

Public Document Pack

Date of meeting Monday, 7th January, 2013
Time 7.00 pm
Venue Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffs ST5 2AG
Contact Peter Whalan

Standards

AGENDA

PART 1– OPEN AGENDA

- 1 Apologies for Absence
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included in this agenda
- 3 **MINUTES OF THE PREVIOUS MEETING** (Pages 1 - 4)
To receive the minutes of the previous meeting held on 1 October 2012.
- 4 **Role of the Independent Member** (Pages 5 - 8)
- 5 **Dispensations** (Pages 9 - 12)
- 6 **Government Guidance on Openness and Transparency on Personal Interests** (Pages 13 - 16)
- 7 **The Quality Town and Parish Council Scheme** (Pages 17 - 36)
- 8 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972

Members: Councillors Cairns, Cooper, Mrs Hambleton, Mrs Heesom, Taylor.J, Turner (Chair) and Wemyss

‘Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting’

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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STANDARDS

Monday 1 October 2012

Present:- Councillor T Turner – in the Chair

Councillors Mrs Heesom and Taylor J

1. **APOLOGIES**

Apologies for absence were received from Councillors Cairns, Cooper and Mrs Hambleton.

2. **DECLARATIONS OF INTEREST**

There were none.

3. **MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the meeting of this Committee held on 19 March 2012 be approved as a correct record.

4. **THE LOCALISM ACT 2011- THE AMENDED REGIME - THE NEW CODE OF CONDUCT FOR MEMBERS**

Consideration was given to a report submitted by the Council's Monitoring Officer advising Members that the Council had, at its meeting in July, adopted a new Code of Conduct for elected and co-opted members indicating that the Council would continue to have responsibility for dealing with Standards complaints made against elected and co-opted members of this Council as well as of town and parish councils.

The Council had also adopted arrangements for dealing with complaints of alleged breaches of the Code of Conduct both by district and parish councils members. The arrangements, that were set out in an appendix to the officer's report, gave details of the process for dealing with complaints of misconduct and the sanctions which may be invoked against a Member found to have breached the provisions of the adopted Code of Conduct.

The new regime would contribute to the overall ethical wellbeing of the Council and help to encourage a culture of high standards in which the Council and public could have confidence.

The Committee took the opportunity to discuss independent membership and agreed that more than one independent member should be appointed and members were advised that Mr D Wood MBE was willing to continue to fill one of those positions.

A discussion also took place on the size of panels appointed to deal with complaints against Members and it was felt that the Committee as a whole should sit to consider each individual complaint rather than attempting to convene smaller panels made up of members of the Committee that, in the past, had been difficult to arrange.

In conclusion, the Committee was advised that a number of Members had still to complete and return their disclosure of pecuniary interests forms which was in breach of the Code of Conduct. It was agreed that Members should be reminded of the need to return the forms as quickly as possible and that failure to do so was in breach of the Code of Conduct.

Resolved:- (a) That the details submitted of the newly adopted Code of Conduct for Members and the arrangements for dealing with complaints be received.

(b) That the Committee as a whole be convened as and when necessary to deal with complaints made against Members considering alleged breaches of the Code of Conduct.

(c) That Mr D Wood MBE continue as an Independent Member and that the remaining vacancy be advertised in the local press.

(d) That Members be reminded of the requirement to complete and return their disclosure of pecuniary interest forms and that failure to do so is a breach of the Council's Code of Conduct.

5. **GOVERNMENT GUIDANCE ON OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS**

Consideration was given to a report submitted by the Council's Monitoring Officer outlining the contents of guidance issued by the Department for Communities and Local Government entitled 'Openness and Transparency on Personal Interests'.

A copy of the guidance had been circulated to all Members of the Council in August 2012.

The Committee considered a flow chart prepared by the Monitoring Officer that, it was considered, would help members of the Council to decide whether they needed to disclose interests in a particular matter.

Resolved:- (a) That the advice contained in the above Government Guidance be received.

(b) That consideration of the flow chart be included as an item on the next agenda.

6. **FUTURE WORK PROGRAMME**

The Committee was asked to suggest areas of work for inclusion in its work programme for the current municipal year.

Resolved:- (a) That training for Members on social networking be included on the Committee's work programme for the current year.

(b) That parish councils be offered training on the new Code of Conduct regime from the Monitoring Officer with the caveat that the training can be delivered to individual parish councils or at one session to which all parish councils could be invited to attend.

(c) That Members be invited to contact the Chair of the Committee and/or the Monitoring Officer if they wish for other matters to be added to the work programme.

(d) That the work of the Committee be reviewed at its last scheduled meeting in the current municipal year (11 March 2013).

T TURNER
Chair

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ROLE OF THE INDEPENDENT MEMBER

Submitted by: Head of Central Services and Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

Recommendation

That the report be noted.

1. **Background**

- 1.1 It was reported at your last meeting (1 October 2012) that Mr. David Wood had been appointed as an Independent Person.
- 1.2 A copy of the job description for the role of the Independent Person is attached as an appendix and Mr. Wood will be attending your meeting to answer any questions Members may have on the role.

2. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 2.1 The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

3. **Legal and Statutory Implications**

- 3.1 The Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by their Members.

4. **Equality Impact Assessment**

No differential equality impact issues have been identified.

5. **Major Risks**

There are no specific risk issues.

6. **Financial Implications**

There are none flowing from this report.

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THE BOROUGH COUNCIL OF NEWCASTLE-UNDER-LYME

**COUNCILLORS' CODE OF CONDUCT – APPOINTMENT OF INDEPENDENT PERSONS
TO ASSIST IN HANDLING COMPLAINTS**

JOB DESCRIPTION

Primary Function of Appointment

To undertake the statutory role of independent Person appointed under Section 28(7) of the Localism Act 2011 and to help the Council discharge its duty to promote and maintain high standards of conduct amongst Members and co-opted Members.

The New Standards Regime

The Localism Act 2011 introduced a new regime for promoting and maintaining high standards of conduct amongst Members and co-opted Members when acting in that capacity.

As part of these arrangements, each local authority had to adopt a Code of Conduct and have arrangements in place for dealing with complaints of breaches of that Code by its Members and co-opted Members. A new Code of Conduct and complaints arrangements have been adopted by the Council that set out what is expected of Council Members and how complaints will be dealt with. If a complaint is made that a Member or co-opted Member has failed to comply with the Code, the views of an Independent Person will be sought by the Council and may also be sought by the Member who is the subject of a complaint before a decision is made.

Role of Independent Person

Independent Persons should be able to interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process. This is a new role created under Localism Act 2011.

Independent Persons will be expected to read and digest complaints and investigation reports, liaise with the Council's Monitoring Officer, Members and co-opted Members and possibly attend some meetings of the Council.

Specific Tasks

- (a) To interpret the Code of Conduct, balance differing views and bring an independent and informed perspective to the investigative process.
- (b) Advising the Monitoring Officer in connection with the assessment and post-investigation stage of complaints made against Members and co-opted Members.
- (c) Reading and digesting investigation reports into complaints against Members and co-opted Members.
- (d) Advising in connection with complaints and potential sanctions where a failure to comply with the Code of Conduct has been established.

APPENDIX

- (e) Advising Members and co-opted Members of the Council in connection with complaints made against them under the Code of Conduct.
- (f) Assisting the Council in discharging its duty to promote and maintain high standards of conduct by its Members and co-opted Members.
- (g) Reaching balanced and reasoned conclusions having considered complex material and applied an impartial and fair approach to all of the written and oral material provided.
- (h) Be consulted by the Monitoring Officer before he makes a finding as to whether a Member or co-opted Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member or co-opted Member.
- (i) Be consulted by the Monitoring Officer in respect of a standards complaint at any other stage.
- (j) Be consulted by a Member or co-opted Member of the Council against who a complaint has been made.

DISPENSATIONS

Submitted by: Head of Central Services and Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To enable the Committee to determine the grant of a number of dispensations to allow the Council to operate effectively.

Recommendation

That dispensations be granted for a period terminating with the next elections for each Member granted a dispensation.

Reasons

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

1. **Background**

1.1 As Members of this Committee are aware, the Council at its meeting on 12 July 2012 adopted a new Code of Conduct for Members with effect from 1 July 2012. This was required by the provisions of the Localism Act 2011. In the main the content of the new Code of Conduct is a matter for the Borough Council. However, there is a requirement in the legislation to include provisions relating to the new category of Disclosable Pecuniary Interests (DPIs). These appear in Section 3 and the Appendix of the new Code and set out the categories of the DPIs prescribed by legislation, namely:

- Employment, office, trade, profession or vocation
- Sponsorship
- Contracts
- Land
- Licences
- Corporate tenancies
- Securities.

1.2 The Code then goes on to say that any Member who has a DPI in any matter to be considered or being considered at a meeting may not participate in any discussion or vote at the meeting. Similarly, where the decision is being made by the Member alone, he/she must not take any steps or further steps in the matter.

1.3 Under the previous Code of Conduct, a general dispensation was automatically given to all Members in respect of specified categories of 'prejudicial interests' (which broadly equated to the new DPIs). Unfortunately, these automatic dispensations were not reproduced in the legislation for DPIs. This means that individual dispensations need to be specifically considered by this Committee.

1.4 A number of areas have been identified in which dispensations may be necessary. These are:

- Allowance, payment or indemnity given to Members.
- Ceremonial honours given to Members.
- Setting Council Tax or a precept under the Local Government Finance Act 1992, as amended from time to time, or any superseding legislation.
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012, as amended from time to time, and any superseding legislation.

