

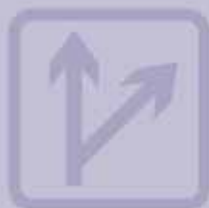


The National Training Strategy
for Town & Parish Councils

The good councillor's guide

Essential guidance for town and parish councillors

Second Edition



foreword



I AM THRILLED to introduce this second edition of **the good councillors guide**. This guide has proven to be a very valuable and welcome tool for all councillors over the last few years and I can only commend this guide to you.

I would like to take the opportunity of congratulating you on being elected to your local council. Now that the excitement of being elected or co-opted has subsided you may well have a little apprehension at the responsibility you have been given. You are now part of the democratic community governance of the country.

Being elected as a councillor does not come with all the solutions to all your communities' problems. Although this is an exciting venture for both you and your electorate you will not have all the answers even though some may think you do.

Training is an essential ingredient for all councillors, particularly those who are newly elected. Reading this guide is only the first step on what should be an ongoing development process. This guide explains the basics of the role, duties and responsibilities of a local councillor. You should as soon as possible discuss

with your clerk and chairman access to appropriate training that is available to you. As a priority I recommend that you familiarise yourself with your council's standing orders.

The next four years 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 the challenge and enjoy working with your community and hope that you will wish to continue to serve your local community.

Regards



Ken Cleary

Chairman of the National Association of Local Councils

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The Development Group, which oversees the ongoing implementation of the NTS, acted as an advisory panel in the preparation of this guide. This group consists of the following organisations: Commission for Rural Communities (an operating division of the Countryside Agency), the National Association of Local Councils, the Society of Local Council Clerks, the Department for Environment Food and Rural Affairs; the Office of the Deputy Prime Minister; the Local Government Association; the University of Gloucestershire and other practitioners

Many people assisted in the writing of this guide and the Development Group is grateful for all contributions.

This guide is an introduction to being a parish councillor. It is not intended to be a definitive legal guide. The contents do not necessarily reflect the views of the individual bodies represented on the Development Group.

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

Any explanation of law or policy is correct at the time of publication. Good councillors make sure that they keep up to date with changes affecting the work of the council.

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“A guide like this would have been so useful when I first became a councillor. At my first council meeting I was asked to sign a declaration form, but no one really explained what it was all about. No notes, no induction pack, learning on the hoof was the name of the game – precept, section 111, section 137, it was all a foreign language. It was only by chance that I found out about training for parish councillors and clerks. I took the first step to discovering what parish councils could and could not do, and the rest is history. This guide points new parish councillors in the right direction.”

Councillor Freda Shaw

“At my first meeting I asked what the word 'precept' meant. Everyone just fell about laughing and no one explained it. It took a lot of courage to go back to the next meeting. When 'training' information was received it was treated as a joke. If only my council had set aside the time and money for training, we could've served our community far more effectively.”

Mary Mitson Woods (former councillor in Suffolk) - aged 23 at the time.

The good councillor's guide

Essential guidance for town and parish councillors

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introduction

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

Part One - Where are you heading?

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

Part Two - Due care and attention

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

Part Three - Getting under way

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

Part Four - Delivering the goods

This is about action for local people. We consider the delivery of services, review your council's role in the town and country planning system, and introduce parish plans and the *Quality Parishes Scheme*.

Part Five - The toolbox

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

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

Reading the signs

The guide uses road signs to highlight important points.



- Direction signs show where you have choices to make as either a council or councillor.



- Triangles are warning signs, pointing out that there may be trouble ahead.



- Red signs suggest STOP! This is what you or your council must *not* do.



- Green circles indicate GO! This is what you *must* do.



- The information sign highlights explanations of jargon words and sources of advice.

Although the first tier of local government includes town councils and even some city councils, the term **parish councils** is used throughout for simplicity.

Chairman is used because it is the term used in law.

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



part one - where are you heading?

1. Councillors

You are a councillor; you are over 21 and you may be a British national, but could also be a citizen of the Commonwealth or the European Union. You are not a *paid* employee of the council because the law forbids it.

You are one of approximately 70,000 parish and town councillors in England. You get no financial reward for being a councillor and will be held accountable by local people for things that happen locally, so why get involved? You almost certainly want to do something positive and, like most councillors, you hope to make a difference by influencing decisions that affect your community.

Did you stand for election? Was there a vote, or were you returned unopposed? Perhaps you were **co-opted**; this is where the council chooses who will fill the vacant seats if there are not enough candidates at election time. In addition, if a vacancy occurs between elections, the council must find out if the electors *want* an election before they can co-opt. Some councillors represent a political party and others are

part one

independent of party affiliations. Whichever route you take to becoming a councillor, once you formally accept the office, it makes no difference; you are councillors working together to serve your community. Your task is to bring local issues to the attention of the council, and help it make decisions on behalf of the local community.



Co-option: the council chooses someone from a list of volunteers; this occurs if there are not enough candidates for seats at an election or when the electorate doesn't call for an election after a seat has fallen vacant.

