



Ivybridge
Town
Council

Induction Pack for new Town Councillors

Drafted November 2023

Table of Contents

SECTION A – GETTING STARTED	3
1. Declarations of Acceptance of Office.....	3
2. Registering financial and other interests.....	3
3. Code of Conduct.....	3
4. Attending your first meeting	4
5. About the Council.....	4
SECTION B – GENERAL INFORMATION	4
1. The Annual Town Meeting and the Annual Meeting of the Council.....	4
2. More about meetings.....	5
3. Councillor Mileage Claim Policy	6
4. Freedom of Information (FOI)	7
SECTION C – RESPECTIVE ROLES OF MEMBERS AND THE TOWN CLERK	7
1. Introduction	7
2. The role of Members	7
3. The role of the Town Clerk.....	7
4. How these roles work in practice.....	8
5. Statutory Powers and Duties	8
6. Council policies and procedures	8
7. Summary.....	8
SECTION D – DECLARING PERSONAL AND PREJUDICIAL INTERESTS	9
1. Introduction	9
2. Declarations of a disclosable pecuniary interest or a disclosable non-pecuniary interest at meetings.....	9
3. Gifts and hospitality	10
SECTION E – FINANCE	11
1. Governing rules.....	11
2. Precept	11
3. Power to incur expenditure.....	11
4. Section 137 expenditure	11
5. General Power of Competence (GPC).....	12
SECTION F – GENERAL PRINCIPLES OF PUBLIC LIFE	12
APPENDICES.....	14

SECTION A – GETTING STARTED

Note – the term ‘Member’ refers to the role of Town Councillor.

1. Declarations of Acceptance of Office

You cannot act in your office as Councillor (including participating in any meetings of the Council or any Committees) until you have signed a Declaration of Acceptance of Office. The Town Clerk will contact you before your first meeting (or form will be available at the meeting if unable to contact you before) for you to sign in their presence. Please note, when becoming a Councillor, you must observe the Code of Conduct adopted by the Council so it is essential that you have read the Code, about which more details are given in paragraph 3 below.

2. Registering financial and other interests

All Members of local authorities are statutorily required to register with their authority various financial and other interests under the Localism Act 2011. A registration form will be provided to you, and can be found on council’s Google Drive – the form must be completed within 28 days of taking office. This is also a requirement of the Code of Conduct. Full instructions are given on the form regarding its completion. The form, when complete, is logged with South Hams District Council’s Monitoring Officer who keeps all forms from Town Councillors on a public register kept at South Hams District Council offices, and is made available both on their website and the Town Council’s website. Failure to declare disclosable pecuniary interests is an offence under s.34(1) of the Localism Act 2011.

The details, which you will need to register, are set out in full in Part 3 of the Code of Conduct for Members. You are also required to register any change to the interests previously registered, within 28 days of becoming aware of such a change. If you have any changes to register at any time please inform the Town Clerk and an amendment form will be provided to you for completion. Please note that Councillors are responsible for keeping their register entries up to date. The fact that you have registered a particular interest in writing does not absolve you from making a disclosure of that interest at meetings should circumstances arise. In fact, it should remind you of the need to make a disclosure. Further information on making disclosures at meetings is given in Section D.

3. Code of Conduct

The Council has adopted a Code of Conduct for its Members, which reflects the model produced by the National Association of Local Councils and follows the Seven Principles of Public Life (the Nolan Principles).

When signing your Declaration of Acceptance of Office as a Councillor, you undertake to observe the Code.

A copy of the Code is attached (*appendix a*). It is essential that you read this, and become familiar with its contents, before you begin to act as a Councillor.

4. Attending your first meeting

Once you have signed your Declaration of Acceptance of Office, the Town Clerk will confirm the date of the first meeting that you may attend.

Agendas and associated papers will be uploaded to the Council's Google Drive at least 3 working days before any meeting. If you have any queries regarding any item on an agenda, please contact the Town Clerk before the date of the meeting.

5. About the Council

The number of Members serving on a Town/Parish Council is determined by South Hams District Council. Ivybridge Town Council has a total of 16 Councillors, a list of current serving Councillors is attached (*appendix b*).