Dispensations may be granted if, having regard to all relevant circumstances, the Committee considers that:

- (a) without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) granting the dispensation is in the interests of persons living in the authority's area;
 - (d) without the dispensation each member of the authority's Executive would be prohibited from participating in any particular business to be transacted by the authority's Executive; or
 - (e) that it is otherwise appropriate to grant a dispensation.
- 1.5 If granted, a dispensation must specify the period for which it has effect, and that period must not exceed 4 years.
 - 1.6 The Committee has delegated power to determine these matters. The requests can either be approved or refused, in whole or in part. On the assumption that Committee grants the requests for dispensation, then all current Members of the Borough Council will be covered by a dispensation.
 - 1.7 Turning to the criteria for the granting of dispensations, it seems clear that criteria (a) and (c) would apply to decisions concerning allowances, payments or indemnities given to Members, and also ceremonial honours given to Members. This is because the decisions on allowances, payments or indemnities are likely to be directly relevant to all Members as are ceremonial honours (although possibly to a lesser extent). However, the granting of ceremonial honours might primarily be regarded as something that is of benefit to the community of the authority's area. In terms of the remaining three decision making areas – Council Tax, local Council Tax reduction and business rates – criteria (a) and (b) would appear to be the most likely to apply. This is because most Members of the Borough Council will be Council Tax payers, and the decisions on setting Council Tax and business rates are inevitably matters of political controversy on which it is important to maintain, so far as possible, the political balance of the authority. In addition, it could be considered to be in the interests of persons living in the authority's area that their elected representatives are able to participate fully in making such important decisions. The Committee may also feel that, in addition to the specific criteria, it is otherwise appropriate to grant a dispensation using its powers under (e).
 - 1.8 Should Committee grant the dispensations requested, each Member will be formally notified of the grant. They will also be informed that, despite having been granted a dispensation,

where a DPI arises they will still be required to disclose that fact at the relevant meeting. They will then need to explain that they have a dispensation to speak and vote on the matter concerned. Even so, on individual matters, a Member may choose not to take advantage of their dispensation if they feel that is the right course of action in the circumstances.

2. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

3. **Legal and Statutory Implications**

The Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by their Members.

4. **Equality Impact Assessment**

No differential equality impact issues have been identified.

5. **Major Risks**

There are no specific risk issues.

6. **Financial Implications**

There are none flowing from this report.

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Agenda Item 6

GOVERNMENT GUIDANCE ON OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS

Submitted by: Head of Central Services and Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

Recommendation

That the flowchart be adopted and utilised by the Council.

1. **Background**

1.1 At the previous meeting of this Committee on 1 October 2012, the Monitoring Officer submitted a report outlining the contents of guidance issued by the Department for Communities and Local Government entitled 'Openness and Transparency on Personal Interests'. The Monitoring Officer also circulated a flowchart that, it was considered, would help members of the Council to decide whether they needed to disclose interests in a particular matter.

1.2 It was resolved at that meeting to include consideration of the flowchart on the agenda for your next meeting of the (i.e. 7 January 2013). A copy of the flowchart is attached as an appendix.

2. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

3. **Legal and Statutory Implications**

The Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by their Members.

4. **Equality Impact Assessment**

No differential equality impact issues have been identified.

5. **Major Risks**

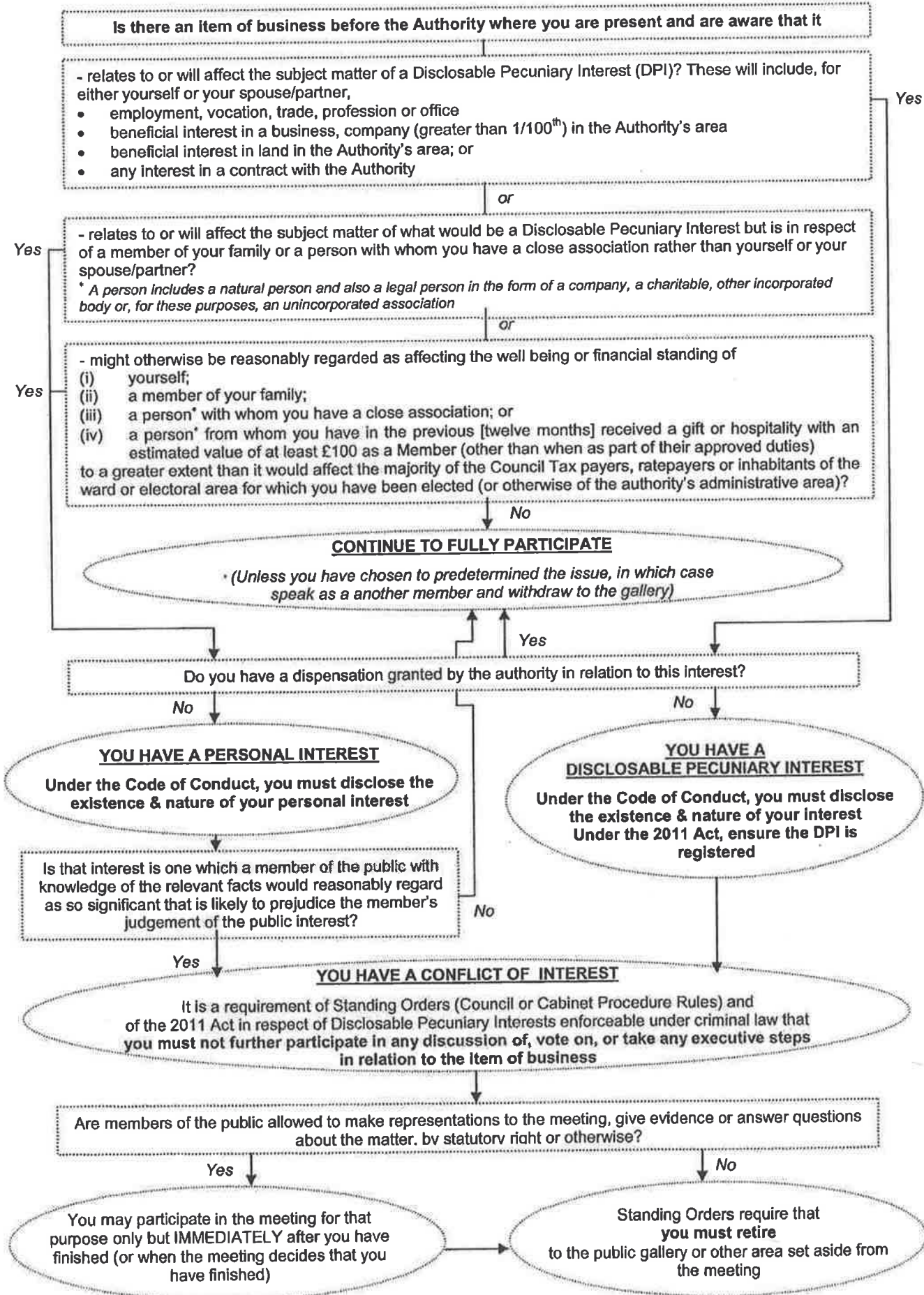
There are no specific risk issues.