2. The council

Your council is a **corporate body** with a legal existence of its own quite 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 tier of local government. Other tiers, known as **principal authorities**, have a legal duty to deliver services such as education, town and country planning, environmental health and social services. Parish councils have the legal power to take action, but they have fewer **duties** and greater freedom to choose what action to take. They can play a vital part in representing the interests of

where are you heading?

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

What does your council do?

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



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

Projects like these would be a challenge and are not for the fainthearted. Of course, your council *could* always decide to do very little; but you and your electors might then wonder why the parish council exists at all.

part one

Diversity is a strength

There are some 8,500 parish councils in England although London and many other metropolitan areas do not have them. Most parish councils were established in 1894 by an Act of Parliament. This created the civil parish, separating it from the church after a long history of delivering local services such as care for the poor, maintenance of roads and collecting taxes. New councils are still being created; additions since 2000 include the parish of Frankley in Birmingham and new town councils for Banbury, Aylesbury and Folkestone.

A typical parish council represents around 1,700 people but some have much larger populations. One of the newest councils, Weston-super-Mare, serves over 70,000 people - twice the population of Rutland county. These considerable differences are reflected in annual spending which might range from under £1000 to £3.5 million. It is important that you know how much your council spends each year.



The diversity of parish 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

The diversity of parish and town councils often arises because councillors have different enthusiasms and interests. We should celebrate this. Councillors have different skills and attitudes; for example, some work with ideas while others are

where are you heading?

very practical; some like accounts while others prefer reports. The parish council needs a range of skills to work as a team.



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

Delegation is the act of handing over the power to make a decision to an officer, a committee, a sub-committee, or another council. Delegation must be formally agreed by the full council.

Duties are actions that a council must take by law.

part one

Powers: this is shorthand for the power given by an Act of Parliament to a local authority to act and carry out its functions.

Principal authorities are other local government bodies, known variously as county councils, district, borough and city councils, metropolitan and unitary councils.

The **precept** is the parish 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 parish council.

Proper officer is a term used in law to mean the officer appropriate to the task. In parish councils this officer is normally the clerk.

3. Your community

The job of your council is to represent the interests of the whole community. Discovering 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 parish councils need to do well.



where are you heading?

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 young people, 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.
- *Planning for Real®* is a consultation exercise, championed by the Neighbourhood Initiatives Foundation. People create

part one

a simple model of the parish (or part of it) and use it to generate discussion and set priorities.

- *Community conferences or workshops* provide more opportunities for bringing people together to talk about the future of the parish.
- *Parish plans* are led by the parish council; they draw in community groups and residents of villages, to produce an action plan for improving the quality of life and the environment. The parish plan can be based on the findings of a variety of consultation exercises; local people from all parts of the community should have their say. Grant funding for parish plans is available from the Rural Social and Community Programme through Rural Community Councils.
- *Market town health checks and town plans* are used in towns and are similar to parish plans. They often have a greater emphasis on the local economy.

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.

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

where are you heading?

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 parish 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 parish councils, to benefit the community.

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



part two - due care and attention

4. The rules

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



- A council *must* do what the law requires it to do.



- A council may do *only* what the law says it may do.



- A council must *not* do anything unless it has a legal power to act, granted by law.

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

part two



If the council acts without a legal power (even if it would be popular with the community), or if it uses the wrong power to act, then the council could be charged with acting *beyond its powers*. Being caught 'powerless' is an uncomfortable experience. It is an unnecessary risk. The good news is that there are lots of sources of advice. Start by asking your clerk whose job includes giving legal advice to the parish council. Your clerk should have access to the **county association** (Association of Parish and Town, or Local, Councils) and the **Society of Local Council Clerks** for expert advice on legal matters.



There are very few activities that a parish council cannot undertake; the trick is to ensure that there is a legal power for every action of the council. If the council cannot find a specific power, then *section 137* (Local Government Act 1972) is a treasure. It gives a parish council the power to do anything that will benefit the community (or part of it) where there is no other specific power covering the action; it cannot be used retrospectively, that is after the spending has taken place. Under *section 137*, your council can spend up to £5.44 (2006/07) increasing annually with inflation per elector annually on anything it considers worthwhile if (and only if) no other power can be used. Following an amendment in 1989 the expenditure under this power must be commensurate with the benefit to the community; this means that there must be a match between the money spent and the benefit to local people.

due care and attention



So what *must* you do as a council?

The law gives parish councils lots of choice in activities to undertake; but surprisingly there are very few *duties*, activities that they *must* carry out in delivering services to local people.



Exceptions are that a council *must* consider:

- providing allotments if at least six electors want them;
- the impact of their decisions on reducing crime and disorder in their area;
- adopting a churchyard when it is closed, if asked to do so by the **Parochial Church Council**.

