guide and protect a local council as it makes decisions in the proper manner. They also give the council the tools it needs to achieve its goals, protect community assets, and make best use of public money.

If you have any questions about financial management, ask your clerk and/or RFO. Your local county association will provide training for councillors, which often includes training on financial management/responsibilities.

Jonny Gios/unsplash

THE ROLE OF A COUNCILLOR

There are over 70,000 local councillors serving in the 10,000+ local councils in England, all of whom will have met certain criteria to be eligible.

Ideally councillors on a local council will come from diverse backgrounds and have various enthusiasms and interests. Although not within the control of a healthy democracy (because selection is by election), a balance in terms of gender, age, ethnicity, educational attainment etc. is ideal, as a strong local council needs a range of skills and experiences.

When vacancies occur on a local council, usually from resignation, there is a notice period for the electors to decide whether they want a by-election. If ten electors do not come forward to request a by-election the principal authority will inform the local council that it is free to co-opt new councillors onto the council. If this happens, the existing councillors should aim to attract more councillors with contrasting personal attributes, different skills, and attitudes distinct from their own; this will ensure that the local council is a good reflection of the community it stands for and it should be celebrated if it can be achieved.

The role of a councillor is to work with all other members of that council to stand for the interests of the whole community as a balanced local council. Understanding the needs of diverse groups in your community (such as young and elderly people) is an important part of the role of a councillor.

The main task is to bring local issues to the council's attention and help it make decisions for the benefit of the local community.

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

If you stood for election, even if you were returned unopposed (meaning there were more seats on the council than the number of people wanting to be elected, so you automatically got a seat) you are classed as an elected councillor. If you were selected by the existing councillors mid-term of office (i.e. between elections) you are a co-opted councillor. Once you have formally accepted the office as a councillor it makes no difference – elected and co-opted councillors have the same voting rights and are equal when it comes to being selected for roles on committees, and even as the chair; all are councillors working together in the council to serve 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 and within the legal framework in achieving what it sets out to do.

'What local councils are obliged to do by law' on p.29 introduces the rules that guide your council – not as glamorous as action, but vital to its success.

How does your Council consult with local people?

DUE DILIGENCE

THE RULES THAT APPLY TO INDIVIDUAL COUNCILLORS

As a local councillor you certainly want to do something positive and, like most councillors, you hope to make a difference by influencing decisions that affect your community – but you must remember that you will be held accountable for your actions as a councillor by the local community you serve. The rules are there to protect your personal liability, just as much as they are there to assure the community that the council is working as it should.

The rules may not be exciting, but without understanding them your council could run into challenges and complaints.

- A council must do what the law requires it to do ('What local councils are obliged to do by law' on p.29).
- A council may do only what the law says it may do.
- A council cannot do anything unless it is allowed by legislation.

The crucial question is: does the council have the authority, set out in law, to do what it wants to do? This question is crucial if the council is to make a lawful decision to act, especially if it involves spending money.

Check whether your council has the General Power of Competence (GPC). Beware of copying the activities of other councils without first checking, as they may be doing something under this power that your council is not entitled to do.

The clerk is the first point of contact for trusted advice on the rules. Your clerk will have access to your local county association or association of parish and town (or local) councils, for further advice on legal and financial matters. If your clerk is a member of the Society of Local Council Clerks, they will have access to other guidance.

If this all feels overwhelming, do not worry. Your council should have an adequate training budget for officers and councillors. No one can be expected to perform the role of officer or councillor without adequate training. Your local county association will offer lots of training opportunities to make a success of your role; ask your clerk to show you what is on offer and sign up.

Have you been told about what induction training is available for new councillors?

The rules for an individual councillor are that you cannot act as a member of the council until you have signed a formal declaration of acceptance of your office. This must be signed at or before the first council meeting following your election or co-option, in the presence of another councillor or the clerk. Failure to sign means you cannot act as a councillor, unless you have been given permission by

Councillors should look at 'Make A Change – Become A Councillor' on the NALC website (www.nalc.gov.uk/our-work/local-elections) for more information about achieving a balanced council that best represents their community.

a resolution of the council to sign it later, and state when that will happen.

DUTIES

As a councillor you have a duty 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 and to 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 most of those present and voting
- ensure, with other councillors, that the council is responsibly managed
- represent the whole electorate, and not just those who voted for you – or the minority who are shouting the loudest.

