



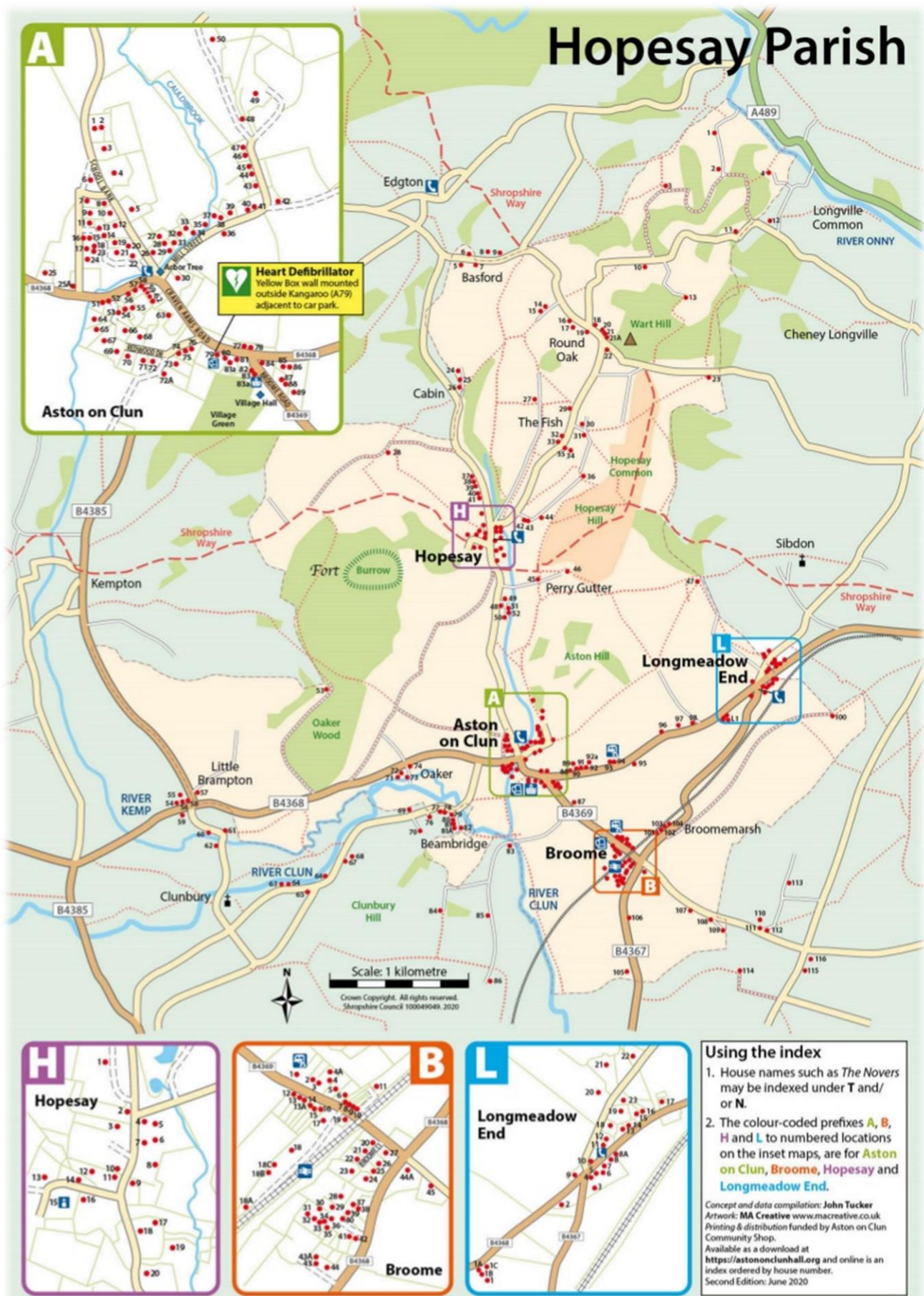
# Hopesay Parish Council Induction Guide for New Councillors

Hopesay Parish Council  
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## 1. Introduction

Welcome and congratulations on your election (or co-option) to serve on Hopesay Parish Council. Council has seats for 9 Councillors. The Parish of Hopesay is in the parliamentary constituency of Ludlow. There are around 430 registered electors in the parish. Apart from the three main settlements, the parish includes The Fish, Round Oak, half of Longmeadow End, parts of Horderley, Basford, and Beambridge, and reaches to Little Brampton, and Rowton. It is sparsely populated and outlying dwellings are very isolated.