On the other hand your parish council does have a duty to ensure that all the rules for the administration of the council are followed. The council *must*:

- *appoint a chairman* responsible for the smooth running of meetings and for ensuring that all council decisions are lawful;
- *appoint a clerk* as the council's advisor and administrator;
- *appoint a responsible financial officer* to manage the finances in a sound and professional manner; the RFO is often the clerk, especially in smaller councils;
- *appoint an independent and competent internal auditor* (see below);

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- *comply with employment law, equal opportunities and disability legislation, the Freedom of Information and Data Protection Acts;*
- *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 worry; it is not unlawful but it is unwise, and 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, available from your county association.



Council meetings must be open to the public, whilst disability 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 make documents available to the public in the spirit of open government.

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



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

due care and attention

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

Procedures are the guidelines for operating a parish council within the law.

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

A **statute** is an Act of Parliament. It is the law and must be followed. It includes legal regulations to be observed in implementing the law. Parish councils are statutory bodies; this means they are established by statute. Acts of Parliament control the activities of parish councils.

5. Rules for councillors



Even if you are qualified to stand as a councillor and the elections were properly held, you cannot act as a councillor until you have signed a formal **declaration of acceptance of office**. At the same time, you must sign an agreement to abide by the **code of conduct** adopted by your council (more later).



You have a duty to act properly as a councillor. In particular you have a responsibility to:

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- 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;
- prepare for meetings by studying the agenda and making sure you are properly informed about issues to be discussed;
- take part in meetings and form sound judgements based on what is best for the community – and then to abide by majority decisions;
- ensure, with other councillors, that the council is properly managed;
- represent the whole electorate, and not just those who voted for you; listen, and then represent the views of the community when discussing council business and working with outside bodies;
- maintain proper standards of behaviour as an elected representative of the people.



The code of conduct

The code of conduct adopted by your council is a legal document that guides you, to make sure you maintain proper standards as a councillor. The essence of the code is that you agree to act openly and honourably in the public interest.



You must never use your position to secure personal advantage for you, your family or friends. You must not do

due care and attention

anything that brings the council into disrepute. As a councillor, the code requires that you must:



- promote equality and not unlawfully discriminate;
- treat others with respect;
- provide access to information where appropriate;
- not compromise the impartiality of your council staff;
- not disclose confidential information;
- not use council resources for (party) political purposes or for any other reason unless agreed by the council.



You have a duty to register specific financial and other interests within 28 days of election or co-option to the council. You must register the name of your employer, landholdings in the parish and business interests; you also record your membership and positions of control (such as treasurer) in other organisations. If you are not sure what is meant by the register of interests, then ask your clerk. Your signed **register of interests** goes to the **Monitoring Officer** at the principal authority and the clerk keeps a copy of it. Monitoring Officers can also give advice as they oversee the framework for standards in local government called the **ethical framework**.



As a councillor, you must declare a **personal interest** as soon as you are aware that you might benefit, more than most other people in the parish, from the outcome of a discussion on the agenda. It helps if the agenda gives councillors an opportunity to declare an interest early in a meeting. In addition, if a member of the public (with knowledge of the relevant facts) might think that your judgement of the public

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interest could be prejudiced, then your personal interest becomes a **prejudicial interest** and you must leave the meeting room for that agenda item; this must be minuted. However, if the interest is not prejudicial then you can stay in the meeting, contribute to discussions and vote.

Remember, the rules protect your electors, your council and you as a councillor.



The **code of conduct** is the formal code adopted by your council to guide the behaviour of councillors.

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

The **ethical framework** is the legislation and statutory guidance designed to maintain proper standards of behaviour for people serving in local government.

The **Monitoring Officer** is an officer at the principal authority who oversees the ethical framework.

Personal interests are where you might benefit, more than most other people in the parish, from a council decision.

Prejudicial interests: Personal interests become prejudicial interests if a member of the public (with knowledge of the relevant facts) might think that your judgement of the public interest could be prejudiced.

due care and attention

The **register of interests** is the formal registration of your financial and other specific interests that might affect your decisions as a councillor. Your registration must be signed and lodged with the Monitoring Officer.

6. Rules for employers



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




important for the council to ensure that all staff have a contract of employment. All clerks should be paid (as a minimum) according to the recommendations agreed by the National Association of Local Councils and the Society of




Local Council Clerks. But note, when councillors occasionally act as clerk, they cannot be paid.


Council employees enjoy the full security of the law whether they are full-time or part-time workers. Employment law protects them in terms of pay, pension rights, annual leave and training for example. It protects them from bullying or harassment and discrimination. An agreed grievance procedure ensures that problems 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.


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 Remember, the clerk is employed by the council and answers to the council as a whole. All other staff, although employed by the council, answer directly to the clerk who is their manager and responsible for their performance. These rules and principles should build on mutual respect and consideration between employee and employer.

7. Rules for dealing with public money

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

 Your council should establish a risk management scheme which highlights every significant risk in terms of the council's activities and makes clear how such risks will be managed. This includes investing in proper insurance to protect employees, buildings, cash and members of the public. For example, remember that playgrounds and sports facilities must be subject to regular checks that are properly recorded. It's not just about money, it's about taking care of people.

