

ST CLEER PARISH COUNCIL INDUCTION PACK

Background

This document is prepared with new councillors in mind; it is intended to be an aide memoire bringing together a number of documents, specifically but not exclusively

- The code of conduct
- The Standing Orders
- The Officer Member Protocol
- Political practice and assumptions

Books and Guides are available to augment these documents, namely but not exclusively:

- The Good Councillors Guide
- The Good Councillors Guide on Finance and Transparency
- Being a good employer – A guide for Parish and Town Councils

Training is available from Cornwall's Association of Local Council's (CALC) and legislative updates available from the National body; NALC.

Parish Councils are the closest form of government to the people, but Parish Councillors are held to the same standards as an MP or a Councillor in a Local Authority. In many ways observing those standards is more important in small rural areas where contact with other and past councillors is more than inevitable and Council matters are best not used to interfere with an individual's right to a peaceful residence in their community.

In accepting office, Councillors agree to abide by the documents pertaining to the Council. Councillors are not above the law, although the media would give us to understand many politicians have assumed that and been called to task.

Councillors are not enabled to take unilateral action; all decisions must be made in the debating chamber and then owned by the Council as an independent entity. Anything done outside of this must be done as a private person and be mindful of the rules:

- Confidential matters remain confidential
- Employment Law and Criminal Law (to name a two) are above the Parish's statutes
- Councillors are not given a roving brief

The roots of Parish Councils were the worthy coming together to look after their own. The workhouses were referred to as 'Going to the Parish', Parishes would repatriate people to their parish of origin to be 'cared' for. The statutes have been changed over time but are essentially rooted in a long and colourful history

Parish Councils **can be** notorious hotbeds of discord; and the guidelines referred to in this document are intended to mitigate that to the best of the capacity of those charged, in office, to follow them.

The following are all under the remit of local councils:

- Allotments
- Burial Grounds, Cemeteries, Churchyards and Crematoria (where owned by the PC) Closed Churchyards are the responsibility of CC
- Bus Shelters
- Bye-laws – the power to make bye-laws concerning: baths and washhouses (swimming pools), cycle parks, mortuaries and pleasure grounds (Under CC such as PSPOs)
- Clocks – public clocks can be provided and must be maintained
- Community Centres, Conference Centres, Halls, Public Buildings
- Drainage – of ditches and ponds
- Entertainment and the Arts
- Footpaths (CC responsibility managed by some PCs under SLA)

- General Spending – parish councils can spend a limited amount of money on anything they deem of benefit to the community that is not covered by the other specific responsibilities described in this list
- Gifts – parish councils may accept gifts
- Highways – lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Land – acquisition and sale of
- Legal proceedings – power to prosecute and defend any legal proceedings in the interests of the community, power to take part in any public enquiry
- Litter - provision of litter-bins and support for any anti-litter campaigns
- Planning – parish councils must be notified of, and display for residents, any planning applications for the area. Any comments submitted to the planning authority by the parish council must be taken into account
- Postal and Telecommunication Facilities – power to pay a public telecommunications operator any loss sustained in providing services in that area
- Public conveniences – provision and maintenance of public toilets
- Recreation – provision of recreation grounds, public walkways, pleasure grounds, open spaces, village greens, gymnasiums, playing fields, holiday camps and boating ponds
- Rights of Way – footpath and bridleway maintenance (CC responsibility)
- Seats (public)
- Signs – danger signs, place names and bus stops signs (CC provide place names)
- Tourism – financial contributions to any local tourist organisations allowed
- Traffic Calming
- War Memorials
- Water Supply – power to utilise stream, well or spring water and to provide facilities for general use

(from <https://www.localgov.co.uk/Parish-council-responsibilities/29135> accessed on 2.6.18)

Councillor Activity

Councillors are involved in the following activities

- Parish Council Meetings – which is the only place strategic decisions can be made
- Sub Committees
- Working Groups
- Task and Finish Groups
- Volunteering to undertake tasks outside of meetings
- Working with Employees

Councillors may not represent the Council or seem to represent the Council in any manner without having been pre-authorised, usually by resolution or decision.