Local Councils are an essential part of the democratic framework in England and have a vital role in acting on behalf of communities they represent by:

- giving views, on behalf of the community, on planning applications and other proposals that affect their area
- undertaking projects and schemes that benefit local residents
- working in partnership with other bodies to achieve benefits for the parish
- alerting relevant authorities to problems that arise or work needing to be done

Serving as a councillor requires dedication and hard work to be successful. A councillor is a 'Holder of Public Office'. Whilst the role is unpaid, becoming a councillor is both a rewarding and privileged form of public service; You are in a position to make a real difference to the quality of other people's daily lives and prospects, and to improve your local area.

Don't worry if you have no previous experience of being a councillor. Whilst there's lots to learn there's also lots of help available, and this guide aims to point you in the right direction as you navigate through your first months as a councillor. In summary, it covers:

- The steps to be taken before you can take up your duties
- Your obligations as a councillor
- Your role as an elected member of the council
- The rules and procedures that govern how the Council must operate
- Where to go to get more information and guidance

Most importantly, you will have the support of your fellow councillors and the Clerk as you settle in to your new role, so do not be afraid to ask and seek clarification.



## **2. Getting Started**

### **2.1 Overview**

By becoming a Parish Councillor, you are entering public life, and are therefore governed by rules and regulations designed to promote transparency and integrity. There are some important administrative tasks to be completed first, to enable you as a parish councillor, and these are outlined in the following sections.

### **2.2. Declaration of Acceptance of Office**

On becoming a Councillor, you will be required to complete a Declaration of Acceptance of Office. This normally takes place at your first council meeting. The Clerk will provide the form, and will witness your signature. Signing the Declaration is your commitment to observe the Code of Conduct adopted by the Council. It is therefore in your best interest to have read and understood the code before signing your declaration. More information about the code is provided in section 2.4 below.

You cannot act or participate as a Councillor (including participating in any meetings of the Council, its committees, sub committees or as a representative on an outside body) until you have signed a Declaration of Acceptance of Office. If the declaration is not made and witnessed after a specified time the office becomes automatically vacant.

The term of office of councillor is usually 4 years; commencing on the fourth day after the day of election, and ending on the fourth day after the next ordinary election (usually the first Thursday in May). Or, if you are co-opted, the term of office is until the fourth day after the next ordinary election. A councillor has to stand in the next election in order to be elected again.

### **2.3 Registering Financial and Other Interests**

As a member of a local authority, you are statutorily required to complete a Register of Interests form within 28 days of taking office. You must declare any financial and other interests you have within the parish which may lead to a potential conflict of interest. This includes things like land and property, securities in local companies and employment, trade or profession. Your Register of Interests will be published on the websites of Hopesay Parish Council and Shropshire Council; it may be inspected by any member of the public; and may be referred to where there is an alleged breach of the Council's Code of Conduct (more on the Council's Code of Conduct can be found in Section 2.4).

It is a measure of how seriously this disclosure requirement is taken in that failure to declare a pecuniary interest can be considered a criminal offence under the Localism Act 2011. The Parish Clerk and the Monitoring Officer can provide guidance on how to complete the form if you are unsure of what to include.

You are also required to register any change to interests previously registered, and any additional interests, within 28 days of becoming aware of such a change.

A final point to remember is that even though you have registered your interests, you still need to disclose that you have an interest in an item on the agenda at the start of any meeting where an agenda item touches one or more of your interests. An example would be, a planning application for a property or land next to or very near yours is on the agenda. Always ask yourself if you have a potential conflict of interest for a given topic – Even if you think such an interest is tenuous, it is prudent to declare it at the meeting. Remember the ‘common sense’ test – would a local member of the public who is familiar with the situation reasonably regard you to be more affected (financially or otherwise) than other council tax payers. This could be due to your circumstances or employment, or your family connections, or friendships.

## **2.4 Read the Code of Conduct**

As a councillor you are required to consider all matters with an open mind, in an open and transparent process free from an interest and without bias or rancour. But what does this actually mean in practice? The answer can be found in the Hopesay Parish Council Code of Conduct. This document has been adopted from the Local Government Association Councillor Code of Conduct which is the de-facto standard for parish and town councils. Here’s how the document describes the intent of the Code of Conduct:

*“The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.”*

The Code of Conduct is structured around the Seven Principles of Public Life, also known as the Nolan Principles. These are as follows:

### **Selflessness**

You should act in the public interest and should never improperly confer an advantage or disadvantage on any person.