As set out in the chapter on Serving the Community, some councils that meet certain eligibility requirements have resolved to use the General Power of Competence, which enables them to act more widely.

RESOURCES

All councillors should have access to:

- a schedule of meetings for the coming year
- the council's standing orders
- the council's financial regulations
- contact details of councillors and the clerk (for use only during working hours, except in an emergency)
- the budget for the current year
- the minutes of meetings that took place during the previous year.

Do you know where all your councils important documents are kept and how to access them?

THE NOLAN PRINCIPLES

All councillors should have a copy of the rules on how you must behave as a councillor. These are particularly important. Every local council must adopt and publicise a Code of Conduct that is in line with the Nolan principles (named after Lord Nolan, who chaired the government committee in 1994, and which apply to the conduct of everyone in public life).

They are:

- Selflessness: you should act in the public interest.
- Integrity: you should not put yourself under any obligation to others or 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 be truthful.
- **Leadership:** as a councillor, you should promote, support, and show high standards of conduct and be willing to challenge poor behaviour.

THE CODE OF CONDUCT

The Code of Conduct relates to all councillors' obligations, including the registration and disclosure of interests (see below). Complaints about councillors' conduct are dealt with by a Monitoring Officer (employed by the principal authority).

Do you have a copy of your council's Code of Conduct? Do you understand what you must do?

DECLARING INTERESTS

As a councillor, you must abide by rules that apply to the disclosure of certain 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 show what actions you must take for personal interests.

Councillors must disclose to the principal authority's monitoring officer any DPIs and any other disclosable interests referred to in the local council's Code of Conduct within 28 days (4 weeks) 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. 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.

Scott Evans/unsplash

Councillors must give a copy of their register of interest to the clerk to be displayed on a website for public scrutiny. It might be the principal authorities' website and/or the local councils' own website, or a community website to which the clerk to the council has editor access – note that this editor access is important, as it is the clerks' responsibility to ensure the council acts within the law.

If, at a meeting, 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 take part in the 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 (4 weeks) of the meeting.

The declaring of any interest in the items on an agenda is intended to give the public confidence that a council's decision-making process is fair and transparent. The clerk should draw up an agenda that gives councillors a reminder and an opportunity to declare any interests at the start of a meeting.

A council can decide that a councillor with a DPI can take part 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 must put your request in writing to the council. Your clerk will advise. Interestingly, as a councillor, you can vote on your own request for dispensation.

Note that there are several potential criminal offences associated with:

- the failure to register or disclose a DPI
- getting involved in a discussion and/or voting on a proposal in which you have a DPI.

Successful prosecutions can result in a fine of £5,000 and disqualification for five years from the local council and from other local authorities.

Potentially, councillors can also be subject to complaints about getting involved in council decisions where they may have a natural personal bias, such as issues on an agenda that relate to your friends, neighbours, and family. These are your personal interests and include your membership of a political party, although party politics rarely has any relevance to local council business. Political party group meetings between council meetings (to form a collective view on how they will vote on council agenda items) could be challenged as predetermination, which is specifically banned. Claiming local council successes as being down to a particular political party is also not appropriate, because local councils are a team of elected decision makers working together to reach a collective consensus on how to use the money raised from the community for community benefit. The business of a local council is not about personal or political wins; rather, it is everything to do with listening to the reasoned arguments of those present at the meetings, and making your own decisions after having considered all the views offered.

It is the responsibility of every individual councillor to decide what their personal interests are and when they should be declared. If a complaint is made about a councillor

on a personal interest and the Monitoring Officer decides that these complaints are valid, this is a breach of the Code of Conduct, but not a criminal offence. It is advisable for councillors to declare all personal interests wherever they may be relevant to agenda items, and to follow the council's standing orders, in order to avoid a challenge or complaint about your integrity.

Whilst the clerk is responsible for the management and administration of local council business, it is the chair who has the role of team leader – though only during the council's meetings (see the chapter on 'Meetings' on p.60). It is vital that the clerk and chair work together and understand the difference in their respective roles if the local council is to succeed. The best councils will have councillors (including the chair and a clerk) who are able to work as a team to provide a service for the community.

If you are beginning to think that there are too many rules, remember that they protect people's rights (including yours) and give confidence that the council has good governance systems in place.