6. **Financial Implications**

There are none flowing from this report.

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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THE QUALITY TOWN AND PARISH COUNCIL SCHEME

Submitted by: Head of Central Services and Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

Recommendation

That the report be noted.

1. **Background**

- 1.1 At the previous meeting of this Committee on 1 October 2012, the Committee was asked to suggest areas of work for inclusion in its work programme for the current municipal year.
- 1.2 It has been requested by your Chair that Committee look at the NALC Quality Parish and Town Council Scheme and a copy of the NALC website home page is attached at Appendix A. A copy of the application form is attached at Appendix B and a 'frequently asked questions' document is attached at Appendix C.
- 1.3 Under Section 28 of the Localism Act 2011 the Council has in place arrangements under which this Council is responsible for dealing with complaints against Parish Councillors and recommending actions to them. It is therefore important to understand how they work and how we may assist, particularly in the area of conduct.

2. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 2.1 The new regime will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

3. **Legal and Statutory Implications**

- 3.1 The Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by their Members.

4. **Equality Impact Assessment**

No differential equality impact issues have been identified.

5. **Major Risks**

There are no specific risk issues.

6. **Financial Implications**

There are none flowing from this report.

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Quality Status

A commitment to excellence for your community

"Local Councils are vital to re-invigorating local democracy. The Quality Parish and Town Council Scheme has played an important role in improving the quality of management and administration of parish and town councils. The Government welcomes the revision of the Scheme and encourages local councils to consider seeking accreditation."

Department for Communities and Local Government.

The Quality Parish and Town Council Scheme was launched in 2003 following the Government's *Rural White Paper*, 2000. The aim of the Scheme is to provide benchmark minimum standards for parish and town councils. The Scheme is supported by six National Stakeholders, the Commission for Rural Communities, the Department for Communities and Local Government, the Department for the Environment, Food and Rural Affairs, the Local Government Association, the National Association of Local Councils and the Society of Local Council Clerks.

The Department for the Environment, Food and Rural Affairs commissioned the University of Wales to review the Scheme in 2006 and their research helped the National Stakeholders to the Scheme to agree amendments that would help councils achieve ever higher levels of professionalism and help to cement their position as community leaders.

As of 27 June 2008 the Scheme changed to better reflect the increased professionalism of councils. There are now three tests which are highlighted below but there are also a number of amendments to some of the existing tests, again mentioned below.

Click here to open a copy of the booklet "A Guide to Becoming a Quality Council."

Click here to open a copy of test 7 as of 1 July 2012.

The Quality Parish Scheme is currently under review and some transitional arrangements are in place which will affect accreditations and reaccreditations. **Click here** to open guidance on the transitional arrangements.

