

# COUNCILLOR ON LINE TRAINING

INDUCTION OF NEW COUNCILLORS

A decorative graphic at the bottom of the slide consisting of a green trapezoidal shape pointing downwards, which is partially overlaid by a yellow trapezoidal shape pointing upwards. Both shapes have a white outline.

# WHAT IS AVAILABLE?

The on-line training materials have been prepared to assist you in developing your information and knowledge base as a Councillor.

The materials cover 7 distinct subject areas of which 'Induction' is one. The other materials cover the Code of Conduct, the Council as an Employer, Understanding the Law, Understanding Local Government Finance, Health and Safety and Diversity and Inclusion.

# LET'S GET STARTED

This module is about 'Induction of New Councillors' and it covers the following key elements:-

- ▶ The responsibilities and obligations the Council has in law
- ▶ The Council's statutory powers and duties
- ▶ Key aspects of law affecting Councils such as equal opportunities and data protection
- ▶ Sources of advice

# PURPOSE OF THE MODULE

To support you in knowing:-

- ▶ What community and town councils do
- ▶ How they serve their communities
- ▶ About the changing world of Councils
- ▶ What makes a good Council
- ▶ Your role as a Councillor
- ▶ Your commitment and how to comply with the Code of Conduct
- ▶ How to fulfil your duties and responsibilities
- ▶ How to be the voice of the community

# YOUR TRAINING NEEDS

Training is essential to your role of Councillor as it is in any other role one undertakes. Training will give you the:-

**KNOWLEDGE** you need to understand what the Council can do and what the Council can't do

**UNDERSTANDING** that knowledge and how it can be used to support your community

**SKILLS** to be able to use the knowledge in a skilful and innovative way

Later in the module you will be acquainted with the training available to you and your colleague Councillors

# AIMS OF A COUNCIL

To represent and serve the community through:-

- ▶ Building and sustaining communities
- ▶ Providing better public services
- ▶ Building local democracy

The Good Councillors Guide is a useful source of reference for you:

<http://www.onevoicewales.org.uk/OVWeb/UserFiles/Files/Good%20Practice%20General/Good%20Councillors%20Guide%202017.PDF>

# A CORPORATE BODY

- ▶ Is a single legal entity set out under the 1972 Local Government Act, as amended – This means that no part of the Council can operate in isolation and decisions are the responsibility of the Council as a whole not an individual or group who supported the decision
- ▶ Has powers, set by law
- ▶ Can act to use its powers
- ▶ Can raise finance through the 'precept'
- ▶ Is accountable for its decisions and actions
- ▶ Has some duties it must perform

# THE TEAM

There is a whole team of people who work together to make a vibrant and successful council. They each have different roles and responsibilities but together they work for the benefit of the community. The components of the team are:-

- ▶ Councillors
- ▶ The Chair
- ▶ The Vice-Chair
- ▶ Clerk/(Responsible Financial Officer)
- ▶ Officers and staff
- ▶ Volunteers

# THE CLERK

- ▶ Works closely with the Chair
- ▶ Is an employee and can be full-time or part-time
- ▶ Known as the 'Proper Officer' in law and reports to the Council as a whole
- ▶ The Clerk's role is to advise the Council and implement its decisions
- ▶ In most Councils, the Clerk is also designated as the Responsible Financial Officer
- ▶ The Council can delegate decisions to the Clerk
- ▶ Councils make the decisions – Clerks carry them out (unless delegated decision making is granted)

# THE LAW

**The Council has powers delegated under Local Government Acts and Regulations:**

These fall into two main areas:

- ▶ Statutory duties – things a council **MUST DO**
- ▶ Discretionary powers – things a council **MAY DO**

The council also has a duty to comply with other legislation:

- ▶ Employment Law – as the council is an employer
- ▶ Health & Safety
- ▶ Data Protection
- ▶ Freedom of Information
- ▶ Welsh Language Act
- ▶ Equality Act

To mention a few

# SOME EXAMPLES OF LEGISLATIVE POWERS

ALLOTMENTS – The Allotments Act 1908

BURIAL GROUNDS – Local Authorities Cemeteries Order 1977

BUS SHELTERS – Local Government Act 1953

COMMUNITY CENTRES – Local Government (Miscellaneous Provisions) Act 1976

COMMUNITY TRANSPORT – Local Government and Rating Act 1997

CRIME PREVENTION – Local Government and Rating Act 1997

ENTERTAINMENTS & ARTS – Local Government Act 1970

HIGHWAYS – Highways Act 1980 (Street Lighting for example)

OPEN SPACES - Public Health Act 1936 – Open Spaces Act 1906

PARKS & PLEASURE GROUNDS - Local Government Act 1972

PUBLIC CONVENIENCES - Public Health Act 1936

TOURISM - Local Government Act 1972

WAR MEMORIALS – War Memorials (Local Authorities' Powers) Act 1923

# PLANNING

An important role of the Council is to consider and comment on planning applications to either the Planning Authority of the principal council or to the National Parks Authority.

The Council is also able to comment on the Local Development Plan for the area and this is a very important opportunity for your Council to influence future land use in its area.

