

2016

# THE ESSENTIAL CLERK

AN INTRODUCTION TO LOCAL COUNCILS  
FOR OFFICERS NEW TO THE PROFESSION



**SLCC**

Society of Local Council Clerks

Professional Supportive Innovative

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The National Training Strategy  
for Town & Parish Councils

## Foreword

If you have recently taken up the position of clerk to a parish or town council, I'd like to welcome you to your wide ranging and varied new role. Whilst you may work on your own, there are many like you, serving thousands of councils in England and Wales. When I became a Town Clerk in 2001, I was enormously grateful for the support and advice that I received from my fellow clerks in my first year. There is always someone you can call on and you need never feel alone.

"The Essential Clerk" was the brainchild of Bryan Metcalf FILCM in 2007. It offers new clerks an easy-to-read guide, covering the things you might need to know in your first few months. It will not provide all the answers, but it points you in the right direction so you can find the information you need.

Your professional body, the Society of Local Council Clerks (SLCC) provides support to new clerks through a network of County Mentoring Officers built up by Bruce Poole FILCM, MMC. Their role is to help you settle in and develop the contacts you need. In addition the Society, along with the National and County Associations of Local Councils, provides a wide range of training opportunities and advisory services for you and your council.

I am sure you will find your work rewarding and I wish you every success as a clerk.

*Steve Parkinson*  
*Development Manager, SLCC*  
2016

## Acknowledgements

- Elisabeth Skinner (Academic Leader, Society of Local Council Clerks and formerly of the University of Gloucestershire) played a major part in the writing of this booklet. Elisabeth also wrote Introduction to Local Council Administration or ILCA, the SLCC's e-learning course. You might like to study this course next once you have read this booklet and have settled into your job.
- Joy Darby and the Essex Association of Local Councils provided additional ideas for the original booklet taken from their welcome pack for new clerks.
- Clerks and the SLCC's advisory team contributed material and Sheena Spence (Chief Officer of the Yorkshire Local Councils' Associations) checked style and content at the final stage of writing the first edition.
- National Training Strategy partners and DEFRA provided funding for the original booklet as part of a project to support new clerks as they set out in the job. The Society of Local Councils Clerks has funded the re-writing, design and printing of the 2016 edition.
- Bryan Metcalf (formerly Mentoring Officer of the SLCC) masterminded the original project. Bruce Poole managed the production of the 2013 update and Steve Parkinson led the re-write for 2016.

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## 1

# THE ESSENTIAL CLERK

You have recently become a clerk - a professional officer, working for a local council serving a local community. The health and well-being of the local community is at the heart of everything you do.

You are a vital asset to the council.

You advise the council on legal matters. You administer the council's finances. You organise the council's procedures. You gather information to help the council make decisions. You raise the profile of the council in the local community. You guide the council as it engages with its residents. You negotiate with other organisations. You implement the council's decisions. You manage the council's projects.

Undoubtedly you bring your own experiences, skills and knowledge to your new post, but there is more to learn. This booklet makes a start and provides you with essential knowledge. It's a brief introduction to the work of the council and its lead officer, the clerk. As you ask more questions about your work, we help you search for answers. You are not alone. There is a great network of colleagues out there ready to help. The final section of this booklet shows you how to get in touch. The Society of Local Council Clerks (SLCC) will offer you a friendly local contact to help you find your way around.

## 2 THE ESSENTIAL ROLES

### THE COUNCIL

You have joined a team whose job is to represent the interests of the community. The chairman, councillors, the clerk and other staff are individual members of the council team, each equally valued and working together as a unit. The council is a corporate body – a legal entity in its own right – and you are answerable to the council as a whole.

### THE CLERK AND RFO

You are the council's chief officer – making a significant contribution to the work of the team. It is a professional role requiring specialist knowledge and a range of skills. You are employed by the council to manage its activities and provide administrative assistance and sound advice.

The clerk is normally the 'proper officer' - a legal term meaning the appropriate officer for a specific function. The council must appoint the officers it needs to do its work. The council must also appoint a Responsible Financial Officer (RFO) to manage its finances. The clerk and RFO are often the same person - but not always. If you are not the RFO, you still need to understand the council's finances.

### COUNCILLORS

Your councillors give up their free time to serve the community. They have different skills, experiences and interests and each works in a different way. Councillors contribute to the work of the council by:

- suggesting ideas
- engaging in constructive debate
- interacting with the community
- representing their electors
- behaving in an ethical way
- voting – enabling the council to make decisions.

No individual councillor (including the chairman) can make a decision on behalf of the council.

