

ENSTONE PARISH COUNCIL COUNCILLORS' HANDBOOK

October 2023



Foreword by Nikki Knott, Chair of Enstone Parish Council

Dear Councillor,

Welcome to Enstone Parish Council.

Thank you for giving up your free time and being willing to serve your community, not for financial gain but for the satisfaction of giving something back to your local community.

We have produced this handbook to give you an overview of what being a parish councillor entails, to answer any queries and hopefully to avoid any pitfalls.

The work and role of the Parish Council has changed much over the last few years and continues to evolve as we seek to meet the needs of the local parish in the 21st century.

Every one of you has qualities, knowledge, skills and life experience to bring to the Parish Council. If you have any questions then please do ask.

Nikki Knott

Chair of Enstone Parish Council.

Introduction

Welcome to the Enstone Parish Council councillors' handbook. This handbook has been designed to provide some background information for Parish Councillors, elected and co-opted, outlining their role and duties. It is also to provide information that can be given to the public to help them better understand the role of the Council, Councillors and the Clerk & Responsible Financial Officer.

The contents of the handbook are derived from a handbook developed by Old Marston Parish Council, having been collated from several sources, including in-house policies and documents as well as information available online and from OALC.

This is not a definitive document and should be read in conjunction with the other official documents referred to in this handbook.

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1. The Role of the Parish Council

Parish Councils have existed in the current format since the 1894 Local Government Act, with many revisions and additions since then. They are the tier of government closest to the community. There were 10,250 parishes in 2018 most of which have a Parish Council. A Parish Council is a corporate body with a separate and distinct legal identity from the councillors who make up the council and the officers, who are employed by the council. It is governed by its standing orders, financial regulations, code of conduct, policies and procedures.

Enstone Parish Council is a local authority that makes decisions on behalf of the people in Enstone Parish. It is the level of local government closest to the community, with West Oxfordshire District Council and Oxfordshire County Council above it in the hierarchy. As it is the Authority closest to the people, the Parish Council is often the first place people go to with concerns or ideas. For this reason, it is a vital part of the community. It meets once a month, with other meetings as needed throughout the year.

What Decisions Does the Parish Council Make?

The Parish Council makes various decisions on issues that affect the local community: a full list of the powers available to the parish council follows. Probably the most common topics that the parish council gets involved with are planning matters (Enstone Parish Council is a statutory consultee) and highways. It is true to say that on its own, a Parish Council has limited powers to make decisions (other than those listed below as Powers & Duties), but it does have the ability to negotiate with and influence those organisations that *do* make the final decisions. In this respect the Parish Council is influential. The organisations that make the final decisions know that the Parish Council gives the best reflection of how a community feels about something, and its views are therefore taken seriously.

Powers and Duties of the Parish Council

Like all Parish Councils, Enstone Parish Council functions within a legal framework. However, it can only do that which it is authorised to do by statute and must not act beyond its legal powers. To ensure public confidence, all its decisions must be transparent and comply with statutory requirements. Agendas are displayed on public noticeboards and on the Parish website (enstoneparish.org). It is subject to both an internal and external financial annual audit. Members of the public are encouraged to attend meetings and to inspect the Council's written records.

The Parish Council has a number of duties. West Oxfordshire District Council also has numerous statutory duties, such as collecting household waste, and Oxfordshire County Council has statutory duties, such as maintaining highways. The powers of a Parish Council allow it to do a wide variety of activities.

A duty is something a local authority should provide or do in law, while a power is something it can do if it wishes.

Function	Powers & Duties
Allotments	Duty to provide allotments; power to improve & adapt land for allotments, and to let grazing rights
Burial grounds, cemeteries, crematoria	Power to acquire & maintain; Power to provide; Power to agree to maintain monuments & memorials; Power to contribute towards the expenses of cemeteries; Duty to keep cemeteries in good order and repair; Duty to follow the <u>Local Authorities Cemeteries Order 1977</u> .
Bus Shelters	Power to provide and maintain shelters
By-laws	Power to make by-laws with regard to pleasure grounds; cycle parks; baths & washhouses. Open spaces, burial grounds; mortuaries and post-mortem rooms.
Closed churchyards	Power to maintain these
Common pastureland	Power to provide common pasture
Community centres	Power to provide and equip buildings for use of athletic, social or recreational clubs

Crime prevention	Powers to install & maintain equipment & establish & maintain a scheme for the detection or the prevention of crime
Drainage	Power to deal with ponds and ditches
Entertainment and the arts, support of	Provision to provide entertainment & support of the arts
Highways	Power to maintain footpaths & bridle-ways; power to light roads & public places; provide litter bins; parking places for bicycles, motor-cycles & other vehicles; to enter into agreement as to dedication & widening of highways, power to provide roadside seats and shelters; consent of council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway; power to complain to the highways authority as to unlawful stopping up or obstruction of highway, or unlawful encroachment on roadside wastes; power to provide traffic signs & other objects or devices to warn of danger; power to plant trees along roads and lay out grass verges etc., and to maintain them.
Land	Power to acquire land by agreement; Power to appropriate land; Power to dispose of land
Litter	Provision of bins
Lotteries	Powers to promote lotteries

Open spaces	Power to acquire land and maintain open spaces
Public buildings and village halls	Power to provide buildings for public meetings and assemblies
Public conveniences	Power to provide public conveniences
Town and Country Planning	Right to be notified of planning applications
Tourism	Power to encourage visitors and provide conference and other facilities
Traffic calming	Power to contribute financially to traffic calming schemes
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport; Powers to make grants for bus services
War memorials	Power to maintain, repair, protect and alter war memorials
Water supply	Power to utilise wells, springs or streams and to provide facilities for getting water from them

The Parish Council is a statutory body, having powers under a wide variety of Acts (such as the Local Government Act 1972, the Public Health Act 1936, etc.). It is up to each council to choose what is appropriate for the community they serve.