Elections are held every four years and normally take place on the first Thursday in May. The next Town and Parish Council election will take place in May 2027. If, following an election, there are insufficient Members a Council may, if a quorum exists (see notes on procedures), fill the vacancies by co-opting people to serve as Members of the Council.

It is important to emphasise that a Council has a separate identity from its Members. It enjoys its own legal status. The fact that a Council derives its existence from statute means that it can only do things that are expressly or impliedly authorised by statute.

SECTION B – GENERAL INFORMATION

1. The Annual Town Meeting and the Annual Meeting of the Council

The Annual Town Meeting is not a Council meeting. It is a meeting of the town's electors and by law it is required to be held between March and June. Strictly speaking electors can set the agenda, and in practice these meetings often celebrate local activities and members of the community and may debate current issues in the community. Members will therefore find it useful to be present, although it should be noted that you would be attending in your capacity as a Council Member and not a member of the public.

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

The Annual Meeting of the Council, also known as the Statutory Council meeting, takes place during May and is a meeting of the full Council. At this meeting the Council elects its Chairman (Mayor) and Vice-Chairman (Deputy Mayor), formally adopts its Standing Orders, and sets its Committees and membership thereof.

2. More about meetings

Committees

A Council can set up Committees to deal with its business, and it has a wide discretion regarding what business can be allocated to Committees and responsibilities delegated to those Committees.

Calendar of meetings

A list of dates of forthcoming Council and Committee meetings is attached (*appendix c*). You will be given an opportunity to discuss which Committees you are interested in joining in, and which will be set at the Annual Meeting of the Council in May of each year.

Organisation of meetings

Full Council meetings usually take place in the Watermark building, with Committee meetings being held in the Town Hall. Full Council meetings start at 7pm, Planning Committee 6pm, Parks & Open Spaces Committee 6.45pm, Policy & Resources Committee 7pm, The Watermark Committee 6.30pm.

An agenda is produced by the Town Clerk and appropriate officer for each meeting, and copies of the agenda and supporting material is circulated to Members via Google Drive – giving the statutory 3 clear days notice of a meeting. Agendas are also published on the council's website and Town Hall noticeboard.

Agenda, reports and minutes

The agenda for a meeting will set out the business to be conducted.

'Updates & Information' is used to make announcements or convey information but it must not be used to avoid including specific items of business on the agenda, and resolutions/recommendations may not be made under this item.

The non-receipt of a Notice of a meeting and Agenda by a Councillor(s) does not invalidate the meeting.

When you receive agenda and reports for meetings, you will sometimes find a report marked 'CONFIDENTIAL'. Any information in this report is to be treated as confidential and must not be divulged to anyone who is not an elected Member of the Council, or when as part of a Committee report must not be divulged to non-Committee Members, nor must discussions during meetings on that confidential matter be divulged.

Minutes of meetings are prepared by the Town Clerk, Assistant Clerk, Senior Finance Officer or other appointed Officer, and will provide a record of the business transacted and details of the decisions reached by the Council. The ratified and approved minutes are the only record recognised in a Court of Law. Long after the meeting is held the minutes may be used as a reference point and, in this context, whilst being kept as short as possible, they should set out clearly the decision reached by the Council, and the reasons prompting such decisions. Minutes are kept in an appropriate book and signed by the person presiding the meeting. Copies of

the previous Council and Committee minutes are circulated to Members (via Council's Google Drive) before the next Council or Committee meeting with the agenda for that meeting. Each Committee will consider and confirm their minutes are a correct record of the previous meeting, and these will be forwarded to the next Council meeting to note and adopt.

Conduct of meetings

The Chairman/Mayor presides at a Council meeting. If he/she is absent then the Vice-Chairman/Deputy Mayor presides, or in his/her absence, a person appointed by the Council. Meetings of a Council and its Committees are open to observation by the press and public, although specific matters can be dealt with in private, provided that a resolution is passed by the Council giving the reason why the business needs to be transacted in a confidential manner.

A meeting cannot take place unless a quorum of Members is present. In the case of a Council meeting, a quorum consists of five Members. A quorum for a Committee or Sub-Committee is one third of its members, and no less than three.