Councillors must understand the distinct types of interest they need to declare, and fill in the registration form – have you submitted yours? There are strict rules about keeping this form up to date – when did you last review yours?

Phil Kiel /unsplash

MEETINGS

The meeting is the council team in action – the resolutions (decisions) of the council can only be made at a formally called council meeting and by those councillors who attend in person, never by phone, email, or other online communication method. The council should decide on a schedule of meetings for the year at the annual meeting held in May.

The clerk (or someone deputising) supports the council at the meeting as it discusses business, and provides impartial professional advice where required.

Council and committee meetings are formal events, not social occasions. They have a clear purpose, which is to make decisions for the benefit of the community. The minutes note which councillors are present, but not 'who said what' at the meeting; that is irrelevant in collective decision making, and only the outcome of the decisions is recorded. Minutes should not be a verbatim record of the meeting.

Council and committee meetings are subject to standing orders; this means they need to be open to the press and the public. Whilst the press and the public also have the right to record council meetings, they have no right to speak during them unless invited to during a public participation session or when the chair allows. (That said, the views of the local community are important information for the council – so they should be given the opportunity to speak at specific intervals and at the chair's discretion.) It is advisable for the council to have a public-speaking protocol.

There are exceptions relating to when a meeting can be closed to the press and the public.

These exceptions are when sensitive issues, such as legal, contractual, or staffing matters are discussed; in these cases, the council can agree to exclude the press and public from that single item of business. As a rule of thumb, the council should conduct as much of its business as possible with the public present, to ensure it is as transparent as possible.

All councillors are expected to attend meetings of the full council. However, the council can form committees, which are meetings that bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.

Some committees are permanent (standing) committees, or executive committees, which have been given formal decision-making delegation for defined responsibilities by the council, set out in standing orders. Standing and executive committees with delegation then report their decisions to the full council and the council is bound by the decisions these committees make on their behalf.

A sub-committee is appointed by a committee to focus discussion on a specific topic among an even smaller group of councillors. Otherwise, sub-committees operate like committees.

Other working groups might be set up for a short-term project; these are advisory committees, working parties or 'task-and-finish' groups. Although they are not subject to the strict rules that apply to formal council and committee meetings, such as the requirement that they be held in public, etc., they must have terms of reference clearly set out in standing orders. Their less-formal working

arrangements mean these groups cannot be delegated decision-making authority on behalf of the council, but they can explore options and make recommendations to the council for a decision.

Do you know which committees of your council are standing committees with terms of reference and delegation of the council set out in standing orders?

Did you know that if a standing committee goes into confidential session and you are not a member of that committee, even though you are a member of the council you only have the same rights as a member of the public and will be excluded from the meeting? You are also not entitled to the confidential information that was discussed.

There are rules set out in a council's standing orders 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.

THE TWO ANNUAL MEETINGS

If elected at the local elections, which are held every four years and in May, the first meeting encountered by a councillor will be the Annual Meeting of the Council. This meeting is held within a short time limit after the election date. The first item on the agenda of this meeting must be for the council to elect a chair and, where it is set out in the council's standing orders, a vice-chair (but this role is not a legal requirement). This meeting is an appropriate time to appoint members of committees and representatives of

other external bodies. This is a formal local council meeting, and the rules for this meeting are in the council's standing orders.

Remember, standing orders 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 seats on the council (or three seats, 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.

Every year in which a local election is not held, an Annual Meeting of the Council is also held but can be called on any date in May. Its purpose is to appoint a chair, as the term of office for a chair is one year.

The other annual meeting is of the electors, and is sometimes confusingly called the Annual Parish (or Town) Meeting. It is not a council meeting and councillors are not obliged to attend. It is a meeting of the electors organised by the local council that must take place between 1 March and 1 June. Electors can contribute to the agenda as these meetings are community engagement events and, in practice,

often celebrate local activities and debate current issues in the community.

The chair of the local council, any two councillors, or any six electors can call a Meeting of the Electors at any time during the year, but this annual meeting between 1 March and 1 June is a legal requirement. The local council chair, if present at this meeting of electors, must preside, but they are not obliged to attend. If the chair of the local council is absent, someone is selected from those people present. It is best practice to hold the Annual Meeting of the Council and the Annual Meeting of Electors on separate occasions to avoid confusion.

