A Parish Council is a statutory Local Authority established under the Local Government Act 1972. It operates in the area of a defined civil parish or group of parishes.

A Council is a corporate body with perpetual succession and a name. Local councillors are often referred to as "Members" – for example in the Code of Conduct.
The number of councillors is fixed by the district (or unitary) council. A parish council's lawful acts, assets and liabilities are its own and not those of its councillors or any other council.

A Council must act within the law.
- It can only spend, raise or use money if it has a statutory power to do so, otherwise it acts ultra vires (beyond its powers). Parish councils have a wide range of powers under different acts of Parliament. Most of these powers are discretionary, i.e. a council **may** do something, rather than it **must** do something.
- Work closely with the standards committee and monitoring officer of the principal council on ethical framework matters and the members' code of conduct.

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

All local authorities must adopt a Code of Conduct which (i) is consistent with the following principles—and **(ii)** includes a requirement on Councillors to register and disclose pecuniary interests, and interests other than pecuniary interests.

What are the Powers of Parish Councils?
Parish Councils have a wide range of powers, essentially relating to local matters.
A Parish Council:
- has the power to raise money by precept (a mandatory demand) on the District Council. The precept is the Parish Council's share of the local council tax; (Public Money)
- must act within the law. It may only do things if it has statutory power to do so; and
- must fulfil certain obligations - for example, it must hold an annual meeting and at least three other meetings a year. Arrangements for meetings and proceedings of Parish Councils are set out in Part II of Schedule 12 to the Local Government Act 1972, as supplemented by any standing orders adopted by the Parish Council.

The Parish Clerk should ensure compliance with, these legislative requirements.
District Council and County Council are obliged by law to consult with the Parish Council on certain matters affecting the parish.

The Role of the Parish Clerk
- The Parish Clerk is the principal executive and adviser to, and (usually also) the officer responsible for maintaining the financial processes and records of, the Parish Council.
- S/he is the Proper Officer and employee of the Parish Council
- Correspondence to a Parish Council should be sent to its Parish Clerk.

As the Proper Officer the Clerk's role is to advise the Council and elected councillors on legal and procedural matters. 'Proper officer' is a title used in statute. It refers to the appropriate officer for the relevant function. In town and parish councils, the proper officer is normally the Clerk. In financial matters, the proper officer is known as the Responsible Financial Officer.
Is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities
Is totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.
The Clerk is responsible for the management of the Council website and Social media pages.
The Clerk must sign the agenda and has the final say on its style and content.
To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council.
To issue correspondence as a result of instructions of, or the known policy of the Council.

The Clerk's primary responsibility is to advise the council on whether its decisions are lawful, to make suggestions and recommend ways in which decisions can be implemented. To help with this, the Clerk can be asked to research topics of concern to the council and provide unbiased information to help the council to make appropriate choices.

To ensure that statutory and other provisions governing or affecting the running of the Council are observed.

The Role of the Parish Councillor

- Parish Councillors are democratically elected to provide strong, confident leadership at the heart of their communities.
- The number of Councillors (or "members") in each Parish Council is fixed by the District Council
- The law prescribes that there shall be at least five councillors in each Parish Council. (Pitsford 9)
- Elections to parish/town councils are held every four years (if applications received exceed the number of member seats an election will be required).
- Where a parish is divided into parish wards, a separate election of parish councillors is held for each ward. (Not Pitsford)
- The Local Government Act 1972 (Section 79(1)) establishes who is qualified to be elected and to be a member of a Parish Council. The Parish Clerk will be able to advise further about these requirements.

