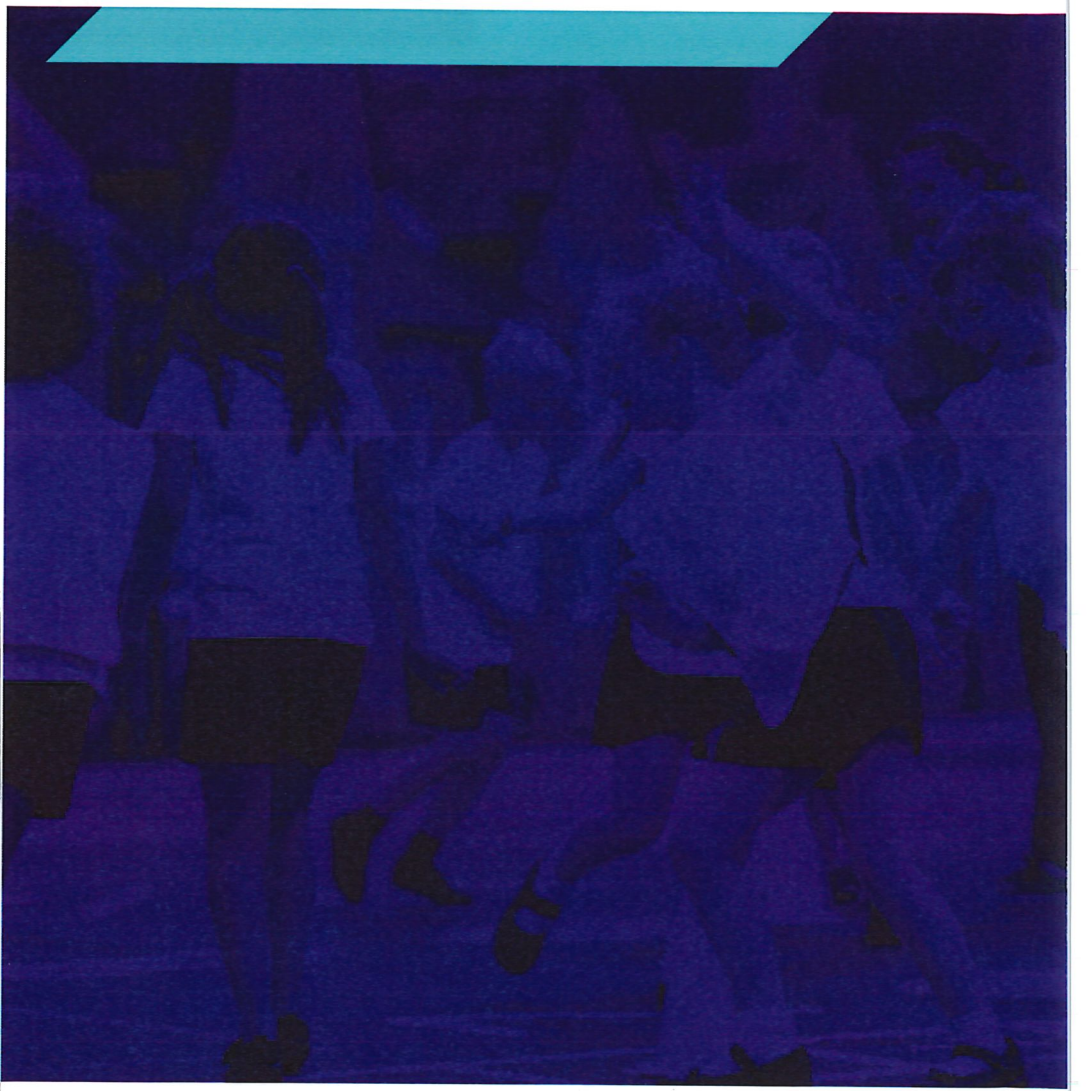
2018

THE GOOD COUNCILLOR'S GUIDE





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



WELCOME

Sue Baxter
Chairman of the National Association of Local Councils

IT GIVES ME GREAT PLEASURE to introduce the National Improvement Strategy publication The Good Councillor's guide – This revised edition is a welcome and much needed resource and essential guidance primarily for new councillors but also for those thinking about becoming a local councillor.

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

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

If you are not yet a councillor, but are thinking of putting yourself forward, I encourage you to read this guide and to contact your local council to find out how you might get involved. Whilst ordinary elections take place every four years there are still frequent opportunities to become a local councillor when vacancies arise so I urge you to keep abreast of these windows of opportunity.

Engaging in learning, training and development will be essential in gaining experience; reading this guide is the first step in this process. You should also contact your county association of local councils to find out more about what is available to you in terms of developing your skills and knowledge.