THE CHAIR OF THE COUNCIL

The formal legal title of the person presiding at local council meetings is 'chairman' which relates to both genders and none, and is nowadays usually referred to as the 'chair' in non-legal settings.

Contrary to widespread belief, the chair is not in charge of the council. This is because, as a councillor, they only have the same level of authority as every other councillor. However, as their responsibility is to preside over the proceedings of the council meetings, they command respect in that specific role.

The chair is in charge of the council's meetings; this is an office created by legislation.[7] The chair is elected at the Annual Meeting of the Council for one year. The chair has a duty to ensure that council meetings run smoothly, that

7 Local Government Act 1972 section 15 (1)

all business is carefully considered and that all councillors who wish to speak can do so. It is good practice for the chair to refer to the clerk for impartial professional advice.

The chair has no extra powers. For instance, it is unlawful for a council to delegate decision making to any individual councillor, and in this the chair is no different. However, the role does carry some additional responsibilities, such as when a vote is tied, the chair may use a second, or casting vote. Incidentally, this additional vote can be used any way the chair sees fit, and they are not obliged to vote the same way as they did for their original vote.

The chair often enjoys a special relationship with the public, especially in a town council where the chair is also the mayor. They are often invited to open the fête, or to welcome official visitors from abroad; for this reason, the chair can receive an allowance to support this important public role.

It is the chair who leads the Annual Meeting of Electors (remember, this is not a council meeting) if they are present.

Successful councils are those where the chair, councillors, and clerk work together as a team to combine their knowledge and skills to deliver real benefits to the community they serve.

Good working relationships, mutual respect and an understanding of their distinct roles are vital. Conflicts between these key players, especially during meetings in front of the press or public, are damaging to the council's credibility.

Does your council have a councillor and officer working protocol? Has your council adopted the NALC/SLCC civility and respect pledge?

You may think these things are not needed as 'everyone gets on jolly well', but it only takes one minor change of officers and/or councillors for the whole dynamics of the council to dramatically change. It is much better to have these provisions in place before anything changes.

BEFORE A MEETING

At, or before, the first local council meeting someone attends they must sign the 'declaration of acceptance of office' form. In law, they are not a councillor until this is signed. This is also an agreement to observe the council's Code of Conduct.

At least three clear days before each council, committee, or sub-committee meeting a summons and agenda will be sent by the clerk. The three clear days are established in law because it is important for councillors to be able to prepare and research the issues to be discussed. This period is also for members of the public to be made aware of what the council will be making decisions on, in case they wish to attend that meeting. Topics requiring a decision cannot be added to the agenda after the three clear days deadline has passed; those issues must wait for another meeting.

The clerk must ensure that each agenda item is clear, in terms of what councillors are expected to do, and must be precise about the subject under discussion. For example, an agenda item saying 'footpaths' gives you no idea what to expect. Councillors need to know what the task at the meeting is: for example, '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 unlawful for a council to decide on an issue, especially a decision to spend money, without sufficient (three clear days') warning. Vague agenda items that do not specify the exact business (such as Matters Arising, 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 and date the agenda and decide how it will be set out. This process is often (but not always) undertaken in consultation with the chair. An important part of a councillor's role is to request that items be added to the agenda if they feel a relevant subject should be discussed; however, for business reasons, it is the clerk who has the final say on what is included on an agenda. The clerk will provide a business reason for an agenda suggestion being deferred or not included.

AT A MEETING

Councillors have a duty to attend the meetings they are summoned to, but sometimes things crop up and it is not possible. In this case, councillors should contact the clerk with an apology. These apologies are usually noted in the minutes; if no apology is offered it is recorded in the minutes as an absence. Some clerks post the record of councillor attendance at meetings on the council website, and note whether an apology was offered or it was an absence (which is considered bad form), so that electors are aware.

Councillors need to note that failure to attend any meetings for a six-month period results in an automatic disqualification from being a councillor, unless a request is made for the council to grant an extended absence by

accepting the apologies that were offered before the end of the six-month period. For this reason, when sending apologies for not attending a meeting councillors should give an explanation, so that if a request for an extended absence is eventually required, the council can consider the explanations that were given. It is not unreasonable for a council to consider that a darts or football match is not an adequate reason for not attending and not grant an extended absence, whereas illness or work commitments are acceptable reasons.

Early on each meeting agenda will be a proposal to approve the draft minutes of the last meeting as accurate. Then they are signed by the chair – even if the chair was not present, because it is the council that is doing the approving, not the chair.

