



*The Council of the
Parish of Esh*

ESH PARISH COUNCIL

Policy, Procedure, Application Form

&

Information for newly co-opted

Parish Councillors

Adopted March 2019

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Policy, Procedure & Application form

1. In the event of a resignation or another reason for creation of a vacancy the clerk will immediately contact the Local Authority electoral registration office on the effective date of the vacancy and request the initiation of the advertising of the notice of vacancy.
2. If this advertisement does not initiate the 10 signatures of electors in the period of time required by legislation (at present 14 working days) then proceed to the co-option process step 3, otherwise the election process will be followed.
3. Publicity posters advertising the vacancy will be advertised within 21 days of being advised by the Returning Officer that there has been no call for a by-election.
4. The co-option notice will include the final date for acceptance of requests for consideration (35 days after the date of notice) and the number of vacancies
5. The notice will be placed on the parish council's website and notice boards.
6. The co-option process will be put into the parish newsletter when possible.
7. Members may point out the vacancies and the process to any qualifying candidate(s).
8. Candidates found to be offering inducements of any kind will be disqualified.
9. All candidates will be expected to put their request for consideration in writing using the Application Form, with the following additional information: - reason for wishing to be councillor, previous community/council work, and other skills they can bring to the council. It will be a condition of membership that a means of contact by telephone and/or e-mail will be public information. Application forms will be available from the Clerk and via the website.
10. Any candidates who have brought the council in to disrepute, either directly or indirectly, will not be considered. This is to protect the community that the council represents and the staff employed by the council. This decision is final.
11. Candidates will be invited for interview. This will be carried out during the parish meeting and will be subject to five minutes. The process will be carried out by adjourning the meeting to allow the candidates to speak.
12. Discussion with a view to co-option will take place in council session without intervention from the candidates or public.
13. The council is not obliged to co-opt any candidate but will provide reasons for such a decision. This will be in writing and not open for discussion.
14. A vote will be taken either by a show of hands or by signed ballot, whichever is requested by a majority of members; all candidates will be considered. The chairperson has the power to cast two votes.
15. The applicant with the least number of votes cast will be ruled out and the vote taken again and again etc. until the number of candidates equals the number of vacancies.
16. Candidates will be furnished, either as paper copy or e-mail, with a full agenda of the meeting at which they are to be considered for selection with the Members' Code of Conduct and Standing Orders of the council. The successful candidates will immediately sign their Declaration of Acceptance of Office and can then act as councillors. They are to be reminded that their Register of Interest must be filled in within 28 days and passed on to the District Council's monitoring officer. Subsequent to the meeting a copy of the Induction Folder will be issued to the newly co-opted member(s) and arrangements will be made for induction training.
17. Council members will be provided with an eshparishcouncil.gov.uk email address, subject to the Information Technology and Communications Policy.

Co-option Supporting Information

There are no educational qualifications needed to become a parish councillor, however as the Parish Council is a statutory body, to stand validly nominated you must fulfil the following:

You must be:

- 18 years of age or over at the date of application;
- A Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community; and
- A local government elector within the parish; or
- Have worked in the parish for the last 12 months; or
- Have lived in the parish, or within 3 miles of it, for the last 12 months; or
- Owned land/property in the parish area for the last 12 months.

You cannot stand if you hold a paid office or any other position of profit with this Parish Council or if you are disqualified from being elected by reason of any disqualification set out below.

You cannot stand if you have been:

1. Surcharged by the District Auditor for £500 or more.
2. Disqualified by a court from holding public office.
3. Declared bankrupt at some point in my life.
4. Convicted of an offence where the sentence of imprisonment was more than 3 months (even if sentence suspended)
5. Found guilty of corrupt or illegal practices under Election Laws.

It is desirable for members to have an interest in and understanding of local affairs and the local community, with a willingness to represent the Council and its residents and the ability to communicate clearly and effectively. Members should be willing and able to work with the parish council's partners such as local charities and voluntary groups, other parish councils and principal authorities as well as with fellow members.

The Parish Council's Members' Code of Conduct, provided with this application form, relates to the standards required of members of the Council and includes an outline of the Ten General Principles of Public Life.

If your application to be co-opted is successful you will be required to complete the Members' Register of Interests. The completed forms are held by the Monitoring Officer at Durham County Council and are published on both councils' websites. A blank copy is provided with this application form.