Being elected as a councillor does not mean you are expected to have all the solutions for your community but through experience and expanding your grasp of your role you will be better placed to deal with the range of issues that arise.

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

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

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

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

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

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

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

WHERE ARE YOU HEADING?



COUNCILLORS

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

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

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

THE COUNCIL

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

Your council is an elected body in the first tier of local government. Other tiers, known as principal councils or authorities, have many legal duties to deliver services such as education, housing, town and country planning, transport, environmental health and social services. Local councils have the legal power to take action, but they have very few duties and greater freedom to choose what action to take. They can play a vital part in representing the interests of the communities they serve and improving the quality of life and the local environment. Furthermore they influence other decision makers and can, in many cases, deliver services to meet local needs. In other words, you and your council can make a difference.

WHAT DOES YOUR COUNCIL DO?

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 issues that concern parish government.

CO-OPTION

The council chooses someone to fill a vacancy if insufficient candidates are proposed for seats at an election. An ordinary election occurs every four years but there may be an election when a seat falls vacant at other times. In addition, if a vacancy occurs between elections (for example, by the resignation of a councillor), the council must generally publicly notify the vacancy and if no poll is claimed co-opt. It is better for democracy if councillors are elected rather than relying on co-option, so they can be confident that the council is the community's choice of representatives.

Central Government is encouraging local councils to deliver more services and play a greater part in their communities.

For example your council could provide or give financial support for:

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

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

DIVERSITY IS A STRENGTH

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

A typical local council represents around 2,700 people but some have much larger populations. Shrewsbury Town Council, created in 2009, serves over 72,000 people, which is more than some small counties. These considerable differences are reflected in annual spending which might range from under £1000 to £4 million. It is important that you know how much your council spends each year. In 2014/15 local councils raised £445 million in council tax and spent over £500 million.

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

PULLING TOGETHER

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

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

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

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

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

Duties are legal obligations – actions that a council must take by law. Powers are contained in legislation and permit actions to be taken at the council's discretion.

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

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

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

YOUR COMMUNITY

The job of your council is to represent the interests of the whole community.

Understanding the needs of different groups in the community (such as young and elderly people) is an important part of your role as councillor.

Occasionally there will be a conflict of interest requiring sensitive judgement; for example, dog owners, parents of young children and walkers might disagree about use of the village green. Making difficult decisions, in an open and reasoned way, is something that local councils need to do well.

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

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

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

Design Statements involve communities in a review of the built and natural environment of their area. The published results can be used by your principal authority to help make planning decisions (see Part Four).

A Parish Map can be a creative exercise; for example, it might be a painting, tapestry or model of the parish. People identify local features that matter as they work on the map.

Community conferences or workshops provide more opportunities for bringing people together to talk about the future of the parish.

Community (Parish or Town) Plans might be led by the local council, drawing in community groups, residents and others, to produce an action plan for improving the local quality of life and the environment. These plans can be based on the findings of a variety of consultation exercises and can form the basis of neighbourhood plans (see Part Four).

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

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

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

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

NOTES

DUE CARE AND ATTENTION

THE RULES

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

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

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

In April 2012, the Government introduced the general power of competence for eligible local councils. The general power of competence is designed to make it easier for eligible councils1 to act. It is intended to permit eligible local councils to do anything that an individual might do, as long as other legislation does not forbid it. This could include, for example, the development of land for residential or commercial purposes.

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

Councils who are not eligible to use the general power of competence can undertake an activity only when specific legislation allows it. There is a useful list of activities and specific legal powers in Part Five of this guide. Acting without the legal power is an unnecessary risk which could lead to financial and legal difficulties. The good news is that there are lots of sources of advice. Start by asking your clerk whose job includes giving advice to the local council. Your clerk will have access to a county association (Association of Parish and Town, or Local, Councils) for advice on legal and financial matters. If your clerk is a member of the Society of Local Council Clerks, they will have access to additional guidance.

If you identify barriers in legislation, national policy or the workings of government, you can let the Ministry for Housing, Communities and Local Government (MHCLG) know via the GOV.UK website at gov.uk/government/publications/sustainable-communities-act-and-barrier-busting

SO WHAT MUST YOU DO AS A COUNCIL?

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

- comply with its obligations under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Equality Act 2010
- publish certain information such as annual accounts, notice of meetings, agendas and meeting notes
- comply with the relevant Local Government Transparency Code (see further details on page 26) comply with employment law
- consider the impact of their decisions on reducing crime and disorder in their area

- have regard to the protection of biodiversity in carrying out their functions consider the provision of allotments if there is demand for them from local residents and it is reasonable to do so decide whether to adopt a churchyard when it is closed, if asked to do so by the Parochial Church Council.

