

# Penkridge Parish Council

## Induction & Aide Memoire for Councillors

September 2023

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## Introduction

Welcome and congratulations on your election or co-option to serve as a member of Penkridge Parish Council. This guide is to help you understand:

- Your obligations as a Councillor
- Your role as an elected member
- The Council's rules and procedures for the conduct of its business

This guide also contains details of the Council's policies, Standing Orders, Financial Regulations and other documents which you will find offer helpful guidance.

If you have any queries during your term of office please do not hesitate to contact the Clerk who is always willing to help.

The Clerk is normally available Monday to Friday 9.00 am to 5.00 pm, in her absence you can speak to the Assistant Parish Clerk.

The Clerk is your first point of contact for all matters including any complaints, or requests for action or matters concerning the business of the Council.

## Section A – Commencing Your Role

### 1. Declarations of Acceptance of office

On accepting the office of Councillor you will be asked to complete a Declaration of Acceptance of Office. When you sign the Declaration you will undertake to observe the Code of Conduct adopted by the Council so it is essential you have read the code, a copy of which will be sent to you, and about which more details are given at paragraph 3 below.

You cannot participate as a Councillor [including participating in any meetings of the Council, its Committees or as a representative on an outside body] until you have signed a Declaration of Acceptance of Office.

The relevant form will be available at the next Council meeting for you to sign in the presence of the Clerk.

### 2. Registering Financial and other Interests

As a member of a local authority, you are also statutorily required to complete a Register of Pecuniary Interests. This form will be lodged with the Monitoring Officer at South Staffordshire Council and displayed on both the District Council and Parish Council websites as required by law – it is a public document and may be inspected by any member of the public on request. It may also be referred to where there is an alleged breach of the Council's Code of Conduct.

Forms have been sent to you to complete and return to the Clerk within 28 days of your election to the Council. This is a requirement of the code and will enable you to register your Disclosable Pecuniary Interests. Full instructions regarding completion are also included.

The details, which you will need to register, are set out in full in Part 5 of the Code of Conduct for members. You are also required to register such a change to the interests previously registered, within 28 days of becoming aware of such a change. If you have any changes to register at any time, please inform the Clerk to ensure that the appropriate changes are advised to the Monitoring Officer.

Please note that you are responsible for keeping your Register entries up to date. The fact that you have registered a particular interest in writing does not absolve you from making a disclosure of that interest at meetings should circumstances arise. In fact, it should remind you of the need to make a disclosure. Further information on making a disclosure at meetings is given in section D.

### 3. Code of Conduct

As an elected member you are required to consider all matters with an open mind, in an open and transparent process free from an interest. The Council has adopted a Code of Conduct for its Members, which reflects the statutory requirement to promote and maintain these high standards of conduct as required by the Localism Act 2011. The code applies to you whenever you are acting as a Councillor or the public perceive you to be acting as a Councillor and it is essential that you become familiar with its contents as soon as possible.

When signing your Declaration of Acceptance of Office, you undertake to observe the Code and uphold the principles of public life. The importance of this cannot be over-emphasised; breaches of the code may be reported to the Monitoring Officer of South Staffordshire Council who has a duty to consider and investigate potential breaches of the code. If the case is serious enough, it may be referred to an independent panel to make a judgement, which could result in public censure or in certain circumstances a criminal action.

A copy of the Code has been sent to you and further guidance on the code is given in Section D.

### 4. Members' Allowances

The Council has adopted the Local Authorities (Members Allowances) (England) Regulations 2003 for the payment of a Basic Members Allowance. Please speak to the Clerk for further information. Co-Opted members are not able to claim the Members Allowance.

## 5. Freedom of Information (FOI)

The Council is obliged by law to make information on its activities available to the public on request. It maintains a Publication Scheme, which is available to the public and identifies classes of information, which are routinely in the public domain. All information held by the Council is available to the public although in certain cases an exemption may apply which may permit the Council to refuse to supply information.

Information held by Members of the Council is also covered by FOI and therefore Members may be approached to produce their records if a specific enquiry warrants it. This includes notes, answering machine messages, recorded telephone conversations etc and you should seek advice from the Clerk if you have any concerns or are approached by a member of the public for this information.

## 6. Training

The Council recognises that Members and the Clerk should attend regular sessions to update and improve their understanding of matters affecting local government. It supports and encourages Councillors and the Clerk to attend training events, conferences and seminars provided by organisations including the Staffordshire Parish Councils Association (SPCA) and Society of Local Council Clerks.