For more information about planning matters it is suggested you refer to the Planning Aid Wales website: <http://www.planningaidwales.org.uk/>

# WHAT IS IT THAT COUNCILLORS DO?

- ▶ Serve your community – helping make decisions on behalf of the community for its benefit
- ▶ Decision Making
- ▶ Monitoring the impact of decisions made
- ▶ Getting involved locally – finding out about the needs of the community

Never promise to deliver something which is beyond your, or your Council's control.

# YOUR DUTIES AS A COUNCILLOR

- ▶ Attend meetings – you are summoned to attend and you should be there unless you have good reason to be absent
- ▶ Prepare for meetings – read the agenda, minutes and supporting papers so that you know in advance what is to be discussed
- ▶ Form objective judgements – be sure you understand and make sure your judgement is based on facts
- ▶ Ensure the Council is properly managed – this is a duty of all Councillors
- ▶ Act on behalf of the whole electorate – not just those that voted for you
- ▶ Maintain proper standards of behaviour – you are in the public eye and you must comply with the Code of Conduct

# THE CODE OF CONDUCT

Requires you to abide by the 'Nolan' principles of standards and ethics in public life. You should act:-

- ▶ Openly with respect and integrity
- ▶ Without favour or malice

AND

- ▶ Declare interests both personal and also where they are prejudicial

You are recommended to read the guidance from the Public Service Ombudsman for Wales :-

<https://www.ombudsman.wales/wp-content/uploads/2018/03/Code-of-Conduct-Community-Councils-August-2016-ENGLISH.pdf>

# WHAT IS A PERSONAL INTEREST?

*“ Might a decision be reasonably regarded as affecting the well being of you, and any other persons you are associated with, to a lesser or greater degree than any other inhabitant”*

# PERSONAL INTERESTS

A personal interest is:-

‘A professional or personal interest outside your role as a Councillor. An interest which may conflict with your duty as a Councillor to serve the community’

You must declare a personal interest as soon as you are aware that you, or people close to you, may benefit more than other people in the community from the outcome of a matter under discussion. e.g. An example of a personal interest could be your employer, landholdings in the community you serve, family and business interests or positions of control in other organisations such a Treasurer

# PREJUDICIAL INTERESTS

A Personal Interest becomes a Prejudicial Interest:

*“If a member of the public with knowledge of the facts, reasonably regards your personal interest as so significant that it is likely to prejudice your judgement of the public interest”*

# RULES OF DEBATE

- ▶ Most decisions, or resolutions, are as a result of a motion to Council
- ▶ Motions must normally be tabled in accord with Standing Orders
- ▶ Motions should be in writing and given to the Proper Officer at least 7 days in advance of a meeting
- ▶ Motions must be “intra vires” and specific
- ▶ Motions must be considered
- ▶ If passed it must be a majority decision – it then becomes a “resolution”
- ▶ Some Motions do not need written notice to be given

# WILL I BE PAID?

- ▶ Local Government (Wales) Measure 2011 introduced payment of allowances to Councillors and they are now determined by the Independent Remuneration Panel for Wales
- ▶ Councils may compensate members for expenses and costs in carrying out their duties.
- ▶ Some allowances must apply to all members, however individual members can decline part, or all, of their entitlement.
- ▶ The council is required to publish details of all payments made to each Councillor.

Access the following web-link for details of the allowances:

<https://beta.gov.wales/sites/default/files/publications/2019-02/irp-annual-report-2019.pdf>

# WHAT ARE THE ALLOWANCES?

- ▶ £150 per annum to cover telephone, stationery and information technology.
- ▶ Up to £500 for a max of 5 members with specific responsibilities (Larger Councils **must** make payments to at least one member and medium/smaller Councils **may** pay up to 5 members).
- ▶ Mayoral or Chair of Council's allowances.(Includes Deputies)
- ▶ Travel, both inside and outside the council's area and Subsistence Allowances.
- ▶ Financial Loss Allowance where such a loss has actually occurred by attending approved duties outside the council's area.
- ▶ Care Allowance to reimburse necessary care of dependant children or adult or to assist Councillors with their caring needs
- ▶ Specific allowances are in addition to the basic expenses allowance of £150

# ONE VOICE WALES TRAINING COURSES

Module	Module
1. The Council	12. Creating a Community Plan
2. The Councillor	13. Community Engagement Part II
3. The Council as an Employer	14. Equality & Diversity
4. Understanding the Law	15. Information Management
5. The Council Meeting	16. Use of IT, Websites & Social Media
6. Local Government Finance	17. Making Effective Grant Applications
7. Health & Safety	18. Effective Management of Staff
8. Introduction to Community Engagement	19. Devolution of Services/Asset Transfers
9. Code of Conduct	20. Wellbeing of Future Generations ACT 2015 / Sustainability
10. Chairing Skills	21. Advanced Local Government Finance
11. Community Engagement Planning	22. Understanding Mediation

# NOW TEST YOURSELF

Try to answer the following :-

- 1) How can a Council raise finance to support its activities?
- 2) What are the three main aims of a Council?
- 3) Name three things that Councils should do?
- 4) Name three duties of an individual Councillor?
- 5) Who sets the allowances that can be paid to Councillors?

# WHAT NEXT?

Now that you have gone through this Induction module, you are strongly recommended to ask your Council to provide you with the opportunity to attend a training course on this subject.

The training offered by One Voice Wales is interactive and explores all elements of the Council's role in the depth that you would expect from your representative body. It will also give you the opportunity to engage with other Councillors enabling you to share experiences and learn from your peer group.