Expectations of a Parish Councillor

- Councillors have a **duty** to attend meetings when **summoned** to do so and consider in advance of meetings items that are important to be discussed. (All discussion/debate should be at the meeting).
- To take part in meetings and form sound judgements based on what is best for the community and then abide by majority decisions.
- To participate fully in the formation and scrutiny of the Parish Council's policies, budgets, strategies and service delivery.
- To ensure, with other councillors, that the Parish Council is properly managed.
- Declarations of any interest must be presented and is expected of Councillors as a holder of public office to protect the reputation of the council.
- To keep up to date with significant developments affecting the Parish Council at local, regional and national levels.
- To participate effectively as a member of any committee or working party to which the Councillor is appointed.
- Council decisions will only be made by the full Council, or Clerk acting under delegated authority.
- To maintain proper standards of behaviour and courtesy as an elected representative of the people.
- To fulfil the statutory and locally determined requirements of an elected member of a Local Authority and the Parish Council, including compliance with all relevant codes of conduct and maintaining high ethical standards, (including not disclosing confidential information and not using council resources for political purposes or for any other reason unless agreed by the Council).
- Neither Councillors nor employees should resort to the media to resolve a disagreement.
- To uphold the Parish Council's Standing Orders and ethical standards.
- To produce an annual report to enhance their accountability to the public by providing details of official activities and the contribution made to the effective operation of the Parish Council. (Annual Meeting)

The Role of the Chairman

A Chairman is a Parish Councillor elected annually at the Annual Meeting by the Parish Council from among their Members.

The main rules of law governing the role of the Chairman of a Parish Council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- that the Chairman must preside at a meeting of the Parish Council if he or she is present and;
- that it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

It is the duty of the Chairman

"to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting"

Outside of the Meeting

The Chairman:

- is the person to whom notice of resignation is given by other Councillors or the Clerk;
- may convene extraordinary meetings of the council (on proper notice to the Clerk);
- when attending ceremonial events, is the proper person to represent the parish;
- may receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the council at meetings, or through the delegation scheme, by one of its committees or sub-committees, are to be taken by the Clerk to the parish council.

Voting

During the meeting, if a vote on a matter is tied, the Chairman, or other person presiding, has a second or casting vote.

Whilst it is a convention in some councils that the Chairman will not vote when a matter is put before the meeting and will only use his or her casting vote, there is no rule of law on this and it is becoming a practice little followed. Some councils apply a convention that the Chairman will use his or her second or casting vote in a way to support the status quo and keep the question open for reconsideration at a later date, which is generally considered to be best practice.

The Chairman's term of office continues until the appointment of a successor, other than where the Chairman resigns or is disqualified (Vice Chairman can take over between annual meetings). This continuity also applies when the Chairman has not been re-elected following local elections. Here, the Chairman does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

The Seven Principles of Public life (Nolan Principles)

The *Seven Principles of Public Life* have been amended over the years since they were first established by the Nolan Committee in 1994. They are currently (2015) worded as follows:

- **Selflessness** – Holders of public office should act solely in terms of the public interest.
- **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – Holders of public office should be truthful

- **Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Guiding Principles for Town and Parish Councils and Councillors

As part of local government. Councillors are elected to represent and be the voice of their community.

Democracy is at the heart of government.

- Decisions are made by the majority at a council meeting. Sometimes you win, other times you loose, that is democracy
- All matters should be discussed and decided in a council meeting and not outside meetings.
- Support and promote the democratic process and decisions.
- Everyone has the right to be heard. ALL bullying or harassment is wrong
- Democracy comes at a cost. Elections are a right and money should never enter the equation.

Town and Parish Councils exist to serve their communities.

- Councils need communities, communities do not necessarily need councils. Ignore this at your peril
- Councillors represent all, not just those who elected them, know your community

Get involved it's your Council

- Everyone has a right to participate
- Get elected, Councillors are not volunteers

Know the rules and obey the law

- Get trained; it benefits all, Councillors, Clerks and residents

Respect others

- Treat everyone as you would wish to be treated
- You are only a Councillor in the meeting
- If you have an interest in an agenda item declare it and act responsibly
- Do not be afraid to change your mind or admit that you were wrong.
- Setting a good example speaks volumes

Freedom of Information is a right

- Your residents paid for the information. Publish as much information as possible, as quickly as possible

Never forget it is public money that you are spending

- Ensure there is a clear audit trail

Town and Parish Councils are Corporate Bodies

- They are not the private fiefdom of the Chairman, Clerk, any one Councillor or clique.
- No one Councillor can make a decision on behalf of the council.

Town and Parish Councils are employers

- The Clerk is an employee
- The Clerk is not elected
- The Clerk is responsible to the full council – not to any single councillor.

Communication is a 2 way process

- Listening is as important as talking
- Consultation informs
- Information empowers
- It's a digital age, move with the times