

TILSTON PARISH COUNCIL

COUNCILLOR INDUCTION PACK

2023

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SECTION A – GETTING STARTED

1 Declaration of Acceptance of Office

You cannot act in your office as Councillor (including participating in any meetings of the Council or any Committees) until you have signed a Declaration of Acceptance of Office. The relevant form will be available for you to sign before the start of the first meeting of the new Council on May 18th. The first meeting of the new Council is the Annual Council Meeting. (This is not to be confused with the Annual Parish Meeting which may take place at some point during the year). The first item of business at the Annual Council Meeting is the election of the Chair: on election, the Chair must sign an additional declaration of acceptance of this office. No other councillor has to sign more than one declaration.

1. Registering Financial and Other Interests

All members of local authorities are statutorily required to register with their authority various financial and other interests. A registration form is attached for you to complete and return to Marian Hagan, the Parish Clerk within 28 days. This is a requirement of the Code of Conduct (see below). Your completed form will be lodged with Cheshire West and Chester Council's Monitoring Officer who keeps all forms from Parish Councillors on a public register.

You are also required to register any 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 contact the Parish Clerk who will let you have the appropriate form for completion. Please note that Councillors are responsible for keeping their Register entries up to date. The fact that you have registered a particular interest 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.

2. Code of Conduct

The Council has adopted a Code of Conduct for its Members. When you sign your Declaration of Acceptance of Office as a Councillor, you undertake to observe the Code. A copy of the Code is attached. It is essential you read this and become familiar with its contents before you begin to act as a Councillor.

3. Travel Expenses

The Council pays travel expenses for journeys undertaken by Members on Council business. This will be either for public transport costs (second class for rail journeys) or for those using their own cars, a mileage allowance of 45p per mile. No mileage may be claimed for journeys within the parish, and it can therefore only be claimed for part of the journey from the parish boundary onward.

4. Dealing with the Press and Public

The point of contact for the Parish Council is the Clerk and it is to the Clerk that all correspondence for the Parish Council should be addressed. No individual Councillor may be the sole custodian of any correspondence or information in the name of the Parish council, a committee, sub-committee or working party.

The Clerk will issue any press reports/releases from the Parish Council and any quotes contained therein should be Council policy and may be attributed to the Chair of the Council. Other press reporting may be the result of a reporter attending a parish council meeting and an individual Councillor's contribution may be reported.

Councillors who are asked for a comment by the press or members of the public should ask that it be clearly reported that any comments expressed are their own personal view. There may be occasions when a Member can say with confidence that a matter has been agreed as Parish Council policy. It should be noted that once a matter is agreed by the Parish Council, even if there are dissenting voices, the matter is effectively Parish Council policy; any individual Councillor who disagrees with the policy may make this fact public, provided that it is emphasised that this is a personal view.

All correspondence from Members when writing as a Parish Councillor to other agencies should make it clear that the views are the expression of the personal opinions of the writer and not necessarily those of the Parish Council.

6. Contacting the Parish Clerk

Marian Hagan, the Parish Clerk works 6 hours per work and may be contacted by email at clerk@tilstonparishcouncil.co.uk or by telephone on 01829 250303 or 07810195299

SECTION B – COUNCIL MEETINGS

1. Time and Venue

All meetings of the Council are held in Tilston War Memorial Hall, Malpas Road, Tilston starting at 7pm. (unless otherwise notified).

2. The Annual Parish Meeting

The Annual Parish Meeting is not a Council meeting, but a meeting of the Parish electors. The agenda is issued by the Chair of the Council who, if present will also chair it. One of the main items on the agenda is the Annual Report of the Council. Unlike Council meetings, electors may speak throughout the meeting. Members will find it useful to be present. It is the practice of many Parish Councils to hold the Annual Parish Meeting before the Annual Council Meeting.

3. The Annual Council Meeting

The Annual Council Meeting is the equivalent of the AGM. It is held each year in May and the main business of the meeting is the election of the Chair and Vice Chair and the election/appointment to any standing committees, working parties and outside bodies if appropriate.

4. Ordinary Council Meetings

By law, the Council must hold at least four meetings per year, including the Annual Meeting of the Council. In practice, Tilston Parish Council holds a full council meeting on the first Thursday of every second month starting with May.

5. Agenda

The only business which may be transacted at a council meeting is that which is included on the agenda. In law, the agenda is the responsibility of the Clerk, but in practice the Clerk may liaise with the Chair. The agenda will differ in some respects to that of meetings of other organisations ie there will be no catch-all undefined “matters arising,” “correspondence” or “any other business.” This ensures that all Members understand exactly before they come to the meeting what they are being expected to do, because a Council cannot lawfully decide any matter not specified on the agenda. In other words, there should be no surprise items for which councillors are not prepared. Items which appear on the agenda always begin with an indication of what is to be done with the issue, ie. “to receive,” “to discuss,” or “to note” (among others.)

Members may ask for specific items to be put on the agenda but any items must be received by the Clerk by the Monday of the week before the meeting. It is important that Members clearly specify and clarify with the Clerk the exact nature of the item they wish to have placed on the agenda and how they wish the Council to deal with it. Some matters, such as reporting pot-holes, etc. can be brought to the attention of the Clerk between meetings and she can deal with them under delegated powers. The issue and any outcome will then be reported to the Council at the next meeting in the Clerk’s report – this will save time at Council meetings and enable the Council to spend more time on policy matters.