It is, of course, the chair'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, usually by a show of hands. Matters to be decided are called proposals or motions. Decisions, called resolutions, are recorded in the minutes; for example, 'It was resolved that the council will contribute £2,000 to the community bus scheme'.

If a councillor has no view on a proposal, or cannot decide, they can abstain from the vote – but this should not happen frequently, because an important part of the role of a councillor is to decide what they feel best serves to benefit the community. Abstaining from the vote means that the councillor did not vote. The way each councillor votes is not recorded in the minutes because all decisions are corporate, but a councillor can ask for a named (or recorded) vote.

It is best not to do this often, as it goes against the spirit of collective decision making.

Councillors should keep their contributions to the meeting short and to the point – no one enjoys listening to others who speak for too long. One role of the chair is to ensure that a meeting is kept to time; therefore, if a councillor is asked to curtail the length of their contribution, this must be respected. Council meetings are about teamwork, collective decision making and reaching consensus, not winning or scoring points off each other. Even if councillors disagree strongly with the way a discussion is working out, they should never engage in personal attacks on others, as this is against the Code of Conduct and not in the spirit of the civility and respect pledge.

Councillors should strive to keep proceedings good-humoured and remember that everyone – members and officers – is working to the same aim: to make constructive decisions collectively that benefit the community.

Council meetings should have a 'public participation' part of the agenda: a short, defined period, early in the meeting, in which members of the public are encouraged to speak and ask questions about the issues included on the agenda. Minutes of the public participation session should be very succinct (with just the issue raised noted) and the GDPR observed (for more information see www.gov.uk/data-protection).

All meetings, full and committee with delegation, must have one third of its members, including the vacant seats, present. This is known as the quorum. The meeting must remain quorate throughout for it to be legally valid, so, if a councillor needs to leave before the end, they must

inform the clerk and chair before the meeting starts. This is recorded in the minutes for clarity.

The standing orders of the council will set out how long a meeting should take in order to enable councillors to plan their diaries. It is usually no longer than two hours, because people's concentration begins to lapse if the meeting goes on longer. A well-crafted agenda with precise discussion topics and an effective chair who ensures everything stays on track are valuable tools for ending the meeting on time. The council's standing orders also set out clear rules of debate, which are useful for the chair in keeping the meeting to time and the discussion focused.

AnnieSpratt/unsplash

AFTER A MEETING

All the resolutions passed (decisions made) at the meeting need to be implemented. The clerk or the minute secretary writes the draft minutes as a legal record of what was decided, and this acts as the instructions to the officers of the council to act. It is important that these minutes are accurate.

Decisions cannot be made between meetings; so, where matters need full discussion, the chair can call an extraordinary meeting, with all the normal processes of an ordinary meeting (such as the three clear days' notice etc.). Delegation is a useful tool in this situation. Delegation allows a council to give 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 or financial regulations 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 state that a decision can be taken after the clerk consults with two councillors (including the chair), but the final decision remains with the clerk, as it is the clerk who has the formal delegation from the council to act. Most importantly, the council must not allow delegation to a single councillor – not even to the chair, as local councils exist to make and implement decisions made collectively as a corporate body, not by individual councillors.

INFLUENCING THE PLANNING SYSTEM

Although local councils are not the decision makers on planning decisions in their area, people can get very agitated when the local council is formulating a response to the planning authority. The local council has a responsibility to represent the whole community – not just the people with the loudest voices. The council must ensure that proper procedures are in place. Local councils 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.

Local councils are statutory consultees, which means that the planning authority has a duty to consult with them about planning applications affecting their area, and they can express their collective view to the planning authority. In addition, under the Localism Act's neighbourhood planning provisions, there are several 'community rights' that local councils can take up in the planning system.

LOCAL DEVELOPMENT PLANS

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

The (local) planning authority is normally the district council (or equivalent). The county council has the planning authority for some issues such as mineral extraction and

waste disposal. If you work with a single (unitary) authority, it is much simpler. Planning in a National Park is the responsibility of the National Park Authority.

Many local councils spend time and energy at full council or planning committee meetings deciding what recommendations to make to the planning authority. While the planning authority does not have to agree, it must consider the local council's collective view before it decides to grant or refuse permission for a development. The ultimate decision is with the planning authority. The recommendations a local council submits on a planning application must fit with statutory local development plans, otherwise they may be ignored. These include the local plan and, if available, the neighbourhood plan.