The rules of debate and the general conduct of business will normally be governed by the Council's Standing Orders (*appendix d*). Voting will be by show of hands. The person Chairing the meeting will have a casting vote if the votes are equal.

If any Members have difficulty in attending meetings they should advise the Town Clerk or relevant Officer. If absence is likely to be prolonged it is important to be aware of the consequence of failing to attend any meeting of the Council, or its Committees, for six consecutive months. Unless the Council approves such an absence, or there is statutory justification, then the Member will automatically be disqualified.

When wishing to speak at a meeting, Members are required to indicate to the Chairman that they wish to speak by raising a hand, and when invited to do so, they should address Members through the Chairman. Only one person is permitted to speak at any one time, and by invitation of the Chairman. There should be no speaking across one another, and those speaking should do so clearly.

Dress code

Ivybridge Town Council does not have a dress code for its Members at meetings, however some degree of smartness is expected as these meetings are also attended by the public.

You will be given an Ivybridge Town Councillor badge which you are expected to wear at formal Council occasions such as Annual Town Meetings or meetings where you are representing the Council, and at Town Council events such as Remembrance Sunday or Town Council stands at fetes, Councillor Surgeries, etc. This badge must be returned when your role as Councillor ends.

3. Councillor Mileage Claim Policy

Councillors are permitted to claim mileage for approved activities outside the parish boundaries, as per the Council's Councillor Mileage Claim Policy (*appendix e*).

4. Freedom of Information (FOI)

The Council is obliged by law to make information on its activities available to the public on request. It maintains a scheme known as a Publication Scheme, which is available to the general public and this contains classes of information which are routinely available to the public. From January 2005 all information held by the Council will be available to the public, except that in certain cases an exemption may apply which could enable the Council to refuse to supply information.

It is important to note that information held by Members will also be covered by FOI, including Council use email addresses and council use WhatsApp groups, and Members may be approached to produce their records if a specific enquiry warrants it.

SECTION C – RESPECTIVE ROLES OF MEMBERS AND THE TOWN CLERK

1. Introduction

This short note has been prepared with the intention of giving newly elected/co-opted Members of the Council some guidance as to the respective roles of both Members and the Clerk in helping the Council to function, and on how these roles work in practice.

2. The role of Members

Members are collectively responsible for making Council policy, for which they are accountable to the electorate.

Members are not directly involved in the day to day provision of services to the public. This does not of course mean that there should be no contact between Members and the Clerk on such matters and, indeed, Members may often find that they are asked by electors to pursue matters on their behalf. However, Members have no executive authority, and will need to deal with all matters either through their collective Council membership or in liaison with the Clerk concerning, say, a town problem.

It therefore follows that there are no circumstances where an individual Member can issue an instruction to the Town Clerk, or other member of staff, or a Council Contractor. Likewise, a Member must never act 'on behalf of the Council' in the organisation of any function or service. Particular care should be taken in letters/comments to the Press, to ensure they understand you speak as a 'Town Councillor' and not on behalf of the Council as a whole. Generally, the Clerk of the Council issues Press statements.

3. The role of the Town Clerk

The role of the Town Clerk is twofold, for which they are accountable to the Council. Firstly, they are the professional advisor to the Council on matters of policy and, secondly, the executor of Council policy, i.e. in carrying out the instructions of the Council.

It is essential for good relationships that the Town Clerk on taking post is fully informed on the standards expected by the Council in respect of the work and roles that the Town Clerk has to fulfil. The Town Clerk's role is crucial to the operation of the Council. All appropriate training and support is an absolute requirement for a competent Clerk in post. Budgets should reflect this. The Town Clerk is the source of legal advice for the Council. Many disagreements, which are the beginning of complaints by some Councillors of the Town Clerk, stem from annoyance of being informed that their actions would be Ultra Vires. It is the Town Clerk's absolute duty to inform Councillors if this is likely to be the case. However, Councillors are naturally free to ignore advice if they so choose. The Town Clerk is bound to record these occasions as a duty of the Proper Officer in the relevant minutes.