6. Minutes

After each meeting, the Clerk will prepare minutes and these will be sent to Members together with documents for the next meeting. They will appear in “draft” form and remain so until approved by the council.

7. Declaration of Interests

The first item on all agendas is “Declaration of Interests.” In line with the Code of Conduct, all members are required to declare any interests they have in any item on the agenda. Interests may be personal or prejudicial.

Personal Interests

You have a personal interest in an issue if a decision on it could be reasonably regarded as affecting your well-being or financial position more than that of other people in the parish to which the issue relates. You also have an interest if it affects, in a similar way a member of your family, a close associate of yours or your or their employment or business, or certain other bodies or interest which you should have declared in the written register of interests (see Code of Conduct). If you declare a personal interest you may stay and speak and vote on the issue.

However, a personal interest arising from your involvement in either a body to which you have been appointed by the Council or another public body need not be declared unless and until you speak on the issue.

Prejudicial Interests

A personal interest becomes a prejudicial interest if it affects your financial position or relates to a regulatory, licensing, planning permission or similar matter, and a member of the public who knows all the facts would reasonably regard it as being so great that it is likely to prejudice your judgement of the public interest. (See the Code for some possible exceptions).

If you declare a prejudicial interest you must leave the room during the discussion and voting on the item concerned though you can attend the meeting only for purposes of making representations. Answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, after which you must withdraw from the meeting immediately after making such representations.

8. Conduct of Meetings

All meetings are governed by procedures laid down in the Council’s standing orders. The meeting is conducted by the Chair who is in charge during council meetings. All contributions by individual Councillors must be raised through the Chair. The Chair will take speakers in order in which they indicate they wish to speak.

9. Quorum

A meeting cannot take place unless it is quorate. The quorum for a full Council meeting is three.

10. Participation by members of the public

Members of the public and the press can attend all meetings of the Parish Council, though the Council has the power to exclude members of the public and press for items which may be confidential. A resolution is required for exclusion, and this would always appear as an agenda item. The Parish Council has set aside the first 15 and last 10 minutes of each meeting to enable members of the public to speak to the Council. The Council has agreed guidelines covering this participation session. Members of the public may not speak during any other part of any council meeting.

11.Voting

Voting at meetings is to be carried out by a show of hands or, if at least two members request it, by a signed ballot.

12. Apologies for Absence

If you cannot attend a meeting, you are asked to inform the Clerk directly before the meeting. Please do not ask a fellow Member to record your apologies on your behalf. The meeting will be given the reason for your absence and will be asked to approve it.

SECTION C: ROLES OF THE COUNCIL, THE MEMBERS AND THE CLERK

1. The Council

The Parish Council is a corporate body; it has legal existence separate from that of its members. Decisions are, therefore the responsibility of the whole body.

2. Powers of the Council

The Council has a number of powers and duties. Parishes play a major role in influencing the decision of the principal authorities. Councils can choose whether or not to exercise a power but they must carry out a duty. Councils must avoid *ultra vires* -beyond their powers.

3. The Role of Councillors

Members are collectively responsible for making Council policy, for which they are accountable to the electorate. They are not directly involved in the day to day running of the Council. 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 through the Clerk. It therefore follows that there are no circumstances where an individual Member may issue an instruction to the Clerk. Likewise, a Member must never act “on behalf of the Council.” The Protocol on Member/Officer Relations is intended to assist Councillors and the Clerk in working effectively together.

Specifically, your role as a Parish Councillor may be listed as follows:

- Attend Council meetings when summoned
- Prepare for meetings – be familiar with the agenda and become properly informed before the meeting starts
- Take part in meetings and form sound judgements based on what is best for the community
- Abide by majority decisions
- Ensure, with others, that the council is properly managed
- Represent the whole electorate
- Maintain proper standards of behaviour
- Bring local issues to the attention of the council and help make decisions on behalf of the local community
- If you are unable to attend a meeting, you **MUST** give your apologies direct to the clerk either by phone , by email or by letter. It is not advisable to give apologies via a third person.

4. The Role of the Clerk

The Clerk is an employee of the Council and has a written contract. The Council must pay the Clerk’s tax, National insurance and Superannuation. The Clerk works at the lawful direction of the Council to action lawful decisions made at meetings of the Council. The Clerk provides advice, administrative support and takes action to implement council decisions. The Clerk is known as the Proper Officer and the Responsible Financial Officer.

5. Delegation of Powers

As indicated above, Councillors are not permitted to carry out any functions or powers of the council individually. Section 101 of the 1972 Local Government Act specifies that functions or powers may only be delegated to a committee or to an individual officer of the council, usually the Clerk. See Parish Council Roles and Responsibilities..

6. Dealing with Public Money

The majority of the Council's money comes from the precept. Smaller sums of money come from VAT return and bank interest. As a Parish Councillor you are, with others, responsible for the Council's finances. Risk management is important and a copy of the council's Financial Regulations is available together with the Council's latest Annual Accounts.