**Middleton on the Wolds Parish Council**

**MotW**

**Councillor Introduction Guide**

**Introduction Pack for New Councillors**

**CONTENTS**

Introduction

Who to Contact

**Section**

**1 Getting Started**

1. Declaration of Acceptance of Office

2. Registering Financial and other Interests

3. Code of Conduct

4. Freedom of Information and GDPR

5. Training

**2 Meetings**

1. Attending your first meeting
2. The Annual Council Meeting
3. More about meetings

**3 The Respective Roles of Members and the Clerk**

1. Introduction

2.The Role of Members

3. The Role of the Clerk

4. How these Roles Work in Practice

5. Statutory Powers and Duties

6. Summary

**4 Code of Conduct and Declarations of Interest**

1. Introduction
2. Declaration of Personal and Prejudicial Interests at Meetings
3. Gifts and Hospitality

**5 Guidance Notes**

The General Principles of Public Life

**APPENDICES**

**The following documents can be located on the Middleton on the Wolds Parish Council web site middletononthewolds.co.uk under Policies and Regulations**

**Standing Orders**

**Financial Regulations**

**General Data Protection – Privacy Policy**

**Complaints Procedure**

**Publication Scheme**

**Member Development Policy**

**Equality Policy**

**Parish Council meetings are held on the first Monday of each month (except bank holidays) at 7.00pm in the Reading Rooms on Front Street, Middleton on the Wolds. There is normally no meeting in August. Information regarding meetings including agendas and minutes can again be found on the Middleton on the Wolds Parish Council web site middletononthewolds.co.uk under Parish News.**

**Middleton on the Wolds Parish Council is a member of East Riding and North Lincolnshire Local Councils Association (ERNLLCA) which is a branch of the National Association of Local Councils (NALC)**

**Introduction**

 This guide is to help you understand

* Your obligations as a Councillor
* Your role as an elected member
* The Council’s rules and procedures for conduct of its business

This guide also contains information on how to access the Council’s policies, Standing Orders, Financial Regulations and other documents which you will find helpful and which give guidance on how business is conducted.

A term of office normally spans 4 years from election of members until the next election date. If a member is co-opted then their term of office runs until the next election year.

If you have any queries during your term of office please do not hesitate to contact the Clerk who is always willing to help

Sandra Morrison

The Grange, Main Street, Thwing, YO25 3DY

Tel: 01262 470496

Email: pc@middletononthewolds.co.uk

The clerk is your first point of contact for all matters including complaints, or requests for action or matters concerning the business of the Council.

**Section 1**

**GETTING STARTED**

1. **Declaration of Acceptance of Office**

On accepting the role of Councillor you will be asked to complete a Declaration of Acceptance of Office.

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 will be given to you, and about which more details are given in paragraph 3 below.

You cannot participate as a Councillor (including participating in any meetings of the Council, its committees, sub-committees or as a representative on an outside body) until you have signed a Declaration of Acceptance of Office.

The relevant form will be available at the next Council meeting for you to sign in the presence of the Clerk.

1. **Registering Financial and Other Interests**

As a member of a local authority you are also statutorily required to complete a Register of Pecuniary (Financial), and None Pecuniary Interests. This form will be lodged with the Monitoring Officer at East Riding of Yorkshire Council (ERYC), a copy will also be retained by the Clerk and displayed on both the Parish council web site, and the local authorities web site. It is a public document, and may be inspected on request by any member of the public.

A registration form will be given to you, for you to complete and return to the Clerk within 28 days of your election or co-option to the Council.

The details which you will need to register, are set out in full in the code of Conduct, but in brief pecuniary interest held by yourself and your spouse/partner cover; employment; land/property; contracts and licences held with the local authority; whilst non pecuniary interests covers such things as any committees or political parties you are a member of. You are also required to register, again within 28 days, any change to the interests previously registered, within 28 days of becoming aware of the change. If you have any changes to register at any time, please inform the Clerk to ensure that the appropriate changes are advised to the monitoring Officer.

Please note that you are responsible for keeping your 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 4.