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## THE CHAIRMAN

You work in partnership with the chairman to guide the council. You should be open with each other, recognise each other's strengths and understand your roles.

It is best practice to discuss the agenda with the chairman before it is sent to councillors. Together you agree its format and ensure that it will not lead to unlawful decisions. The clerk signs the agenda and is therefore responsible for its style and content.

The chairman is responsible for running council meetings. The election of the chairman must be the first item of business at the Annual Meeting of the Council held in May each year - or at any meeting where the chairman and vice chairman are absent. The chairman manages discussion, summarises debate and uses the agenda to help the meeting run smoothly and on time. The chairman often represents the council in a civic capacity and sometimes speaks on behalf of the council.

If a vote is tied, the chairman has a second vote (a casting vote) to make sure that decisions are taken. The chairman can choose whether to use the casting vote except in electing a chairman where the casting vote must be used if there is a tie.

Some councils have a leader as well as a chairman; the leader is head of the main political party represented on the council. A leader has no greater authority than any other councillor.

## THE COUNCIL AS AN EMPLOYER

You are employed by the council as a body and not by each individual councillor. You are valued as a professional officer, an independent and objective employee of the council acting only on the instructions of the council as a whole. The council can delegate to you the power to make decisions on its behalf, especially in an urgent situation. You are then acting as a representative of the council.

As clerk you are normally the line manager of other staff employed by the council. You need to find out how employment law affects your council. In the meantime, here are a few essential points:

- The council should not discuss personal employment matters in public so it resolves to exclude the press and public from a meeting before discussing such matters in confidence.
- The responsibilities of all employees should be set out in a job description attached to a proper contract (Written Statement of Employment Particulars).

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- The council should adopt recommended pay scales and abide by minimum wage regulations.
  - The council should have formal disciplinary and grievance procedures in place.
  - The law protects you from discrimination, bullying, harassment and threats to your health and safety.
  - Every employee should have a probationary period and an annual appraisal to reflect on expectations, achievements, training needs and changes to working conditions.
  - The council is your line manager and normally appoints two or three members to this role.
  - The County Association (CALC) advises the council on employment matters (if the council is a member).
  - The SLCC has a team of employment advisors available to help its members.

The way you express yourself to the public reflects on your employer. All communications should be smart, error-free and well designed. If you are speaking to the media on behalf of the council, you keep to the facts and express the council's view - not your own opinions. Never feel pressured to comment; you can always delay communication until you have more information.

You and your staff should be accessible to the public. If you work from an office, you provide clear opening times. If you work from home, then hold a regular surgery at a public location and use an answer-phone. All councils should have a website, use e-mail and consider social media.

## WORKING WITH OTHER AUTHORITIES

You work with many other organisations, but especially other tiers of local government (principal authorities). Some areas have a single or unitary council; others have two tiers: the county council and a district council, or its equivalent. All councils are independent of each other although they do seek to work in partnership. Principal authorities have many services they must provide by law but local councils have more freedom to choose what they do. As clerk you need to know how to get in touch with the right people at the principal authorities.

### POWERS (CAN DO)

Your parish council is a 'creature of statute'; it is a corporate body established and regulated by Acts of Parliament. Law determines what the council must do (its duties), what it can do (its powers) and what it cannot do. Legal knowledge empowers the council.

In England, some local councils can use the general power of competence (the Localism Act 2011 section 1) which gives an eligible council freedom to do 'anything that an individual generally may do'. A council determines that it is eligible at a full council meeting if it meets two criteria: it must have a qualified clerk and two thirds of the councillors must have stood for election rather than being co-opted. You will learn more about the risks, restrictions and possibilities of the general power of competence when you train for your qualification as a clerk. In Wales councils use the power of well-being instead but spending under this power is limited.

You will also find out more about the council's wide range of powers; for every action there is a power in law allowing the council to spend money. For example, the council can provide:

- A public clock
- A festival
- A camp site
- Footpaths
- Cycle racks
- Cemeteries or burial grounds
- Markets
- An arts centre
- Parks and open spaces



*The Nantwich Societies Spectacular event*



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Section 111 of the Local Government Act 1972 allows the council to do anything that helps it carry out other functions. For example, it allows the council to spend on books, conferences and training.

If the council can't use the general power of competence then it might be able to use section 137 (s137) of the Local Government Act 1972. This allows the council to spend money on anything that benefits its inhabitants (or the area) provided there is no other specific power for that activity. For example, there is no statute allowing the council to spend on health matters so the council can fund a chiroprapist or an air ambulance by using s137. The money spent under s137 must be in proportion to the benefit gained. There is a limit to the amount of money the council can spend under s137 in a year. This means that you must keep an account of all s137 expenditure using a column in your accounts. Search online for the current s137 limit or ask a colleague.