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

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

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

Council, committee and sub-committee meetings must generally be open to the public and the Openness of Local Government Bodies Regulations 2014 mean that councils must allow members of the public to record

and report the proceedings of public meetings. Equality legislation reminds the council that it must make its meetings accessible to anyone who wishes to attend.

Similarly the Freedom of Information Act 2000 requires the council to have a publication scheme explaining how certain types of council information are made available.

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

RULES FOR COUNCILLORS

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

As a councillor you have a responsibility to:

- attend meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend
- consider, in advance of the meeting, the agenda and any related
- documents which were sent to you with the summons
- take part in meetings and consider all the relevant facts and issues on matters which require a decision including the views of others expressed at the meeting
- take part in voting and respect decisions made by the majority of those present and voting
- ensure, with other councillors, that the council is properly managed

- represent the whole electorate, and not just those who voted for you.

COUNCILLORS' CONDUCT AND INTERESTS

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

Selflessness – you should act in the public interest

Integrity – you should not put yourself under any obligations to others, allow them improperly to influence you or seek benefit for yourself, family, friends or close associates

Objectivity – you should act impartially, fairly and on merit

Accountability – you should be prepared to submit to public scrutiny necessary to ensure accountability

Openness – you should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure

Honesty – you should always be truthful

Leadership – as a councillor, you should promote, support and exhibit high standards of conduct and be willing to challenge poor behaviour.

CODE OF CONDUCT

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

The National Association of Local Councils has developed a template code of conduct[2] specifically for parish councils, which covers these issues. Your council is not obliged to use this template.

Alternative models are also available from your principal authority or from the MHCLG website.

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

COUNCILLORS' INTERESTS

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

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

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

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

If an agenda item relates to one of your DPIs – such as the expansion of a supermarket chain in which you own

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

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

DISPENSATIONS

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

CRIMINAL OFFENCES

There are a number of potential criminal offences associated with:

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

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

RULES FOR EMPLOYERS

Rules also protect your employees and your council as an employer. Misunderstandings can sometimes arise between a council and its employees. The law requires that at all times the council must act as a responsible

employer. It is most important for the council to ensure that all staff have a written contract of employment. Employees should be paid (as a minimum) the minimum wage, or the national living wage for workers aged 25 and over. You should note, however, that when councillors occasionally act as clerk, they cannot be paid. In fact, councillors cannot be appointed to any paid employment in the council whilst they remain a serving councillor or within 12 months of leaving office.

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

Remember, the clerk is employed by the council and answers to the council as a whole. Other staff, although employed by the council, are usually managed by the clerk. No one councillor can act as the line manager of either the clerk or other employees. These rules and principles should build on mutual respect and consideration between employee and employer.

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

RULES FOR DEALING WITH PUBLIC MONEY

Being financially responsible for a public body can be daunting. The rules set by Government are designed to make sure that the council takes no unacceptable risks with public money.

The words risk management should be engraved upon every councillor's mind. The good news is that the rules protect you and your council from possible disaster. Your council should establish a risk management scheme which highlights every known significant risk in terms of the council's activities and makes clear how such risks will be managed. This includes ensuring that it has proper insurance to protect employees, buildings, cash and members of the public. For example, playgrounds and sports facilities must be subject to regular checks that are properly recorded. It's not just about protecting assets; it's about taking care of people.

As a councillor, you share collective responsibility for financial management of the council. The council will have made arrangements for its finances to be administered by an officer known, in law, as the responsible financial officer (RFO). Your role is to ensure that the RFO acts properly so that the council avoids the risk of loss, fraud or bad debt, whether through deliberate or careless actions. Robust financial checks and oversight are of great importance. Your council may make electronic payments or pay by cheque, whatever arrangement is in place you should ensure that there is a system to reduce the risks of error or fraud, for example never sign a blank cheque.[3]

As an aid, your council should have its own financial regulations (as part of standing orders) giving details of how the council must manage its finances.

The National Association of Local Councils publishes model financial regulations available from your county association. If your council has not adopted financial regulations then you leave yourselves open to considerable risk and your council must take action to correct this as a matter of urgency.

The council must operate an overall system of internal control appropriate to your council's expenditure and activity. There is extensive guidance on risk and internal control in Governance and Accountability for Smaller

Authorities in England — A Practitioners' Guide to Proper Practices[4] to be applied in the preparation of statutory annual accounts and governance statements – published jointly by NALC and the SLCC. As part of its system of internal control, the council arranges for an Internal Audit where someone, (other than the RFO and acting independently of the council), scrutinises the council's financial systems.