### **Integrity**

You should not put yourself under any obligations to others, allow them improperly to influence you or seek benefit for yourself, family, friends or close associates.

### **Objectivity**

You should act impartially, fairly and on merit.

### *Accountability*

You should be prepared to submit to public scrutiny necessary to ensure accountability.

### *Openness*

You should be open and transparent in your actions and decisions unless there are clear and lawful reasons for non-disclosure.

### *Honesty*

You should always be truthful.

### *Leadership*

As a councillor, you should promote, support, and exhibit high standards of conduct and must be willing to challenge poor behaviour.

When signing your Declaration of Acceptance of Office, you undertake to observe the Code in its entirety and uphold the above principles of public life. The importance of this cannot be over-emphasised; By following the code, you are protecting both yourself and the council from reputational damage. Breaches of the Code may be reported to the Monitoring Officer of Shropshire Council who has a duty to consider and investigate potential breaches of the Code. The Hopesay Parish Council Code of Conduct can be found at: [Documents - Hopesay Parish Council](#)

## **2.5 Read the Standing Orders**

Whilst the Code of Conduct sets out how councillors should behave and interact with each other, council employees, and the public, the Standing Orders (SO) set out the rules by which council business is conducted. Such as, how meetings should be run, general governance, procurement and HR related rules, and in conjunction with the Financial Regulations (FR), finance and accountability.

Standing Orders are contained in a lengthy and detailed document, which takes time to digest. New councillors are advised to read and study the Standing Orders at the earliest opportunity. Ask the Clerk or the Chair for help in 'translating' a Standing Order – all questions are valid! Over time, the need to constantly refer to Standing Orders will diminish as you become more familiar with them. Hopesay Parish Council's Standing Orders can be found at: [Documents - Hopesay Parish Council](#)

## **2.6 Familiarize Yourself with the Budget and Financial Regulations**

As a publicly funded corporate body, the council must abide by specific financial regulations to prevent the misuse of public funds. The regulations are designed to ensure council financial management is sound and accountable; and that the council has an effective system of internal control to minimize risk when executing the council's functions. Since you, as a councillor, have direct responsibility for financial decisions, you should understand the regulations to which you must adhere. Council's Financial Regulations can be found at: [Documents - Hopesay Parish Council](#)

You can also review the current and last year's Internal Audit and Annual Return documents, which show the level of scrutiny applied to council finances. These can be found at: <https://www.hopesayparishcouncil.gov.uk/Finance.aspx>

It is important that Members have a good grasp of the council budget and whether actual spend is under or over expected spend. The Clerk, as the Responsible Financial Officer (RFO), summarizes Council's financial position for information, review and approval at the monthly council meetings. Budget information for current and previous years can be found at: [Finance - Hopesay Parish Council](#)

The vast majority of Hopesay Parish Council funding is provided through the precept. Think of the precept as local council tax. The precept is set by Hopesay Parish Council through its budget setting process, in December. Shropshire Council then collects precept payments on behalf of Hopesay Parish Council as part of the overall council tax billing process. The precept is paid to Hopesay Parish Council by Shropshire Council as a lump sum at the start of the Financial Year in April.

Any questions on finance and accountability are valid and welcome. The Parish Clerk as Responsible Financial Officer (RFO), will be delighted to explain any aspect of the Parish Council's finances to you in more detail.

## **2.7 Check Out the Website** [Home - Hopesay Parish Council](#)

The Parish Council has a publicly accessible website. Many of the documents referred to in this guide can be found there. In addition, previous meeting agendas and minutes can be found for several past years. By reviewing the last year of meeting minutes, you'll get a very good idea of the type of issues that are handled by Council.

## **2.8 Read the Hopesay Parish Council Policies**

In addition to the Code of Conduct and the Standing Orders, the council has several policies that provide additional direction on specific topics such as Equal Opportunities, Complaints, Data Retention and Data Management. The full set of policies can be found at: [Documents - Hopesay Parish Council](#)

Councillors should be aware of the policies that have been adopted, so that they can refer to them if circumstances arise. Council has a rolling review process for policies (as well as for risks), so that over time all policies will come up for review at council meetings.

## **2.9 Obtaining and Accessing a Parish Council Email Address**

The Clerk will arrange for new councillors to be given a Parish Council specific email address. The parish council email service is Cloud based, meaning it can be accessed from any device with a compatible web browser. Most modern web browsers for Windows, iOS, Linux and Android will work with your parish mailbox.