Your council has the power to raise money through the council tax (the precept). A council should raise what it needs to provide the services and facilities that residents expect bearing in mind the impact of the precept on the whole council tax bill.

## DUTIES (MUST DO)

A duty is something that the council must do by law; it has no choice. The council must consider whether there is a demand for allotments – and there is a demand if at least six electors ask for them in writing. The duty to provide allotments is not straightforward. You learn more about this in your training. Similarly the council must consider adopting a churchyard closed by the Parochial Church Council if asked to do so; the parish council can say no, and then the principal authority must take it on. The council must also consider the impact on biodiversity and crime and disorder of any of its activities. It must comply with the law on freedom of information and individual protection (equality legislation, employment law, health and safety and the rules for securing personal data).

Most of the council's duties are rules for procedure or managing finance. You gradually get to know the rules over time. For example:

- The council must hold at least three meetings a year and an Annual Council Meeting in May.
- The council must elect a chairman as the first item on the Annual Council Meeting agenda. The council is advised to have a vice-chairman but this is not a legal requirement.

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- Unless no other suitable venue is available free or at reasonable cost, meetings cannot be held on premises where alcohol may be served by virtue of a premises licence or temporary event notice.
  - At least three clear days beforehand a public notice of the time and place of a meeting must be displayed and a summons to attend must be issued to members of the council.
  - A quorum must be present before a council meeting can take place.
  - Voting is usually by show of hands. Any councillor can ask for the votes to be recorded.
  - The council has a duty to keep a record of its meetings in the minutes.
  - It must allow people to record meetings or use social media during meetings.
  - The council must appoint an independent and competent internal auditor.
  - The council must have rules for deciding how to award contracts.

## DELEGATING POWERS (OR FUNCTIONS)

The council is responsible as a body for its decisions but it can delegate a decision to another party (Local Government Act 1972 section 101). A committee, sub-committee, officer or another local authority can act on its behalf. The law does not extend this privilege to a single councillor, the chairman, a working party or a group of councillors. An officer (usually the clerk as proper officer) is the only individual who can decide on the council's behalf. This is because an officer is independent, objective and professional. Most clerks have the power to act in an emergency. Delegation must be agreed formally by the council in either standing orders or the minutes. There are exceptions; the council cannot delegate precept decisions or approval of the Annual Return.

## CLERK AS LEGAL ADVISOR

It is your job to advise the council on matters of law. It is important to find out what the legislation means and to engage in training to become aware of legal issues. The statutes and related guidance keep on changing. You keep up-to-date by reading publications from the SLCC and National Association of Local Councils (NALC) and following e-forums and social media. Useful contacts include the SLCC's advisory service and your County Associations of Local Council's (CALC) lead officer. Useful reference books are listed in the final section.

## LAWFUL DECISION MAKING

Your job is to ensure that the council uses the correct procedures for making decisions. Many decisions involve spending public money so they must be transparent and inspire confidence. Some procedures are set out in law while others are good practice. Procedures protect the council from legal challenges and help officers to remain impartial and professional. Procedures provide the rules and as in sport, the team works best when everyone understands them.

## AGENDAS

All meetings must be properly convened. The clerk must, by law, send a signed summons to each councillor at least three clear days before the meeting. In law, three clear days does not include the day of the meeting, the day the summons is sent out, Sundays, bank holidays and a few other occasions. It is good practice also to exclude Saturdays. Agendas can be sent by e-mail provided the councillors agree. A summons (rather than an invitation) reminds councillors of their duty to attend. The clerk signs the summons and therefore takes responsibility for its format and the legality of content even though it is best practice to discuss it with the chairman first.

By law the summons must specify the business to be discussed. This means that the council cannot make a decision unless the matter has been specified on the agenda. You find out how to handle unexpected decisions during your training.

At least three clear days beforehand, you put a public notice in a conspicuous place advertising the date, time and place of the meeting. It is good practice to make the agenda public.

There are many variations of style and content for agendas which you design to suit your council. You will find out about best practice during your training. One tip is to express items so that councillors know what they are expected to do, e.g. to accept, confirm, discuss, agree - and tell them as precisely as possible what they need to consider.

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## MEETINGS

A quorum must be present to make a legal meeting. The quorum is at least a third of the total number of members, or three, whichever is greater. A good agenda, with clear supporting documentation, helps the chairman conduct a good meeting where decisions are properly made. Councillors like to use meetings to share information but this should be managed carefully - long reports can be very dull. Meetings should last no more than two hours.