In order to achieve Quality Status, parish and town councils must demonstrate that they have reached the standard required by passing several tests. These are:

- Electoral Mandate
- Qualifications of the clerk
- Council meetings
- Communication and Community Engagement
- Annual Report
- Accounts
- Code of Conduct
- Promoting local democracy and citizenship
- Terms and conditions
- Training

Changes to the Scheme, in addition to the three new tests, as of 27 June 2008 are as follows:

- Electoral mandate test - Councils will be required to show that at least two-thirds of councillors were elected. 'Elected' can mean either at a contested or uncontested election. However, they must have stood.
- Council meetings test - Councils will be required to publish draft minutes of meetings within two months of it taking place and make them available for inspection by any elector in the parish, as a minimum
- Communications and Community Engagement test (Mandatory):
 - Councils will be required to have a website which provides a list of council members and officers, details of how they can be contacted and which also provides access to the annual report.
 - Councils will also be required to have an email address that is publicly available.
 - Councils now have the option of either producing their own newsletter or contributing to a community newsletter. The information that is required to be included in the newsletter has not changed nor has the requirement that the newsletter is made readily available at



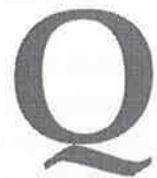
Time for Change



'B'

The Quality Parish and Town Council Scheme

Application Form



QUALITY
PARISH &
TOWN
COUNCIL
SCHEME

The Quality Parish and Town Council Scheme –

Application Form

- 1 The main requirements or 'Tests' that a parish, town or city council¹ must meet to be recognised as a Quality parish council are listed below. You are asked to tick the relevant boxes and attach papers to this return as requested.
- 2 When completed, the Form should be passed to your local county association of local councils along with a cheque, made payable to the National Association of Local Councils. You may be asked further questions about the answers you have given, or to provide further supporting information. You will be notified if your application has been successful.
- 3 Copies of this document should be kept for record purposes and made available for inspection at any time.

Introduction

- 4 A Quality parish council will be able to demonstrate that it is representative of, and actively engages with, all parts of its community and that it is properly managed.
- 5 So, in order to become a Quality parish council, a parish council must comply with certain 'Tests' to demonstrate the above in order to show that it has the capacity to take on the broader role envisaged:
 - a) To have at least two-thirds of seats filled by members who were elected at an election;
 - b) Have a qualified clerk;
 - c) Hold at least six Council meetings each year;
 - d) Provide regular information to residents on parish council activities;
 - e) Publish an Annual Report;
 - f) Produce properly prepared and audited accounts;
 - g) Have formally adopted a local Code of Conduct including section 12 (2);
 - h) Promote local democracy and citizenship;
 - i) Have adopted the NALC/SLCC Terms and conditions agreement and issued all staff with a written contract of employment; and
 - j) Have prepared a 'Statement of Intent' on training and at reaccreditation can provide evidence they have acted upon it.
- 6 Parish councils inevitably deal with their duties and communicate with their electorates in different ways, depending on their size, resources and circumstances. What might be possible and appropriate for one parish may not be so for another. This form allows for these differences in approach by giving some flexibility in meeting the criteria in the Communications test where there is a selection of ways to show that the parish is representative of and engages with its community. Not all of these need be met, although we would encourage all parish councils to meet as many as they can.

¹ Hereafter, reference to parish councils also includes town, city, community, neighbourhood and village councils

Electoral mandate	Number
1. Number of seats	
2. Number of current councillors that were nominated and stood at elections	
3. Number of co-opted members or vacant seats	
Refer to conversion table in guidance for correct number of elected councillors. Please attach all relevant electoral returns.	

Qualifications of the Clerk	Yes	No
1. Does the Clerk hold the Certificate in Local Council Administration?		
Or		
2. The Certificate of Higher Education in Local Policy (or the earlier CertHE in Local Council Administration) awarded by the University of Gloucestershire?		
Please attach copies of certificates and details of any other relevant Qualifications or experience that may be relevant.		

Meetings	Number	
1. How many meetings did the parish hold in the twelve calendar months preceding this application?		
	Yes	No
2. Were they all open, or partly open, to the public? ²		
3. Does the parish council meet at least six times each year (including the Annual Meeting of the council)?		
4. Are Notices of Meetings publicly displayed at least three clear days before each Meeting?		
5. Are the draft minutes of meetings published and available for inspection by any elector in the parish?		
6. Were they published within two months of the meeting being held?		
7. Was time set aside in each meeting for public participation?		
Please attach minutes of meetings for last year		

² If no please explain the necessity for closed meetings and how many such meetings there were.

Communications – Mandatory	Yes	No
1. Do you have a website for the parish that provides a list of council members and officers with contact details and access to the annual report?		
2. Does the parish have an email address that is publicly available?		
3. Did you provide regular information to your electorate – in the form of a newsletter or contribution to another community publication – on all parish council activities over the last year?		
4. Did it include a list of council members and officers with contact details?		
5. Was information placed in readily available public sites such as notice boards or the Village Hall		
Communications – Discretionary		
You should be able to tick yes to at least 9 of the following:		
1. Was the Annual Report sent to every household in the parish council area?		
2. Did the Annual Report include a summary of reports of council activities during the year?		
3. Have you a Parish Plan or contributed to a town or village plan?		
4. Do you provide an information/access point for details on local government services and parish council activities?		
5. Is the access point electronically linked to the district and county councils?		
6. Is information about local government services and parish council activities distributed to every household?		
7. Have you established links with voluntary and other community organisations in your area?		
8. Has the council developed a community engagement strategy?		
9. Does your council provide a regular weblog on its website about council activity or encourage the local community to talk to it through an online forum or through surveys on its website?		
10. Do Councillors hold regular 'surgeries' for local residents (i.e. more than six times a year)?		
11. Do you consult residents on planning matters?		
12. Do you keep the relevant principal authorities informed of parish council activities?		
13. Do you publicise parish council activities in local libraries/shops/other public places?		
14. Do you publicise the parish council activities in the local press?		
15. Do you ensure coverage of parish council activities in any district council publication?		
16. Do you undertake consultations/questionnaires with the electorate on local issues affecting the parish council area?		
17. Do you provide Information leaflets/brochures on the work of the parish council?		