As a councillor you will be expected to attend all scheduled meetings; the Parish Council meets 11 times per year and committees meet as scheduled, reporting to the full council. Basic councillor training will be available.

APPLICATION FOR CO-OPTION TO THE COUNCIL OF THE PARISH OF ESH

Please complete this form and return to the office **with a covering letter detailing how your experience and skills will be of benefit to the Parish Council**. You are deemed to have read and understood the attached Co-option Supporting Information

1. NAME : (Mr / Mrs / Other)

.....

2. ADDRESS:.....

.....

3. e-mail address:.....

Telephone: landline..... / **mobile**.....

4. **Qualifications** (as provided in the Local Government Act 1972, s79):

5. **You must:**

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
- meet at least one of the following four qualifications:

6. **Please tick as many as apply to you.**

1. You are, and will continue to be, registered as a local government elector for the parish/community in which you wish to stand from the day of your application onwards.
2. You have occupied as owner or tenant any land or other premises in the parish/community area during the whole of the 12 months before the day of your application.
3. Your main or only place of work during the 12 months prior to the day of your application has been in the parish/community area.
4. You have lived in the parish/community area or within three miles of it during the whole of the 12 months before the day of your application.

7. **Disqualifications**

Please review the disqualifications listed in the Supporting Information. Actively submitting this form means that you meet the above qualifications and, having read the list of disqualifications, you confirm you are suitably qualified to hold office as a parish councillor.

Signed

Date.....

Remember to include a covering letter detailing how your experience and skills will benefit the Parish Council

1 Introduction

Welcome to Esh Parish Council.

The purpose of this Induction Pack is to give you information in order that you can carry out your work as a new Councillor efficiently and effectively.

The forms and information included are:-

- Declaration of Acceptance of Office
- Interests Form
- The Good Councillor's Guide

In addition you can view the following on the Council' web-site at www.eshparishcouncil.org.uk

- Esh Parish Council's Code of Conduct
- Esh Parish Council's Standing Orders
- Esh Parish Council's Delegation Scheme
- All Council's Policies and Protocols

Website currently under construction these are available from the Clerk upon request.

2 Declarations 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 is included in this pack for you to sign in my presence. Please note that when you sign the Declaration you will undertake to observe the Code of Conduct adopted by the Council so it is essential you have read the Code, a copy of which is attached, and about which more details are given at Paragraph 3 below.

3 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 me within 28 days. This is a requirement of the Code and will enable you to register your financial and other interests. Full instructions are given on the form regarding its completion. I will ensure that the form, when complete, is lodged with the DCC's Monitoring Officer who keeps all forms from Parish Councillors on a public register.

The details, which you will need to register, are set out in full in Part 3 of the Code of Conduct for Members. 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 inform me so I can arrange for Cornwall Council to forward 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 in writing, does not absolve you from making a disclosure of that interest at meetings should circumstances arise. In fact, it should remind you of the need to make a disclosure. Further information on making disclosures at meetings is given in Section D.

4 Code of Conduct

The Council has adopted a Code of Conduct for its Members, which reflects the compulsory model code prescribed by the Government.

When signing your Declaration of Acceptance of Office as a Councillor, you undertake to observe the Code. The importance of this cannot be over-emphasised, particularly as breaches of the Code are liable to be reported to the Durham County Council Standards Committee. They must consider complaints and these may be investigated and if a case is serious enough, it may be referred to an independent panel to make a judgement, which could result in the suspension of the person concerned or to the disqualification of the person as a Councillor for up to five years. Members are under a duty to report any perceived breach of the Code. A copy of the Code is attached. It is essential that you read this, and become familiar with its contents, before you begin to act as a Councillor.

5 Meetings

5.1 Attending your first meeting

The Council meetings are held on the 2nd Tuesday of each month (except August) at 7pm in the Miners Institute, Langley Park.

An agenda and papers will be e mailed to you on the Tuesday/ Wednesday before each meeting.

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

5.2 Annual Parish Meeting

The Annual Parish Meeting is not a council meeting. It is a meeting of the Parish electors.

Strictly speaking electors can set the agenda, and in practice these meetings often celebrate local activities and debate current issues in the community. Members will therefore find it useful to be present. This is usually held on the 2nd Tuesday in May.