The public can speak at a designated time under the chairman's control and principal authority officers, other guests and the clerk can be invited to speak. The public and press must be welcome at council meetings but the council can vote to exclude them when items such as staff details, contracts and legal cases are discussed. But take care, the council cannot exclude people just because a topic is controversial.

A chairman may call an extraordinary meeting at any time. Under certain circumstances, any two members can also call an extraordinary meeting.

The Annual Parish or Town Meeting is a meeting of the electorate held between March 1st and June 1st. This meeting is compulsory in England but not in Wales. It is not a council meeting although the chairman normally calls the meeting and must chair it if present. There is no set format for this meeting but it could include a presentation of the council's annual report, discussions of ideas for future action, public comment and questions on council performance or a celebration of community organisations.

## STANDING ORDERS

A parish council has its own rules for the routine conduct of its business called standing orders. They include procedures required by law. You can obtain model standing orders for adapting, published by NALC and available from your CALC. Standing orders are agreed by councillors and help the chairman manage the meeting. For example they can establish:

- regular agenda items and the order of business
- the length of time a councillor can speak on an issue
- terms of reference and delegated powers for committees and the clerk
- the length of a meeting or its finishing time.

## MINUTES

The council has a duty to keep records of its meetings which can then be used as evidence in a court of law. Minutes become legal when they are approved by the council and signed by the chairman as an accurate record. This normally occurs at the next meeting. Loose leaf minutes are numbered consecutively and initialled by the chairman on every page.

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Minutes need a clear numbering system for easy reference. Minutes are kept secure for ever, retained by the council or county archive.

The record of decisions must be absolutely clear. You are required to record councillors' votes only if specifically requested to do so. It is good practice to write in bold: It was **resolved** ..... Minutes should be as concise as possible. As a minimum the minutes record the resolution or decision but can include a summary of important points where this adds value. A detailed account of who said what is neither necessary nor advisable.

The clerk should make draft minutes available to the public as soon as possible after the meeting. The availability of the minutes should be explained in the council's publication scheme required by the Freedom of Information Act 2000. This Act ensures that the council's documents are accessible. It is essential (and required by law) to make financial decisions completely transparent.

## COMMITTEES

A committee can have delegated powers to make decisions on behalf of the council. Alternatively a committee can simply make recommendations for the council to decide. A committee can appoint a sub-committee for specific tasks. Councils may set up temporary working parties to work on special topics; these are advisory groups for which there are no set rules. Standing orders or a scheme of delegation should set out the terms of reference for committees. The chairman of a committee is elected at its first meeting and must be a councillor. People who are not councillors can be co-opted onto committees in an advisory capacity but can't normally vote. A finance committee must consist of councillors only. The public must be given notice and have access to committee meetings in the same way as for council meetings.

## COUNCILLORS

There are rules about who can become a councillor, holding elections and what happens if there is a vacant seat on the council. The best source of advice is the Elections Officer at the district council.

The whole council is put up for election every four years. An election can be contested (more candidates than seats) or uncontested. If the seats are contested then a poll must be held. If there are not enough candidates for seats then, after the date of the elections, the council can co-opt people to fill the vacant seats within a specific time. If the council wants to use the general power of competence or gain a Quality or Quality Gold Award then it should make sure that enough candidates stand for election. The election does not have to be contested.

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In between elections councillors may leave for a variety of reasons. If a councillor decides to resign, they must write to the chairman - the chairman resigns by writing to the council. This creates a casual vacancy. You should contact the Elections Officer for guidance. First you follow procedures to find out if electors want to offer a candidate for election (which may be contested or uncontested). If not, after the proper time has elapsed, the seat can be filled by co-option (provided that the four-year elections are more than six months away).

When councillors take their seat for the first time they make a formal declaration accepting the office of councillor. They might also undertake to observe the council's Code of Conduct. A form for the purpose is available from your CALC's lead officer or the Monitoring Officer.

Councillors are disqualified from office if they do not attend at least one meeting of the council during a period of six consecutive months; all meetings count, including working parties, site meetings or meetings representing the council. As the end of the six months approaches, a councillor can ask the council to approve a reason (such as illness) for not attending. If the council approves, then the period of non-attendance can be extended. Councillors give apologies if they can't attend a meeting so that a proper attendance record can be kept.

## ETHICAL BEHAVIOUR

Councillors are expected to comply with the Nolan Principles of conduct in public life: honesty, openness, objectivity, integrity, selflessness, accountability and leadership. The council must have a code of conduct which councillors should follow. The rules for ensuring good behaviour are different in England and Wales.