The Parish Council obtains funds from the annual precept (which is collected on its behalf by West Oxfordshire District Council). The precept is usually set by the Parish Council at its meeting in December. The amount required is determined by the Parish Council's annual budget. It can also raise funds through grants from other organisations and revenue from facility hire charges.

What is a Precept?

The precept is a tax that Parish Councils charge to their local electors to

meet their budget requirements. Parish Councils do not receive any direct funding from central government and rely on the precept plus any other income they may generate from the services or facilities they provide. The Parish Council precept is part of the overall council tax which is collected from local electors via the council tax paid to the billing authority, West Oxfordshire District Council.

How is it Calculated?

The precept requirement is the difference between the Parish Council's estimated income and its anticipated spending requirements for the financial year (its budget). The financial year runs from 1st April to 31st March. The Parish Council needs to agree a budget before it can set its precept, and both must be agreed by the full parish council.

The clerk and responsible financial officer, along with a Parish Councillor, draws up a draft budget, based on previous year's expenditures and future projects proposed by the Parish Council. This draft budget is then discussed at a Finance Meeting of the Parish Council which usually takes place in November.

When calculating the precept, the Parish Council takes into consideration:

- The current year's spending levels for ongoing services for which it is responsible such as recreation facilities, maintenance, insurance and cost of the parish office and maintenance staffing
- The costs of any additional spending plans or projects
- Provision for contingencies and reserves
- Levels of anticipated income from services for which it is responsible such as rental income and grants.

Currently there is no cap on the amount that parish councils can raise via their precept (district councils and county councils are capped). This is always under review by central government, but for now the government expects parish councils to demonstrate restraint. A council should be able to explain and justify larger precept increases.

Once a precept has been approved by the parish council, the clerk informs West Oxfordshire District Council, and it is then added to the residents' council tax bills. The District Council collects the precept on behalf of the parish council and pays it in two instalments (April and September).

Tax Base and Band D Equivalent.

Part of the precept calculation is the 'Band D Equivalent'. Band D is the middle band of council tax and is supposed to represent the amount of council tax paid on an average property in the area. The Band D equivalent provides a measure which allows precepts among councils of different sizes

to be compared. The estimated number of Band D equivalent properties in the tax base is notified to the parish council by West Oxfordshire District Council prior to the precept setting exercise. The required precept is divided by the number of houses in the tax base to get the Band D equivalent.

Parish Council Regular Expenditure

The Parish Council pays for grass cutting at the junctions of the A44 and the B4022 and the B4030, in St Kenelm's churchyard and in the graveyard in Church Enstone and at the Parish Hall (a contribution is made towards the grass cutting costs by the Parochial Church Council and by the Parish Hall Management Committee respectively), and within the 30 mph speed limits around the village.

The Parish Council pays for the administrative costs incurred in running the Parish Council.

Parish Council Meetings

The Parish Council meets on the third Thursday of each month. All council meetings, including committee meetings, must be open to the public. Meetings can be recorded, however, if doing so, it must be made clear to all present that a recording is being taken and arrangements made should anyone wish not to be recorded.

It is consulted on Planning Applications that will eventually be decided by West Oxfordshire District Council. It is also consulted by Oxfordshire County Council's Highways department on works within the parish.

The councillors and Clerk attend various workshops and consultation meetings with other authorities in order to be made aware of proposals and legislation that may affect the community.

It hosts the Annual Parish Meeting and encourages residents to make their views known.

2. The Parish Council's Place in Government

Many people are uncertain about what the Parish Council can and can't do. It boils down to three rules which are that the Parish Council must do what Parliament requires it to do, do only what Parliament say it may do, and not do anything unless it has a legal power to act, granted by Parliament.

Every action must be supported by the relevant power within the law. This is mainly, but not entirely, found within the Local Government Act 1972. The Parish Council is a statutory consultee for many other organisations on a wide range of subjects. These include planning, highways, health care and police. In this role the Parish Council can be regarded as being a stakeholder in the matter under consideration. The Parish Council also acts as a key information provider and should assist in informing residents on important topics.

3. The Parish Council as an Employer

Further information is covered under the sections on The Role of the Parish Clerk and Role of The Responsible Financial Officer. However, Section 112 of the Local Government Act 1972 states that a council can take on employees that will help it to fulfil its statutory functions.

As an employer, the council has a duty of care to its staff.

If supported by all councillors and encouraged to undertake training, staff employed by the council will enable the council to achieve its aims and objectives.

The numbers of members of staff required will depend on the size of the council, and its assets. Many relatively small parish councils with few assets will probably be adequately managed with just one member of staff, the parish clerk who is also the responsible financial officer. However, a larger council might need any of the following:

- Clerk,
- Responsible Financial Officer,
- Deputy Clerk,
- Financial assistants,
- Caretakers,
- Gardeners,
- grounds staff,
- markets managers,
- village hall/events manager, etc.

Employment law, human resources and paying income tax, national insurance and pensions can be a mine field for even the knowledgeable councillors and clerk. To find out more about this subject area please refer to reference reading at the back of this book.

