**Great Waltham Parish Council**

**Information for New or Prospective Councillors**

*This guidance document offers new or prospective Great Waltham parish councillors an insight into not only the duties, responsibilities and obligations of the Council and individual councillors, but also identifies those sources from which further, up-to-date information is available in what is an everchanging environment.*

**What is a parish council?**

Parish councils are one of the bodies covered by the term ‘local councils’ – other types being community, neighbourhood and town councils[[1]](#footnote-1). Town and parish councils were established by Act of Parliament in 1894[[2]](#footnote-2). Together, local councils are statutory bodies forming the first tier of local government. They serve electorates and are independently elected and raise their own precept (a form of council tax). There are 10,000 local councils in England with over 30% of the country parished; 100,000 councillors serve in these local councils, with over £1bn. being invested into their communities every year[[3]](#footnote-3). A parish council is a corporate body, and a legal entity separate from that of its members[[4]](#footnote-4); it is accountable to and represents the interests of the whole community[[5]](#footnote-5).

**What are the range of parish councils’ responsibilities and obligations?**

Local councils work towards improving community well-being and providing better services. Their activities fall into three main categories: representing the local community; delivering services to meet local needs; striving to improve quality of life and community well-being[[6]](#footnote-6).

Through an extensive range of discretionary powers local councils provide and can maintain a variety of important and visible local services including allotments, bridleways, burial grounds, bus shelters, car parks, commons and open spaces, community transport schemes, community safety and crime reduction measures, events and festivals, footpaths, leisure and sports facilities, litter bins, public toilets, planning, street cleaning and lighting, tourism activities, traffic calming measures, village greens and youth projects[[7]](#footnote-7).

The NALC says ‘[t]he diversity of local councils is their strength. Each can make a unique response to the needs of their community with a sensitivity that is more difficult for principal authorities [such as county councils] to achieve’[[8]](#footnote-8)

**Local Council Associations**

Established in 1947, the National Association of Local Councils (NALC) is the only national body that represents the interests of parish and town councils in England. NALC works in partnership with county associations to support, promote and improve local councils[[9]](#footnote-9).

‘The Essex Association of Local Councils is a member led, not-for-profit organisation that supports the Town & Parish Councils of Essex’[[10]](#footnote-10).

**What is the extent of the parish of Great Waltham?**

The map below shows the geographical location of the parish. ‘The Parish of Great Waltham is one of the largest in Essex in area, covering approximately 2,488 hectares (6,147 acres), but with only [2,331[[11]](#footnote-11)] residents is not densely populated. It consists of two villages - Great Waltham (also known as Church End), and Ford End, and four hamlets, Howe Street, Littley Green, North End and Broads Green’[[12]](#footnote-12).

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**What are the principal responsibilities of Great Waltham Parish Council (GWPC)?**

Although parish councils tend to have broadly similar ranges of responsibilities, there can differences from even their most immediate neighbours. These can be for historical reasons, others by choice (either of the parishioners or the Council itself). For instance, unlike many other councils, GWPC does not have a village hall to maintain and administer (the halls at Great Waltham and Ford End happen to be managed by separate entities). Conversely, GWPC has chosen to maintain extensive play facilities at its recreation grounds when there is no legal imperative to do so. The appendix of this document contains a table which offers a high-level view of where the boundaries of responsibilities lie between GWPC, Chelmsford City Council and Essex County Council, including, where relevant, the underpinning statutes which inform such activities. Some duties are the sole responsibility of one council or another, others are shared.

These responsibilities and activities often coincide with the use of physical assets owned, managed and maintained by GWPC. These include:

* Land (its recreation grounds, Banbury Square (the site of the war memorial in Great Waltham village) and the central green at Broads Green);
* Buildings (the pavilion at the Great Waltham Recreation Ground);
* War memorials (at Great Waltham and Ford End);
* Street furniture (such as bus shelters, seats, notice boards, parish signs and litter bins);
* Certain gates, fences and play equipment, and
* Various pieces of maintenance machinery.

In addition, under the provisions of the Smallholding and Allotments Act, 1908, GWPC has certain obligations to make garden allotment facilities available to its parishioners. This requirement is fulfilled by renting and administering plots at Brook Mead and Bury Lane.

GWPC also looks to organise or be involved in activities such as armistice day commemorations or litter picking events. In particular, it also maintains links and work with other parish organisations – you can find details of many of these on the parish website at <https://e-voice.org.uk/greatwalthamparish/>.

**How do you become a parish councillor?**

To become a councillor, you have to put yourself forward at local elections (normally every four years) and compete with other candidates to gain the most votes.

Councillors can also be appointed by ‘co-option’. This is when ‘[t]the council chooses someone to fill a vacancy if insufficient candidates are proposed for seats at an election. An ordinary election occurs every four years but there may be an election when a seat falls vacant at other times. In addition, if a vacancy occurs between elections (for example, by the resignation of a councillor), the council must generally publicly notify the vacancy and if no poll is claimed co-opt’[[13]](#footnote-13)

**Who is eligible to be a parish councillor?**

The information below is from The Electoral Commission’s document *Guidance for Candidates Part 1 of 6 – Can you stand for election? [[14]](#footnote-14)*. (See the web address in the footnote to access the complete document).