1. **Code of Conduct**

As an elected member you are required to consider all matters with an open mind, in an open and transparent process, free from any interest. The council has adopted a Code of Conduct for its Members, which reflects its statutory requirement to promote and maintain these high standards of conduct as required by the Localism Act 2011. The Code applies to you whenever you are acting as a Councillor or the public perceive you to be acting as a Councillor, and it is essential that you become familiar with its contents as soon as possible.

When signing your Declaration of Acceptance of Office, you undertake to observe the Code and uphold the principles of public life. The importance of this cannot ne over-emphasised; breaches of the Code may be reported to the Monitoring Officer or ERYC who has the duty to consider and investigate potential breaches of the Code. If a case is serious enough it may be referred to an independent panel to make a judgement, which could result in public censure, or in certain circumstances a criminal action.

A copy of the Code will be given to you and further guidance is in section 4.

1. **Freedom of Information Act (FOI) and General data Protection Regulations (GDPR)**

The Council is obliged by law to make information on its activities available to the public on request. It maintains a Publication Scheme, which is available to the public and identifies classes of information, which are routinely in the public domain. In general all information held by the Council is available to the public, although in certain cases an exemption may apply which may permit the Council to refuse to supply the information.

Information held by Members of the Council is also covered by the FOI and therefore Members may be approached to produce their records if a specific enquiry warrants it. This includes notes, answering machine messages, recorded telephone conservations et. And you should seek advice from the Clerk if you have any concerns or are approached by a member of the public for this information. We encourage Councillors to have a separate email address specifically for Council business.

1. **Training**

The Council recognises that Members and the Clerk should attend regular sessions to update and improve their understanding of matters affecting local government. It supports and encourages members and the Clerk to attend training events, conferences and seminars provided by organisations including the East Riding of Yorkshire County, Society of Local Council Clerks, East Riding and North Lincolnshire Local Council Association (ERNLLCA)

Examples of training regularly available include:

* Being a Good Councillor
* Chairmanship
* Planning
* Financial Responsibilities
* General Data Protection

Please contact the Clerk for further information on your training requirements

**SECTION 2**

**COUNCIL MEETINGS**

1. **Attending your first meeting**

Having completed the necessary paperwork, the first meeting you attend will be the first meeting after your election/co-option to office. An agenda and papers will be sent to you, from the clerk, by email, at least 3 working days before the meeting, and you should familiarise yourself with the items for discussion and decision. You may find it helpful to meet with the Clerk before your first meeting to understand the issues to be discussed.

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

1. **Calendar of Meetings**

The Council meets monthly on the first Monday of the month (except bank holidays) and August.

You should endeavour to attend all meetings if possible. In addition, the Chairman may call additional meetings of Full Council as required. These are known as Extra Ordinary meetings and may be called by giving 3 clear days notice.

1. **The Annual Meeting of the Council**

The Annual Meeting of the Council is held in May. The agenda for this meeting includes:

* The election of Chairman and Vice Chair for the forthcoming year
* Confirmation of the Council’s Committees
* Appointment of Members to the various Council Committees
* Appointment of representatives to outside bodies
* Chairman’s Report
* Review of accounts of outside organisations to which grants are given
1. **More about Meetings**

**Organisation of meetings**

Meetings usually take place in The Reading Rooms, 7 Front Street, Middleton on the Wolds. All meetings start at 7.00pm unless the agenda states otherwise.

Meetings are generally open to the press and public, and recording or filming may take place.

An agenda is produce by the Clerk for each meeting, and copies of the agenda and supporting material are emailed to Members generally at least 3 clear days before the meeting.

Council meetings are important, and it is where decisions are made. All Councillors are expected to attend.

The Chairman is in charge of the meeting and it is his/her duty to ensure that all business is properly considered and all councillors who wish to speak can do so.

The Councils adopted Standing Orders outline the rules by which meetings are conducted

**Agenda, Reports and Minutes**

The statute requires that you are ‘summoned’ to attend a Council meeting. This formal notice will give you a date, time and place of the meeting and will include an agenda, and associated documents, to give you the details of the items to be discussed and the level of discussion to take place. It is important that you take the time to read these papers before attending the meeting to familiarise yourself with the issues to be discussed. The Clerk can give you any additional information you may need or answer any queries you may have, and should be contacted before the meeting if this is required.