4. Becoming a Parish Councillor

If you've never been to a Parish Council meeting, you may be forgiven for thinking that parish councillors are a group of (probably older) people who meet now and then in a draughty hall to discuss budgets and parish precepts, making decisions that have little impact on the community they serve. If, however, something 'big' has happened – such as a contentious planning application – you will know that people in the community need support and guidance and it is to the Parish Council that people turn. Residents can contact the Clerk and/or go to the Parish Council meeting to make their concerns known. If you contact the Clerk, the Clerk will make the Parish Council aware. The Council will take your views on board and pass them on to the planning authority. Although it is always advised that you give your views to the planning authority directly via its planning process.

By becoming a parish councillor, you become someone your community will look to for help, guidance and support - a community leader with the power to influence decisions for the benefit of the people you serve. Seeing your community change for the better, as a result of decisions you have helped make, is something that can give you a sense of achievement and pride. As a new councillor, you can bring fresh enthusiasm and new ideas. You will show care for your community and a willingness to learn. You can stand as a parish councillor if:

- (a) You are a British subject or citizen of the European Community,
- (b) Are 18 years of age, and
- (c) Are either in the list of electors for that parish or town or have, during the whole of the preceding twelve months,
 - (i) Occupied land as owner or tenant in it, or
 - (ii) Had a principal place of work there, or
 - (iii) Resided in or within three miles of it.

Process: Before you can be accepted as a candidate you must have a proposer and a seconder who appear on the electoral register for the parish.

Elections: Ordinary elections are held every four years and therefore your term of office would normally be four years. These elections usually coincide with elections for the district or county councils.

Casual vacancy (By-election, Co-option): In the event of a casual vacancy, the parish council must give public notice (Section 87(2) of the

Local Government Act 1972). The notice must be displayed in a conspicuous place within the parish. An election to fill the vacancy, will be held if ten electors of the parish write to Democratic Services, West Oxfordshire District Council, asking for one to be held. The notice must be displayed for 14 days (excluding Saturdays, Sundays and bank holidays). If no request for an election is made, then the Parish Council must fill the vacancy by co-option as soon as practicable after the expiry of the 14 days referred to above. Once an election has been requested, the vacancy must be filled by election, and the Parish Council cannot fill it by co-option, even if there are insufficient candidates. Where the casual vacancy occurs within six months before the day on which the councillor whose office is vacant would have retired, an election to fill the vacancy shall not be held. The candidate wishing to stand for co-option must meet the same criteria for being a councillor as those standing in an election.

To co-opt a councillor the Parish Council puts a notice in prominent places within the parish, inviting anyone interested to write giving reasons why he or she would like to be co-opted. The letters of application are then reported to the council, who then either co-opts directly or invites applicants to an interview. Voting for a new councillor is by show of hands unless the Parish Council has adopted Standing Orders which allow another form of voting. Where there is more than one candidate the names will be placed into alphabetical order and a vote taken. Councillors have only one vote each. The first candidate to receive an absolute majority is declared elected. Should no single candidate receive a majority on the first vote, the person with the lowest number of votes is eliminated. Voting takes place on the remainder, one vote per councillor until one person receives an absolute majority.

5. The Role of the Parish Councillor

To be a parish councillor requires time and commitment. A councillor may spend a couple of hours a week on parish business, and this will increase if they are a member of a permanent or short-term committee.

Being a parish councillor is an unpaid role. Reimbursement of out-of-pocket expenses is permitted if agreed by council in advance. District and county councillors are allowed an allowance from their respective authority. Parish councillors are able to claim travel expenses.

You are summoned to attend all council and relevant committee meetings. If you are unable to attend, then you need to send your apologies before the meeting, which needs to be approved by the council. The Local Government Act 1972 states that when a council member fails to attend any meeting for six consecutive months from the date of their last attendance, **they cease to be a member of the authority**, unless the council accepts a reason for the failure to attend.

Main purpose: Representing the views of all residents within your parish.

Secondary purposes: As part of the Parish Council, you will have responsibility for running local services and potentially much more. You will decide on how much to raise through the council tax (the precept) in order to deliver your council's services. You will help influence and shape the long-term development for the parish. As part of the planning process, you will comment on planning applications. You will work to improve the quality of life and the environment in the local area. You will work to identify issues which are important to the lives of the residents you represent and will work to bring about improvements through local projects, lobbying other service providers and working in partnership with other parishes and agencies.

No member of the council should promise to do something, or agree to do anything, which they have not been delegated to do by the council.

The success of the Parish Council depends on the councillors and clerk playing complementary roles to ensure that the Parish Council devises the appropriate policies and sees that the clerk carries them out. This is particularly so where the clerk is the only employee of the council and is, in effect, its company secretary. It is therefore important that the clerk and councillors understand each others' roles and that

they work closely and harmoniously together. This is especially relevant in relation to the respective roles of the Clerk and the Chair. Without each party fully understanding their own role and the role of the other, disagreements and misunderstandings may arise.

6. The Role of the Parish Clerk

The clerk's responsibility is to carry out the decisions of the Parish Council within a framework of dictated by legislation and good practice. The Local Government Act 1972 (LGA72) section 112(1) empowers the Parish Council to appoint such officers as it sees fit to carry out the work of the council. Typically, small councils use this power to appoint a clerk.

The clerk will organise council business and ensure that the Parish Council only acts in accordance with the powers it has been given through legislation. The clerk may offer guidance to the council. However, it is the lawful decisions of council that the clerk must enact.

The council will delegate under LGA72 s111 certain powers and duties to the clerk to help with the smooth running of the council's affairs. These will form part of the clerk's job specification.