The Chair calls the Annual Parish Meeting and, if present, will chair it.

5.3 Annual Council Meeting AGM

This is held in May of each year and is the meeting to elect the Chairman (always the first item of business), the vice chairman, committees etc. It is also good practice to adopt the Standing Orders, agree the Chairs Allowance, and other standing items as appropriate.

5.4 More about meetings

5.4.1 Calendar of Meetings

The Parish Council meeting dates are the 2nd Tuesday of every month – apart from August.

5.4.2 Organisation of Meetings

Meetings take place in the Miners Institute. All meetings start at 19:00 unless the agenda states otherwise.

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

5.4.3 Agenda, Reports and Minutes

When you receive agenda and reports for meetings, you will sometimes find a report marked "CONFIDENTIAL". Any information in this report is to be treated as confidential and should not be divulged to anyone who is not a Member of the Council.

After each meeting Minutes are prepared by the Parish Clerk. These are circulated to Members before the next meeting where possible. The Council agenda, together with the Minutes of the last meeting and of meetings of any special meetings forms the basis on which the Council conducts its business. The Council also has a system of public participation time at its meetings.

5.4.4 Constitution of Committees and Committee Structure

Members of Committees will be determined by the Council at its Annual Meeting.

5.4.5 Who to contact

The Parish Clerk will deal with any complaints, or requests for action or matters concerning the business of the Council and report any actions to the next meeting of the Council.

6 Members' Allowances

The Council has not adopted the Local Authorities (Members Allowances) (England) Regulations 2003 for the payment of a Basic Members Allowance. However, the Council can make payments in respect of Parish Travelling and Subsistence Allowance (Regulation 26) for approved duties. "Approved Duties" include Members attending training events or attending meetings as a representative of the Council and need to be specifically approved by the Council in advance. Please ask the Parish Clerk for a claim form if you wish to claim travel allowances at any time, please note, this is for elected members only.

7 Freedom of Information (FOI)

The Council is obliged by law to make information on its activities available to the public on request. It maintains a scheme known as a Publication Scheme, which is available to the general public and this contains classes of information, which are routinely available to the public. From January 2005 all information held by the Council will be available to the public except that in certain cases an exemption may apply which could enable the Council to refuse to supply information.

Information held by Members of the Council will also be covered by FOI and therefore Members may be approached to produce their records if a specific enquiry warrants it.

8 Roles: Introduction

This short note has been prepared with the intention of giving newly elected Members of the Council some guidance as to the respective roles of both Members and the Clerk in helping the Council to function, and on how these roles work in practice.

8.1 The Role of Members

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

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

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

8.2 The Role of the Parish Clerk

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

8.3 How These Roles Work in Practice

Members take decisions on matters of major policy at meetings of the Council, after having considered the recommendations of the Parish Clerk. Within the framework of policies decided by Members, the Clerk, often in consultation with the Chairman, will take many decisions every working day.

Most of these decisions will be concerned with the day-to-day management of services to the public, but others will be concerned with more important matters.

9 Statutory Powers and Duties

The Council derives its powers from statute. A few of these are mandatory (i.e. the Council must carry them out) but most are discretionary (i.e. the Council can carry them out if it wishes). In all cases, both Members and Officers must work within the law.

9.1 Summary

- Members are responsible for making Council policy, but do not have executive authority.
- The Clerk is responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out.
- The Council's Terms of Reference determines which Committee, if any, deals with particular matters, and at which level decisions are taken.
- Many matters are delegated to the Clerk, who can make decisions on them working within established Council policies.
- The day-to-day management of services is the responsibility of the Clerk.
- Both Members and the Clerk must work within the law.
- Mutual respect between the Clerk and Members is essential in order for the Council to function effectively. Personal attacks on the Clerk should be avoided (and would be contrary to the Code of Conduct), as, under the convention of Local Government, Officers are unable to defend themselves from such comments in public.
- Circumstances may arise when legal intervention is sought to protect the staff from members or the public making defamatory slanderous comments either in person, written correspondence or online.

10 Interests:

10.1 Introduction

The law relating to the declaration of personal and prejudicial interests in meetings is complicated. The purpose of this note is to simplify matters as far as possible, and to advise Members of where to find the more detailed information, which they will need to refer to as, particular circumstances arise.