 As a councillor, you share responsibility for financial management of the council, but the finances are administered by an officer known, in law, as the **responsible financial officer** (RFO). Your role is to ensure that the RFO acts properly

due care and attention



and that the council avoids the risk of fraud, bad debts or carelessness. In particular, as a minimum two councillors must sign every cheque; so, if you are asked to sign, always make sure the request is correct and *never* sign a blank cheque.



As an aid, required by law, your council *must* have its own financial regulations (similar to standing orders) giving details of how the council manages 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 there could be trouble ahead and your council must take action as a matter of urgency.



So the council must have a system of **internal control** where someone, (other than the RFO), keeps an eye on the arrangements for financial management and checks financial documents selected at random. This process of internal control should be appropriate to your council's expenditure and activity. Findings are reported to the council, and together with regular feedback from the RFO on the accounts, all councillors will 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. This form of internal control by the council itself is separate from the audit process conducted by internal and external auditors.



The **budget** is an essential tool for controlling the council's finances. It demonstrates that your council has sufficient

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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 and monitors progress towards what it wants to achieve.



Internal and External Audits

The **internal auditor** is an independent and competent person appointed and paid by the council to carry out checks on the system of control mentioned above. The independent internal auditor cannot be involved in any other way in the 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 acceptable). The internal auditor looks for areas of financial risk and signs a report on the **annual return** (required by law) to confirm that the system of controls is working.



The Government requires yet another audit to be carried out before it is confident that the risk to public money has been avoided. The Audit Commission appoints auditors for all parishes in the county (known as **external auditors**) to carry out the final check.



All but the largest councils with an annual turnover of over £1,000,000, must complete a document called the annual return to confirm that everything is in order. Different signed statements included in the annual return reassure the external auditor that:

due care and attention

- the accounts have been properly prepared and approved;
- an effective system of internal control is in place;
- the council has taken reasonable steps to comply with the law;
- the council has assessed all possible risks to public money;
- a competent and independent internal auditor has been appointed;
- the **accounts** have been publicised for general inspection;
- there are no potentially damaging or hidden issues such as an impending claim against the council;
- significant differences in the figures from the previous year have been explained.

As a member of the council, you have responsibility for making sure that the annual return accurately represents the financial management of 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 statement of *limited assurance*, which means that nothing in the accounts and documents viewed gives cause for concern.

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Value for money



It is essential that the council is seen to provide value for money. If your council is one of the original 41 parish councils with an income of over £500,000 then it must comply with the legal requirements known as **Best Value**. This is a rigorous (and inspected) process by which the council reviews its performance in terms of service delivery and cost to the public. If your council is not one of the 41, then the principles of Best Value, known as the four Cs, still apply.

- Challenge existing services and expenditure (Should we be doing it? Can we do it better?);
- Compete with other providers (Could they do it better?);
- Compare with other councils (How do they do it?);
- Consult the users of parish council services and the wider community (How do they want us to do it?).

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



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

due care and attention

The **accounts** are financial papers including receipts and payments records, statements of income and expenditure and the balance sheet.

Best Value is Government shorthand for a policy designed to ensure that principal authorities and the largest town councils give value for money in service delivery. It operates through a process of performance indicators, performance plans and inspections.

The **budget** is the plan for income and expenditure over the next year. Working papers are designed to help you decide what the budget will be for the next financial year; they should include comparisons with the previous and current financial years.

Internal control is the system by which the council checks the work of the RFO at regular intervals during the year.

Internal audit is the appointment of an independent internal auditor who is competent to review the system of internal control. The **external audit** is where the Government's appointed auditor makes the final check using the **annual return**, a form to be completed and signed by the RFO, the chairman and the internal auditor.

The **responsible financial officer** (RFO) is the officer responsible for administering the council's finances. The RFO is often the clerk.



GO

part three - getting under way

8. Meetings

Councils thrive on meetings. This is where you play your part as a decision maker. The chairman is in charge, and the clerk (or perhaps a deputy) supports the council as it discusses business. The meeting is the council team in action.

Council meetings are formal events, not social occasions.



They have a clear purpose - to make decisions – and are not just talking shops. Furthermore, they are public events; the press and public have a right to observe how the council operates. Exceptions are when sensitive issues are discussed (such as legal, contractual or personnel matters) and then the council can agree to exclude the press and public for just that item.



The council usually makes its decisions in council, committee and sub-committee meetings. Council and committee meetings (and sub-committee meetings) must all be advertised and open to the press and public. The council should decide on a schedule of meetings for the year.

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- 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 once a fortnight without convening a full council meeting.

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

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

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public. A working party cannot make a decision on behalf of the council.



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

Two annual meetings!