The Parish Clerk is the council's proper officer. This means that the clerk is not a secretary simply taking the minutes at meetings, dealing with correspondence and archiving documents. The clerk may be a qualified officer providing professional advice concerning the laws of governance and administrative support to the council. Answerable only to the parish council as a whole, the clerk takes action to implement council decisions and acts as its finance administrator.

The role of the Parish Clerk comprises three different functions. They are:

- i. The clerk has overall responsibility for the implementation of council policy as would a company secretary in a larger organisation.
- ii. The proper officer is responsible for a range of specific duties as a departmental head would be in a larger authority.
- iii. The responsible financial officer (RFO) is responsible for the finances and accounts of the council.

The full job description of the Parish Clerk and responsible Financial Officer is included below (as of August 2022)

CLERK TO ENSTONE PARISH COUNCIL & RESPONSIBLE FINANCIAL OFFICER

Enstone Parish Council serves one of the largest parishes in West Oxfordshire (by area) with an annual precept of circa £32,000, and a population of circa 1,300 (1,256 residents in 2019).

The village of Enstone is situated on the busy A44, between Chipping Norton and Oxford. The clerk is the main point of contact in the Parish Council for all residents and organisations.

Overall Responsibilities

- The Clerk to the Council is the Proper Officer of the Council and, as such, is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law, of a Local Authority's Proper Officer.
- The Clerk is responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.
- The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Council's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions.
- The Clerk is accountable to the Council for the effective management of all its resources and will report to it as and when required.
- The Clerk is the Responsible Financial Officer and responsible for all financial records of the Council and for the careful administration of its finances.

Specific Responsibilities

Enstone Parish Clerk:-

- To ensure that statutory and other provisions governing or affecting the running of the Council are observed.
- To ensure that the Council's obligations for Risk Assessment are properly met.
- To work closely with the ten Parish Councillors, particularly the Chair, West Oxfordshire District Councillors (WODC) and Oxfordshire County Councillor, to ensure the smooth running of Enstone Parish Council.
- To act as the representative of the Council as required.
- To attend training courses or seminars on the work and role of the Clerk as required by the Council and to keep up-to-date with relevant legislation
- The Parish Clerk is responsible for administering the business of the Parish Council which includes:-
 - a) The preparation and organisation of the twelve monthly Parish Council Meetings.

- b) To prepare and organise the annual Annual Parish Meeting, liaising with the local organisations within the Parish, including the Enstone Parochial Church Council, Enstone Primary School, Enstone Sports & Social Club, Enstone Relief in Need Charity, Enstone Parish Hall Management Committee and Enstone Show Committee.
- c) To organise the Annual Council Meeting and complete the necessary paperwork.
- d) For all meetings, the clerk is responsible for the preparation of agendas and minutes, for attending such meetings and advising Councillors on procedural and legal matters, and for carrying out the decisions made by the Council.
- e) To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence following the instructions of, or the known policy of the Council.
- f) To produce a monthly article for the Ensign magazine, informing residents of work being undertaken by the Council.
- g) To work closely with the webmaster with regards to the Parish website and Facebook page.
- h) To work with the Parish Hall Management Committee following the successful build and fit out of Enstone Parish Hall in 2014.
- i) To work closely with the OALC in matters relating to the Council.
- j) To work closely with the Monitoring Officer at WODC, particularly with regards to the four yearly elections.
- k) To work closely with the Planning Officers at WODC regarding complex planning applications.
- l) To work closely with the Highways Department at Oxfordshire County Council.
- m) To liaise with local organisations including the Primary School, Sports Club, Playing Field Association, the Parish Hall Management Committee, the Eco Group and local business including Heythrop Park, Soho Farmhouse, and Alpine Ltd (formerly known as Renault).
- n) To update the Emergency Plan on an annual basis.
- o) To comply with all data protection, accessibility of information guidelines and GDPR legislation.
- p) To work with third party contractors and to organise the annual contracts for the grass cutting season – sending out letters to tenderers and dealing with all correspondence relating to this.
- q) To organise and co-ordinate the four yearly Parish Council elections with the Monitoring Officer at WODC.

Responsible Financial Officer:-

- a) To monitor and balance the Council's accounts and prepare records for audit purposes and VAT.
- b) To receive and report on invoices for goods and services to be paid for by the Council and to ensure such accounts are met.
- c) To implement the latest local government guidance on matters such as financial risk assessments, standing orders and financial regulations.
- d) To organise and implement the electronic banking on a monthly basis.
- e) To enter the details of the monthly salary and pension details onto the HMRC website and Nest Pension website.
- f) To prepare the "Statement of Affairs" on a quarterly basis.
- g) To organise the annual Finance Meeting in November, to prepare the precept calculations. Circulate the proposed budget and precept requirements to all members of the Parish Council.
- h) To complete the VAT refund documentation on an annual basis.
- i) To complete and present the annual accounts to the internal and external auditors, ensuring good practice under the Financial Regulations.
- j) To maintain a good working relationship with the internal and external auditors.

Emergency Powers

The clerk has powers (set out in Standing Orders) delegated to them to manage emergency repairs and to raise payments up to £300.00 per item. These would be itemised on the next Parish Council agenda as 'retrospective payments' and presented with the invoice/authorisation.

The Clerk's Relationship with Councillors

The smooth running of the Parish Council depends upon a harmonious and positive relationship between the clerk and the councillors. It is essential that each party understands the role of the other, and that, as far as possible, their respective roles do not overlap. A councillor should not undertake tasks which are properly those of the clerk except in an emergency and only then with the authority of the council. In the same way, it is incorrect for the clerk to usurp the role of the councillors by, for example, seeking to impose his/her views on policy issues on the council. The clerk should not forget that he/she is the employee of the council and that the councillors may sometimes make decisions with which he/she does not agree. Animosity can arise between a councillor and the clerk because of the failure of the councillor in question to understand that the

clerk's loyalty and responsibility is to the council as a whole and not to individual councillors. Such a situation can arise, where a councillor wishes to be provided with information by the clerk in order to further a personal matter in which the council is not involved. A clerk should resist any request of this nature and should instead obtain the support of the council.