Micheal Weir /unsplash

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 considered when making a recommendation on a planning application.

Material considerations include:

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

Councillors must understand that their 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 (not the local council) 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 (the majority) 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 did not participate when the development plan was discussed, then they may be unpleasantly surprised when those proposals become planning applications, by which time it is too late to make valid objections.

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 benefit of having a design statement adopted as an SPD is that the planning authority must consider it as a material consideration when making decisions. This gives the council and its community considerable power.

Through the Localism Act 2011, the Government introduced two new ways in which local councils can influence planning in their area:

- neighbourhood plan
- community (neighbourhood) development orders.

NEIGHBOURHOOD PLANS

A neighbourhood plan is a local development plan for a specific place. It is drawn up by the local community (which includes a local council where one exists) working with the planning authority, and is approved by an independent inspector before going to a community referendum.

Once a neighbourhood plan has demonstrated that it conforms with the strategic policies of the Local Plan and

is brought into force by the planning authority, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Councillors need to be aware that a neighbourhood plan cannot seek to prevent the development of an area, only what type of development it is and where, otherwise it will not be formalised by the planning authority.

Neighbourhood plans help to shape and direct sustainable development in local areas and can give local communities more say about where new homes are built and what they should look like; e.g. to allocate land for industry and leisure, or set retail and infrastructure policies. 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.

In addition, with the introduction of the Community Infrastructure Levy (CIL) system, local councils who have approved neighbourhood plans are entitled to 25% of CIL receipts and can decide for themselves how to spend the money on local infrastructure. Importantly, though, this only applies where the higher authority has adopted the CIL, and not all have.

For more information on neighbourhood planning, go to www.gov.uk/guidance/neighbourhood-planning--2.

Has your council been involved in the development of a neighbourhood plan? If not, is it considering doing so?

Has the local planning authority adopted the Community Infrastructure Levy system?

THE COMMUNITY RIGHT TO BUILD

Community Development Orders, also known as the 'right to build', give local councils and community groups 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. 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.

To get approval for a neighbourhood plan or a community development order, the local 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.

AXP Photography /unsplash

LOCAL COUNCIL AWARD SCHEME

The Local Council Award Scheme is an accreditation scheme that helps councils confirm they have sound processes in place for good governance, for community engagement and for developing their council. The Local Council Award Scheme has been designed to celebrate the successes of the very best local councils, and to provide a framework to support all local councils to meet their full potential.

It is only through the sector working together to share best practice, drive up standards and support those who are committed to improving their offer to their communities that individual councils and the sector will reach their full potential. There are three award levels.

FOUNDATION AWARD

Even the smallest local council can achieve the Foundation Award, if they are doing everything correctly and within the legal framework. Having the Foundation Award is a useful tool in assuring any doubters that the council is doing everything correctly.

Councils achieving the Foundation Award demonstrate that they have all the documentation and information in place for operating lawfully and according to standard practice, building a foundation for improvement and development (including adherence to the appropriate transparency code, where applicable).

QUALITY AWARD

To achieve the Quality Award, a council demonstrates that it meets all requirements for the foundation award and has additional documentation and information in place for good governance, effective community engagement and council improvement. The Quality Award also testifies that a council is eligible to use the General Power of Competence.

QUALITY GOLD AWARD

Councils achieving the Quality Gold Award demonstrate that they meet all requirements of the foundation and quality awards and are at the forefront of best practice by achieving an excellent standard in community governance, community leadership and performance management.

You can find out more about the Local Council Award Scheme by contacting your county association or visiting NALC's website.

HINTS AND TIPS ON AVOIDING THE POTENTIAL PITFALLS OF BEING A COUNCILLOR

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.

Ask the clerk to the council if they keep a record of continuous professional development to ensure they are up to date with the local council legal framework. Of course, the council should have a Development Policy for both staff and councillors and have an adequate training budget, as a well-trained team prevents many of the problems that can arise.

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 chair:

- are unsure of their respective roles, duties, and responsibilities
- do not work as a team or respect each other's roles
- do not communicate with each other
- concentrate on scoring points or playing party politics (which is not relevant at this level of local government).