If you are elected in May your first meeting will be the **Annual Meeting of the Council**. This is where you elect a chairman and probably a vice-chairman, and appoint committee members and representatives to other bodies. It helps to remember that it 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 and could involve local organisations such as the Womens Institute and the drama group. Strictly speaking electors can set the agenda, and in practice these meetings often celebrate local activities and debate current issues in the community. The chairman of the council calls the Annual Parish or Town Meeting and, if present, will chair it. It is best practice to hold the Annual



Meeting of the Council and the Annual Parish Meeting on different occasions to avoid confusion.

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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 law 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 (handing over tasks) to committees and officers
- voting requirements
- procedures for **public participation**.

Respecting the chairman



The chairman is in charge during council meetings; this is a post recognised in law and must command respect. Remember, the chairman is elected at the Annual Meeting of the Council for one year. Chairmen have a duty to ensure that all decisions are lawful and should take steps to involve all councillors in discussion. It is good practice for the chairman to refer to the clerk for advice.

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In law, 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 has a second, or casting vote, ensuring that a decision can be made.

The chairman often enjoys a special relationship with the public, especially in a town where the chairman is also the mayor. It is the chairman who leads the Annual Town or Parish Meeting (remember, this is not a council meeting) and opens the fete, or welcomes official visitors from abroad. This is one reason why the chairman can receive an **allowance** to support this important public role. If a parish council resolves to do so councillors can also claim an allowance in accordance with the recommendations of principal councils.

Where councillors, clerk and chairman work together as a team they combine energies 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. "Parish pump strikes again...shock horror!" You can imagine the headline.



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




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Public participation is encouraged. It means that members of the public can express their views or ask questions before or during a meeting. It is not part of the meeting itself, however, and the council must agree to adjourn the meeting for that purpose.

The quorum is the number of people who must be present before decisions can be taken. If enough people are present then the meeting is said to be quorate.

9. Being prepared

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

-  At, or before, your first meeting you must sign the declaration of acceptance of office. In law, you are not a councillor until you sign. At the same time you make a written undertaking to observe your council's code of conduct. Before you sign, the clerk must give you a copy of this important document which you must read.
-  At least **three clear days** before each council or committee meeting, you should receive a summons and **agenda**. The three clear days is established in law because it is important to be notified of issues to be discussed. Topics requiring a decision cannot be added to the agenda after the deadline of three clear days has passed; they must wait for another meeting.
- 

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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 “stiles” 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 Smith on the condition of stiles in the parish and to agree action in response to proposals (copy of report attached).



It is actually unlawful to make a decision, especially a decision to spend money, without sufficient (three clear days) warning. Vague agenda items that don't specify exact



business (such as Matters Arising, Correspondence and Any Other Business) can be dangerous and should be avoided, because you never know what decisions might crop up under these headings.



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



The 5 Ws help councillors prepare for a meeting.

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

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The **agenda** is the list of items to be covered during a meeting. In law it identifies the “business to be transacted”.

Three clear days is a term in law. It does not include the day on which the agenda was sent out, nor the day of the meeting; it also excludes bank holidays. It is good practice to exclude weekends.

10. At the meeting



What if you cannot attend? Remember, you have a duty to attend but sometimes things crop up and you are unable to make it. You must contact the clerk with an apology and explanation. A darts match is not an adequate excuse and should not be accepted. Illness or work commitments are acceptable reasons. If you fail to attend any meetings for six months before the end of this period you must ask the council to accept your reason for continued non-attendance. Without formal council approval, you are disqualified: you cease to be a councillor. That is the law.



Remember, if you might gain personal advantage from a council decision, you have a personal interest in the matter. You must admit that personal interest as soon as you are aware of it. If you declare a personal interest, it will be recorded in the minutes.



The big question, if you have declared a personal interest, is whether it is a *prejudicial* interest (and will prejudice your judgement of the public interest). If so, you must leave the

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meeting for that item. Do be careful - councillors must report fellow councillors to the **Standards Board for England** if they breach the code of conduct.

It is, of course, the chairman's job to manage the meeting by introducing agenda items, inviting members to speak, focusing discussion and clarifying matters for decision. Councillors, having engaged in discussion, vote for or against the proposal by a show of hands. Matters to be decided are called proposals or motions and 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. It is good practice to search for constructive solutions and as much common ground as possible.



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!

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The council must advertise the meetings by putting up public notices; electors have a right to attend. You may be wondering when they have their say. They don't – not during the meeting because it is a meeting of the council where councillors make decisions. However, many councils encourage members of the public to speak and ask questions in a short period, (sometimes known as a democratic half-hour) usually before the council meeting starts. Some councils adjourn the meeting (put it on hold) at an early stage instead. In addition, any principal authority councillors and police officers attending would normally contribute while the meeting is adjourned, although the chairman can also invite them to present a report under an agenda item at 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.



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

The Standards Board for England is the Government agency that administers and oversees the framework for standards of behaviour in local government. The principal authority's Standards Committee has an increasingly significant role.

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11. After the meeting

Decisions have been taken and these need to be implemented. If councils just listen to information and talk, taxpayers might ask “what’s the point?”