Please provide examples of the way information has been passed to your community – Newsletters, magazines, articles in other local papers or district council publications, notice boards, leaflets in public places etc – and of other ways that you consult with your local community and make information available to them. Details of how local people access the parish council and how you ensure that the parish represents the views of the electorate should also be provided.

Annual Reports	Yes	No
1. Was the last Annual Report completed and published by 30 th June of the following year?		
2. Was the Annual report made available for inspection by any elector in the parish council area?		
3. Was it made publicly available by being placed at the offices of the principal authorities and local libraries?		
4. Did the Annual Report include a list of council members and officers with contact details?		
5. Did it include a summary of the Accounts of the parish council?		
6. Did it include a Chairman's overview of the Councils' achievements?		

Accounts	Yes	No
1 Did the last statement of accounts receive an unqualified opinion from the external auditor?		
2 Were the last available Statement of Accounts and Annual Governance Statement prepared in accordance with the statutory requirements and appropriate proper practices, and approved within three months of the accounting date, and published within six months of the accounting date?		
Please attach the last audited Statement of Accounts, reports from the Internal Auditor to the council, copies of minutes approving the latest Statement of Accounts and Annual Governance Statement and confirmation that the External Auditor has not issued a report in the public interest within the last three years.		

Code of Conduct	Yes	No
1. Have the parish council resolved to adopt a local Code of Conduct including Section 12 (2) of the revised Model Code of Conduct?		
Please attach a copy of the meeting minutes that include the resolution to adopt the revised Model Code of Conduct, expressly including paragraph 12 (2) and the date of its adoption.		

Promoting local democracy and citizenship	Yes	No
1. Do you undertake activities that actively support local democracy or citizenship in your area?		

Terms and conditions	Yes	No
1. Has the parish council adopted (as a minimum) the NALC/SLCC Terms and Conditions agreement? (for councils with a paid clerk)		
2. Have all staff been issued with a written contract of employment?		
Please attach a statement signed by both the chair of the council and clerk confirming that both parts of the test have been met.		

Training	Yes	No
1. Has your council evaluated and identified the training needs of both staff and members?		
2. At reaccreditation – Has your council acted upon your previous statement of intent?		
Please attach a copy of your training ‘statement of intent’. At reaccreditation please attach your new training ‘statement of intent’ and evidence explaining how you have acted upon your previous ‘statement of intent’.		

Other

These issues do not form part of the assessment but will be of interest to the Panel and act as an aid to understanding your capabilities and the role you currently play in your local community. It also has the benefit of gathering data on parish council activities, which will be useful when considering the effectiveness of the Quality Parish Scheme in the future, and any improvements that might be made.

	Yes	No
1. Do you own a Village Hall?		
2. Do you manage ³ a Village Hall that you also own?		
3. Do you manage a Village Hall that you do not own?		
4. What was the average number of Councillors in attendance at parish council meetings over the preceding twelve calendar months?		
Which of the following services is your parish council currently involved with:		
Do you provide and/or equip buildings for use of clubs having athletic, social or educational objectives (community centres) or for conference facilities?		
Do you provide and manage any recreation grounds, public walks, boating pools or other open spaces?		
Are you involved in any community transport schemes?		
Do you contribute to crime prevention measures in your area?		
Do you provide or maintain Bus Shelters or other roadside seats?		

³ i.e. deal with the day-to-day running of the hall

Do you provide lighting or traffic signs for roads and public places?	
Do you repair and maintain public footpaths and bridle-ways and road side verges?	
Do you provide parking places for vehicles, bicycles and motor-cycles?	
Have you been involved in traffic calming measures?	
Have you made any Bye Laws?	
Do you regulate or maintain any commons and/or common pastures, ponds or ditches?	
Do you promote lotteries?	
Do you participate in tourism activities?	
Do you provide or maintain allotment gardens?	
Do you maintain or contribute towards expenses of burial grounds, cemeteries, closed churchyards, monuments and memorials?	
Are there any other functions that the parish is discharging on behalf of principal authorities (please provide details)?	

Signed.....

Chairman/Mayor of the Parish/Town Council of.....

Address.....

Date.....



