



Buckinghamshire & Milton Keynes
Association of Local Councils

EMPOWERING CLERKS, COUNCILLORS AND COUNCILS DELIVERING FOR THEIR COMMUNITIES

2025 COUNCILLOR INDUCTION

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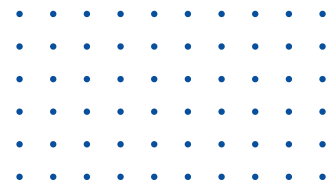


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WELCOME MESSAGE



Mel Woof
CEO BMKALC

Dear Councillor

Welcome to the first tier of Government, your Town, Parish or Community Council. You are now an Unpaid Holder of a Public Office, as well as an Employer and representative of your community. There is a lot to learn and this pack is designed to help you power through the basics.

You will have the support of fellow councillors and your Proper Officer or Clerk to help you navigate the myriad of legislation and protocols which everyone handling public funds, must follow. Do not be shy to ask for information as you prepare for meetings, or clarification when, as we inevitably do, we lapse into incomprehensible jargon.

We are looking forward to your contribution and working with you throughout your term in office.

Best wishes

Mel Woof
CEO
Buckinghamshire and Milton Keynes Association of Local Councils



ABOUT BMKALC

The County Association is based at the County Offices in Aylesbury and is a long standing member of the National Association of Local Councils. The team is led by Mel Woof together with Lorraine Morton who manages our events and communications. We are experienced in Town and Parish matters serving currently, or historically, as clerks, councillors and chair of councils. As a not for profit organisation, we provide daily support on procedural elements and statutory regulations and provide educational and training services to both councillors and officers. We are the official contact point for Loan Applications to the Public Works Loan Board. Further services include the facilitation of communications across County, District and Local councils plus arbitration at meetings and bespoke onsite training.

For further Councillor professional development opportunities and resources visit our website and login (please see your clerk for access) to

PROFESSIONAL PATHWAYS FOR COUNCILLORS

See also our [Jargon Buster](#) & [Planning Aid Jargon Buster](#) both accessible on the home page

Visit our website: BUCKSALC.GOV.UK

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SECTION A – GETTING STARTED

Note – the term ‘Member’ refers to the role of Councillor.

1. Acceptance of Office and Registration of Interests

Once you have been elected or co-opted you will need to complete your Acceptance of Office, register your’s and your significant partners interests and confirm adherence to the Councils Code of Conduct. These may have been presented to you before the first meeting and arrangement already made for your signature, sometimes this can happen at your first meeting.

Please note if you have been co-opted at a meeting, you will not be able to participate as a full voting member as you will not have been properly summoned, however the Chair may invite you to participate in the debate.

All Members of local authorities are statutorily required to register with their authority various financial and other interests under the Localism Act 2011.

Failure to declare disclosable pecuniary interests is an offence under s.34(1) of the Localism Act 2011.

2. Code of Conduct

All Council’s have a statutory duty to adopt a Code of Conduct for its Members. When signing your Declaration of Acceptance of Office as a Councillor, you undertake to observe the Code.

3. Attending your first meeting

Once you have signed your Declaration of Acceptance of Office, the Clerk will confirm the date of the first meeting that you may attend.

Agendas and associated papers will be circulated to Councillors at least 3 clear days before any meeting. If you have any queries regarding any item on an agenda, please contact the Town Clerk before the date of the meeting.

4. About the Council

The number of Members serving on any council is determined by the Principal Authority. Quoracy is based on the number of available seats, not current members. Vacancies must be advertised and the electorate invited to request an election, should this not be accepted then new members can be co-opted to fill the vacancy.



SECTION B – GENERAL INFORMATION

1. The Annual Parish Meeting

This meeting of the town’s electors and by law it is required to be held between March and June, Electors can set the agenda, and this is an opportunity to celebrate local activities and members of the community may debate current issues in the community. Members are not required to attend but this is a wonderful opportunity to engage with your electors.

The Chairman calls the Annual Parish Meeting and, if present, will Chair it. It is best practice to hold the Annual Meeting of the Council and the Annual Parish Meeting on different occasions to avoid confusion.

2. The Annual Meeting of the Parish Council

The Annual Meeting of the Council, also known as the Statutory Council meeting, must take place during May and is a meeting of the full Council. At this meeting the Council elects its Chairperson, potentially a Vice-Chairperson, formally adopts its Standing Orders, and sets its Committees and selects representatives to different bodies.