7. Code of Conduct

Enstone Parish Council has a duty to promote and maintain high standards of conduct by its members and co-opted members of the Council, in accordance with the Localism Act 2011.

Parish councillors are bound by the same code of conduct as are all local councillors. A newly elected councillor has to sign an undertaking, as part of their written declaration of acceptance of office, that they will observe the Parish Council's Code of Conduct.

The Code of Conduct sets out the rules governing the behaviour of councillors in local authorities across the country. Prospective candidates are advised to read the code before standing for election so that they are aware of what will apply to them.

The Code of Conduct is based on the Nolan's seven principles of public life. These are:

- **Selflessness** – You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.
- **Objectivity** – In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- **Accountability** – You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- **Openness** – You must be as open as possible about your actions and those of your council and must be prepared to give reasons for those actions.
- **Honesty and integrity** – You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.
- **Leadership** – You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

In accordance with the public trust placed in councillors, a councillor shall on all occasions:

- Act with integrity and honesty
- Act lawfully

- Treat all persons fairly and with respect
- Lead by example and act in a way that secures public confidence in the role of councillor
- Impartially exercise their responsibilities in the interests of the local community
- Not improperly seek to confer and advantage, or disadvantage, on any person
- Avoid conflicts of interest
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

8. Register of Interests

Laid out in the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464). A signed declaration and undertaking must be received by the clerk before a newly elected member can carry out any duties as a councillor. In addition, all councillors must complete a register of interests within 28 days of the election, which anyone can lawfully ask to see. Prospective candidates are advised to be aware of what will apply to them and be sure that they are willing to complete the requirements for the register of interests.

If a matter comes before the Parish Council in which a councillor has a personal or prejudicial interest, this must be declared before the item is discussed and, if necessary, the councillor will take no part in the discussion or remove themselves from the meeting. Depending on the nature of the personal or prejudicial interest, the councillor may not be permitted to vote on the item.

9. Standing Orders

The Parish Council operates in accordance with its standing orders (which deal with financial, legal and contractual requirements) and the other formal policies and procedures laid down from time to time. These enable the council to take a consistent and properly regulated approach to regular or important activities and issues. The Standing Orders, policies and procedures are reviewed on an annual basis or if legislation changes.

Agendas

Procedural matters such as organising meetings, agendas etc are dealt with in Standing Orders. However, a parish councillor can request for an item to be added to the agenda of a meeting, this is done through the clerk who will do so, provided it does not conflict with Standing Orders. The final decision whether an item appears on the agenda rests with the clerk.

10. Financial Regulations

Financial regulations govern the financial process of the Parish Council and may only be amended or varied by a council resolution.

The Parish Council is responsible in law for ensuring that its financial management is adequate and effective and that it has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. The financial regulations are designed to demonstrate how the council meets these responsibilities.

11. The Freedom of Information Act

The Freedom of Information Act gives an individual or group the right to ask for all relevant information the Parish Council holds on any subject requested. Unless there's a good reason, information must be provided within 20 working days. An individual can also ask for all the personal information we hold on them. Everyone can make a written request for information – there are no restrictions on age, nationality, or where the person lives. The Parish Council has a model publication scheme which outlines what information is available to the public and the costs of providing the information. Any information can be asked for, but some information might be withheld to protect various interests which are allowed for by the act. If this is the case, then we will tell the applicant why we have withheld information. If the request is for information about the individual, then the request will be handled under the General Data Protection Regulation. (See also section on e-mails).

12. General Data Protection Regulation (GDPR)

The Data Protection Act 1998 was superseded by the Data Protection Act 2018 (DPA 2018) on 23 May 2018. The DPA 2018 supplements the EU General Data Protection Regulation (GDPR), which came into effect on 25 May 2018. The GDPR regulates the collection, storage, and use of personal data significantly more strictly (Wikipedia).

In addition to other changes, it enhances the rights of people whose data is held (known as data subjects in the Data Protection Act 1998) and gives them more control over what happens to their data.

The eight data protection principles which were in the 1998 legislation have been replaced by six in the new regulation.

These six general principles are very similar to the old law.

Personal information should be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant, and limited to what is necessary
- accurate and, where necessary, kept up to date
- retained only for as long as necessary
- processed in an appropriate manner to maintain security.

Any organisation, including councils, who holds personal data, whether on an electoral register or village hall booking system, must register with the Information Commissioners Office (ICO).

13. Committees

The Parish Council may form committees and/or working groups which can include residents or specialists to help work on specific projects. This enables a specific topic, or council facility or service, to be researched further or managed more efficiently without taking up already limited full council meeting time. Each committee has its own terms of reference setting out its area of operation and functions. The Parish Council's Standing Orders and financial regulations also apply to all committees. A working group has no budget or power to spend but will report to council and seek approval for any expenditure.

14. Planning

The Local Plan: West Oxfordshire District Council's local plan sets out a planning policy for West Oxfordshire.

This plan is important when deciding planning applications. Within the local planning authority's local plan, its development plan documents must be 'sound' (section 20 of the Planning and Compulsory Purchase Act 2004) both in terms of their content and the process by which they are produced. They must also be founded on a robust and credible evidence base.