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

10.2 Declarations of Personal Interests or Prejudicial Interests at Meetings

If you have a personal or prejudicial interest in an item under consideration at a meeting, you must declare that interest verbally and say what the nature of interest is. You must do this as

soon as practicable after the commencement of the meeting, (or as soon as practicable after your arrival if you are not present at the start, even if the item in question has been considered). This is a requirement of Standing Orders, and is aimed at ensuring that all such declarations are properly recorded in the Minutes of the meeting.

If your interest is prejudicial, you must retire from the meeting room when the item in question is considered after being offered the opportunity to answer any questions or speak on the matter in question.

As to when there is a need to declare a personal or a prejudicial interest, Members should refer to their copy of the Code of Conduct. It will be seen from the Code that declarations may be appropriate even when the Members' interest is only indirect (for example, it could be an interest of a spouse or other family members, or could relate to friends or to membership an organisation.) Any failure by a Councillor to disclose a personal interest in a matter which is considered at a meeting of the Council (including meetings of any Committees and Sub-Committees) is a breach of the Code.

The circumstances in which you may be required to disclose a personal interest are complex, and you must therefore read and become familiar with the contents of the Code. Briefly, however, a personal interest is one which affects the Member concerned more than most other people in the area; this includes those who live, work or have property in the Council's area. Members will also have a personal interest if various people or bodies listed in the Code, and connected to them, are similarly affected. This includes their partner, relative or a close personal friend. The rule of thumb is that it is not enough to avoid actual impropriety, but that you should avoid any occasion for suspicion or any appearance of improper conduct. If you are in any doubt whatsoever, it is better to err on the side of caution, and make a declaration of an interest, and retire from the meeting if the type of interest declared so warrants.

Having declared a personal interest, you must then decide whether or not the interest is prejudicial, (i.e. would a member of the public with the relevant facts reasonably regard your interest as so significant that it would be likely to prejudice your judgement of the public interest). Only you can decide this, but remember it is not whether you think that your judgement of the public interest would be prejudiced, but what a member of the public with the relevant facts would reasonably think. In other words, you must put yourself in the position of an ordinary member of the public and view the situation through their eyes, and not have regard to what you might consider to be your incorruptibility.

If you decide that you do have a prejudicial interest, you must withdraw from the meeting room after being given the opportunity to answer questions or comment on the proposal. Again, your withdrawal from the meeting will be recorded in the Minutes.

If you are in any doubt whatsoever as to whether or not you have a personal interest, and particularly whether or not it is a prejudicial interest, you should always err on the side of caution. The Clerk is able to offer advice and guidance on such matters before the meeting, but, as stated above, the decisions on whether or not you have an interest to disclose and whether or not the interest is prejudicial, are yours, and yours alone. Advice and guidance cannot however be given to you at the meeting, as it is impractical to do so. Neither can the meeting itself give you a dispensation to participate if you have an interest, which is prejudicial.

The Code of Conduct also sets out certain circumstances where restriction on participation in a meeting and voting on the issue(s) involved may not be applied, even though such circumstances would otherwise be regarded as prejudicial and prevents the Member from participating. These circumstances are set out in paragraph 9(2) of the Code. These are not to be interpreted as an automatic right to participate - a judgement still has to be made by the Member as to whether, in the circumstances pertaining to the specific issue being considered, it is right to exercise the opportunity to participate.

10.3 Gifts and Hospitality

Guidance regarding the acceptance of gifts and hospitality, and the declarations of such, is also included in the Code of Conduct.

All Members of local authorities are statutorily required to register with their authority any gift or hospitality which they receive in their capacity as a Councillor over the value of £25. This is reflected in the Code of Conduct for Members. Such registration must be made in writing within 28 days of the gift or hospitality having been received.

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

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

11 THE GENERAL PRINCIPLES OF PUBLIC LIFE

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

11.1 Selflessness

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

11.2 Honesty and Integrity

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

11.3 Objectivity

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

11.4 Accountability

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

11.5 Openness

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

11.6 Personal Judgement

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

11.7 Respect for Others

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

11.8 Duty to Uphold the Law

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

11.9 Stewardship

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

11.10 Leadership

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