Each councillor must complete and sign a register of their interests deposited with the Monitoring Officer. In England, councillors break the law if they fail to maintain their register; they also commit a criminal offence if they discuss or vote on a matter in which they have a disclosable pecuniary interest. Pecuniary interests involve money and are explained in law. No-one can instruct a councillor to admit that they have an interest in a matter on the agenda or require them to leave the room during the discussion. This is for the councillor with the interest to decide. The council's standing orders and code of conduct should specify agreed procedures for managing behaviour. You will need to seek more guidance and training on this topic from colleagues.

## PUBLIC MONEY

The council is responsible for taxpayers' money and local people want confidence that it is properly managed. They expect the council to minimise the risks to their money and avoid unwise decisions, bad debts and loss through fraud. You help the council manage its money ensuring that it always has the legal power to act and follows lawful procedures. Transactions must be transparent and councillors should behave with integrity when making financial decisions. Financial management is so important that it is governed by statute and statutory regulations that councils must follow. The Accounts and Audit Regulations are frequently updated. For example, the 2015 Regulations set out

- the need for sound systems of internal control
- the responsibilities of the RFO
- provision for internal audit
- details of the end-of-year accounts and statements
- timings for electors' rights to inspect the accounts.

The council is responsible for setting a budget and regularly monitoring the council's income and spending against the budget. Financial management must be completely transparent to both councillors and members of the public.

You should have the latest edition of the Practitioners' Guide giving detailed guidance on financial management - its full title is *Governance and Accountability for Smaller Authorities in England*. There is a different edition for Wales. Both are available from the Society's website.



### **Saxilby Community Library**

*Saxilby with Ingleby PC in Lincs has relocated the village library to the council's community centre with council staff and volunteers ensuring its continued presence despite county council budget cuts and, at the same time, substantially extending opening hours.*

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## STRATEGIC PLANS AND BUDGETS

Your council should have a plan for the year ahead - the best councils will have a strategy for at least the next three years. The plan covers the council's aims, objectives and actions and shows how the proposals will be financed. The budget sets out more precisely the planned income and expenditure over a financial year from April 1st to March 31st and justifies the precept.

The precept fills the gap between planned expenditure and planned income. It is the council tax which the district council (or equivalent) collects on behalf of the council. The precept should not be a council's only source of income; there are lots of other ways of raising money for local benefit.

The council usually starts work on the budget in the autumn with discussions about the next year's activities and the budget is finally agreed in the new year. The councillors are responsible for ensuring that income and spending are going according to plan so the RFO presents them with a monthly or quarterly statement for monitoring the progress of the budget throughout the year.

## KEEPING ACCOUNTS

The rules are slightly different depending on the amount of money passing through the council's books. For example, councils spending millions (officially over £6,500,000) normally employ a professional accountant to handle their complex needs. Councils with a budget of £200,000 but under £6,500,000 keep income and expenditure accounts but councils with smaller budgets can choose to keep a simpler receipts and payments account.

- A receipts and payment account records the movement of money at the moment when it comes in or goes out.
- An income and expenditure account records a transaction on the date to which it relates although the money may move at a different time.

The daily record is called the cash book although it's probably kept using specialist computer software. Entries in the cash book are made under headings designed to suit the council's activities. There are separate headings for VAT and s137. The account is balanced regularly, say once a month, so that each column and line is totalled and the totals balance. You check the balanced account against the bank statement when it comes in; this is the bank reconciliation. All transactions must be recorded - including invoices, online payments and cheque stubs. Your internal controls include someone who tracks all aspects of a transaction through the records from time to time.



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## AUDITS

There are two audits ensuring that the council has proper systems for managing public money.

- The internal audit is organised by the council and takes place during the year.
- The external audit (or assurance review) takes place after the end of the financial year.

The council appoints an internal auditor who is independent of the council's financial systems and competent for the job. The auditor checks that the council's internal control systems are working and reports problems to the council. The internal auditor's report is included with the council's Annual Return.

After March 31st, the RFO finalises the end-of-year accounts and prepares for the external audit and public inspection. Most councils (with income and expenditure below £6.5 million) complete an annual return with supporting documents to be reviewed by the external auditor. Instructions on the annual return make it clear what you and the council need to do. The council hopes that the external auditor finds nothing causing concern. In England, if the council's annual turnover is below £25,000, it must comply with the Transparency Code for Smaller Authorities and publish the Annual Return and other documents on a website. From 2018 such councils may be able to certify themselves as exempt from audit.

The accounts of all councils must be available for electors to examine. There are rules to follow governing time limits for advertising and arranging inspection. It is vital to keep up-to-date as audit arrangements change over time - further training for clerks and RFOs is essential.