Examples of training available include

- Code of Conduct
- Councillor Fundamentals/Introduction
- Chairmanship
- Planning
- Finance including budgeting, audit and risk management

Please contact the Clerk for further information on your training requirements.

## Section B – Council Meetings

### 1. Attending your first meeting

Having completed all of the above, the first meeting you attend will be the first meeting after your election/co-option to office. An agenda and papers will be sent to you at least 3 working days before the meeting and you should familiarise yourself with the items for discussion. You may find it helpful to meet with the Clerk and/or Chairman before your first meeting to understand the issues to be discussed.

If you have any queries regarding any item please do not hesitate to contact the Clerk.

### **Calendar of Meetings**

The Council meets monthly on the second Thursday of every month except Bank Holidays. The Council do not meet in August.

A calendar of meetings is published each year and you should endeavour to attend all the scheduled meetings. In addition the Chairman may call additional meetings of Full Council as required. These are known as Extra Ordinary meetings and may be called giving 3 clear days notice.

### 2. The Annual Parish Meeting [Public Meeting]

The Annual Parish Meeting is held in March. It is open to all the electors in the Parish and is chaired by the Chairman of the Council.

### 3. The Annual Meeting of the Council [Policy Meeting]

The Annual Meeting of the Council is held in May. The agenda for this meeting includes:

- The election of Chairman and Vice Chairman for the year
- Confirmation of the Council's Committees
- Appointment of members to the various Council Committees
- Appointment of representatives to outside bodies

### 4. Organisation of meetings

Meetings take place at the Haling Dene Centre]. All meetings start at 7.00 pm unless the agenda states otherwise. Please note that Committee meetings may start at other times and you should always check the date and time before attending any meeting. This information will be at the top of the summons to attend.

An agenda is produced by the Clerk for each meeting, and copies of the agenda and supporting material are despatched to Members generally before the date of the meeting, giving you the statutory 3 clear days notice.

### 5. Agenda, Reports and Minutes

The statute requires that you are 'summoned' to attend a Council meeting. This formal notice will give you the date, time and place of the meeting and will include an agenda and relevant documents to give you details of the items to be discussed and the level of discussion to take place i.e. whether you are considering what action to take, receiving a report, resolving to take action. It is important that you take the time to read these papers before attending the meeting to familiarise yourself with the issues to be discussed.

When you receive agenda and documents for meetings, you will sometimes find a report marked "CONFIDENTIAL". Any information in this report is to be treated as confidential and should not be divulged to anyone who is not a Member of the Council; where the paper relates to a committee meeting this may also include other Councillors who are not on the committee. If you have any doubts, please contact the Clerk who will be able to advise.

After each meeting Minutes are prepared by the Clerk. The Council agenda, together with the Minutes of the last meeting and of meetings of Committees form the basis on which the Council conducts its business.

[The Council also has a system of public participation time at its meetings, where members of the public can raise issues, speak on items on the agenda and question Council decisions.]

If you wish to have an item put on the Agenda for discussion, please contact the Clerk, items are required approximately ten working days before the meeting date.

## 6. Constitution of Committees and Committee Structure

The Council determines its Committee structure at its Annual Meeting in May.

You will receive copies of all papers relating to any of the Council's Committees and non-Members of Committees can attend and observe their meetings. However you will not be able to vote on Committees unless you have been appointed to the Committee by the Council.

## 7. Dress Code

No clothing which brings the Parish Council into disrepute is to be worn at meetings or public events.

## Section C – The Roles of Members [Councillors] and the Clerk

### 1. Introduction

This short note has been prepared with the intention of giving Members of the Council some guidance as to the respective roles of both Members and the Clerk in helping the Council to function, and on how these roles work in practice. For further details please refer to the guidance note issued with this pack.

### 2. The Role of Members

Members are collectively responsible for making Council Policy, for which they are accountable to the electorate.

Members are not directly involved in the day-to-day provision of services to the public. This does not of course mean that there should be no contact between Members and the Clerk on such matters and, indeed, Members may often find that they are asked by electors to pursue matters on their behalf. However, Members have no executive authority, and will need to deal with all matters either through their collective Council membership or in liaison with the Clerk concerning a local problem.

It therefore follows that there are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor. Likewise, a Member must never act "on behalf of the Council" in the organisation of any function or service. Particular care should be taken in letters/comments to the Press, to ensure they understand you speak as a "Councillor" and not on behalf of the Council as a whole. The Clerk, on behalf of the Council, issues Press statements.