4. How these roles work in practice

Members take decision on matters of major policy at meetings of the Council, after having considered the recommendations of any Committee. Members take decisions on policy matters of more limited significance at meetings of any Committees, after having considered the recommendations of the Town Clerk and depending on the Committee's delegated powers. Within the framework of policies decided by Members, either at full Council or Committee level, the Town Clerk, often in consultation with the Chairman, will take many decisions every working day. Most of these decisions will be concerned with the day to day management of services to the public, but others will be concerned with more important matters.

The Council may employ additional staff, managed on a daily basis by the Town Clerk, to support the Council in providing its services.

5. Statutory Powers and Duties

The Council derives its powers from statute. A few of these are mandatory (i.e. the Council must carry them out) but most are discretionary (i.e. the Council can carry them out if it wishes). In all cases, both Members and Officers must work within the law.

6. Council policies and procedures

Council has adopted a number of policies and procedures in relation to its activities and services, and those required by law. A list of policies is included in *appendix f*, and documents can be viewed on the Council's website www.ivybridge.gov.uk or obtained from the Town Clerk.

7. Summary

Members are responsible for making Council policy, but do not have executive authority.

The Town Clerk is responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out.

The Council's Terms of Reference determines which Committees, if any, deal with particular matters and at which level decisions are taken.

Many matters are delegated to the Town Clerk, who can make decisions on them working within established Council policies.

The day to day management of staff, offices and services is the responsibility of the Town Clerk.

Both Members and the Town Clerk must work within the law.

Mutual respect between Town Clerk and Members is essential in order for the Council to function effectively.

SECTION D – DECLARING PERSONAL AND PREJUDICIAL INTERESTS

1. Introduction

The law relating to the declaration of personal and prejudicial interests in meetings is complicated. The purpose of this note is to simplify matters as far as possible, and to advise Members of where to find the more detailed information, which they will need to refer to as particular circumstances arise.

Agenda papers are generally dispatched approximately 5 days in advance of the meeting to which they relate. On receiving an agenda, you should check the items of business listed, and consider whether there is a need to declare an interest (and if so, what type of interest) in any of the items. The Clerk is always willing to offer advice and guidance before (but preferably not on the day of) a meeting, but should not be asked to do so during a meeting.

2. Declarations of a disclosable pecuniary interest or a disclosable non-pecuniary interest at meetings

The Localism Act 2011 states that a pecuniary interest will be a 'disclosable pecuniary interest' if:

- If it is of a description specified in the regulations; **and**
- it is an interest of:

Either

- the Member or co-opted Member;

Or

- the Member's or co-opted Member's spouse or civil partner; or
- a person with whom the Member or co-opted Member is living as husband and wife; or
- a person with whom the Member or co-opted Member is living as if they were civil partners;

and the Member or co-opted Member is aware that the other person has the interest.

If you have a disclosable pecuniary interest or disclosable non-pecuniary interest in an item under consideration at a meeting, you must declare that interest verbally and

say what the nature of interest is. You must do this at the beginning of the meeting, under the agenda item 'Disclosure of Members Interests'. If at any time during the meeting you feel you have an interest in an item being discussed, you should declare it at that point. This is a requirement of Standing Orders, and is aimed at ensuring that all such declarations are properly recorded in the minutes of the meeting.

Unless the Member has been granted a dispensation, where a matter arises at a meeting which relates to a disclosable pecuniary interest, the Member shall not participate in a discussion or vote on the matter and shall withdraw from the meeting.

Unless the Member has been granted a dispensation, where a matter arises at a meeting which relates to a disclosable non-pecuniary interest, the Member shall not participate in a discussion or vote on the matter and shall withdraw from the meeting.

The circumstances in which you may be required to disclose an interest are complex, and you must therefore read and become familiar with the specified interests detail. The rule of thumb is that it is not enough to avoid actual impropriety, but that you should avoid any occasion for suspicion or any appearance of improper conduct. If you are in any doubt whatsoever, it is better to err on the side of caution, and make a declaration of interest, and retire from the meeting if the type of interest so warrants.

The Clerk is able to offer advice and guidance on such matters before the meeting, but the decisions on whether you have an interest to disclose are yours and yours alone. Advice and guidance cannot however be given to you at the meeting, as it is impractical to do so.