## OTHER FINANCIAL RULES

The council must have its own tailor-made standing orders for financial management. For example, the council must specify how payments are made to make sure that no-one can commit fraud. Remember, the council must not agree to spend money on the spur of the moment (they need three clear days' notice) and individual councillors must never commit the council to spending money on the council's behalf. The council's rules can give officers the delegated power to spend, usually up to an agreed limit.

VAT is complex for councils, who must pay VAT but may often reclaim it and who must sometimes charge VAT. The council must be properly insured and conform to rules on PAYE, National Insurance and auto-enrolment for pensions. You are certain to need further advice, training or specialist help on these topics.

## PLANNING

As a planning authority, the district or unitary council decides planning policies and planning applications that have an impact on your parish. Your council will try to influence those decisions. Its strength lies in local knowledge and its awareness of local opinion. The council needs to understand the planning system if its views are to be heard. Councillors benefit from your advice but the system is constantly changing and you need to keep track of what is happening in your area.

Your council's involvement in the planning system works best if it is based on a good grasp of community views and needs. There are lots of ideas for finding out what people think but surveys and workshops can inform your council's approach to planning.

## DEVELOPMENT CONTROL

Development is defined in legislation and involves changes (including change of use) on, over or under land. The control of development is subject to law and government guidance.

Planning authorities control development by responding to applications for permission to carry out development. Some developments (like small extensions) are automatically permitted while other areas such as Conservation Areas, Green Belts, Areas of Outstanding Natural Beauty and National Parks have special protection. Some buildings are listed and protected for their historical or architectural value. If you have these protections in your area, you need to know what rules apply.

Most planning applications are handled by the planning authority's planning officers. Some are decided by a committee of councillors and occasionally the Government calls in an application and sets up a public inquiry. Sometimes a developer appeals against a decision and if developers don't comply with planning decisions then the enforcement process can be used to sort it out.

## MAKING OBSERVATIONS

You help the council respond to planning applications by writing acceptable observations. The council's comments should relate to planning issues, rules and policies so you should not refer to characteristics of the applicant or the value of property. Permission is usually granted if the development complies with policies of central and local government. Planning matters such as these could be material to an application so the council can object on any of these grounds.

- The site's planning history
- The size of the development

- The development envelope of the settlement
- Landscape adjoining the site
- Infrastructure (services, utilities, roads, parking)
- Traffic impact
- The accessibility of the site
- Rights of way

You benefit from getting to know the planning officers at your planning authority. The planners want quick replies, so your council must make decisions in the time available. The best way is for a small committee with the delegated power to make decisions to meet once a fortnight. Your council should have a facility for looking at planning applications online.

## THE DEVELOPMENT PLAN

The planning authority's policies for development are crucial to decisions about planning applications. Relevant local policies are in the local development plan which must comply with national legislation and guidance. Your council should try to influence the local plan especially where it relates to your own area. If an area is designated for a purpose under the local plan, it is impossible to change it later when the council wants to object to a planning application.

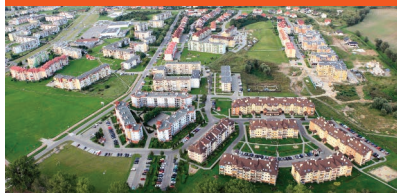
The Localism Act 2011 gave English parish councils the power to create neighbourhood development plans or development orders with real potential to influence development. A neighbourhood plan replaces the local plan as the key development plan for an area although it must be aligned with it. It carries real weight because it has been created in partnership with the planning authority and approved by an independent examiner. It is also given the thumbs up by the community in a referendum. A neighbourhood development order goes through a similar process and effectively enables the community to give planning permission for a specific site. Neighbourhood plans and development orders should be well-researched before a council embarks on them.

The council may prefer to take on a less demanding parish plan which covers a range of social, environmental, economic and cultural issues or a design statement which relates more closely to the use of space in the community. You may be called on to research these different options.



### **Wolvey Wetland Reserve**

*Wolvey PC in Warwicks has converted a disused and often flooded cricket field into a wetland nature reserve of regional significance. Substantial external funding has helped the parish create pools, reed beds, grassland, a stream, boardwalks and a bridge leading to a woodland walk. These are now home to a wide range of plants and a diversity of mammals, birds, amphibians and insects.*



*Over 1,500 neighbourhood plans are being prepared across England*

### BEING ACTIVE

Local councils come in all shapes and forms. Many are very active while others keep a low profile. Some busily deliver services while others lobby for action to be taken by others. All councils work hard to represent local interests but do this in a range of different ways. You should know, even before you apply for your post, what sort of council you might be working for.

