



*Wadebridge Town
Council*

Induction Pack for New Town Councillors

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SECTION A – GETTING STARTED

1 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 the Declaration of Acceptance of Office which is included in your induction pack. This form must be signed in my presence prior to your first meeting. 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.

2 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 of election/co-option. 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 Council's Monitoring Officer who keeps all forms from Town 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.

3 Code of Conduct

The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils.

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 Cornwall Council Monitoring Officer. He/she 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, to the disqualification of the person as a Councillor for up to five years. (**Localism Act 2011 Chapter 20 Part 1 Chapter 7 Standards Para 34 Offences**). 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.

4 Attending your first meeting

The first meeting you will be able to attend is the next Full Council meeting scheduled after you have signed your Declaration of Acceptance of Office. An agenda and papers will be sent to you at least 3 working days before the meeting.

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

SECTION B – GENERAL INFORMATION

1 The Annual Town Meeting and the Council Annual Meeting

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

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

The Annual Town Meeting is held in April/May each year.

2 More about meetings

Calendar of Meetings

The Town Council meeting dates are the 2nd Wednesday of every month – apart from August & January - for the main meeting – committee meetings take place on the 4th Wednesday of every month. A schedule of meetings will be made available to you but be aware that meeting dates may be added, deleted or changed.

Organisation of Meetings

Meetings usually take place in the Victoria Room at the Town Hall but the Pavilion – Egloshayle Park is also used so please check on your agenda for the correct venue. All meetings start at 7pm unless the agenda states otherwise.

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

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 an Elected Member of the Council.

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

Constitution of Committees and Committee Structure

The constitution of Committees will be determined by the Council at its Annual Meeting. When you have been appointed to a seat on a Committee, you will automatically receive all papers for those meetings.

Who to contact

The Town Clerk – Kate Glidden-Rogers - can be contacted on 01208 817080 or email – townclerk@wadebridge-tc.gov.uk. In addition Beverley Collins is available in the office to help with any query - 817081.

The Town Clerk will deal with any complaints, or requests for action or matters concerning the business of the Council.

3 Members' Allowances

The Council may adopt the Local Authorities (Members Allowances) (England) Regulations 2003 for the payment of a Basic Members Allowance. The Council may also make payments in respect of Town 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

4 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.

SECTION C – ROLES OF MEMBERS AND THE CLERK

1 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.

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 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 “Town Councillor” and not on behalf of the Council as a whole. Generally, the Clerk on behalf of the Council issues Press statements.

3 The Role of the Town Clerk

The role of the Town 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.

4 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. Any Committee will, in turn, have considered the recommendations of the Town Clerk. Members, take decisions on policy matters of more limited significance at meetings of any Committees, after having considered the recommendations of the Clerk and depending on their delegated powers. Within the framework of policies decided by Members, either at 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.

5 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.

6 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.

SECTION D - DECLARING NON REGISTERABLE AND DISCLOSABLE PECUNIARY INTERESTS

1. Introduction

The law relating to the declaration of non registerable and disclosable pecuniary 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.

2. Declarations of non-registerable interests or disclosable pecuniary interests at Meetings

If you have a non registerable interest or a disclosable 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 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.

You must immediately retire from the meeting room while any discussion or vote takes place on the matter, unless you have the benefit of a current and relevant dispensation in relation to that matter.

As to when there is a need to declare a non registerable interest or disclosable pecuniary interest, Members should refer to their copy of the Code of Conduct. Any failure by a Councillor to disclose a non registerable interest or disclosable pecuniary 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 non registerable interest or disclosable pecuniary interest are complex, and you must therefore read and become familiar with the contents of the Code.

Briefly, however, a non registerable 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 non registerable 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.

3 Dispersations

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable or Non Registerable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law. Refer to A Guide to Awarding Dispersations 2012.

Section 31(4) of the Localism Act 2011 states that dispensations may allow the Councillor:

- a. to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- b. to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held and if the dispensation allows may also vote.

Please note: If a parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.

The decision must be based on one or more of the following criteria :

- a. so many members of the decision-making body have Non Disclosable or Non Registerable Pecuniary Interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- b. the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- c. it is otherwise appropriate to grant a dispensation.

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the Proper Officer of the council (ie. the Clerk) as soon as possible before the meeting at which the dispensation is required.

In reaching a decision on a request for a dispensation The Clerk will take into account:

- a. the nature of the Councillor's prejudicial interest
- b. the need to maintain public confidence in the conduct of the Council's business
- c. the possible outcome of the proposed vote
- d. the need for efficient and effective conduct of the Council's business
- e. any other relevant circumstances

4 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 must record in a register of interested maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a members and the source of the gift or hospitality that could be seen by the public as likely to influence your judgement in these matters. 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 – GUIDANCE NOTES

1 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.

Selflessness

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

Honesty and Integrity

2. 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.

Objectivity

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

Accountability

4. 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.

Openness

5. 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.

Personal Judgement

6. 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.

Respect for Others

7. 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.

Duty to Uphold the Law

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

Stewardship

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

Leadership

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