The council does not have the budget nor the support services to provide equipment to access your parish council mailbox so it is expected that you will use your own device(s). If you need to download and store parish council documents to your own device, it is important that you create a separate folder structure to store such documents separately from your personal files. Once any documents stored on your local device are no longer required, they should be deleted. The information and documents you are given are meant for you as councillor. Some information may be sensitive and / or confidential, and all information and documents must be kept securely and not shared with others unless Council has given explicit authorisation for this.

### **3. Council Roles and Responsibilities**

#### **3.1 Overview**

It is important that all Councillors understand their roles and responsibilities to avoid any misunderstandings that may cause problems later. Training is essential. Councillors bring different skills, have different attitudes, and need to work as an effective team with the Chair as team leader. The Clerk is there to provide independent objective professional advice and implement the council's decisions. The Clerk is termed the 'Proper Officer' answerable only to the council as a whole, the employer. In Hopesay Parish, the Clerk also holds the statutory position of Responsible Financial Officer. Clerks are professional paid officers and can have decisions delegated to them. The advice of the Clerk is important and should always be a Councillor's first point of contact.

You are encouraged to read the National Association of Local Councils (NALC) guide, 'How to be a Good Councillor'. The Parish Clerk will obtain a free electronic copy for you. If you are interested in further reading, NALC's website at [www.nalc.gov.uk](http://www.nalc.gov.uk) has many useful freely accessible publications. Ask the Clerk to download items of interest for you, or ask the Clerk for permission to access the members area of the website.

#### **3.2 Councillor Duties - Summary**

Councillors have the following duties set out in law:

- Must sign a declaration of acceptance of office, agree to abide by the council's code of conduct as adopted and register any disclosable pecuniary and other interests
- Must attend meetings when summoned to do so and are responsible to disclose all interests particularly any pecuniary interests before an item is discussed
- Must inform the clerk of an intended absence in order that it can be recorded. An absence can only be approved if a reason for absence is given and then accepted by Council. If a member does not attend any meeting of the Council, Council Committee or Sub-Committee, or does not carry out an executive function as a member, for six consecutive months without their reason for absence being approved at the time of absence, he/she automatically ceases to be a member of the authority.
- Are entitled to vote at meetings (except on matters where they hold an interest)
- Can resign at any time by written notice to the Chair. Resignation is effective immediately.

### 3.3 Councillors' Role - Summary

In summary, your role as a councillor allows you to:

- Fix the council's budget and set the precept
- Develop policy and make policy decisions
- Represent the community
- Protect and promote community interests
- Act as custodian to the public purse
- Abide by the Council's Code of Conduct
- Act collectively as employer

However, there are some things that you cannot do:

- Make a decision on behalf of the Council\*
- Instruct the Clerk or other staff in their duties
- Write to the press on council matters
- Represent the Council as and wherever you wish
- Resign by walking out of a meeting

\*Council decisions are corporate and must be made in a properly advertised publicly accessible council meeting. Council decisions cannot be made outside of this structure apart from those delegated by Council to the Proper Officer (the Clerk).

Remember, Members (councillors) have no executive authority, and will need to deal with all matters either through their collective Council membership or in liaison with the Clerk.

### 3.4 The Role of the Clerk

The Clerk is the professional officer employed by the Council as a whole to provide professional advice and administrative support. The Clerk manages the daily running of Council, prepares the council for taking decisions, before, during and after meetings, implements decisions and policies, and protects the Council as a Corporate Body. Responsibilities range across organising meetings and events, managing sites and projects, facilities, staff and finance, dealing with contractors, to responding to members of the public, representing Council at meetings, marketing, negotiating and public relations. However, the Clerk is not a councillor's personal secretary, not even to the Chair!

### 3.5 The Role of the Chair

The Council *must* have a chair, responsible for ensuring that proper decisions are taken in Council Meetings, that meetings run smoothly and on time. The Chair ensures that all councillors have the opportunity to speak at meetings and that procedure is followed in accordance with standing orders. The Chair is often the public face of the Council, representing the council in a civic capacity, and can speak on behalf of the Council when delegated by Council to do so.

### 3.6 Role of the Council as a Whole

The Council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole Council. The Council has been granted powers by Parliament including the important authority to raise money through taxation (the precept) and a range of powers to spend public money.