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

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

Transparency and openness should be the fundamental principle behind everything your parish council does. Greater openness and transparency is part of a wider transformation process across local government and provides local people with the information they need to hold your council to account.

As part of this, a new plain English guide to openness and accountability[5] issued in 2014 sets out clear guidelines on what should be available to the public in relation to your council, including attending and reporting on meetings and accessing information.

In addition, a new Transparency Code for Smaller Authorities[6] came into effect from 1 April 2015. It requires the online publication of key financial, governance and meeting information from 1 July 2015. It applies to parish councils and certain other small bodies with an annual

turnover not exceeding £25,000, and from 1 April 2017 replaces the need for external annual audit in most cases.

Whilst this Code only applies to parish councils with an annual turnover of £25k or less, it is considered best practice for all parish councils, whatever their turnover, to be meeting the transparency requirements set out in the code and this best practice is reinforced by National Association of Local Councils' Award Scheme.

Parish councils with annual turnover exceeding £200,000 are expected to follow the Local Government Transparency Code for larger authorities.[7]

The Smaller Authorities Code requires Parish Councils 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,
- the details of public land and building assets,
- minutes, agendas and meeting papers of formal meetings

Separately, from 2015/16 all parish councils are required to publish their annual end of year accounts online.

To help the smallest parish councils meet these new transparency requirements, MHCLG is supporting NALC and its county associations to deliver funding of £4.7 million over three years to enable those bodies without the capacity or resources currently to enable them to get online and comply with the code as soon as practicable. Details of how to apply for funding and what is covered is available on the NALC website.[8]

INTERNAL AND EXTERNAL AUDITS

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

The law requires another audit to be carried out so that local taxpayers can be assured that the risks to public money have been managed. Following the closure of the Audit Commission in March 2015, Public Sector Audit Appointments Ltd has been responsible for appointing external auditors to parish councils. From April 2017, Smaller Authorities' Audit Appointments Ltd (SAAA) will have the responsibility for doing so in regards to parish councils. Unless your council has decided to opt out and appoint its own external auditor, SAAA will appoint an external auditor to your parish council until 31 March 2022.

These auditors review the council's annual return. The annual return is the principal means by which the council is accountable to its electorate. Councils must complete an annual return to confirm that everything is in order.

Your council may be able to declare itself as an exempt authority in regards to an external audit if it has an annual turnover of £25,000 or under. Your clerk should be able to provide further information on how to do this.

Signed statements confirm responsibility for governance arrangements during the year. In particular they show that:

- the accounts have been properly prepared and approved

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

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

If you and your fellow councillors have acted properly leading up to the external audit then you will receive the external auditor's certificate and an unqualified opinion on the annual return known as limited assurance. This means that nothing has come to the external auditor's attention that gives cause for concern. The Transparency Code for Smaller Authorities and the Local Government Transparency Code 2015 also requires certain councils to publish a range of financial information online.[9]

VALUE FOR MONEY

It is essential that the council is seen to provide value for money. This means ensuring that public money is spent efficiently to provide an effective service.

The aim is to get more council activity for the least possible expense without compromising quality.

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

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

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





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 issues that concern parish government.

NOTES

1. Councils are eligible if they have a qualified clerk and two thirds of councillors have stood for election. The criteria are set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.
2. You can find the template at www.nalc.gov.uk under Legal Briefing L09-12. This area of the website is only accessible to NALC members.
3. Further advice on safeguarding public money was issued by the Joint Practitioners Advisory Group as part of the Practitioners Guide in 2016 (see next footnote for link)
4. nalc.gov.uk/library/publications/1964-governance-and-accountability-for-smaller-authorities-in-england-2016-sections-1-4/file
5. gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf
6. gov.uk/government/publications/transparency-code-for-smaller-authorities
7. gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf
8. nalc.gov.uk/our-work/the-transparency-fund
9. The Transparency Code for Smaller Authorities means that from 2017, councils with an annual turnover of less than £25,000 will not be required to submit their annual return for audit; however these councils must still publish financial information online.

GETTING UNDER WAY

MEETINGS

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

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

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

Council meetings are meetings of the full council. All councillors are expected to attend.

Committee meetings bring together a smaller number of councillors to concentrate on a specific function of the council and share the workload.

Some committees are permanent or standing committees, but others are set up for a short-term project. Many councils have a permanent Planning Committee allowing them to comment on planning

applications as required without convening a full council meeting.