Planning Permission

What powers does Enstone Parish Council have with respect to planning applications?

Enstone Parish Council is consulted by the relevant planning authority (which is usually West Oxfordshire District Council) on all planning applications within Enstone Parish. Any views expressed by the Parish Council will be considered by the planning authority before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the planning authority, **not** the Parish Council.

Enstone Parish Council will only comment on what are known as "material considerations". Issues such as boundary disputes between neighbours or loss of private views will not be considered.

Do Parish Councils Grant Planning Permission?

Town and parish councils are not Planning Authorities. Town and parish councils are statutory consultees in the planning process.

- This means that they only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- A parish council can request that it be given extra time to comment on an application.

- The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

How Do Parish Councils Comment on Planning Applications?

- Parish councils can only agree to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant planning authority.
- The process is the same as that of an individual wishing to comment on a planning application.
- Parish councils are statutory consultees but have no powers to approve or reject planning applications, they can only comment (or not) on applications.

What is Meant to 'Call In' a Planning Application?

West Oxfordshire District Councils constitution establishes how the Local Planning Authority will determine a planning application. In most cases, planning applications are decided by a Planning Officer. However, certain applications are automatically determined by the Planning Committee.

These are usually major applications. A planning application can be called-in to the planning committee if a consultee, of which Enstone Parish Council is one, believe that an application is not straight forward, so it is not of mind to:

- Object, or
- No Comment

The reason(s) for asking for an application to be 'called in' must be on planning grounds. Any District councillor can 'call in' an application. However, it requires five other councillors to support the request.

Valid Reasons for Comment on a Planning Application

Comments that are clear, concise, and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as 'material planning considerations'.

The following notes are issued as guidance:

- The purpose of planning is to control development in the public interest.

West Oxfordshire District Council as the local planning authority must take decisions on behalf of the whole community. It must make decisions

openly, fairly and with sound judgement. Letters of objection can only be considered on 'material planning grounds' (see *list below*). Whilst views of local residents are always considered, local opposition or support on its own is not a reason for refusing or granting permission.

Statements of planning policy are issued by government and set out material planning considerations that the local planning authority must take into account when reaching planning decisions.

The local planning authority must also consider other government policies issued in technical documents and ministerial statements.

Previous planning decision, including those that were considered on planning appeal must also be considered and taken into account.

Set out below are the 'material planning considerations' that the local planning authority can consider when determining applications:

- Parking and servicing in relation to traffic flow for deliveries.
- Access and highway safety, including access for emergency vehicles.
- Traffic generation – increased traffic movements arising from the proposed development.
- Overlooking and loss of privacy.
- Overshadowing.
- Privacy/overbearing nature of the proposal.
- Design and appearance.
- Visual impact.
- Daylight/sunlight.
- Layout and density of buildings (over-development).
- Noise, nuisance and disturbance from the scheme.
- Loss of trees.
- Loss of ecological habitat.
- Flood risk.
- Loss of public visual amenity – not the same as loss of private individual's view.
- Risk of increased crime.
- Economic impact.
- Planning history/related decisions.

Irrelevant Reasons for Objection

The following is a list of issues that cannot normally be considered:

- Speculation over future use
- The identity of the applicant or occupant
- Loss of view or value to private individual property.

- Private rights of way.
- Land ownership.
- Age, health, status, background and work patterns of those objecting or supporting.
- Disruption during the building phase.
- Time taken to carry out the work.
- Damage to property.
- Possible change in property value.
- Competition (Business).
- The applicant's personal conduct or history.
- The applicant's motives.
- Potential profit for the applicant arising from the application.
- Private covenants or agreements
- Boundary disputes
- Capacity of private drains/sewers.
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates.
- The fact that an objector is a tenant of land where the development is proposed.
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before getting planning permission)
- The developer's motives, record, or reputation
- "Better" site or "better" use.

NB: The examples listed above are definitive but not comprehensive and are a guide to assist in the preparation of letters or statements of support or opposition.

Other Matters: Concerns and Issues

The person making a planning application must provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission. Because of this, certain issues may not be considered as 'objections' but it is entirely reasonable for you to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used.
- The exact nature of any proposed planting or boundary treatment.

15. Representing the Council

It is of paramount importance that councillors represent both the council and themselves in the correct manner to ensure that both are not misquoted or misrepresented and views belonging to one or the other are not confused in conversations or meetings.

Emails

As a parish councillor all email relating to parish council work should be conducted through a dedicated email account and kept separate from your personal and business email.

This separates and protects you, as a private individual and as a councillor. It also separates and protects the parish council from any confusion that may arise from data protection and freedom of information requests. If you use your personal email address for council business and a freedom of information request is made it means that ALL your emails (private as well as council related) would have to be provided.

Dealing with the Public

As most councillors live or work in the parish they may be stopped by residents when they are out and about with problems which they wish to be addressed. It is important that these queries are brought to the attention of the council. ***No member of the council should promise to do something, or agree to do anything, which they have not been authorised to do by the council.***

Councillor as a Representative

Councillors may be requested, or volunteer, to be a council representative on another body. This could include attending a group as the council's representative or attending a meeting of another authority as the council's representative to pass on information or ask a question.

When attending meetings of groups and organisations, councillors do so as representatives of the Parish Council and should only put forward views agreed by council, and not their own personal views. Councillors should abide by the democratic decisions of the council once made. If you are attending a meeting as the Parish Council representative, but feel you have questions or an objection which you would like to express as an individual then your status must be clearly communicated to the meeting you are attending.