3. More about meetings

Committees

A Council can set up Committees to deal with its business, and it has a wide discretion regarding what business can be allocated to Committees and responsibilities delegated to those Committees.

Calendar of meetings

A list of dates of forthcoming Council and Committee meetings is available at the Annual Meeting of the Council and will be available on line and on notice boards.

Organisation of meetings

Council meetings are held in public, but they are not public meetings. Members of the public are their to witness events and may participate during public participation time or at the express invitation of the chair of Council.



SECTION B – GENERAL INFORMATION

Conduct of meetings cont/d

If any Members have difficulty in attending meetings, they should advise the Town Clerk or relevant Officer. If absence is likely to be prolonged it is important to be aware of the consequence of failing to attend any meeting of the Council, or its Committees, for six consecutive months. Unless the Council approves such an absence, or there is statutory justification, then the Member will automatically be disqualified.

When wishing to speak at a meeting, Members are required to indicate to the Chair that they wish to speak by raising a hand, and when invited to do so, they should address Members through the Chair of Council. Only one person is permitted to speak at any one time, and by invitation of the Chair of Council.

1. Members allowances

Councillors are permitted to claim mileage for approved activities outside the parish boundaries, as per the Council's Councillor Mileage Claim Policy.

Where Councils have chosen to provide Councillor Allowances, it must be noted that these are taxable income and will be paid through a payroll service to ensure appropriate deductions are made.

2. 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.

It is important to note that information held by Members will also be covered by FOI, including Council use email addresses and council use WhatsApp groups, and Members may be approached to produce their records if a specific enquiry warrants it.



SECTION C – RESPECTIVE ROLES OF MEMBERS AND THE TOWN CLERK

1. Introduction

This short note has been prepared with the intention of giving newly elected/co-opted 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.

2. 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 town problem.

It therefore follows that there are no circumstances where an individual Member can issue an instruction to the Town Clerk, or other member of staff, or a Council 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 'Town Councillor' and not on behalf of the Council as a whole. Generally, the Clerk of the Council issues Press statements.

3. The role of the Council's Clerk or Proper Officer

The role of the Clerk is twofold. Firstly, they are 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.

It is essential for good relationships that the Town Clerk on taking post, is fully informed on the standards expected by the Council in respect of the work and roles that the Town Clerk has to fulfill. The Town Clerk's role is crucial to the operation of the Council. All appropriate training and support is an absolute requirement for a competent Clerk in post. Budgets should reflect this. The Town Clerk is the source of legal advice for the Council. Many disagreements, which are the beginning of complaints by some Councillors of the Town Clerk, stem from annoyance of being informed that their actions would be Ultra Vires. It is the Town Clerk's absolute duty to inform Councillors if this is likely to be the case. However, Councillors are naturally free to ignore advice if they so choose. The Town Clerk is bound to record these occasions as a duty of the Proper Officer in the relevant minutes.



SECTION C – RESPECTIVE ROLES OF MEMBERS AND THE TOWN CLERK

1. How these roles work in practice

Members take decision on matters of major policy at meetings of the Council, after having considered the recommendations of any Committee. Members take decisions on policy matters of more limited significance at meetings of any Committees, after having considered the recommendations of the Town Clerk and depending on the Committee's delegated powers. Within the framework of policies decided by Members, either at full Council or Committee 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.

The Council may employ additional staff, managed on a daily basis by the Clerk, to support the Council in providing its services.

2. 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.

1. Council policies and procedures

Council has adopted a number of policies and procedures in relation to its activities and services, and those required by law. The Clerk should be able to provide you a list of the current policies and they should be fully available on your website.

2. 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 Committees, if any, deal 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 staff, offices and services is the responsibility of the Clerk.



SECTION C – RESPECTIVE ROLES OF MEMBERS AND THE TOWN CLERK cont/d ...

Both Members and the Clerk must work within the law.

Mutual respect between Clerk and Members is essential in order for the Council to function effectively.

SECTION D – DECLARING PERSONAL AND PREJUDICIAL INTERESTS

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 dispatched at least 3 clear 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.

2. Declarations of a disclosable pecuniary interest or a disclosable non- pecuniary interest at meetings

The Localism Act 2011 states that a pecuniary interest will be a 'disclosable pecuniary interest' if it is of a description specified in the regulations; and it is an interest of:

Either

- the Member or co-opted Member;

Or

- the Member's or co-opted Member's spouse or civil partner; or
- a person with whom the Member or co-opted Member is living as husband and wife; or
- person with whom the Member or co-opted Member is living as if they were civil partners;

and the Member or co-opted Member is aware that the other person has the interest.