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

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

Working parties or 'task-and-finish' groups are occasionally set up for a short-term purpose. They are not subject to the strict rules that apply to formal council meetings and do not need to be held in public. A working party cannot make a decision on behalf of the council, but they can explore options and present these to the council for a decision.

There are rules about who is permitted to join a committee or subcommittee. Sometimes non-councillors can be included (although with a few exceptions, they cannot vote). This is an excellent means of involving others, particularly young people, in council work.

TWO ANNUAL MEETINGS

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

The Annual Parish or Town Meeting is not a council meeting. It is a meeting of the parish or town electors taking place between 1 March and 1 June. Electors can

contribute to the agenda and in practice these meetings often celebrate local activities and debate current issues in the community. The chairman of the council, any two councillors or any six electors can call the Annual Parish or Town Meeting. The Chairman, if present, will chair the meeting. It is best practice to hold the Annual Meeting of the Council and the Annual Parish Meeting on different occasions to avoid confusion.

STANDING ORDERS

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

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

RESPECTING THE CHAIRMAN

The chairman is in charge during council meetings; this is an office created by legislation commanding respect. Remember, the chairman is elected at the Annual Meeting of the Council for one year. Chairmen have a duty to ensure that council meetings run smoothly,

that all business is properly considered and all councillors who wish to speak can do so. It is good practice for the chairman to refer to the clerk for advice.

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

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

Where councillors, clerk and chairman work together as a team they combine knowledge and skills to deliver real benefits to the community they serve.

Good working relationships, mutual respect and an understanding of their different roles are vital. Conflict between these key players, especially during meetings in front of the press or public can damage the council.

BEING PREPARED

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

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

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

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

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

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

The five Ws help councillors prepare for a meeting.

- What is the meeting for?
- What part should I play?
- What papers must I read?
- Which people do I need to consult?
- What did I promise to do before this meeting?

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

AT THE MEETING

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

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

You should keep contributions short and to the point; you probably don't enjoy listening to others who speak for too long. Always work through the chairman and try not to score points off fellow councillors. Never engage in personal attacks on others – however tempting.

If you can add a dash of humour and common sense to the proceedings then you will be a pleasure to work with.

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

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

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

AFTER THE MEETING

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

What happens if a decision needs to be taken between meetings? Where the matter needs full discussion, the chairman might call an extraordinary meeting, but delegation is a useful tool. Section 101 (of the Local Government Act 1972) allows a council to delegate the power to make decisions to an officer, a committee, a sub-committee or another council. It is good practice to specify in standing orders the kind of decisions that the clerk can make such as routine decisions, dealing with emergencies or spending small sums of money.

Standing orders may require decisions to be taken after consultation with two councillors (including the chairman) but the decision remains with the officer.

Most importantly, the council must not allow delegation to a single councillor – not even to the chairman.

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

NOTES

DELIVERING THE GOODS

SERVICES AND COMMUNITY RIGHTS

The best local councils want to foster vibrant and flourishing communities to improve the quality of life for people living in their local area. Government is committed to encouraging local councils to achieve this and to empower them to become more effective at designing and delivering services.

This section shows how your council can be dynamic and professional in delivering the goods which can enhance the life experiences and well-being of local people. Local councils can best realise their full potential in service delivery by devising clear strategic plans – this may include business, corporate or action plans that set out both the vision and the practical steps for delivering local services.

Local councils can provide many services using their legal powers. A council that chooses to utilise these powers will increase their capacity for delivering innovative services – funding transport provision for certain vulnerable groups, delivering services for young people, maintaining leisure and green spaces e.g. parks, allotments and community centres and organising community festivals.

In a landscape where district and counties are devolving more local services, parish councils have more potential to work imaginatively in partnership with other bodies e.g. local businesses, the community and voluntary sector and local residents. A council might manage library services for the principal authority or assist a local charity to help young people find employment. Local

councils can offer funding, equipment and premises, to help others provide services. They can give small grants to organisations that run child care, services for the elderly, arts activities, pond clearance or sport which can improve the quality of parish life.

Local communities see the benefits of living in a parish and the role the council can play in supporting local residents and delivering valued services. There are many opportunities for councils to tap into this enthusiasm for a more grass-roots and 'localist' approach in the provision of goods.

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

The Localism Act 2011 introduced a number of new ways in which councils can act on behalf of their communities, which are collectively known as community rights. These rights have been taken up by local councils to help improve their local areas.

The community right to bid gives communities the opportunity to nominate buildings and land as assets of community value (ACV). If an ACV is put up for sale, the community group can trigger a moratorium of up to six months to enable them to put together a bid to buy the asset. The owner is free to turn down the community bid and after the moratorium has elapsed, they are free to sell their asset to whomever and at whatever price they choose.