Your job is to advise the council on activities it undertakes and help implement its decisions. You might encourage the council to be active, even if it doesn't have a great deal of money. The council can be very effective if it helps other organisations by, for example, providing support in kind, pump-priming grants or low cost facilities. You will help the council work in partnership with others.

The community benefits if the council pools resources and shares activities with community groups, voluntary organisations, business interests and government agencies. A council might join forces with other local councils to make the best use of resources. Most importantly, the council should work closely with its principal authority (or authorities). Some principal authorities have charter agreements with their local councils. A series of community rights were introduced by the Localism Act 2011 to encourage English local communities to be innovative in acting for themselves.

The community right to bid enables local people to put assets of community value (such as a pub or shop) on a register. They then have time to bid for the asset if it is put up for sale.

- The community right to challenge encourages local people to find more cost effective ways of delivering services.
- The community right to build allows local people to create their own plans for development and manage the planning permission process.
- Community budgets pool resources from a range of service delivery agencies and ask local people to decide how those budgets are spent.

The council is in an excellent position to lead on such projects. It represents the whole community; it has access to funding and is accountable to the electorate. Furthermore, it can make the most of its resources by working in partnership with other councils, agencies and community groups.

An active council has plans and projects for the future. How does your council decide what it wants to do for the community? And does the council tell the electorate what it intends to do and what it has done? The council should do everything it can to raise its profile in the community.



#### **Swanley Luna Cinema**

*Swanley Town Council in Kent operate an open air cinema every summer to extend the community spirit.*

## LISTENING

Your council should understand what local people need, what people think and what they will pay for so it listens to its electorate in different ways. Traditional ways of listening include public meetings, encouraging electors to ask questions in a public forum during a council meeting and conducting a parish poll. There are other ways of reaching more people, especially those who lack confidence, skills or awareness of the system and are nervous about speaking out. You might be asked to advise on conducting surveys, running

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focus groups, creating a citizen's panel, or organising community conferences. These are ways of engaging the community that you might explore in time.

The best councils recognise that people often express a view if you chat to them one-to-one, but remain unheard when the community is asked to speak out. The council will find ways of helping everyone, even the quiet ones, influence decisions if they wish to do so. Nobody should feel disadvantaged or excluded from either the community or the political system.

If the council encourages people to get involved, then maybe they will recognise that the council is theirs. They might even be interested in serving on the council; at the very least, people feel a greater sense of belonging to the local community.

## THE LOCAL COUNCIL AWARD SCHEME

This scheme (in England) encourages councils to show they have the qualities required for serving the local community. An accreditation panel of peers assesses a council's application, checking that it meets agreed standards of good governance, community engagement and council improvement. There are three levels of award that help the council improve over time.

- A Foundation Award indicates that a council has met minimum standards of working.
- A Quality Award shows that a council meets standards of good practice.
- A Quality Gold Award goes to the best councils at the forefront of innovation and service.

The scheme makes sure that a council is aware of all its legal requirements, plans actively for the future of the community and has a good understanding of the sensitivities of community engagement. It challenges the council to promote the democratic process, to raise its profile and pursue improvement for all councillors, staff and the council itself. Once the council has an award it should be better placed to negotiate with principal authorities and gain respect for partnership working. Sometimes councils with an award find it easier to gain funding.

You can find out more about the scheme from your CALC or from the NALC website. If your council already has an award, you will need information on seeking a fresh accreditation in due course.

## ADVICE

Whether or not you are working alone, you might feel isolated from time to time, but the network means that there is no need to feel alone for long. **The SLCC:** The Society of Local Council Clerks is your professional body providing a wealth of support; it is recommended that you join. A membership application form can be obtained from the office at Taunton (01823 253646) or from the website ([www.slcc.co.uk](http://www.slcc.co.uk)). Membership gives access to:

- The SLCC website with lots of good information
- The SLCC national e-mail forum
- Copies of The Clerk magazine
- Training
- Regional and national conferences
- The Clerks' Manual
- Branch meetings and local 'get-togethers'
- Access to the support of experienced clerks and branch officers
- The SLCC advisory service, including national specialists
- A friendly clerk who is your first local point of contact

Clerks are usually a friendly bunch and very ready to help. There are many ways of finding out the contact details of the clerks in your locality. The SLCC, County Association or your principal authority has a list.

Your friendly local contact helps you find your way around by pointing out who can help whatever the subject. You simply need to ask. Your contact can also help if you need to discuss the intricacies of your job and will point you in the direction of training appropriate to your needs.