Dispensation requests shall be submitted in writing to the Town Clerk, as Proper Officer, as soon as possible before the meeting. It shall confirm the nature of the disclosable interest, the date of the meeting for which the dispensation is sought, and an explanation as to why the dispensation is sought. A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

3. Gifts and hospitality

Guidance regarding the acceptance of gifts and hospitality, and the declarations of such, is also included in the Code of Conduct.

All Members of local authorities are statutorily required to register with their authority any gift or hospitality which they receive in their capacity as a Councillor over the value of £25. This is reflected in the Code of Conduct for Members. Such registration must be made in writing within 28 days of the gift or hospitality having been received. Clearly, you should treat with caution any offer of a gift or hospitality that is made to you personally, particularly if the person making the offer may be doing or seeking to do, business with the Council, or may be applying for planning permission or some other kind of decision.

In addition to the above-mentioned requirements, you are strongly required to register all offers of gifts or hospitality whatever the value and whether you accept them or not. You will then be protected in the event of a complaint or enquiry, and

South Hams District Council's Monitoring Officer will be made aware of inappropriate offers made to Members (especially where a series of lower value offers is made).

SECTION E – FINANCE

1. Governing rules

Rules governing the conduct of financial transactions of Ivybridge Town Council are found in the Financial Regulations (*appendix g*).

2. Precept

A local Council will obtain some of its funds via a precept upon the billing authority (in this case, South Hams District Council). The precept is an order on the billing authority to pay to the local Council a certain sum which is required to carry out its functions and services for the year. This is collected through the Council Tax for that parish/town.

Before setting its precept, the local Council is expected to consider its spending plans for the year and to consider any income from other sources, so that only the net total of expenditure is approved as its precept. This procedure will normally take place between October and January for the precept for the ensuing financial year. A copy of the Council's budget and precept for the current financial year is attached (*appendix h*).

It should be noted that only the full Council, at a properly convened meeting, can approve a precept. A Committee can discuss and recommend a precept so long as its recommendation is approved at a later full Council meeting.

3. Power to incur expenditure

A local Council is empowered to incur expenditure on anything which is calculated to facilitate, or is conducive to or incidental to, the exercise of its statutory powers. This means that it cannot incur expenditure on anything that is not specifically included in statute (but see Section 137 expenditure below). Numerous Acts and Regulations detail the statutory powers conferred on a local Council. A copy of powers and duties of a local Council is attached (*appendix i*).

4. Section 137 expenditure

Although a local Council may not incur expenditure on anything other than powers conferred by statute, the Local Government Act 1972, Section 137 allows expenditure, up to a certain annual limit, on anything which, in the opinion of the Council, is in the interests of the Parish, or part of it, or is in the interests of all or some of its inhabitants (good examples are Armistice Day wreaths or donations to local clubs and organisations).

The annual limit for Section 137 expenditure is set at a rate per elector. This rate is reviewed annual by Government and published prior to the start of the financial year commencing on 1st April.

5. General Power of Competence (GPC)

The GPC is a statutory power enabling local councils to do anything that an individual may do, without breaking the law. Eligibility criteria must be met, and Council must confirm by resolution that it has met the criteria and is therefore eligible to use the GPC. This eligibility lasts until the Annual Meeting of the Council in the next ordinary election year, and must be reaffirmed at every subsequent Annual Meeting of the Council, or confirm that it is no longer eligible.

SECTION F – GENERAL PRINCIPLES OF PUBLIC LIFE

The following is a list of principles, which the Secretary of State has ordered should govern the conduct of Members. The Code of Conduct is consistent with these principles.

Selflessness

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

Honesty and integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

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

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to uphold the law

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

Stewardship

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

Leadership

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

DRAFT

APPENDICES

- a) Code of Conduct
- b) List of current serving Councillors & Committee Membership
- c) List of forthcoming meetings
- d) Standing Orders & Committee Terms of Reference
- e) Councillor Mileage Claim Policy
- f) Council policies and procedures
- g) Financial Regulations
- h) Current budget and precept
- i) Powers and duties of a local Council

DRAFT