Nominations can be made by the parish council for the area in which the land is situated and by voluntary and community bodies with a local connection that do not distribute profits to their members. In addition, an unincorporated local organisation may nominate provided that it has at least 21 individual members who are on the local electoral register or that of a neighbouring authority.

Voluntary and community bodies are only eligible to nominate land as an ACV if their activities are concerned with the local authority's area or that of a neighbouring authority's area.

An asset may also be nominated by another parish council if it has a local connection:

Where the asset is in a parish, the council of a parish which shares a border with that parish; and

Where the asset is not in a parish, the council of a parish within the local authority area in which the land is situated or that borders that local authority's area.

Nominated assets may be owned by anybody, including the local authority and the Crown. However, there are some categories of assets that are excluded from listing:

a. Residential property including gardens, outbuildings and other associated land owned by the same owner and connected with the residence – including land that it is reasonable to consider as part of the associated land where it is separated from it only by a road, railway line, river or canal;

b. Land licensed for use as a residential caravan site and some types of residential caravan site which do not need a licence; and

c. Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990 (for instance, power stations).

Nominating assets of community value is easy and free of charge and must include the following information for the local authority to consider:

a. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.

b. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.

c. The reasons for nominating the asset, explaining why the nominator believes the building or other land should be classed as an ACV.

d. The nominator's eligibility to make the nomination.

The local authority has eight weeks from the date of the nomination to make a judgement about whether to list the land as an ACV.

A building or other land will be classed as land of community value if it is not excluded from listing e.g. it is a residence and in the opinion of the authority:

a. it has an actual current use that furthers the social wellbeing or social interests of the local community ("a socially beneficial use") and it is realistic to think that it can continue in socially beneficial use; or

b. in the recent past it has had a socially beneficial use and it is realistic to consider could do so again during the next five years.

To be considered for listing, the past or current and future socially beneficial use must not be an ancillary use. This means that the use of the building in question must be significant (i.e., non-ancillary) even if it does not constitute the main use of the building. To meet the future use condition the future socially beneficial use need not be the same as the current or past socially beneficial use. Social interests include cultural, recreational and sporting interests.

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

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

The ACV process is only one of many ways to empower your community: if local people are interested in managing or owning publicly owned land or buildings, you could contact your local authority to explore options for transferring these to your community at less than full market value through community asset transfer.

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

Community shares, 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 the Co-operative UK provides support and information to investors and to communities wanting to develop share offers. Community shares can be used to raise finance to buyout and develop local shops and pubs, set up renewable energy schemes, transform community facilities, support local food growing, fund new football clubs, restore heritage buildings, and, most importantly, bring communities together to support the development of a local project.

In 2015, the Government piloted the Community Economic Development Programme with the aim of encouraging communities to take the lead in finding solutions to change the economic health of their communities, taking account of the impact on the environment and the social well-being of individuals in their neighbourhood. Community economic development' (CED) describes the process of economic development within a specific area to benefit the local community. The process is led by people living, working and running businesses in that area. CED tackles the interconnected environmental, social and economic issues and recognises the importance of connections between the local, regional and national layers of the economy. Building on the knowledge, experience and resources in that community, it identifies and maximises the local economic opportunities available.

Groups are using the CED approach to tackle issues of unemployment, regeneration of the high street, affordable housing in areas with the threat of gentrification and rising house prices and to utilise community assets to create community hubs.

Further information and resources on how to develop a Community Economic Development plan for your area can be found at http://mycommunity.org.uk/

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

PLANNING

Your council's strategic plan will help to manage change but the wider planning system deeply affects life in the

community and is a vital tool for delivering benefits. Being involved in town and country (land use or spatial) planning is, for many councils, their single most important activity.

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

LOCAL DEVELOPMENT PLANS

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

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

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

Material considerations include:

- Development plan (including the local plan or neighbourhood plan)
- A site's planning history (including earlier applications)
- Accessibility
- Traffic
- Roads and parking
- Archaeology
- A community plan or design statement (see Part One).

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

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

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

A design statement can be a supplement to the planning authority's policies and can influence development control. Once accepted by the planning authority it becomes a supplementary planning document (SPD). The beauty of a design statement adopted as an SPD is that the planning authority must take it into account as a

material consideration when making decisions. This gives the council and its community considerable power.

NEIGHBOURHOOD PLANS AND THE COMMUNITY RIGHT TO BUILD

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

Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. 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.