The Quality Parish and Town Council Scheme

Frequently Asked Questions

- **General**

Q: Where does the concept of Quality Parish & Town Councils come from?

A: The Rural White Paper 'Our Countryside: The Future, a Fair Deal for Rural England, published in November 2000, recognised the important role of the first tier of local government and proposed a number of initiatives designed to enhance the role of parish and town councils. Subsequently, in June 2003 the Quality Town and Parish Council Scheme was launched.

Q: What is the purpose of the Scheme?

A: The purpose of the Scheme is to provide councils with benchmark minimum standards. It is designed to allow councils to test themselves against good practice benchmarks. Accreditation shows that councils meet these benchmarks and demonstrates to the local community and partners that they are able to deliver efficient services.

- **Electoral mandate**

Q: What does the term 'elected' specifically mean in relation to the test?

A: Elected means that a member has been nominated and stood for election. Sometimes an election will be uncontested and a member will be elected unopposed. As they have been nominated and stood they will still count towards the two-thirds required for this test.

Q: In order to calculate that two-thirds of members of the council have been elected should I round up or round down.

A: You should round up when calculating the two-thirds figure. There is a table in the guidance (P11) that illustrates the number of elected councillors that are required, across a number of different council sizes, to meet the test.

Q: Can bye-elections be used to help a council meet the two-thirds electoral mandate test?

A: Yes members elected at a bye-election count towards the two-thirds figure.

- **Qualified clerk**

Q: Is the Certificate of Higher Education in Local Policy or Local Council Administration awarded by the University of Gloucestershire still valid as a means of passing the test?

A: Yes the Certificate of Higher Education in Local Policy or Local Council Administration continue to be accepted and are supported by the National Stakeholders.

Q: A clerk has been in post for 20 years and is a qualified Solicitor, does this pass the test, as, whilst the Certificate in Local Council Administration demonstrates a minimum standard of competence for clerks, many clerks to larger councils will hold professional or other qualifications well above this level?

A: No. There are no other exemptions to this test. Whilst the Government and all stakeholders understand and recognise the skills that many individuals have as being above and beyond the level of the Certificate in Local Council Administration, the purpose of this certificate is to establish a baseline of competencies that are sector specific. This is no way denigrates the time and energy invested by clerks in achieving higher professional qualifications. The requirements under the Certificate in Local Council Administration should not be particularly onerous for a competent clerk to complete.

Q: A clerk holds the Gloscat Certificate awarded by the Cheltenham and Gloucester College prior to it being granted University status, does this pass the test?

A: The Gloscat Certificate is a predecessor of the Local Policy course and is an equivalent qualification. This Certificate is acceptable although the clerk concerned should also give evidence as to the extent to which they have kept their training and professional development up to date, given the long period of time since the qualification was awarded.

Q: What happens if a clerk leaves the council mid-term and the council employs a replacement clerk who does not hold the qualifications required to meet the Qualified clerk test? Will this affect their Quality status?

A: No, the council's Quality status is not affected. As long as the new Clerk holds the relevant qualification when the council seeks re-accreditation, then the Council will again be able to retain its status as a Quality council.

Q: Our Cilca qualified clerk has recently left us and we are due to reaccredit. Our new clerk does not have the Cilca qualification and will not be able to undertake and complete the qualification in time to meet the test. Does this mean that we will lose Quality status?

A: Not necessarily. Where a new clerk has been appointed they will have 12 months to achieve the Cilca qualification. However, this 12 month period is not from the date of the council's reaccreditation, it is 12 months from the appointment of the clerk.

So, for example, X Parish Council is due to reaccredit by 1 May 2010 but appointed a new clerk without the Cilca qualification on 1 January 2010. The council will be required to submit a portfolio before the 1 May 2010 and will need to meet all the tests except the Qualified Clerk test. However, the council will be required to show that their current clerk has registered for the Cilca qualification (copy of confirmation of registration sent to candidate). Should the council meet the tests and provide evidence that their clerk has registered for Cilca they will be reaccredited, although this is a provisional award subject to evidence (copy of Cilca certificate) being provided by 1 January 2011 (one year after the clerk's appointment) that the clerk has successfully achieved the qualification. Further guidance on this issue can be found on the NALC website.

- **Council meetings**

Q: Do you have to publish draft minutes of full council meetings within two months of a meeting taking place or can you publish the agreed minutes?

A: You can publish agreed or draft minutes in order to satisfy the requirements of the test. The test was amended as some councils meet only six times a year which makes publishing agreed minutes more difficult.

Q: How does the requirement to publish draft minutes sit with the exemption to publish draft minutes under Freedom of Information?

A: The test was amended to help councils who only meet six times a year. Good practice would be to publish agreed minutes where possible. If a council are unwilling to publish draft minutes they will be required to publish agreed minutes within two months of a meeting in order to pass this part of the test.

Q: In addition to holding 4 meetings of the Council each year, a council also has numerous Committees established to discharge the work of the Council, can this count towards the minimum 6 meetings per year?