*A recent SLCC Branch meeting*

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**Your CALC:** Your council should be a member of the county's Association of Local Councils (CALC). The CALC's chief officer is a source of advice - the first port of call on matters of concern to the council as a corporate body. The National Association of Local Councils (NALC) keeps your CALC up-to-date with information on legislation, policy and guidance. You can find your CALC listed at [www.nalc.gov.uk](http://www.nalc.gov.uk) together with more information and useful links.

## TRAINING

There are many opportunities for learning more about the work of local councils. The SLCC offers an induction course for new clerks called ILCA (Introduction to Local Council Administration) aligned with Level Two of the National Qualifications Framework. It's an e-learning course designed to be flexible for you to learn when and where you wish. Your CALC may also provide a basic introductory course for clerks. It is highly recommended that you pursue both these options.

The Society also arranges a broad programme of short Continuous Professional Development (CPD) courses with topics relevant to your work. You can express an interest in subjects via the website.

You should become a qualified clerk by taking the Level Three qualification designed for local council officers called CiLCA, (Certificate in Local Council Administration). Local trainers provide courses to help with your CiLCA portfolio but you are advised to learn 'the knowledge' first, perhaps starting with ILCA. The council can't aspire to a Quality Award or use the general power of competence unless it has a clerk qualified by CiLCA or Community Governance. Community Governance builds on CiLCA; it is a higher education programme at Levels 4 and 5 provided by the Society with awards from the University of Gloucestershire. You can take single CPD modules or study for the Certificate of Higher Education or Foundation Degree.



*Delegates at National Conference 2015*

You will find detailed information on all the SLCC's training, conference and education programmes on the website [www.slcc.co.uk](http://www.slcc.co.uk). If your council is a good employer it will support your training. It is a sound investment and the council will benefit enormously. The council should have money in the budget to cover the costs of both your training and training for councillors.



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## INFORMATION SOURCES

As legislation and guidance for local councils is frequently changing, it is essential to keep up to date by referring to the SLCC magazine, *The Clerk*, and regular news bulletins on the SLCC website. *The Clerks' Manual* published by the SLCC contains practical information for clerks and is updated regularly. The council should also be a member of the CALC and have access to its information.

It is essential to have the latest *Governance and Accountability for Local Councils: A Practitioners' Guide England (or Wales)* with details of financial management, available online from the SLCC.

*Local Council Administration* by Charles Arnold- Baker and Paul Clayden (latest edition) contains legislation for easy reference although legislation is also available at [www.legislation.gov.uk](http://www.legislation.gov.uk). The CALC and SLCC both charge a good price for this book.

*Local Councils Explained* by Meera Thermarajah of the National Association of Local Councils is helpful and contains model standing orders. A similar set of model financial regulations for the council is available and both models can be obtained electronically.

*The Good Councillor's Guide* is a booklet written for councillors providing another introduction to the work of a council and including a list of local councils' powers. Copies are available from your CALC or it can be downloaded from the NALC or SLCC websites.

## LOCAL KNOWLEDGE

Councillors can fill you in on local knowledge but, if possible, speak to the previous clerk and ask for:

- Contacts at district, county (or unitary) authorities
- Contact details for the internal auditor
- A calendar of tasks and meetings (what to do and when to do it)
- An explanation of how the filing system works
- Pointers to the archives and storage of important documents
- A note of local issues of which you should be aware.

As you learn, you may want to change council practices. Do take it gently; you might be unpopular if you move too fast. Your role is to ensure that the council acts lawfully, so a degree of assertiveness may be inevitable once you discover the top concerns. Prioritise unlawful procedures and easy amendments and then look at bad practice and more difficult tasks. It helps to have the chairman's support so once you are well-informed about what is needed you can talk it through together.

Meanwhile the job can be varied and stimulating. Do remember that you are not alone and there are many people ready to help. The tips below come from experienced clerks who speak directly to you about their work, suggesting what they would like to have known when they were in your position.

- Read the minutes of the last few council meetings to find out what has happened recently.
- Get a feel for the council's standing orders so that you can refer to them when needed.
- Find out if the council has a strategy and read it.
- Don't be aggressive but do be assertive. You are the legal advisor and proper officer to the council and have a duty to ensure that your council acts within the law.
- Be amicable with councillors but keep things professional. Treat all councillors equally.
- Ensure you have adequate storage for documents if you are working from home.
- Sometimes telephone someone before sending a letter to ease its path, maintain good relationships and get a response - especially if the letter begins 'My council has resolved that I write to you...'
- If you work at home, an extra telephone line with an answering machine is useful. Most things will wait and you are not on duty 24 hours a day, seven days a week.

Good luck with your new role. You will never know everything; you continue to learn throughout your career. This is what makes the job so interesting.