After each meeting minutes, recording the decisions made by the Council, are prepared by the Clerk. The Council agenda together with the Minutes of the last meeting and of meetings of Committees, form the basis on which the Council conducts its business.

The Council also has a system of public participation time at its meetings, where members of the public can raise issues, speak to items on the agenda and question Council decisions.

If you wish to have an item put on the Agenda for discussion, please contact the Clerk at least 5 days before the meeting date.

**Constitution of Committees and Committee Structure**

The Council determines it’s committee structure at its Annual Meeting held in May.

You may request copies of all papers relating to any of the Councils committees, and will be able to attend and observe their meetings. However, you will not be able to participate or vote on committees unless you have been appointed to that Committee by the Council.

**SECTION 3**

**THE RESPECTIVE ROLES OF MEMBERS AND THE CLERK**

1. **Introduction**

This short note has been prepared with the intention of giving 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.

1. **The Role of Members**

Members are collectively responsible for making the 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 a local problem.

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 (unless authorised under a sub-committee) “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 “Councillor” and not on behalf of the Council as a whole, Generally, the Clerk, on behalf of the Council, issues Press statements.

1. **The Role of the Clerk**

The role of the Clerk is twofold, for which they are accountable to the Council. Firstly, they are the professional advisor and proper officer to the Council in law and on matters of policy. Legally Councils can delegate decisions to the Clerk.

Secondly, they are executor of Council policy ie. In carrying out the instructions of the Council.

The clerk prepares the agenda for the meetings, but takes no part in the decision making of the Council except that they provide the independent and unbiased information to support the Council in its decision making.

The Clerk may also hold the role of RFO (Responsible Finance Officer) . As a Councillor, you share collective responsibility for the financial management of the Council. The Council must operate a system of internal control to avoid risk of loss, fraud or bad debt and these are governed by the Councils Finance Regulations.

1. **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, any Committee if needed and the Clerk. Members of Committees will in turn take decisions on policy matters of more limited significance at meetings of any Committees after having considered the recommendations of the Clerk.

Within the framework of policies decided by Members, either a Full Council or Committees level, 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.

1. **Statutory Powers and Duties**

The Council derives its powers from statute. A few of these are mandatory, but most are discretionary. In all cases, both Members and Officers must work within the law. The Clerk will act as advisor to the Council to ensure that it acts legally at all times. From time to time this may mean the Clerk advising Members during a meeting to possible legal issues in the decision making process.

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 by means of resolution determine 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

**SECTION 4**

**CODE OF CONDUCT AND DECLARATION OF INTERESTS**

**1 introduction**

The law relating to the declaration of Disclosable Pecuniary Interests and Non-Registerable Interests is complex, and is laid out in the Localism Act 2011, and associated regulations. The purpose of this note is to simplify matters as far as possible.

When you receive the agenda, you should familiarise yourselves with the items for discussion and resolution, and check and consider whether there is a need to declare an interest (and if so what type) in any of the items listed.

**2. Declaration of Interests**

During your term as a Councillor you will from time to time have close links with items being considered. The Council’s Code of Conduct requires you to consider these links and, if necessary, declare a level of interest in the matter and not participate when the matter is discussed.

There will be an opportunity at the beginning of the meeting for councillors to declare an interest in any item, and you must state the level of interest and the nature of it, which will then be recorded in the minutes.

The Localism Act 2011 confirms that a breach of this part of the code is a criminal offence. Any queries can be addressed with the clerk.

Should you have an interest in an agenda item, but consider that your input to the discussion is necessary for the Council to be able to make an informative decision, you may request a dispensation from the clerk, in writing, prior to the meeting. A guide to dispensation is on the Council web site.

**3. Gifts and Hospitality**

Guidance regarding the acceptance of gifts and hospitality, and the declaration of such is also included in the Code of Conduct, and you are strongly recommended to register all offers of gifts or hospitality whatever the value and whether you accept them or not.

**SECTION 5**

**GUIDANCE NOTES**

**The General Principles of Public Life as ordered by the Secretary of State and consistent with the Code of Conduct**

**Selflessness**

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

**Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity**

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability**

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**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.

**Honesty**

Holders of public office should be truthful.

**Respect for Others**

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

**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. and be willing to challenge poor behaviour wherever it occurs.