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 chair, to make decisions on its behalf

- does not listen to and communicate with its community, other local councils, principal authorities, and outside bodies
- does not have written contracts of employment
- does not keep its records in order
- lacks a robust system of financial control
- does not manage meetings effectively
- is not well-informed on topics to be discussed
- ignores or antagonises the press.

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.

BE PREPARED

LIST OF LEGAL POWERS AND DUTIES

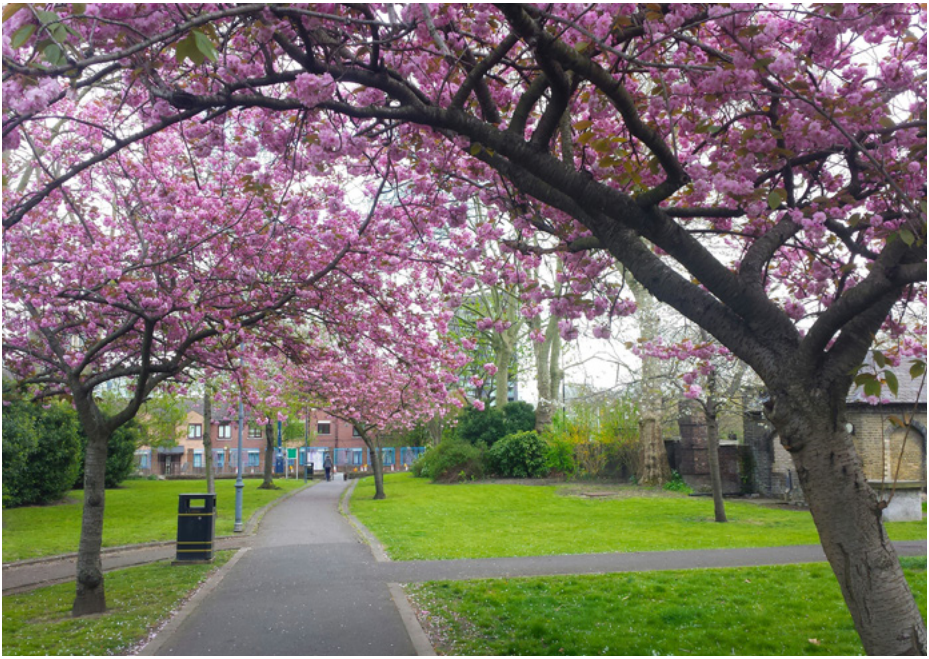
For councils without the GPC, here is a list of powers and functions to help you appreciate the wide range of activities covered by Acts of Parliament. It is a useful reference when you need to know if the local council has permission to act but note, no list can be totally comprehensive.

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments.	Small Holding & Allotments Act 1908, s.23
	Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	
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

Function	Powers & Duties	Statutory Provisions
Byelaws	Power to make byelaws for: Places of public recreation	Public Health Act 1875, s.164
	Cycle parks	Road Traffic Regulation Act
	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,bs.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 use of facilities	Local Government Act 1972, s.144

Function	Powers & Duties	Statutory Provisions
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government Act 1972 (Miscellaneous Provisions) Act 1976 s.19
	Power to acquire, provide and furnish community buildings for public meetings and assemblies	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
Duties		
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 underdog control orders	Clean neighbourhoods and Environment Act 2005, s.19, s.30, Part 6

Function	Powers & Duties	Statutory Provisions
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



Phil Lev/unsplash

Function	Powers & Duties	Statutory Provisions
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 Acts 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

Function	Powers & Duties	Statutory Provisions
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	Local Government Act 1972, ss.124, 126, 127
	Power to accept gifts of land	
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 building	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, s.198

Function	Powers & Duties	Statutory Provisions
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 County Planning Act 1990, ss. 61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A
Newsletter	Power to provide information relation 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	Public health Act 1875, s.164
	Power to acquire and maintain land for open spaces	Open spaces act 1906, ss.9 and 10
Parish Property and documents	Power to receive and retain	Local Government Act 1972, s.226
	Duty to deposit certain published works in specific deposit libraries	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

Function	Powers & Duties	Statutory Provisions
Recreation	Power to provide a wide range or recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19
	Provision of boating pools	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	Power 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

Function	Powers & Duties	Statutory Provisions
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Power) 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

DOCUMENTS KEPT BY COUNCILLORS

All councillors are advised to keep all these important documents (if they exist) to hand. Are the versions you have been supplied with up to date? Do not worry if your council does not have all this information; it can be assembled over time, and you can play a role in offering to assist in the process. You might also need to know:

- the size of the population of the parish and how the population is made up
- the size of the electorate (different from the population)
- how much an average household pays in council tax to the local council
- contact details of principal authority councillors
- contact details of local organisations.

