

SOBERTON PARISH COUNCIL

Notes for Potential New Councillors

General Facts

Parish Councils were established by an Act of Parliament in 1894 and is currently consolidated under section 16(2) of the Local Government Act 1972 and are the lowest level of local government. Soberton is part of the District of Winchester and covered by the Central Meon Valley Ward which sits within Hampshire County Council. Representatives from both the District and County Councils attend full Parish Council meetings.

The role of the Parish Council is to represent the interests of the whole community. It is a part of local government supporting the democratic process and provides a focus for the community to identify concerns and projects and endeavour to solve them locally.

The Parish Council is a corporate body and a legal entity separate from that of its members and is accountable to the local community. Its decisions are the responsibility of the whole body and are made collectively and by majority.

Parish Councils are democratically elected and perform a number of important roles as providers and supporters of services, as signposts and access points to services and as representatives and community leaders.

Soberton Parish is split across two wards as defined, the ward boundary runs east-west across the northern end of the High Street, Soberton. This boundary defines a District Council Ward Boundary.

Soberton Parish includes One Hundred Acres, Newtown, the Heath, Webbs Green, Soberton, Hoe Gate, Kingsmead and Brockbridge. It covers 2,400 ha which is approximately 5,760 acres.

Just over half of the parish, mostly to the north and west, is within the South Downs National Park.

There are around 625 dwellings and Soberton Parish Council represents nearly 1300 electorates with a precept of £32,000 for this financial year. It is important that the Parish Council are transparent with their spending each year.

The Parish Council has 11 Councillors (3 from Soberton north and 8 from Soberton south and Newtown).

Parish Council elections are held every four years. The next election is due in 2022. Inbetween elections Councillors may be co-opted when required.

Alongside the Chairman and Vice Chairman, SPC has a paid Clerk who provides advice and administrative support to Councillors and takes action to implement decisions taken by the Council. The Clerk also operates as a project manager, public relations officer and financial administrator. The role is not just administrative, the Parish Clerk is answerable to the Council as a whole and is the authorised officer of the Council in law. The Council can agree to delegate decisions to the Clerk because they are a professional officer whose independence allows them to act on behalf of the Council.

The Parish Council's strength is its diversity. It can make a unique contribution to the needs of our local community with a sensitivity which may be more difficult for District and County Councils to achieve.

Councillors act on behalf of the whole Council and follow actions set by the Council either at Parish Meetings or as directed by the Chairman or Vice Chairman.

The Role of the Parish Council

Soberton Parish Council has discretionary legal powers and rights to take action. Although our responsibilities are more limited than those of WCC, we play a vital part in representing the interests of local people and improving the quality of life and local environment. We may have some influence on other decision makers and can deliver services to meet local needs.

Alongside our discretionary powers we have a number of legal obligations to fulfil:

- we must hold four full Council meetings per year which should include the annual meeting,
- we must appoint officers who we believe are necessary for the proper discharge of our functions which in the case of SPC is the Clerk and Responsible Financial Officer,
- we have Standing Orders for the supply of goods and services to the Council, and
- we must adhere to Local Government Legislation.

Soberton Parish Council seeks to ensure the smooth running of services and maintaining local facilities in two ways:

Strategically - We consider planning applications, have input into drainage, flood management, roads and rights of way, emergency planning and support various groups within the Parish

Specifically - Management and maintenance of facilities owned by the Parish Council such as the recreation ground and children's play area, the sports pavilion plus various small area of land owned by the Parish throughout the villages

New Councillors

To be eligible to stand for election to the Parish Council, a potential Councillor must:

- be a UK, Commonwealth or Republic of Ireland citizen.
- be at least 18 years old
- not to have been convicted or received a prison sentence (or suspended sentence) of three months or more in the previous five years (Local Government Act 1972 (section 80)
- not be the subject of a bankruptcy order
- be an elector in Soberton Parish or in the past 12 months have occupied land or other premises in the Parish (as owner or tenant) or work in the Parish (as your principle or only place of work) or live within three miles of the Parish boundary.

All Councillors have to abide by a Code of Conduct which sets out which interests have to be declared. They also have to enter relevant financial and other interests in a register which is open to public inspection.

There are seven principles which apply to the standard of conduct of those in public life which were established by the Committee on Standards in Public Life:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

SPC Code of Conduct also requires its councillors

- to treat others with respect,
- not to bully or behave in an intimidatory manner,
- not seek to improperly confer an advantage or disadvantage on others,
- to use the resources of the Council in accordance with its requirements, and
- not to disclose confidential information.

Councillors can have other roles such as a trustee of a charity, the employee or director of a company or managing other organisations but these roles cannot overlap.