Neighbourhood (or community) development orders arise from the community right to build set out in the Localism Act 2011. Local councils and community groups have the right to propose small-scale, site-specific community-led developments. This right allows communities to build new homes, shops, businesses or facilities where they want them, without going through the normal planning application route. Any project built under the community right to build is managed by the local council or community group.

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

- Work with the local planning authority
- Take expert advice to ensure that the plan or order complies with national planning policies and strategic elements of the local plan

- Engage fully with all parts of the local community
- Seek approval from an independent inspector
- Gain support from at least 50% of local people voting in a referendum.

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

By January 2017, over 2,000 areas have started the neighbourhood planning process from Cumbria to Cornwall to Cambridgeshire. The first neighbourhood plan was approved in Upper Eden in Cumbria with 90% support from the local people who voted in the referendum. There have been over 280 successful neighbourhood planning referendums and over 260 plans are 'made' and in force.

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

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

You can download helpful and more detailed guides on planning from the Planning for Councillors website.

The community right to build enables the community to design its own development. The process (including a

referendum gives the local community control over the decision to grant planning permission.

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

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

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

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

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

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

THE PARISH OR COMMUNITY-LED PLAN

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

The plan should be developed in consultation with the local community.

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

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

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

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

LOCAL COUNCIL AWARD SCHEME

The Local Council Award Scheme was launched in January 2015, replacing the previous Quality Council Scheme. It is an accreditation scheme that helps councils confirm they have sound processes in place for good governance, 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 improve and develop to meet their full potential. The scheme offers councils the opportunity to show that they meet the standards set by the sector, assessed by their peers, and to put in place the conditions for continued improvement.

It is only through the sector working together, to share best practice, drive up standards and supporting those who are committed to improving their offer to their communities that individual councils and the sector as a whole will reach its full potential.

The Local Council Award Scheme has three award levels:

FOUNDATION AWARD

Councils achieving the Foundation Award demonstrate that they have47 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.

NOTES

THE TOOLBOX

HAZARDS

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

Riskmanagementallowsyourcounciltoanticipatewhere breakdowns and accidents might occur. For example, it is unhelpful if the clerk and councillors (including the chairman):

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

Furthermore, the council will have difficulty if it:

- allows one person or a small group of councillors to dominate its work
- allows a councillor (including the chairman) to make decisions on its behalf
- doesn't listen to and communicate with its community, other local councils, principal authorities, outside bodies
- ignores or antagonises the press

- doesn't have written contracts of employment for staff
- doesn't keep its records in order
- lacks a robust system of financial control
- doesn't manage meetings effectively
- is not well-informed on topics to be discussed.

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

IMPORTANT DOCUMENTS

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

You are advised to have your own copy of:

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

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

- A map of the parish
- Local council's development control and planning policies
- Your council's statement of community engagement

- Your council's communication strategy
- Policies for equal opportunities and health and safety
- Your council's publication scheme for the Freedom of Information Act
- Procedures for emergencies
- Grievance and disciplinary procedures
- Bullying and harassment (dignity at work) policy

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

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

You might also need to know

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

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

IMPORTANT LINKS

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

COMMUNITY RIGHTS INFORMATION

mycommunityrights.org.uk

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

mycommunityrights.org.uk/community-asset-transfer

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

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

mycommunityrights.org.uk/neighbourhood-planning

TRANSPARENCY CODE INFORMATION

Transparency Code for Smaller Authorities gov.uk/government/publications/transparency-code-for-smaller-authorities

Information on the Transparency Fund on NALC's website nalc.gov.uk/our-work/the-transparency-fund

The LGA's guidance documents on the Local Government Transparency Code for parishes with other £200,000 in turnover local.gov.uk/practitioners-guides-to-publishing-data

The PSAA psaa.co.uk

The SAAA localaudits.co.uk

ORGANISATIONS (GOVERNMENT AND NON-GOVERNMENT)

Ministry for Housing, Communities and Local Government (MHCLG) communities.gov.uk

The Local Government Association local.gov.uk

National Association of Local Councils nalc.gov.uk

The Society of Local Council Clerks slcc.co.uk

PUBLICATIONS

NALC and SLCC Governance and Accountability for local councillor's publication nalc.gov.uk/Latest_News/Governance_and_Accountability_2010.aspx

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

Other government initiatives:
barrierbusting.communities.gov.uk

communityshares.org.uk

SOURCES OF ADVICE AND INFORMATION

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

ORGANISATIONS

The first stop for advice will probably be your county-based Association of Parish and Town (or Local) Councils (known as the county association). It is vital that your council is a member to benefit from its services and keep abreast of changes affecting local councils.