Document kept... (on website / in personal file)	to be updated/ developed?
The Code of Conduct	
The financial regulations (reviewed anually)	
The standing orders (reviewed anually)	
A map of the parish	
Statement of community engagement	
Communication strategy	
Social media policy	
Equal opportunities policy	
Health and safety	

Document kept... (on website / in personal file)	to be updated/ developed?
Publication scheme for the Freedom of Information Act	
Procedures for emergencies	
Grievance and disciplinary procedures	
Bullying and harassment (dignity at work) policy	
The planning authority's development control and planning policies	

DOCUMENTS KEPT BY CLERKS

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

JM Read /unsplash

HOW TO AVOID COMMUNICATIONS PITFALLS

Remember that if a resident demands a subject access report through the Freedom of Information Act, technically everything a councillor has said about them on social media, in emails, on WhatsApp etc. will need to be provided to that individual by law. Councillors are putting themselves at risk if any communications they have sent have not been civil and polite.

EMAILS

Check that any emails on council business are sent and received through an email account specifically and only used for council business (not a personal email account, and never through a shared email address).

SOCIAL MEDIA

If councillors want to use social media as an individual (separate from the council's own account) they must use extreme caution, as the Code of Conduct, standards in public life and data protection rules still apply.
For more guidance go to local.gov.uk/our-support/communications-and-community-engagement/social-media-guidance-councillors.

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.

SOURCES OF FURTHER INFORMATION

SECTOR-SPECIFIC ADVICE

For further information and the other Good Councillor Guides go to www.nalc.gov.uk/publications, there you will you will find guidance on being an employer, finance and transparency, transport planning, community business, and cyber security.

Under no circumstances should you use search engines for information, or just copy the practices of another council, as there are no guarantees that these sources are correct or suitable for the local council of which you are a member.

Whereas the principal tier authorities can provide general advice on areas of expertise that a local council might also be involved with, they are not responsible for local council activity. Moreover, they operate under their own legal framework, some of which is not appropriate for the local council sector.

If an officer chooses to join the Association of Local Council Clerks (ALCC), which is a Trade Union, this has to be a personal expense and cannot be paid for by the council that employs them.

Local councils in their County Association and NALC have access to a wide range of expert, sector-specific support and advice, and strengthen the national voice and impact of the sector. County Associations should be the council's first port of call for queries and advice.

Clerks can become members of the SLCC, who provide training, advice, and support to clerks. NALC and SLCC have a joint protocol to work together to promote the best interests of the local council sector and its employees and their contribution to the wellbeing of communities. We believe councils are best supported where the council is in membership of their local county association and NALC, and the clerk is in membership of the SLCC.

© NALC 2024. All rights reserved.

Unless otherwise indicated, the copyright of the material in this publication is owned by NALC. Reproduction and alteration in whole or part of The Good Councillor's guide to employment is not permitted without prior consent from NALC.

If you require a licence to use NALC materials in a way that is not hereby permitted or which is restricted by the Copyright, Designs and Patents Act 1988, then contact NALC. Subject to written permission being given, NALC may attach conditions to the licence.

Please note that this publication does not constitute legal advice. If in doubt, you should seek specialist advice in relation to your specific circumstances. The contents of this publication are for general information purposes only. Whilst NALC endeavours to ensure that the information contained herein is correct at the time of production, no warranty, express or implied, is given as to its accuracy, and NALC does not accept any liability for error or omission. NALC shall not be liable for any damage or loss or problems arising from the use of, or inability to use, this content or any material contained within it or from any action or decision taken as a result of using this site or any such material.

Other guides in this series include:

The Good Councillor's guide

The Good Councillor's guide to community business

The Good Councillor's guide to cyber security

The Good Councillor's guide to finance and transparency

The Good Councillor's guide to neighbourhood planning

The Good Councillor's guide to transport planning

The National Association of Local Councils (NALC)
0207 637 1865 | nalc@nalc.gov.uk | **nalc.gov.uk**