SECTION D – DECLARING PERSONAL AND PREJUDICIAL INTERESTS cont/d...

If you have a disclosable pecuniary interest or disclosable non-pecuniary 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 at the beginning of the meeting, under the agenda item 'Disclosure of Members Interests'. If at any time during the meeting you feel you have an interest in an item being discussed, you should declare it at that point. 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.

Unless the Member has been granted a dispensation, where a matter arises at a meeting which relates to a disclosable pecuniary interest, the Member shall not participate in a discussion or vote on the matter and shall withdraw from the meeting.

Unless the Member has been granted a dispensation, where a matter arises at a meeting which relates to a disclosable non-pecuniary interest, the Member shall not participate in a discussion or vote on the matter and shall withdraw from the meeting.

The circumstances in which you may be required to disclose an interest are complex, and you must therefore read and become familiar with the specified interests detail. 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 interest, and retire from the meeting if the type of interest so warrants.

The Clerk is able to offer advice and guidance on such matters before the meeting, but the decisions on whether you have an interest to disclose are yours and yours alone.

Advice and guidance cannot however be given to you at the meeting, as it is impractical to do so.

1. Dispensations

Dispensation requests shall be submitted in writing to the Clerk, as Proper Officer, as soon as possible before the meeting. It shall confirm the nature of the disclosable interest, the date of the meeting for which the dispensation is sought, and an explanation as to why the dispensation is sought. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.



SECTION D – DECLARING PERSONAL AND PREJUDICIAL INTERESTS cont/d...

2. 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.

SECTION E – FINANCE

1. Governing rules

Rules governing the conduct of financial transactions of your Council are to be found in the Financial Regulations.

2. Precept

The precept is the funds required to be collected as a tax on the local electorate to fund the councils activities.

Before setting its precept, the local Council is expected to consider its spending plans for the year and to consider any income from other sources, so that only the net total of expenditure is approved as its precept. This procedure will normally take place between October and January for the precept for the ensuing financial year. A copy of the Council's budget and precept for the current financial year is available from your Clerk or is on your website.

It should be noted that only the full Council, at a properly convened meeting, can approve a precept. A Committee can discuss and recommend a precept so long as its recommendation is approved at a later full Council meeting.

3. Power to incur expenditure

You must have a Power to spend money. These can be statutory powers, incidental powers or the General Power of Competence.



SECTION E – FINANCE

Precept cont/d ...

4. Section 137 expenditure

Although a local Council may not incur expenditure on anything other than powers conferred by statute, the Local Government Act 1972, Section 137 allows expenditure, up to a certain annual limit, on anything which, in the opinion of the Council, is in the interests of the Parish, or part of it, or is in the interests of all or some of its inhabitants (good examples are Armistice Day wreaths or donations to local clubs and organisations).

The annual limit for Section 137 expenditure is set at a rate per elector. This rate is reviewed annual by Government and published prior to the start of the financial year commencing on 1st April.

5. General Power of Competence (GPC)

The GPC is a statutory power enabling local councils to do anything that an individual may do, without breaking the law. Eligibility criteria must be met, and Council must confirm by resolution that it has met the criteria and is therefore eligible to use the GPC. This eligibility lasts until the Annual Meeting of the Council in the next ordinary election year, and must be reaffirmed at every subsequent Annual Meeting of the Council, or confirm that it is no longer eligible.

SECTION F – 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.





SECTION F – GENERAL PRINCIPLES OF PUBLIC LIFE cont/d ...

1. Selflessness

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

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.

3. Objectivity

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

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.

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.

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.

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.



SECTION F – GENERAL PRINCIPLES OF PUBLIC LIFE cont/d ...

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.

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.

10. Leadership

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

SUGGESTED APPENDICES:

FROM YOUR CLERK

- a) Code of Conduct
- b) List of current serving Councillors & Committee Membership
- c) List of forthcoming meetings
- d) Standing Orders & Committee Terms of Reference
- e) List of Council policies and procedures
- f) Financial Regulations
- g) Current budget and precept

FROM YOUR LOCAL ASSOCIATION – BMKALC (available to download on our website)

- h) Good Practice Note – Powers and duties of a local Council
- i) Good Practice Note – Aide Memoire for Councillors
- j) Good Practice Note – Material Considerations









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