Sub Committees

These are formal meetings with a chair and vice chair, they have published agendas and minutes and may have a range of tasks delegated to them which means that they are entitled to make decisions within that remit

Working Groups / Task and Finish Groups

On the basis that not everything can be resolved by the debate of meetings these are informal and flexible meetings, without any powers per se. They recommend or sponsor motions at Parish:

- Sometimes a number of councillors will work together to put a motion or develop an idea to put to Council, they may be convened by Councillors or Council. This is a working group.
- Sometimes a Council will ask a group to pull together a specific piece of work like a specification for a tender, this limited focus group is referred to as task and finish group;

It is a mistake to think that these meetings are 'behind closed doors', secret or illegal. The Transparency Regulations are clear that decisions are made properly in Parish Council Meetings by motion and resolution. Because a group has

formed a view or has a consensus does not equate to the fact that there has been pre-determination. Because of this groups must be a subset of the main and the power remains in Council by simple majority votes.

Volunteering to undertake tasks outside of meetings

These range very widely and may include such activities as staff recruitment of the clerk; or with the Clerk. Painting or measuring up benches, letting people into a building.

There is no payment for Council activities such as this.

There are certain activities that Councillors may not volunteer themselves for; such as inspecting lands owned without [prior](#) authority. Councillors do not have a roving commission.

Working with Employees

The Clerk is employed by the Board as a whole. Line management functions like the appraisal and any HR policy implementation is usually delegated to a group or named individual such as the Chair. All other staff are appointed and managed by the Clerk

Councillors are not entitled to comment or critique any staff member in a meeting or other forum as this is contrary to the protection those individuals are entitled to under Employment Law; save when an item is removed to a part 2 or is a restricted item.

Councillors are not entitled to see appraisals, they are however entitled to be briefed by those who have this delegated authority. Information may necessarily be restricted by welfare and other considerations.

Councillors are also not entitled to direct any staff member to act or undertake a task. They have no authority to assert a timeline or make any demand outside of a meeting.

It is said that the Clerk and Chair have a 'special relationship' which respects the fact that whilst the Chair may 'manage' the clerk; the Clerk is charged with giving advice. It takes time and effort on both sides to make the peculiarity of this relationship effective.

MEETINGS

Whilst it may appear differently, the Parish Council meeting is no different to any other government meeting up and down the land and it is covered by a range of rules.

The following is a guide and should over time be augmented with sound working knowledge of the documents mentioned at the beginning of this paper, augmented with training and experience.

It should be noted that not every eventuality is prescribed in the written guidance and that the statute and written word may have different local and regional interpretations.

To enable effective debates

- Members are encouraged to use advanced notice of their thoughts and points, and any supporting information which lends weight to their argument by making motions which are written, circulated in advance, and propose a specific clearly worded motion that a vote can be held against. A template is available but not mandatory
- Should a member request an item be placed on the agenda the motion or resolution intended must be clear from the outset, lack of clarity can result in an item being referred back to the member.
- Written quotes circulated in advance give members opportunity to appraise the costs in full and leads to swifter democracy, it avoids matters being returned to Council over a number of months which members experience as frustrating and inevitably create repetitive debate and longer meeting time spent on an item
- Agenda items that have no vote requirement may be properly referred to a working group for development by the clerk in advance of the meeting, or at the meeting by the chair.
- It is acknowledged that good governance and preparedness requires pre-meeting activity. Meetings with other Councillors, potential suppliers and preparation of this type must not lead to pre-determination. Under transparency regulations the essence of the decision being invested in the meeting is absolutely essential.

The meeting is a debating chamber, under standing orders:

- Making a motion enables you to make a 3 or 4 minute speech with a right of reply, should a motion amendment be proposed by another (See Standing orders in force at the time)
- Each person gets to speak once for up to three minutes, through the chair
- Questions may be asked, there is no requirement to answer or to reach agreement/consensus
- Disagreement of view should not lead to a discussion
- It is noted that debates do not lead to a right or wrong conclusion they lead to a vote.
- A vote ends the debate
- This element of the Council defines it and makes it separate from a collective, which is characterised by consensus.
- Outside of meetings it is more than acceptable for individuals to state their vote and opinion, which may have been contrary to the Motion, however derision of the decision brings the Council into disrepute and diminishes voter confidence. Any such view must be owned by the speaker and presented clearly in their own name