Examples

1. The Parish Council decides to support a planning application. You decide to attend the planning committee at West Oxfordshire District Council because you, personally, don't like the planning application and have a strong objection towards its design and position. If you decide to write against the application, it must be as an individual. However, recent findings have concluded that even as an individual you are more widely known as a councillor and thus open to criticism. Any such correspondence should make it clear that it is a 'personal viewpoint'.
2. You have been asked to attend a community meeting as the Parish Council's representative for no particular purpose other than to gather information of what is happening and to see if any items will affect Enstone. You are only attending the meeting because you are the representative of the parish council and otherwise you would not be invited to this meeting. The meeting goes off track and begins discussing an item which is not at all relevant to Enstone but that you are interested in and have knowledge about. If you engage in conversation regarding issues, opinions or objections you should make the meeting clearly aware that this is your own personal view and not the views of the Parish Council, remembering that you are only there because of the Parish Council.
3. Neighbourhood or police meeting: you attend the meeting because you live in the parish and have an issue to raise at the meeting with the police. You are not the council's representative for this meeting. You should raise your points as a resident and try to avoid mixing in any the parish council opinions or decisions otherwise this would be confusing to other members of the public at the meeting.

Delegated authority

No council member should promise to do something or agree to do anything which they have not been authorised to do by council. However, in certain special circumstances a member may be given delegated authority to act on the council's behalf if there is a change in current legislation to permit this (such as with the temporary Covid legislation).

No member of the council should misrepresent or do something 'in the name of the council', which they have not been authorised to do by the council. The clerk, through his/her job specification, has the delegated authority on behalf of the council to represent the council in negotiation with other bodies.

Councillors should be aware that their direct or indirect involvement can later affect their position in council due to predetermination. Most importantly, if a councillor acts without delegated authority, he/she could be held financially responsible and surcharged in the event of the council incurring expenditure it had not previously budgeted for or agreed to.

16. Media Relations

Introduction

The Parish Council's relationship with the community is vital to its work and the decisions it takes. An open and constructive dialogue is a key requirement for influencing and developing services, identifying attitudes and measuring satisfaction.

Effective media relations are an important factor in establishing a good relationship between the Parish Council and the community. Since members of the public generally rely on the media for local information and news, it is important for the Parish Council to present information about its activities and aspirations in a consistent way.

The community in this sense includes all residents and elected representatives, businesses, schools, shops, places of worship, statutory agencies, voluntary organisations, groups and associations.

Media Opportunities

The media is more than the local newspaper. The phrase encompasses many different means of communicating a message to a wide audience, and includes broadcast media (radio and television), the internet and social media, and a wide range of printed media (e.g. newspapers, free sheets, community newspapers, magazines, leaflets and posters).

Many of the categories in the above have different facets, e.g. a newspaper has feature writers and specialist correspondents in addition to its "news" staff.

Different media respond more readily to certain factors. For example, newspapers are more likely to print a general interest story if supplied with a photograph, radio items tend to be quite brief with a short 'sound bite', and television producers will want moving pictures to illustrate a story.

Contacting the Media

The general principle is that the Parish Council office will act as the press office. Any official contact with the media concerning the Parish Council's policies, the decisions it takes and the services it provides, are to be initiated through the press office.

Press releases and statements will be prepared by the clerk and/or chair in association with other members as required and will normally be

restricted to matters that have been debated and agreed by the Parish Council.

Other members and employees of the Parish Council who identify a media opportunity should refer to the press office so as to ensure accuracy and consistency in any subsequent press release or contact with the media.

If a member or employee receives an approach or enquiry from the media about any matter relating to the Parish Council, it should be referred to the press office. A decision will then be made by the clerk and/or chair, in consultation with other members where necessary, about the format and content of any response.

Nothing in these guidelines is to be interpreted as preventing, or attempting to prevent, a member from expressing a personal opinion through the media, for example by writing to a newspaper or posting an item on an internet site. Members must make it clear however that any views expressed, where different from the Parish Council policy, are their own personal views. Members should take care not to misrepresent and/or bring the Parish Council into disrepute and must bear in mind their responsibilities under the Local Government Code of Conduct.

Employees (other than the clerk) should not contact the media on any matter relating to the parish council unless specifically authorised by the clerk and/or chairman of the council.

All press releases and other materials are to be kept for reference.

Talking to the Media

In response to a Parish Council press release:

- a) Any enquiry from the media is to be referred to the clerk or chair of the council and the author of the press release.
- b) No-one else should offer any comment without prior discussion, except to confirm basic matters of fact (dates of events, spelling of names, etc.)

In response to an unsolicited approach from a journalist or reporter (this includes enquiries about press releases issued by other organisations):

- c) The views of the Parish Council may be expressed subject to the guidelines above.
- d) The clerk or chair of the council should be informed so that facts can be checked, and appropriate action taken.

Monitoring:

It is important to monitor the media for items (reports, articles, and letters) about the Parish Council in order to know:

- a) Whether press releases and statements issued by the Parish Council are picked up and used effectively.
- b) What members of the community are saying about the Parish Council.

Members and employees are encouraged to look out for items referring to the Parish Council in the media: original press cuttings should be sent to the clerk.

Anyone taking part in a radio or television broadcast should try to arrange for it to be recorded and a copy sent to the clerk. In the absence of a recording, a note of the broadcast's contents should be sent.

17. Training

The Parish Clerk and parish councillors are encouraged to attend training on topics relevant to their work for the Parish Council. Attendance at such courses is vital to keep up to date with new legislation and other developments affecting the work and duties of the parish council. Training events are provided by various organisations, such as the Oxfordshire Association of Local Councils (OALC) and Society of Local Council Clerks (SLCC) and are funded by the Parish Council out of the training budget.