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



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



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



part four - delivering the goods

12. Services



We have come full circle and return to the issues raised in Part One. The best parish councils want to improve the quality of life and the environment for people on their patch. The Government's Rural White Paper for England (*Our Countryside: the future, 2000*) encouraged parish councils to become more active in service delivery. This section shows how your council can be dynamic and professional in delivering the goods. To achieve these aims, the parish council needs **policies**. The idea that parish councils have policies no longer raises eyebrows; it is expected.



Parish councils can provide many services using their legal powers, from community centres to festivals, allotments to buses. Councils may do almost anything provided they act lawfully (see Part Five for a list of powers).

Parish councils can also provide services in partnership with other bodies, or as their agent. They might manage library services for the principal authority or work with the village hall committee to help local teenagers. Parish councils can offer

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funding, equipment and premises, to help *others* provide services. Giving grants to organisations that run child care, services for the elderly, arts activities, pond clearance or sport can improve the quality of parish life. A modest grant often helps another body to secure further finance from other sources, such as the lottery or the European Union.

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

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



A **policy** is a guide to action. It is a statement (or two) explaining what the council wants to achieve. Sometimes it includes proposals and may also be called a plan.

A **voluntary body** is an organisation established by volunteers; but it may raise money and employ staff to do its work. Your county's local charities and the Rural Community Council are examples.

delivering the goods

13. Town and country planning



Your council's policies 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. Surprisingly therefore, many councils have no policies to guide responses to planning applications. This is a pity; a lack of policies on how to develop and protect the area can result in inconsistent and off-the-cuff recommendations being made to the **planning authority**.

So what part does your parish council play in the planning system? Parish councils have a legal right to ask for copies of planning applications and to express their views to the authority. Most parish 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.



Your council's recommendations on a planning application must fit with the **local development framework (LDF)**, otherwise they will be ignored. The planning authority must, by law, be guided by the statutory documents in the LDF.

The parish 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

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making process are **material considerations** - issues that are, in law, *material* or relevant to a planning application.

GO

Such matters must be taken into account when making a recommendation on a planning application. Material considerations include:

- development plan documents in the LDF
- a site's planning history (including earlier applications)
- accessibility
- traffic
- roads and parking
- archaeology
- a town and parish plan or design statement (see Part One).

STOP

Your personal feelings about the application, or the applicant, are not relevant.

The planning authority is responsible for **development control**, where development is managed through planning applications. The parish 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 parish councils who understand the system and have influence...and there are those that don't.*"

Parish councils can spend hours on development control and forget that it is equally important to influence the policies of

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the planning authority. The most important policies are contained in the planning authority's **development plan**. If your council didn't participate the development plan was discussed, then they may be unpleasantly surprised by the proposals.



A design statement can be a supplement to the planning authority's local plan and can influence development control. Once accepted by the planning authority it becomes **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.



Planning can get people very agitated and the council has a responsibility to represent the whole community – not just people with the loudest voices. Planning, like finance, often spells trouble for the council. The council must ensure that proper procedures are in place. You must have lawful, well-managed, meetings and councillors must stick to the code of conduct – remember those prejudicial interests.



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

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

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

The **development plan** is part of the LDF. It includes the regional spatial strategy and plan documents drawn up by the local planning authorities.

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

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

14. The parish plan

A parish plan is 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. Parish and town plans can be funded through the Rural Social and Community Programme via Rural Community Councils. It is a good idea to draw up a plan, whatever the size of your community.

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A parish or town plan must be developed in consultation with the local community. Remember in Part One we suggested that parish surveys, parish maps, community conferences, design statements and Planning for Real®, 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 policy making, financial regulations say it must have a budget. Policy creates the **B**udget that determines the **P**recept; it is good advice to follow this PBP principle. Remember, the precept is taken from the council tax. Your council should investigate other sources of funding such as grants and sponsorship to help implement its policies; on average, non-precept funding makes up one third of parish council income.



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This is an exciting time to be a parish councillor. Plans and policies will guide you as you seek to improve the quality of parish life.

15. The Quality Parish Council

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

The scheme is open to all parish councils, irrespective of size and all councils are encouraged to attain quality status. By passing several tests the council shows its residents, its principal authorities and other organisations that it meets the minimum standards set out below. A Quality Council is in a better position to influence local decision making processes and take on additional responsibilities from a principal authority if it so chooses. It may also help the council to attract additional funding.

- A Quality Council represents all parts of its community and creates a sense of belonging.
- It provides community leadership and a vision for the future.
- It listens to local people and articulates their needs.
- It works closely with community groups.