A: No, in order to be awarded Quality status, the full council must meet on at least 6 occasions every year.

- **Communication and community engagement**

Q: Do publicly available email addresses need to be available for each councillor?

A: No, a general email address for the council is sufficient. In stating how members can be contacted the council may wish to publish individual contact details for each councillor or they may wish to route enquiries through the clerk in the first instance and pass them on this way.

Q: What is a weblog?

A: Also referred to as a blog, a weblog is an online journal and could be used in a local council context to inform the local community about what is going on at the council or perhaps it could highlight the activities of members or lead members such as a mayor. A typical weblog is updated regularly.

Q: Is it permissible to set up web pages on the principal authority website as long as all the required information is included?

A: Yes, it is permissible to use pages hosted by your principal authority as long as the pages include a list of council members and officers, together with how they can be contacted and provides access to your annual report, as a minimum. It is also permissible to include a weblog as part of the hosted site.

Q: Part of the test relating to the provision of a website refers to providing a list of councillors and officers, together with how they can be contacted. Does this mean that contact details for all officers of the council should be provided?

A: Not necessarily, as a minimum you should provide contact details for the clerk and deputy clerk. It is these officers that will usually co-ordinate work undertaken by the council. For example, if a member of the public identified a roadside verge that needed attention the first point of contact would likely be the council clerk not the councils maintenance team. Some larger councils may have officers who are directly responsible for taking queries and co-ordinating action for certain services. In these cases it may make sense for a council to list the officer and contact details. Councils should include additional officer contact details in addition to those of clerk and deputy clerk where it is considers them reasonable and beneficial to the local community.

- **Annual report**

Q: Part of the test includes a requirement to provide a list of councillors and officers, together with how they can be contacted. Does this mean that contact details for all officers of the council should be provided?

A: Not necessarily, as a minimum you should provide contact details for the clerk and deputy clerk. It is these officers that will usually co-ordinate work undertaken by the council. For example, if a member of the public identified a roadside verge that needed attention the first point of contact would likely be the council clerk not the councils maintenance team. Some larger councils may have officers who are directly responsible for taking queries and co-ordinating action for certain services. In these cases it may make sense for a council to list the officer and contact details. Councils should include additional officer contact details in addition to those of clerk and deputy clerk where it is considers them reasonable and beneficial to the local community.

- **Accountability**

Q: The test states that the statement of accounts must receive an unqualified opinion from the external auditor. Does this mean that any comments on the statement mean that a council would fail the test?

A: No, not unless the auditor has made a comment in box 1. Comments in the first box of the auditors report denote a qualification and would mean that a council would fail the test. A comment in the second box is not a qualification but an emphasis of matter.

- **Code of Conduct**

- **Promoting local democracy and citizenship**

- **Terms and Conditions**

Q: With regard to that part of the test whereby the council has adopted (as a minimum) the NALC/SLCC Terms and Conditions agreement I assume that the agreement adopted must be the most current available.

A: The relevant contract is the one agreed at the start of employment, which must be, at a minimum, the NALC:SLCC Model Contract in existence at the time. Any changes to that contract need the agreement of the council and the clerk.

- **Training**

Q: We initially accredited on the old version of the Scheme where we were not required to produce a Training Statement of Intent. The updated criteria states that we will need to show that we have acted upon one at reaccreditation. Is this the case?

A: No, councils accrediting for the first time on the new criteria will be required to provide a Statement of Intent, not to show that they have acted upon one. For example, a council accredits for the first time in 2005 on the old criteria. In 2009 they decide to apply for reaccreditation which would be based on the new criteria. At this stage they should provide a

Statement of Intent on Training. Should they apply for reaccreditation again in 2013 they will at this point be required to show how they acted upon this Statement of intent.

Q: How do we provide evidence that we have acted upon our training statement of intent?

A: You should be able to show a list of training activities/courses that have been undertaken and provide any further evidence that you feel shows that you have acted proactively on training.

• The accreditation and re-accreditation process

Q: At re-accreditation will we be required to submit a full portfolio as per the initial accreditation?

A: Yes, a full portfolio will be required. However, you will not be required to provide evidence to cover the previous four years of accreditation. The process will be the same as that at first accreditation with regard to evidence.

• Miscellaneous

Q: Given the variety of detail provided by different councils in submitting applications, has a grading system for the Quality Scheme been considered?

A: No, as the Scheme stands councils are just required to show that they have met the tests. However, upgrade Schemes, perhaps a Quality Plus Scheme, will be considered whereby a council could be tested against further more detailed criteria should they wish. Initial thoughts are that councils could gain Quality status and then, should they wish, test themselves further to gain a further award. This would not affect the Quality Scheme as it stands and would be optional for Quality councils. The National Stakeholders will keep the idea of a further upgrade award under review.

Q: If a council fails in its application for Quality status is there a mechanism for appeal?

A: Not at this time but we will keep this under review.

This document will be updated on a regular basis to reflect questions put to us and to continue to provide up-to-date information

Classification: NULBC **UNCLASSIFIED**

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