Within Hopesay Parish, the council has responsibility for:

- Aston Green
- Aston Green lower field/overspill car park
- The Arbor Tree and enclosure
- The footway light at the Arbor Tree
- The Broome greenspace (at the crossroads)
- Various village signs, benches and notice boards

The Parish Council also holds the freehold title to Aston on Clun village hall, on behalf of the parish (The hall is leased and independently managed by the Village Hall Committee).

There is much legislation governing the powers available to councils. In summary, the legislation covers:

- What the council **can** do (i.e. what the law says it may do)
- What the council **must** do (i.e. what the law requires it must do)
- What the council **cannot** do (i.e. it cannot do anything unless permitted by law)

The crucial question is '**Does the council have a legal power to act?**'

In 2012, new legislation introduced the **General Power of Competence** for eligible local councils, designed to make it easier for local councils to act. It is intended to permit local councils to do anything an individual might do, as long as other legislation does not forbid it. In essence, it extends what the council **can** do. However, it does not give carte blanche to do anything and everything, so it is always advisable to check with the parish clerk to ensure council is acting appropriately and within its powers.

A council wishing to exercise the general power of competence must satisfy 3 key criteria:

- a) The council benefits from a fully trained, qualified clerk
- b) More than 2/3rds of the councillors were declared elected at the last election
- c) The council passed a resolution declaring that it was eligible to exercise the General Power of Competence at the council meeting following the last election.

Once a council has the General Power of Competence, it remains in force until the next election, after which the tests outlined above will need to be reapplied. To learn more about the general power of competence, check out this link:

<https://www.local.gov.uk/sites/default/files/documents/general-power-competence--0ac.pdf>

### 3.7 The Council as Employer

The law requires that at all times the Council must act as a responsible employer. Councils should set an example as 'Good Employers', and abide by the various national guidelines and obligations on contracts, salary, PAYE, terms and conditions, employee rights, etc. To do this councils have clear, straightforward, and fair employment policies and procedures that help to handle employment issues quickly, fairly and consistently.

Hopesay Parish Council has only one employee: the Clerk, who is employed by the Council and answers to the Council as a whole. No one Councillor can act as the line manager of the Clerk. However, in small councils, the Chair often carries out the Clerk's appraisal. The Clerk as the senior employee line manages any other staff that may be employed by the Council, either directly or through contract. These rules and principles should build on mutual respect and consideration between the Clerk and the Council.

## 4. Council Meetings and the Decision-Making Process

### 4.1 Overview

Council meetings are where you play your part in the decision-making process. They are formal events where the public and press have a right to observe how the Council operates, the exception being when sensitive matters are discussed such as legal, contractual or staffing matters.

Decisions are called 'Resolutions' and these are mostly made by the full Council. Please remember these are 'corporate decisions' i.e. made by a group, not an individual. Decisions should be minuted and must be advertised on the published agenda – in particular, decisions involving money. Some decisions can be delegated to Committees, and to the Clerk. Such decisions must be reported back to Council. Committees often make recommendations to Council, and there may also be advisory or working groups. The work that these groups undertake should be set out in their 'terms of reference' (TOR).

Given the size of Hopesay Parish Council, most issues and decisions are handled through the full council meetings.

A local council *must* have an Annual Council Meeting. In an election year this annual meeting must take place either on the day when the councillors take office (which is the fourth day after the election) or within 14 days thereafter (i.e. on or within 18 days after the election). In addition, a parish council *must* meet on at least three other occasions during the year, and may hold as many further meetings as it pleases.

Hopesay Parish Council meetings usually occur monthly on Monday evenings, and are usually held in Aston on Clun Village Hall. Actual dates are agreed for up to a year ahead by an agenda item at a Council meeting. Some dates, e.g. from March to June, are structured around the time sensitive requirements of Internal Audit and the Annual Return. Agendas and minutes are published on the parish website and can be found at: [Agendas and Minutes - Hopesay Parish Council](#)

Hopesay Parish Council has a Public Participation session in which Members of the Public can raise issues or concerns, or speak about an issue on the agenda.

All Council meetings are governed by the rules and principles set out in Hopesay Parish Council's Code of Conduct, Standing Orders and Financial Regulations.

The *Annual Parish meeting* takes place between 1 March and 1 June. This is *not* a council meeting but a meeting when electors can speak and local issues are debated. Councillors attending this meeting do so as members of the public. The current Chair of the Parish Council sets the date and the agenda, and chairs the meeting.