The role of a Parish Councillor

- A Councillor's normal term of office is four years.
- A Councillor is the holder of a public office, not a volunteer
- A Councillor has no authority to make decisions about Council business on their own
- The main job of a Councillor is to participate in the collective decision-making processes of their Council

Another role of a Parish Councillor is to represent the views of all residents within the Parish. To listen and understand, but not respond, to the views and needs of different groups in the community. The Council will, through the Clerk, respond.

As a Councillor there is a responsibility to be well informed, especially about diverse local views. Councillors cannot assume that they represent the interests of electors without consulting them.

Councillors will be expected to attend Councillor training both as a new Councillor and every four years as an existing Councillor.

The Role of the Chairman

The Chairman is responsible for making sure that each meeting is planned effectively, conducted according to the constitution and that matters are dealt with in an orderly, efficient manner. The Chairman must make the most of all his/her committee members, building and leading the team.

The Chairman:

- Holds a statutory post defined in law
- Is a member of the Council and is elected annually
- Is often the public face of the Council and can speak on behalf of the Council
- Conducting the meetings by:
 - Checking there is a quorum (minimum number of members needed to make the meeting legal)
 - Calling the meeting to order and declare it open
 - Welcoming members, the public and visiting speakers to the meeting
 - Introducing the standard items on the agenda – apologies, declarations of interest, confirmation of minutes of previous meeting
 - Introducing the agenda items and ensuring that all members know what they have to achieve and how they might do it
 - Keeping the members aware of objectives
 - Maintaining focus
 - Guiding and progressing any discussion towards achieving the objectives
 - Managing conflict
 - Being fair and balanced

- Preserving order
- Enforcing rules of procedure
- Ruling on disputed matters
- Ensuring that decisions are clear for the Clerk to act upon.

The Role of the Parish Clerk

The Clerk is employed by the Council, under section 112 (1) of the Local Government Act 1972, to provide advice and administrative support for the council's activities.

The Clerk's primary responsibility is to advise the Council on whether its decisions are lawful and to recommend ways in which decisions can be implemented. To help with this, the Clerk can be asked to research topics of concern to the Council and provide unbiased information to help the Council to make appropriate choices.

The Council is responsible for all decisions and the Clerk takes instructions from the Council as a body and is the authorised officer of the Council in law. The Clerk is not answerable to any individual councillor. The Council can agree to delegate decisions to the Clerk because they are a professional officer whose independence allows them to act on behalf of the Council.

The Clerk is, at all times, independent, objective and professional.

The PC Clerk is the 'engine' of an effective parish council. They are the principal executive and adviser and is also the officer responsible for the administration of its financial affairs.

The Clerk is required to give clear guidance to Councillors, including the Chair, before decisions are reached, even when that guidance may be unpalatable. The Clerk has a key role in advising the Council and Councillors on governance, ethical and procedural matters. They must also liaise with the Monitoring Officer at the District/Unitary Council on ethical issues and the Councillors' Register of Interests.

The Clerk will be 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 will be totally 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 Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. They will be accountable to the Council for the effective management of all its resources.

The Clerk is also the Responsible Financial Officer and responsible for all financial records of the Council and the careful administration of its finances.

The post of the Clerk should be seen as analogous to that of the Chief Executive in a County or District Council. A local authority operation consists of policy-making and decisions, and administration. The Chief Executive is head of the administration and therefore responsible for all the work that is carried out within that function. Clearly there are differences in scale, however, the Clerk is also solely responsible for the administration of that Council and, taking into account that they are the sole employee at Officer level, has within their sphere a more immediate and arguably much wider responsibility in relation to the organisation than their counterpart at County or District Council level.

It is the duty of the Clerk as the Proper Officer to assist Members of the Council on matters of fact and law. Councillors (even where it is contrary to their personal wishes or expectations) should take fully into account the advice and guidance given by the Clerk on the existence and applicability of the relevant facts or the law. Councillors should then seek means to make their policy decisions taking into account such guidance. Councillors should also accept as a fact that it is the duty of the Clerk to minute any situation in which the advice given has not been heeded.

The Clerk's role is wide-ranging:

- Office Manager
- Legal Officer
- Financial Administrator
- Accountant
- Purchasing and Supply Officer
- PR Officer
- Liaison Officer with other authorities
- Researcher/creative write
- Publisher and editor
- IT Manager
- Training officer
- Property manager
- Project manager
- Committee secretary
- Conference/seminar organiser

A Council should not consider the Clerk to be "simply" secretary/clerk but instead a hands-on multi-skilled manager.