Under the standing orders and in line with the Code of Conduct:

- Respect for the democratic process and for others is the basis of debate
- Members are required to be succinct and are encouraged to prioritise their points within the window of speech to maximise their impact. Leaving important items to the threshold of time is a choice of the speaker and does not **give** the right to time extension
- The chair may allow additional speaking time at their discretion
- How information is conveyed is as important as what is conveyed, members are required to consider their words in such a way as to avoid offence by the recipient and discontent in others.
- It is acknowledged debate gets heated, and should a member in the moment, be remiss in their words, manner or tone, it is the chair's role to draw attention to this. This ought to be accepted as a reasonable request.
- Repeated requests from the chairman to one individual is an indicator of disorderly conduct and a member may be censured or asked to leave the debate, or the debate suspended.

Disagreement supported by the code of conduct

- Should one member observe or consider that another is breaching the code of practice they have a duty to report it and stand by the code, in meetings this means immediate and sometimes direct challenge by motion or through drawing attention to the chair / vice chair
- Should another member not stand by the code, the behaviour will often be considered by that member as acceptable - silence being accepted as implied agreement
- Councillors have power invested in the whole, not individuals, therefore it can be seen as divisive if the individuals defend the code consistently whilst others remain silent
- Disagreement is healthy and a sign of good democracy, how it is handled is a sign of good practice.

The following is a reference or aide memoire to commonly met disagreement issues within meetings:

Unacceptable behaviour / bullying / harassment

CODE OF CONDUCT

Part 2 – General obligations

- 2.1 You must treat others with respect.
- 2.3 You must not bully any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

OFFICER MEMBER PROTOCOL

- 3.7 Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of

their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development.

3.8 Members and officers must not conduct themselves in an unacceptable manner.

It includes harassment which is conduct that is unwanted and offensive and affects the dignity of an individual or group of individuals.

It includes bullying which is a type of harassment consisting of persistent actions, criticism or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual.

When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient's experience rather than the perpetrator's motivation.

- Using aggressive language, threatening, ridiculing, ignoring people, or shouting
- Focusing only on weaknesses
- Threatening or implying that you will cause the person to lose their job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage
- Threatening the council and its members or implying that they will be subject to some form of action
- Using language and/or gestures in such a way that someone fears for their personal safety
- Coercing someone to join the harassment/bullying of another person
- (please see full guidance in the main document – this is an excerpt)

Questions / Arguing / browbeating

STANDING ORDERS

In general:

21. Every question shall be put and answered without discussion.

22. A person to whom a question has been put may decline to answer.

18. Resolutions Moved Without Notice

Resolutions dealing with the following matters may be moved without notice:-

f) To close or adjourn the debate.

o) To silence or eject from the meeting a member named for misconduct. (see order 28 below)

28. Disorderly Conduct

a) All members must observe the Code of Conduct which was adopted by the council, a copy of which is annexed to these Standing Orders.

b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall

- express that opinion to the Council

and thereafter

- any member may move (requires a seconder) that the member named be no longer heard or that the member named leaves the meeting, and the motion, if seconded, shall be put forth with and without discussion.

d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them viz:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be no longer heard or to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;

- vii. to exclude the public and press;
- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

Transparency

OFFICER MEMBER PROTOCOL

5. Members Access to Documents

5. Members’ right to inspect Council documents is restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable members properly to perform their duties for the Council. This is often referred to as the “need to know” principle. However, members do not have a “roving commission” to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.

5.2 A member requesting access to documents should direct their enquiry to the Clerk or other relevant senior officer. Officers will furnish Council members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the officer’s view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.

Employees

OFFICER MEMBER PROTOCOL

33. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 62.)

ST CLEER PARISH COUNCIL - INDUCTION CHECKLIST

Item		Date	Signed
Acceptance of Office	SIGNED		
Register of Interest	COMPLETED AND RETURNED		
Social Media Policy	SIGNED		
Code of Conduct	ISSUED		
Member Officer Protocol	ISSUED		
Induction Document	ISSUED		
Standing Orders	ISSUED		
Financial Regulations	ISSUED		
Motion Template	ISSUED		
Meetings schedule	ISSUED		
Good Councillor Guide	ISSUED		
Transparency Code	ISSUED		