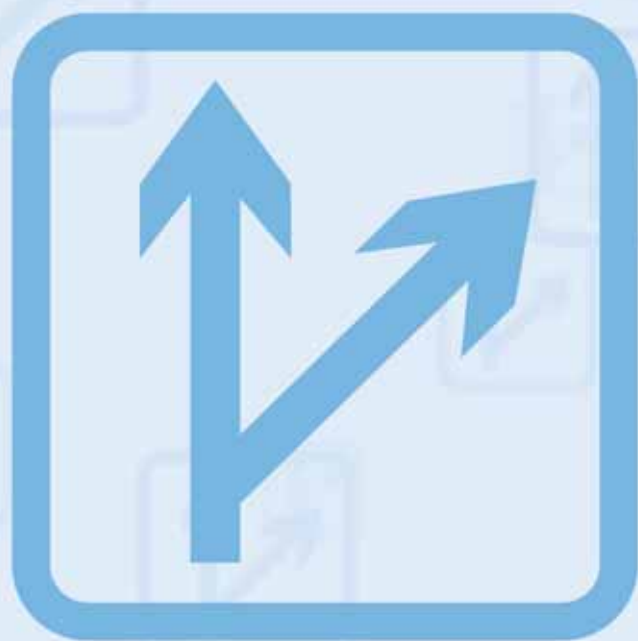
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- It keeps them informed of what it does and why.
- It performs in a professional manner; this means that its finances are properly managed; it conforms to high standards of behaviour; and it is served by a qualified clerk.
- It works in partnership with other organisations especially principal authorities and other parish councils.
- It is committed to ongoing training and development, not only for its staff but
- most important, it is active and elected by its community.



The central idea is that the council has a close relationship with its community and is so active that people want to serve as councillors - hence the elections. It is a vision of democracy at its best; local votes for local people for local action.

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



part five - the toolbox

16. Hazards



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

Risk management allows your council to anticipate where breakdowns and accidents might occur. For example, it is hazardous if councillors, clerk and 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;

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- doesn't listen to and communicate with its community, other parish councils, principal authorities, outside bodies;
- ignores or antagonises the press;
- doesn't have contracts of employment for staff and doesn't pay staff for the hours they work at recommended rates of pay;
- doesn't keep its records in order and lacks a robust system of financial control;
- doesn't manage meetings effectively;
- is not well-informed on topics to be discussed.

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

17. Important documents



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

You are advised to have your own copy of:

- a schedule of meetings for the coming year;
- the council's standing orders;
- the council's financial regulations;
- the code of conduct adopted by your council;
- contact details of councillors and the clerk (but note, only contact the clerk during working hours);

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- the budget for the current year;
- the minutes of meetings that took place during the previous year.

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

- A map of the parish;
- The parish appraisal or survey;
- The parish plan;
- The design statement;
- Your parish council's development control policy;
- Policies for equal opportunities and health and safety;
- Your council's publication scheme for the Freedom of Information Act;
- Procedures for emergencies and working with the media;
- Grievance procedures.

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

- Risk assessment policy;
- Assets register (list of property);
- Lease agreements;
- Insurances;
- The cash book for recording receipts and payments;
- Schedule of council charges and fees for services and facilities;
- Partnership agreements;
- The development 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 parish council;

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- contact details of principal authority councillors;
- contact details of local organisations.

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

18. Sources of advice



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

Organisations

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

The county associations are supported by the *National Association of Local Councils*. NALC provides advice for parish and town councils on legal matters, policy and training. As a councillor you don't go directly to NALC for advice; always ask your clerk first and then suggest that your clerk asks your county association. There is also information available on the NALC website www.nalc.gov.uk

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

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

Publications

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

The Parish Councillor's Guide by Paul Clayden, (the 18th edition published in 2003 by Shaw and Sons), is a quick and readable guide to the law and practice of parish councils with topics in alphabetical order.

Powers and Constitutions of community, parish and town councils and *Standing Orders and Chairmanship* are two valuable booklets published by the National Association of Local Councils. These should be obtained through your county association.

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Useful magazines include:

- *Local Council Review*, the magazine produced by the National Association of Local Councils every two months;
- *The Clerk*, the magazine produced by the Society of Local Council Clerks.

Direct Information Service (DIS), is a fortnightly news bulletin produced by the National Association of Local Councils.

The books below are worth dipping into if you want to find out more about participation and citizenship:

Participation Works! published by the New Economics Foundation in 1998 is an interesting handbook full of ideas for giving local people a voice in community issues. A printed version may be difficult to obtain, but the book can be downloaded from the website www.neweconomics.org

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

The website of the Neighbourhood Initiatives Foundation, www.nif.org.uk provides information about Planning for Real.

The *Commission for Rural Communities*, www.ruralcommunities.gov.uk is a valuable source of

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information on a very wide range of issues including parish plans while Defra www.defra.gov.uk has a site dedicated to community halls.

Training

The body responsible for training in your area is a County Training Partnership. The CTP will arrange training events for councillors; you should tell the administrator (or lead officer) of the CTP what you need in terms of further training. Your county secretary will put you in touch with the lead officer.

If your council seeks *Quality Parish Status*, it must have a qualified clerk. This means that the clerk must obtain either the Certificate in Local Council Administration (a first level qualification) called CiLCA, or the more advanced Certificate of Higher Education in Local Policy from the University of Gloucestershire. The CTP will help your clerk find out what to do. See www.nalc.gov.uk/training for details.

