

SPECIAL PARISH COUNCIL MEETING

This was held on Monday 17th June 2013 at 7pm in the village hall with Cllr. Green in the Chair & the following present: Cllrs. Chadd, Kirkpatrick, Mison, Ogden & Weston, together with Clerk, John Smith. Also present were Andy Radford, SNC Monitoring Officer & Asst. Chief Executive, and his deputy Monitoring Officer Leah Mickleborough.

No members of the public were present.

1 Apologies for absence were received & accepted from Cllrs. Ankretts', James and Mulley.

2 The Chair introduced the meeting and welcomed the guests who had been pleased that this Council had accepted the offer to explain the new standards necessary if a council was to act in a professional manner.

3 An interesting session then explained the various aspects of the new regime as per the slides, a copy of which are attached hereto.

4 Questions were put and clearly answered as the session proceeded and it was quite apparent that, by the many steps already taken during the last two years, Ditchingham Parish Council was already compliant with the procedures in the main.

The Chair closed the meeting at 8.30pm after having thanked the Officers for a really informative meeting.



Parish Councils – governance and standards

Ditchingham Parish Council
 Andy Radford, Monitoring Officer
 Leah Mickleborough, Deputy Monitoring Officer

www.south-norfolk.gov.uk



Introduction

- New standards regime brought in July 2012
- Clarity of understanding across the District varies
- Purpose of standards system is to:
 - Encourage good relationships between Councillors, Officers and people they represent
 - Enable Councillors to fulfil their roles and duties effectively
 - Give stakeholders confidence in public decision making
 - Provide sanctions for the most serious breaches

www.south-norfolk.gov.uk



Coverage

- The role of Councillors and Officers
- Parish Council Governance
- The role of the Chairman
- The Code of Conduct and Standards
- Lobbying and Predetermination

www.south-norfolk.gov.uk



The Role of Councillors and Officers

- Councillors:
 - Are accountable to the electorate (not the Monitoring Officer or Clerk)
 - Determine council policy
 - Provide leadership in the community
 - Monitor and review the performance of the Council and its Officers
 - Represent the Council Externally
 - Act as advocates for the Community
 - CAN'T undertake statutory functions on behalf of the Council

www.south-norfolk.gov.uk



The Role of Councillors and Officers

- The Clerk
 - Is accountable to the Parish Council as their employer (not to an individual councillor or the electorate)
 - Roles and responsibilities are defined by the Council as the employer through contract and standing orders
 - Give advice and guidance to Councillors to support them delivering their role
 - Implement the policies, procedures and recommendations of the Council
 - To act as the "proper officer" responsible for the financial affairs of the Council
 - Receive and report on Correspondence to the Council

www.south-norfolk.gov.uk



The Role of Councillors and Officers

- What should Councillors Expect from Officers?
 - Officers to be committed to the Council as a whole, not just one individual or group – everyone treated equally
 - A working partnership, with officers providing professional advice
 - A timely response
 - Officers to understand and respect Councillor workloads and pressures
 - Sensitivity to the local political and public environment
 - Application of the Nolan Principles
 - Training and Development Opportunities
 - Not to have personal issues raised with them by officers
 - Not to have officers advance personal issues with them

www.south-norfolk.gov.uk



The Role of Councillors and Officers

- What can Officers expect from Councillors?
 - A working partnership
 - Respect for workloads and pressures on the officer
 - Leadership and Direction
 - Application of the Nolan Principles
 - Not to be bullied or placed under undue pressure
 - Not to have Councillors advance personal issues

www.south-norfolk.gov.uk



Parish Council Governance

- Parishes should have a governance framework to manage the conduct of their affairs
- Framework is approved and monitored by the Parish, Clerk ensures they are up to date and advises on them
- Usually Parishes review the elements of the framework annually as part of annual reporting process
 - Standing Orders
 - Clear terms of reference for Committees and Sub-Committees
 - Procedures for inspection of documents and public access to meetings
 - Code of Conduct for Councillors
 - Contract with the Clerk
 - Arrangements for handling Freedom of Information Requests
 - Complaints Handling Process (for complaints against the Council)

www.south-norfolk.gov.uk



Parish Council Governance

- What else can support this?
 - Officer / Member protocol – setting out expectations on each other
 - Code of Conduct for Officers – setting out expected behaviours
 - Councillor role description – what is expected from Chairman?
 - Training Programme (Clerk and Councillors!) – developing skills
 - Engagement and Communication Protocols – who can communicate on behalf of the Council and when?
 - Dispensations Procedure

www.south-norfolk.gov.uk



Parish Council Governance

- Common Standing Order Issues
 - Lack of clarity over Public Participation – see next slide
 - Disruption to meetings – when can the public and councillors be removed?
 - Declaring Interests – what is a Councillor required to declare and what action should they take?
 - Financial Rules – who is authorised to do what?
 - Contract Rules – what sort of process should be followed?