## 4.2 Pre-Meeting Actions

At least three working days prior to a council meeting, the clerk will issue a 'summons' and agenda to councillors requesting their attendance at the meeting. At the same time, the agenda will be placed on the Council's website and the Council's official notice board, currently located at the Arbor Tree enclosure. As councillors already know of forthcoming dates, most meeting will be expected, but occasionally an extraordinary meeting has to be called to consider an urgent issue that cannot wait for the next ordinary meeting.

If a councillor wants to raise a topic requiring a decision or discussion at a given meeting, they should speak to the clerk in advance of the agenda for the meeting being issued. Standing Orders explain how to ask for a motion to be placed on the agenda. Topics requiring a decision cannot be dealt with at a meeting if not on the agenda. It is a good idea to raise proposed agenda items with the Clerk and the Chair several days before the agenda is due to be issued, so that a clear understanding of the item can be gained to allow it to be properly placed on the agenda. In some cases, a proposed agenda item may have to wait for future meetings, if more information/research is required, or if the existing agenda is already full. It is the responsibility of the Clerk, in consultation with the Chair, to set the agenda. Councils should not have 'Matters Arising' or 'Any Other Business', on their agendas as Councils cannot make unexpected decisions and spend money without prior public warning through an advertised agenda.

When the clerk sends you a meeting summons, they will also include documents relevant to each agenda item. Prior to the meeting, it is your duty to:

- Read through the agenda and any associated reports to identify important items – especially those affecting your area.
- Remember not to confine yourself to the residents you represent. Consider the parish as a whole.
- Make sure that you understand what actions are being proposed.
- Identify any areas you feel you have a contribution to make
- Think about what the result will be if those actions are taken.
- Are the costs involved justified?
- Think about whether there are any alternatives that could be explored.
- If you have any questions, please contact the Clerk or the Chair or the author of the report, **before you attend the meeting**.



You have a duty to attend each council meeting. However, if you are unable to attend for any reason then you must notify the clerk so that your apology can be noted in the minutes. If you fail to attend council meetings for six months, without a reason for non-attendance having been approved at the time, you are automatically disqualified and cease to be a councillor.

The bottom line here is that, you should 'Be Prepared' before you attend a meeting. Check your facts, the background, and if necessary, ask for more details: your parishioners have a right to expect you to have applied the appropriate amount of due diligence before you make decisions on how their money is allocated and spent.

### **4.3 At the Meeting**

First and foremost, come prepared and be on time. It is disrespectful to your other council colleagues and disruptive to the meeting to arrive late without good reason.

Because you are prepared, you will already have read the agenda and associated documents, you'll know if there are any items up for discussion in which you have a potential pecuniary or other interest. It is your duty to declare these to the meeting and to accept that you will exit the meeting for the duration of that item taking no part in the discussion or vote.

Actively participate in the meeting where you can. The best decisions usually result from a high -quality sharing of ideas and opinions. Sometimes debates will lead in to unexpected territory which may be of particular relevance to you and your constituents. Always address the Chair, not another councillor; do not interrupt another speaker; and refrain from holding 'quiet' or whispered conversations with others during meetings as this can create problems for the Clerk and the Chair, is disrespectful, and looks unprofessional to Members of the Public present.

Respect the agenda and the timings allotted to each subject. Council meetings are scheduled for 2 hours, for good reason; members, the clerk, and the public will have worked hard to be attentive and after 2 hours, attention is impaired. Making sure you have adequately prepared will help to keep the meeting on track and to schedule.

### **4.4 Post Meeting – Council Minutes**

It is the responsibility of the Clerk to write the minutes as a legal record of the Council's decisions. Draft minutes are approved by a Council resolution and signed by the Chair at the next ordinary meeting. No discussion can take place on the minutes, except on their accuracy. Minutes should contain headings and decisions, a list of members present and absent, and any interests declared. They are not meant to be a verbatim record of discussions but the Clerk is likely to minute any advice given. Councillors can request that their comments be recorded in the minutes and may also call for a recorded vote to be taken (see Standing Orders). Hopesay Parish Council minutes are placed on the Council's website, draft until approved at the next council meeting.

## 5. A Word or Two About Planning Matters

A significant activity for Hopesay Parish council is the consideration of planning applications in the parish. However, Hopesay Parish Council is not a planning authority, therefore is not the decision-making authority, and also is not a statutory consultee. Shropshire Council is the Planning Authority. However, Shropshire Council has a duty to inform Hopesay Parish Council of any applications affecting the parish so that councillors can debate each application, and agree a council response. Council's responses are in theory treated by the Planning Authority in the same manner as comments from individual parishioners. So, you may ask, what's the point? Well, even though planning notices are required to be publicly posted, they are often missed by individuals. Since the Parish Council will receive notice of all planning applications, it is important that they are advertised on agendas and that a council view is formed and a response provided on behalf of the parish.