For simplicity, contact between the OALC and Enstone Parish Council is restricted to the clerk. The clerk will circulate the OALC monthly Newsletter and book training events. The OALC organises monthly on-line meetings with all Chairs within West Oxfordshire to ensure that all Parish Councils are up-to-date.

18. Localism Update

The Localism Act 2011 represents potentially a major shift in power. The Act is long and complex but at its heart are three powers that will change the role of parish councils.

In short, the parish council has the opportunity to play a core role in the planning system, not just as a consultee but as a plan maker and decision taker on planning matters.

Neighbourhood Plans

Parish councils have the right to produce neighbourhood plans which will shape development at the parish level. Current local plans will take on the strategic role, e.g., housing numbers, strategic infrastructure, etc., and the neighbourhood plan will have to broadly follow this. But the detail of what is planned for the future of a community will now be determined by the parish council through the plan. This includes where housing should be located, what local infrastructure (play areas, doctor's surgeries, etc.) is needed and what development is generally not permissible.

A neighbourhood plan will have to be independently examined and then pass a local referendum amongst the population of the community it serves. If the majority voting is in favour, then a local authority is duty bound to take the plan into account when considering planning applications. The cost of producing neighbourhood plans is to be covered through the proceeds of development permitted in the local area and from specific government funding. Questions to consider include: "What should a neighbourhood plan contain?" and "How can we ensure that it reflects what local people really want?"

Duty to Consult Local Communities on Major Planning Applications

The Localism Bill requires prospective developers to consult local communities before submitting planning applications for certain developments.

NOTE: Enstone Parish Council at present does not have and is not working towards a neighbourhood plan, having met with WODC several years ago and after discussion having decided not to proceed.

Assets of Community Value (ACV)

An ACV is land or buildings nominated by a Parish Council, or certain local voluntary or community groups, which the Council decides meets the requirements to be listed as an asset of community value.

An ACV and the Community Right to Bid offers greater opportunity for communities to keep such buildings in public use and ensure they remain a social hub for the community.

It is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

Community assets can be nominated by parish councils or by groups with a connection with the community. Individuals cannot nominate community assets. If the nomination is accepted, local groups will be given time to come up with a bid for the asset when it is sold.

Through the Community Right to Bid, communities have the opportunity to 'stop the clock' on the sale of valued community assets, for up to six months.

If a property being sold with a potential change of use is included on the planning authorities list of assets of community value, and a community interest group 'expresses interest' during an initial six-week period, then a six-month window of opportunity applies, which is intended to give communities time to create a business plan and gather the necessary finances to bid for the asset.

General power of competence

Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new - even if they think it might be a good idea - because they are not sure whether they are allowed to in law, so are concerned about the possibility of being challenged in the courts.

The Government has turned this assumption upside down. Instead of being able to act only where the law says they can, local authorities will be free to do anything - provided they do not break other laws.

The Localism Act includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.

The new, general power gives councils more freedom to work together with others in new ways to drive down costs. It gives them increased confidence to do creative, innovative things to meet local people's needs. Councils have asked for this power because it will help them get on with the job. The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to

comply with duties placed on them.

The criteria for a parish council to be able have the 'General Power of Competence' are:

Eligibility:

The three conditions for eligibility are set out in the Statutory Instrument as follows:

- **Resolution:** the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
- **Electoral mandate:** at the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted).
- **Qualified clerk:** At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g. Certificate in Local Council Administration, Certificate of Higher Education in Local Policy).

Having decided at a full meeting of the council that it meets the criteria for eligibility at that particular time a resolution to this effect must be clearly written in the minutes. The council is then required to revisit that decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria (if it does). A 'relevant' annual meeting is the annual meeting of the council after the next ordinary election has taken place.

Eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors, it must also record its ineligibility at the next 'relevant' meeting.

There is no requirement for members to be trained in the general power of competence.

19. Specific to Enstone Parish Council:

Enstone is a large parish in West Oxfordshire, with 1,139 residents in 453 households according to the 2011 census

It has 10 councillors representing all areas of the parish, supported by the parish clerk/responsible finance officer who works 14 hours per week.

Residents are kept informed of the council's activities by way of the:

- Website <https://enstoneparish.org>
- Enstone Ensign,
- Emails
- Noticeboards

20. Enstone Parish Council is a member of and/or works with:

- **Community First Oxfordshire** who provide advice and guidance on matters relating to the community in Oxfordshire.
- **Information Commissioners Office** the UK's independent authority set up to uphold information rights in the public interest, promote openness by public bodies and data privacy for individuals.
- **NALC (National Association of Local Council)** through its membership with the OALC. NALC lobbies government and provides training resources, information guidelines, legal topic notes, etc.
- **West Oxfordshire District Council** as the district authority it is important to have good constructive working relationship to be able to work as partners on behalf of the community.
- **OALC (Oxfordshire Association of Local Councils)** who provide a wide range of advice, training resources and a network of town and parish councils throughout the county. For simplicity contact between the OALC and OMPC is restricted to the Clerk and the Chairman of the Council. The Clerk will circulate the OALC Newsletter and book training events.
- **Oxfordshire County Council** as the county authority, like with the city council, it is important to have a good constructive working relationship to be able to work as partners on behalf of the community.
- **SLCC (Society of Local Council Clerks)** who provide the clerk with a wide range of advice, training resources and a network of clerks though out the county and nationally.
- **Many local groups, charities and organisations** who provide a vast array of facilities and services for the Enstone community.