The National Association of Local Councils (NALC) provides advice for local councils in membership of the local county association and NALC on legal matters, policy, and development. It also keeps councils up-to-date with news affecting local councils. As a councillor you cannot approach NALC directly for legal advice.

If your council requires advice, your clerk should first see if the County Association can help. If not, they will refer your council's query to NALC. There is also information available on the NALC website nalc.gov.uk

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

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

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

- Ministry for Housing, Communities and Local Government (MHCLG) communities.gov.uk
- The Department for the Environment, Food and Rural Affairs defra.gov.uk

If you want to draw the Government's attention to legislative barriers to localism, go to the Barrier Busting on the GOV.UK website at gov.uk/government/publications/sustainable-communities-act-and-barrier-busting

OTHER WEBSITES

If you want to know more about the community rights outlined in Part Four, get in touch with the Government's support provider at mycommunityrights.org.uk. They give advice, let you know about grants and put you in touch with experienced communities willing to act as mentors.

You can find out more on this website about the right to bid, community asset transfer, the right to challenge, the right to build and neighbourhood planning. There is also useful material on planning at community shares at communityshares.org.

PUBLICATIONS

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

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

Governance and accountability for smaller Authorities in England — a practitioners' guide to proper practices to be applied in the preparation of statutory annual accounts and governance statements is a valuable reference pack usually held by the clerk or RFO. It explains statutory 'proper practices' for local councils. Your clerk and RFO should always have the most recent version.

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

Useful magazines include:

LCR – a the quarterly magazine produced by the National Association of Local Councils; LCR Online is the updated weekly sister website lcronline.org.uk

The Clerk – published every two months by the Society of Local Council Clerks slcc.co.uk

The Direct Information Service (DIS) is a fortnightly news bulletin produced by the National Association of Local Council nalc.gov.uk/publications/DIS/DIS.aspx

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

TRAINING

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

There is a wide range of training available to local councils. County associations all provide training specifically designed and delivered for councillors. Whether you are newly elected, or have been on the council for many years, training can help you keep up to date with best practice and help you and your council give your full potential for your local community. There may also be training offered by your principal authorities or other local partners, your county association can help you find and choose the training that is best for you.

Nationally recognised qualifications and courses include the Level 3 Certificate in Local Council Administration (CiLCA), the accredited certificate for the sector designed to test competence for the role of council clerk. Attending training will help your clerk in their work for CiLCA. There are 'recognised CiLCA trainers' available in every county area that have specialist knowledge of this qualification. You can find your local CiLCA trainers by contacting your county association who will coordinate the local training. SLCC also offer CiLCA training as a CPD course and at some of their events and conferences.

Introduction to Local Council Administration (ILCA) is an online course in five sections based on the Occupational Standards established by the National Training Strategy in England. It can be completed by distance learning and is widely recognised as a useful induction tool and an excellent preparation for CiLCA. Further information is available on both the NALC and SLCC websites.

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

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

Continuing Professional Development (CPD) is the process by which employees can track, record and plan learning. A structured CPD training programme has been developed by the SLCC providing in-depth training opportunities for practitioners working for, or involved with local councils.

There is also a CPD point scheme developed by NALC and SLCC under the NTS. This allows council staff to record points allocated to various development activities such as attending any training relevant to their council role, research, qualifications, reading etc. All clerks, whose councils seek an award in the Local Council Award Scheme (p46), are required to demonstrate that they have achieved at least 12 CPD points in the 12 months immediately preceding the council's application. The CPD scheme is also the route by which SLCC members can demonstrate their commitment to professional development and achieve and maintain additional creditations based upon their experience

and qualifications. A copy of the CPD point guidance can be downloaded from both the NALC and SLCC websites.

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

LIST OF LEGAL POWERS AND DUTIES

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

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



Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments.	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
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)

Function	Powers & Duties	Statutory Provisions
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
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
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
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

Function	Powers & Duties	Statutory Provisions
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways.	Highways Act 1980, ss. 43, 50
	Power to light roads and public places	Parish Councils Act 1957, s. 3; Highways Act 1980, s.301
	Power to provide parking places for vehicles, bicycles and motor cycles.	Road Traffic Regulation Act 1984, ss. 57, 63
	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss. 30, 72
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s. 1
	Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway	HighwaysActs1980,ss.47,116
	Power to complain to district council about the protection of rights of way and roadside waste	Highways Act 1980, s. 130
	Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s. 72
	Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s. 96
Honorary Titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s. 249

Function	Powers & Duties	Statutory Provisions
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
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

Function	Powers & Duties	Statutory Provisions
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
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

Function	Powers & Duties	Statutory Provisions
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s. 26–29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities'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

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