### 3. The Role of the Clerk

The role of the Clerk is twofold, for which they are accountable to the Council. Firstly, they are the professional advisor to the Council on matters of policy and, secondly, the executor of Council policy, i.e. in carrying out the instructions of the Council.

The Clerk takes no part in the decision making of the Council except that they provide the independent and unbiased information to support the Council in its decision making.

### 4. How These Roles Work in Practice

Members take decisions on matters of major policy at meetings of the Council, after having considered the recommendations of any Committee if needed. Any Committee will, in turn, have considered the recommendations of the Clerk. Members, take decisions on policy matters of more limited significance at meetings of any Committees, after having considered the recommendations of the Clerk and depending on their delegated powers. Within the framework of policies decided by Members, either at Full Council or Committees level, the Clerk, often in consultation with the Chairman, will take many decisions every working day. Most of these decisions will be concerned with the day-to-day management of services to the public, but others will be concerned with more important matters.

### 5. Statutory Powers and Duties

The Council derives its powers from statute. A few of these are mandatory (i.e. the Council must carry them out) but most are discretionary (i.e. the Council can carry them out if it wishes). In all cases, both Members and Officers must work within the law. The Clerk will act as advisor to the Council to ensure that it always acts legally. From time to time this may mean the Clerk advising members during a meeting to alert members to possible legal issues in the decision-making process.



## 6. Summary

- Members are responsible for making Council policy, but do not have executive authority to make decisions on their own.
- The Clerk is responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out.
- The Council's Terms of Reference determines which Committee, if any, deals with particular matters, and at which level decisions are taken.
- Many matters are delegated to the Clerk, who can make decisions on them working within established Council policies.
- The day-to-day management of services is the responsibility of the Clerk.
- Both Members and the Clerk must work within the law.
- Mutual respect between the Clerk and Members is essential in order for the Council to function effectively. Personal attacks on the Clerk should be avoided [and would be contrary to the Code of Conduct], as, under the convention of Local Government, Officers are unable to defend themselves from such comments in public.

## Section D – Code of Conduct And Declaration of Interests

### 1. Introduction

The law relating to the declaration of Disclosable Pecuniary Interests and Non Registerable Interests is complicated. It is laid out in the Localism Act 2011 and associated regulations but the purpose of this note is to simplify matters as far as possible. There are a number of guidance notes which give more detailed information and can be referred to as particular circumstances arise.

Agenda papers are generally despatched approximately 5 days in advance of the meeting to which they relate. On receiving an agenda, you should check the items of business listed, and consider whether there is a need to declare an interest (and, if so, what type of interest) in any of the items. The Clerk is always willing to offer advice and guidance before (but preferably not on the day of) a meeting, but should not be asked to do so during a meeting.

### 2. Declaration of Interests

During your term as a Councillor you will from time to time have close links to items being discussed. The Council's Code of Conduct requires you to consider these links and if necessary declare a level of interest in the matter and leave the room when the matter is being discussed.

There will be an opportunity at the beginning of the agenda for the Council to notify the meeting of any interest but you also have a duty to declare an interest as soon as you become aware of it later on. This may mean declaring the interest during the discussion rather than at the start of the meeting.

You must state the level of interest and the nature of it and ensure that these are recorded in the Minutes of the Meeting.

### 3. Disclosable Pecuniary Interests

As a Councillor you are required to complete a Register of Disclosable Pecuniary Interests which is held by the Monitoring Officer at South Staffordshire Council and locally with your Clerk. You are required to declare interests held by yourself and your spouse/civil partner under the following headings.

- Employment
- Sponsorship
- Contracts held with the Council
- Land held in the parish (owned, rented or leased)
- Licences with the council
- Tenancy
- Securities and Capital held in bodies which have a place of business in the parish/town

Further guidance and clarification is given in the Code of Conduct Guide for Members which is attached. You will have a Disclosable Pecuniary Interest whenever the Council is discussing something which affects anything on this register and you must declare the interest and are not permitted to speak or vote on the agenda item. The Localism Act 2011 confirms that a breach of this part of the code is a criminal offence with a potential police prosecution and a fine of £5000.