To enable informed discussion at meetings, it is important that you are prepared by having reviewed all applications via the Shropshire Council Planning Portal prior to the meeting. The planning portal can be found at:

[Viewing planning applications | Shropshire Council](#)

The planning portal contains a wealth of information, and is a great place to start should you want a better understanding of the planning process in Shropshire. Also see NALC's 'How to respond to planning applications: an 8-step guide'. It can be downloaded from the NALC website at <https://www.nalc.gov.uk/publications>

With regard to applications, the Parish Council can resolve to:

- a) Support an application
- b) Neither support nor oppose an application (i.e. stay neutral)
- c) Oppose an application

Where councillors hold opposing views the majority view as shown by a vote will prevail.

Should the Council resolve to oppose an application, it must give valid reasons for doing so, since planning legislation is specific about what can, and cannot, be considered. Only 'material considerations' count as valid reasons, and they are listed in Hopesay Parish Council's policy document: 'Planning Protocol and Guidelines' which is available at:

[Documents - Hopesay Parish Council](#)

A well thought out parish council response to an application, citing specific material considerations, is more likely to have the desired impact with Shropshire Council's Planning Officers or Planning Committee.

Finally, a reminder: If you think that a planning application directly affects you, your property or other interests you have in the parish, you will need to declare an interest prior to the planning discussion. If in doubt, apply the 'common sense' test – would a local member of the public, knowing your circumstances, consider that you might have a bias?

## **6. Handling Information as a Councillor**

### **6.1 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 Publication Scheme based on the ICO's recommended model, which identifies classes of information routinely in the public domain. Most information held by the Council is available to the public, although in certain cases an exemption may apply which may permit the Council to refuse to supply information.

Information held by Members of the Council (i.e. councillors) is also covered by FOI and therefore Members may be approached to produce their records if a specific enquiry warrants it. This includes notes, answering machine messages, recorded telephone conversations etc. and you should seek advice from the Clerk if you have any concerns. FOI requests are dealt with by Council as the corporate body.

Hopesay Parish Council has adopted the ICO Model Publication Scheme, and like all other policies adopted by the council, this can be found at:

[Documents - Hopesay Parish Council](#)

### **6.2 Data Protection Act (DPA) and General Data Protection Regulations (GDPR)**

Councils hold a wide range of information and are required to register with the Information Commissioner's Office as Data Controllers. Relevant data may be as simple as holding someone's name and address but can also include: details of complaints, lists of contacts, employee/personnel records, and information provided by potential contractors. Images taken by CCTV systems also fall within the data protection regime. The General Data Protection Regulations brought in a set of far reaching and very complex requirements and duties, with huge fines for breaching the rules. Council has to have valid reasons for holding/processing any personal data and can only hold it for as long as it is necessary. The personal data shared with Councillors by Council (e.g. in meeting documents, and forwarded emails) as part of conducting its business, is covered by this legislation. So, please keep all information passed to you by the Chair, the Clerk, or other councillors, secure and confidential, and delete it securely when it is no longer required. Please be particularly careful with any identifying personal information.

N.B. If councillors are processing electronic personal data in an individual capacity (ie here you are not acting on behalf of the Council) you are likely to be classed as data controllers and would individually need to notify the Information Commissioner. For advice and guidance, go to [www.ico.gov.uk](http://www.ico.gov.uk).

### **6.3 'Need to know'**

Councillors do not have a 'need to know' for all council business and cannot claim an automatic right to see all council documentation and information. The National Association of Local Councils (NALC) has provided the following in establishing whether a councillor has a 'need to know':

- If you are a member of a committee, you have the right to inspect documents or to obtain information relating to the business of that committee.

- If not a committee member, you need to demonstrate why sight of the information in question is necessary to enable you to perform your duties as a councillor.
- The document/information will be withheld if a councillor's motives are indirect, improper, or ulterior.
- Councillors may not go on a fishing expedition in respect of council documents but should specify precisely what information they need and for what purpose.

The guidance is to protect confidentiality, but also to protect councillors from inadvertently infringing Data Protection and GDPR law. If you feel you genuinely need to know more about a specific situation, please speak to the Clerk.