There are many ways in which you can obtain further training. Ask for local training first. All CTPs provide training on chairmanship skills and core councillor skills produced through the National Training Strategy. These modular courses are designed for different levels of experience and your CTP will advise on the most suitable module to attend. Another training option a home study course. For example, *Working with Your Council* (2002 and updated), published by the Society of Local Council Clerks, is a six part course and reference guide. The course was written for both clerks and

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councillors. For further information contact your County Training Partnership (01844 238916 or ntm@slcc.co.uk).

The University of Gloucestershire has a distance learning course called *Local Policy*, specifically designed for people who work with parish and town councils. It provides a professional qualification for clerks and other officers and has been studied by councillors too. For further information contact the University's Department of Natural and Social Sciences on 01242 543291 or nss@glos.ac.uk



List of legal powers

Finally we provide an indicative list of powers and activities to help you appreciate the wide range of activities covered by Acts of Parliament. It is a useful reference when you need to know if the parish council has permission to act.

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Function	Powers & Duties	Statutory Provision
Allotments	<p>Powers to provide allotments</p> <p>Duty to consider providing allotment gardens if demand unsatisfied</p>	Smallholdings & Allotments Act 1908, s. 23
Baths and wash houses	Power to provide public baths and wash houses	Public Health Act 1936, ss 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	<p>Power to acquire, provide and maintain shelters</p> <p>Power to agree to maintain monuments and memorials</p> <p>Power to contribute towards expenses of cemeteries</p>	<p>Open Spaces Act 1906, ss 9 and 10</p> <p>Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s.1</p> <p>Local Government Act 1972, s.214</p>
Bus shelters	Power to provide and maintain shelters	<p>Local Government (Miscellaneous Provisions) Act 1953, s.4</p> <p>Parish Councils Act 1957, s.1</p>

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Bye laws	<p>Power to provide bye laws for:</p> <p>Pleasure grounds</p> <p>Cycle parks</p> <p>Baths and wash houses</p> <p>Open spaces and burial grounds</p>	<p>Public Health Act 1875, s.164</p> <p>Road Traffic Regulation Act 1984, s.57(7)</p> <p>Public Health Act 1936, s.223</p> <p>Open Spaces Act 1906, s.15</p>
Charities	Duties regarding parochial charities	Charities Act 1993 s. 79
Christmas lights	Power to provide to attract visitors	Local Government Act 1972. s.144
Citizens Advice Bureau	Power to support	Local Government Act 1972, s.142
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 enclosure, regulation and management, and providing common pasture	<p>Inclosure Act 1845</p> <p>Local Government Act 1894, s.8(4)</p> <p>Smallholdings and Allotments Act 1908, s.34</p>

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Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip community buildings	Local Government Act 1972, s.133
	Power to provide buildings for use of clubs having athletic, social or educational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to spend money on various crime prevention measures	Local Government and Rating Act 1997, s.31
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts including festivals and celebrations	Local Government Act 1972, s.145
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
	Power to provide parking places for vehicles, bicycles and motor-cycles	Road Traffic Regulation Act 1984, s.57
	Power to enter into agreement as to dedication and widening	Highways Act 1980, s.30

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	<p>Power to provide roadside seats and shelters</p> <p>Power to complain to district councils regarding protection of rights of way and roadside wastes</p> <p>Power to provide traffic signs and other notices</p> <p>Power to plant trees etc. and to maintain roadside verges</p>	<p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, s.130 (6)</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investment	Trustee 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of land</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss.124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	Provision of receptacles	Litter Act 1983, ss.5, 6
Lotteries	Powers to promote	Lotteries and Amusement Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198
Newsletters	Power to provide information relating to matters affecting local government	Local Government Act 1972, s.142

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Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s.260 Public Health Act 1875, s.164
Open spaces	Power to acquire land and maintain	Open Spaces Act 1906, ss.9 and 10
Parish property and documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Public buildings and village hall	Power to provide buildings for offices and for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Parks, pleasure grounds	Power to acquire land or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them	Public Health Act 1875, s.164 (Local Government Act 1972, Sched.14 para.27) Public Health Acts Amendment Act 1890, s.44 Open Spaces Act 1906, ss.9 and 10
Recreation	Power to provide a wide range of recreational facilities Provision of boating pools	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54

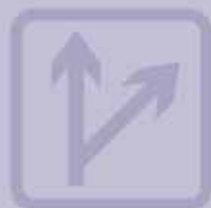
part five

Town and Country Planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para.8
Tourism	Power to contribute to organisations encouraging tourism	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s.30
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s.26-29
Village signs	Power to use decorative signs to inform visitors	Local Government Act 1972, s.144
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s.133
Water supply	Power to use well, spring or stream and to provide facilities for obtaining water therefrom	Public Health Act 1936, s.125

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