www.south-norfolk.gov.uk



Parish Council Governance

- Public Participation
 - Public do not have the right to speak at Parish Council meetings
 - Good practice to set boundaries on public speaking – how long can one person speak for? When can they speak?
 - Do you want to restrict the public to the agenda items?
 - Do you want to debate public issues or just answer questions?
 - Explain what your boundaries for action are

www.south-norfolk.gov.uk



Parish Council Governance

- Who holds Parishes to account?
 - Parish is a sovereign, independent body – not District or County role to step in (unless cannot appoint sufficient Councillors)
 - Parish should have its own complaints resolution process
 - Required to have at least an annual internal audit
 - Required to have external audit review of the accounts
 - Councillors can request additional oversight to obtain assurance over arrangements
 - Ultimately, Parishes are accountable to the electorate

www.south-norfolk.gov.uk



The Role of Chairman

- Legal duty – regulate conduct of the meeting and preserve order
- Key Duties:
 - Ensure matters on the Agenda are addressed
 - Ensure there are clear conclusions on matters
 - Uphold standing orders – e.g. are motions in order
 - Clerk may be required to consult with the Chair on delegated functions
 - Undertake other duties as required by standing orders (e.g. review draft minutes)

www.south-norfolk.gov.uk



The Role of Chairman

- A good Chairman:
 - Is impartial in chairing – even though they may have their own views
 - Keeps an eye out for repetitive and irrelevant debate – and stops things going round in circles
 - Summarises debates and draws together the decision
 - Ensures that all feel they are able to contribute without drawing into lengthy debate
 - Stops debate descending into personal or rude comments
 - Keeps business moving without getting sidetracked
 - Knows the Council's limits, acts as a community leader and sets the example

www.south-norfolk.gov.uk



The Code of Conduct and Standards

- Legal duty to comply with and uphold the Nolan Principles:
 - Selflessness
 - Honesty
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Leadership

www.south-norfolk.gov.uk



The Code of Conduct and Standards

- What does this mean in practice?
 - Don't hold yourself accountable to other parties, including family and friends
 - Declare any interests you have (see next slide)
 - Make clear you are prepared to listen and take views into account – even if you subsequently disagree
 - Lead the community, not follow!

www.south-norfolk.gov.uk



The Code of Conduct and Standards

- Declaring Interests
- Two types –
 - Pecuniary – financial interests
 - If you earn money from it, if you own it, if your spouse owns or earns money from it
 - If you have a pecuniary interest, don't discuss or vote on the item – standing orders may require you to leave the room.
 - Other – non-financial interests
 - This is about being open and transparent
 - Something which the public may perceive may affect your judgement but isn't a financial interest
 - If you have an other interest, declare it as an "other", then you may still participate or vote
 - If you believe it is very significant, you may decide you do not want to take part as a personal choice

www.south-norfolk.gov.uk



Code of Conduct and Standards

- Going above and beyond the minimum:
 - Code places a duty to be open and transparent
 - Should you take part in discussion / voting where:
 - The planning application is next door to your house
 - The Parish Council is considering awarding the grass cutting contract to your brother's company
 - The Parish Council appoints you as trustee on the Village Hall Committee – and you are discussing the management of the Village Hall?
 - May wish to amend Standing Orders to include restrictions for "other" interests

www.south-norfolk.gov.uk



Code of Conduct and Standards

Declaring Interests

- Make sure you complete the declaration of interest form
- Make sure you update it if you become aware of anything new
- A list of the interests should be on your parish website – or a link to SNC website
- Make sure you declare your interests appropriately at the meeting
- If you want to vote and have a financial interest, the Parish Council itself can give you a dispensation

www.south-norfolk.gov.uk



Code of Conduct and Standards

Complaints

- Large increase in volume of complaints across the District
- Complaints against individual Councillors should first be referred to SNC Monitoring Officer
- It is for SNC to decide how to progress such complaints – although would normally consult with you (through Clerk)
- Complainants and subjects do not influence or steer the process
- Our priority is twofold:
 - Action is taken to address the most serious breaches of the code (e.g. fail to declare a financial interest)
 - Parish Councillors are working together effectively for the benefit of their residents

www.south-norfolk.gov.uk



Lobbying and Predetermination

- Predetermination occurs where, at the time of making a decision, a Councillor has, or appears to have a "closed mind"
- You are entitled to be predisposed to favour particular views
- It is vital you are fair and open-minded at the time of the decision – and appear to be so
- Just because a decision is wrong, it does not necessarily mean the decision maker was biased
- If you have a pecuniary interest it is presumed you are likely to be biased
- May a fair-minded and well-informed observer conclude there is a real possibility you may be biased?

www.south-norfolk.gov.uk



Lobbying and Predetermination

- If you are predetermined, it could invalidate a parish council decision
- Things to avoid: "over my dead body"; "I would never"; "I fundamentally object to"; "I unreservedly support"
- Things that are OK: "I have concerns about these issues"; "I would want clarification on this point"; "my initial view is"; "I am predisposed towards"; "I am prepared to take into account"; "I could be dissuaded"

www.south-norfolk.gov.uk



Sources of Assistance

- Speak to your Parish Clerk
- Discuss with Norfolk Association of Local Councils – 01603 638495
- South Norfolk Council Monitoring Officer

www.south-norfolk.gov.uk