## **6.4 Confidential Information**

It is lawful for the council to discuss certain matters such as those relating to members of staff and to legal disputes in confidential session, ie following a resolution to exclude members of the public from the meeting. Discussions relating to the placing of contracts need not be held in confidence but the 'commercial interest' elements of the contract should be treated as confidential.

The Council's Standing Orders and the Code of Conduct require Councillors and Officers to maintain confidentiality. When a councillor is acting, or gives the impression as acting, as a representative of the Council, that councillor is obligated not to disclose information which is confidential or where disclosure is prohibited by law. There are some exceptions, e.g. if you are required to do so by law, where you have a person's explicit consent, or disclosure is in the public interest (justified in only very limited circumstances). Improper disclosure of confidential information constitutes a breach of the Code of Conduct. It may also breach GDPR.

## **6.5 Defamation and Privilege**

Councillors when making statements in council and committee meetings should be aware that they are subject to the general principles of law relating to defamation. As a general defence a councillor should show that any such alleged statement was made on a 'qualified' privileged occasion, when the councillor who makes the statement must show that the statement was made without malice and in pursuit of a public duty. If, upon investigation, the statement is found to be true, it is not defamatory at all, but if it is found to be untrue, privilege can be claimed if the Councillor acted without malice.

Please remember, it is 'best practice' to adhere to the spirit of the Code of Conduct at all times, and to speak respectfully, courteously, and kindly.

## **6.6 Press and Media**

As a general rule, it is unlikely that you will have to deal with press and/or media enquiries in and around Hopesay. However, it is worth understanding that any interaction with press or media should be undertaken with a maximum amount of circumspection.

As a general principle, a Member must never act "on behalf of Council" in the organisation of any function or service. Particular care therefore, should be taken in letters/comments to the Press and other media, to ensure it is understood that although you are a councillor, you do not speak on behalf of the Council.

Generally, the Clerk issues Press statements on behalf of Council.

## 7. Training

The Council encourages Members and the Clerk to attend regular sessions to improve their skills and update their understanding of matters affecting local government. Training events, conferences and seminars are provided by organisations including Shropshire Council, SALC NALC and others, at various times throughout the year, and often the sessions are via Zoom. Councillors should try to attend training and development when offered, to develop their knowledge and skills.

Examples of training available include:

- Code of Conduct
- Councillor Skills
- Charing the Council
- Planning
- Finance including budgeting, audit and risk management

It is also worthwhile remembering that there is a lot of information at your fingertips via the internet. See section 8 below, for some ideas on where to start your own research. But be aware that not everything you find on the internet is up to date or 100% accurate. You will learn quickest by learning on the job, absorbing the advice and guidance of your councillor colleagues, supplemented by essential training. As a new councillor everyone on the council wants you to succeed, and there really is no stupid question!

Please contact the Clerk for further information on your training requirements.

## 8. Useful Contacts and Sources of Information

- Your Clerk – It is the Clerk's job to receive information and to keep the Council informed.
- Hopesay Parish Council website [Home - Hopesay Parish Council](#) (Council's website has up to date contact details for the Clerk and Councillors)
- Shropshire Council [Shropshire Council](#)
- Shropshire Association of Local Councils (SALC) [SALC |](#)
- The National Association of Local Councils (NALC) [Homepage](#)
- Your Clerk is a member of the Society of Local Council Clerks (SLCC) [SLCC | Society of Local Council Clerks](#)
- Aston on Clun Village Hall website <https://astononclunhall.org/>
- Shropshire Voluntary Community Services <http://vcsvoice.org/>
- Rural Community Council for Shropshire <http://www.shropshire-rcc.org.uk/>
- NALC's 'The Good Councillor's Guide'
- NALC's 'Being a Good Employer'
- JPAG (Joint Panel on Accountability and Governance) Practitioners Guide. Updated every year, it is obtainable from NALC, SLCC, and online generally.
- And not forgetting your co-councillors!



Lastly, Councillors should be aware of the various ways to contact the clerk and how they can accordingly signpost the public. For councils like Hopesay that do not have council offices, the official address of the council is the Clerk's home address. This does not mean that the Clerk's home is 'open all hours' to anyone - councillors or electors! Councillors do not have a right of access to the clerk's home even though it is the official address of the Council.

The Clerk works part time hours, but does try to be available to councillors and residents at other times. The Clerk should not be contacted about council matters via their personal email, nor during their periods of annual leave.