### 4. Non Registerable Interests

During your time in office, the Council will also discuss many things which may have an impact or relevance to yourself, a family member, a close personal acquaintance or an outside body on which you serve. If this interest is financial i.e. would have a financial impact on you, a family member, close personal acquaintance or outside body, you have a Non Registerable Interest. Only you can decide this, but remember it is not whether you think that your judgement of the public interest would be prejudiced, but what a member of the public with the relevant facts would reasonably think. In other words, you must put yourself in the position of an ordinary member of the public and view the situation through their eyes, and not have regard to what you might consider to be your incorruptibility.

If you decide that you do have a Non Registerable interest, you should refrain from speaking or voting when the item is being discussed.

This is a complex area; if you have any queries you should always seek advice from the Clerk who may refer you to the Monitoring Officer or SPCA. You may find the following examples useful:

#### *Example 1 - Planning*

Your neighbour has submitted a planning application. You must declare a Disclosable Pecuniary Interest because the application affects the land which you have declared on your Register. You also have a Non Registerable Interest because the proposal will affect you, your family and neighbours. You must leave the room whenever the matter is being discussed including any discussion during public participation. You rejoin the meeting as soon as the public participation on the application has finished and leave the room again whilst the Council is considering the proposal. Your actions will be recorded in the Minutes.

As a Councillor you are unable to address the Council to raise your concerns/comments. You may write to the Council, ask someone to represent you, and signpost the public to other members of the Council.

#### *Example 2 - Funding Application*

You Chair a local group which has applied to the Council for a grant. The grant affects the financial well-being of an outside body and you will therefore declare a Non Registerable Interest in the item. However, the Code recognises that the Council might benefit from your knowledge and therefore you will be invited to stay during the first part of the discussion to help inform the discussion. The Chairman will then ask you to leave the room whilst the Council makes its final decision.

You rejoin the meeting as soon as the public participation on this item has finished and your actions will be recorded in the Minutes.

If you are in any doubt whatsoever as to whether or not you have an interest, and particularly whether or not it is a Disclosable Pecuniary Interest, you should always err on the side of caution. The Clerk is able to offer advice and guidance on such matters before the meeting, but, as stated above, the decisions on whether or not you have an interest is yours, and yours alone. No other member of the Council can force you to make any declaration, but failure to do so could result in a complaint being made against you.

## 5. Dispensations

At times it may be helpful for the Council to allow a member or members to stay in the room in spite of the declared interest. In certain circumstances, the Council can award a dispensation which either allows you to stay for the discussion or stay for the discussion and vote. Requests must be made in writing and meet one of the statutory criteria. A Guide to Dispensations including how to make a request is attached.

## 6. Gifts and Hospitality

Guidance regarding the acceptance of gifts and hospitality, and the declarations of such, is also included in the Code of Conduct. The Council's Code establishes the policy for gifts and hospitality and you must bear this in mind at all times.

You should treat with caution any offer of a gift or hospitality that is made to you personally, particularly if the person making the offer may be doing or seeking to do, business with the Council, or may be applying for planning permission or some other kind of decision.

In addition to the above-mentioned requirements, you are strongly advised to register all offers of gifts or hospitality whatever the value and whether you accept them or not. You will then be protected in the event of a complaint or enquiry, and South Staffordshire Council's Monitoring Officer will be made aware of inappropriate offers made to Members [especially where a series of lower value offers is made].

## Section E – Further Guidance

### 1. THE GENERAL PRINCIPLES OF PUBLIC LIFE

The following is a list of principles, which the Secretary of State has ordered should govern the conduct of Members. The Code of Conduct is consistent with these principles.

#### **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

#### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

#### **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

#### **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

#### **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

#### **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

#### **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

#### **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

#### **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

#### **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

The requirements of the Code of Conduct can be briefly summarised as:

#### **Do...**

- Follow the Code of Conduct when you are representing the council.
- Be aware of what Disclosable Pecuniary and Other Interests (DPI's) are.
- Keep your register of interests up to date.
- Register gifts and hospitality, received in your role as a Councillor, worth more than £50.
- Treat others with respect.

**Don't...**

- Bring your authority or office into disrepute.
- Use the authority's resources for party political purposes. Compromise the impartiality of people who work for the council.
- Discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- Bully, intimidate or attempt to intimidate others.
- Use your position improperly for personal gain or to advantage your friends or close associates.
- Attend meetings or be involved in decision-making where you have a prejudicial interest- except when speaking when the general public are also allowed to do so.
- Disclose confidential information, other than in exceptional circumstances - refer to the Code of Conduct and our guide if you are unsure.

### Section F – Parish Activities

A Parish Councillor should be actively involved in all Parish events and activities held throughout the year.