To be able to stand as a candidate at a parish council election in England you must:

* be at least 18 years old
* be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union, and
* meet at least one of the following four qualifications:
1. You are, and will continue to be, registered as a local government elector for the parish in which you wish to stand from the day of your nomination onwards.
2. You have occupied as owner or tenant any land or other premises in the parish area during the whole of the 12 months before the day of your nomination and the day of election.
3. Your main or only place of work during the 12 months prior to the day of your nomination and the day of election has been in the parish area.
4. You have lived in the parish area or within three miles of it during the whole of the 12 months before the day of your nomination and the day of election.

Apart from meeting the qualifications for standing for election, you must also not be disqualified. ‘The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination

papers. You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified’[[15]](#footnote-15).

‘You cannot be a candidate if at the time of your nomination and on polling day:

1. You are employed by the parish/community council or hold a paid office under the parish/community council (including joint boards or committees).
2. You are the subject of a bankruptcy restrictions order or interim order.
3. You have been sentenced to a term of imprisonment of three months or more (including a suspended sentence), without the option of a fine, during the five years before polling day.
4. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years’[[16]](#footnote-16).

‘You cannot be a candidate if at the time of your nomination and on polling day:

1. You are employed by the parish council or hold a paid office under the parish council (including joint boards or committees).
2. You are the subject of a bankruptcy restrictions order or interim order.
3. You have been sentenced to a term of imprisonment of three months or more (including
4. a suspended sentence), without the option of a fine, during the five years before polling day and the ordinary period allowed for making an appeal or applications in respect of the conviction has passed. A person who is in the process of making an appeal or application in relation to the conviction is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution.
5. You have been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices). The disqualification for an illegal practice begins from the date the person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years, unless at any time within that period a court determines that the conviction should not be upheld, in which case the disqualification ends at that time
6. You are subject to the notification requirement of or under Part 2 of the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed. A disqualification set under s.81A of the Local Government Act 1972 will only apply to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022. A person who is in the process of making an appeal or application in relation to the disqualification is not disqualified at any time before the end of the day on which the appeal or application is disposed of, abandoned or fails by reason of non-prosecution’[[17]](#footnote-17).

Again, the *Parish and community council elections in England and Wales – Guidance for candidates* document should be referenced for full, up-to-date details.

**What is the composition of Great Waltham Parish Council?**

GWPC was formed in 1894. Its members are drawn from eleven electors of the Parish. Eight councillors are in Church End Ward (Great Waltham, Broads Green and Howe Street) and three from the North End Ward (North End, Ford End and Littley Green)[[18]](#footnote-18).

Apart from full council meetings (where all councillors attend), GWPC also has committees. These committees are for Recreation, Finance and General Purposes, Planning, Highways and Transport and Staff.

**Who is the Parish Clerk? What are his/her functions?**

The Council’s business is administered by its Clerk (who is not a council member). Currently the GWPC’s Clerk also its Responsible Financial Officer (RFO)[[19]](#footnote-19), which is generally the arrangement made by most parish councils.

The ‘Clerk is the ‘engine’ of an effective parish council. He or she is its principal executive and adviser […]’. The Clerk is required to give clear guidance to Councillors [and] has a key role in advising [on] governance, ethical and procedural matters. […] The Clerk is an independent and objective servant of the council who takes instructions from the corporate body and must recognise that the council is responsible for all decisions.[[20]](#footnote-20)

The work of the Clerk will include:

* Ensuring statutory and other provisions or affecting the running of the Council are observed.
* Monitoring and balancing the Council’s accounts and prepare records for audit purposes.
* Ensuring the Council’s obligations for risk assessment are met.
* Preparing agendas, attending and issuing minutes for approval for all Council meetings.
* Receiving correspondence and documents for the Council (and bringing to its attention all relevant items).
* Receiving and reporting on invoices for goods and services paid by the Council.
* Drawing up (both on his/her own initiative and from suggestions by councillors) proposals for consideration by the Council.
* Monitoring the implemented policies of the Council.
* Acting as the Councils representative as required.
* Assisting in the preparation of press releases about the activities and decisions of the Council[[21]](#footnote-21).

**What are the codes of conduct, regulations and policies of GWPC?**

GWPC’s activities are guided by a code of conduct, financial regulations, standing orders and various policies and procedures. These are included on the parish website[[22]](#footnote-22). They provide a sound operating framework, bringing certainty and transparency to the way the Council goes about its business. Some policies are based on those recommended by NALC and/or EALC, while others are more bespoke for local needs.

**How is parish council business conducted?**

GWPC’s standing orders document[[23]](#footnote-23) provides full details of the various aspects of how the Council operates. These include, *inter alia*:

* Rules for debate and conduct at its various meetings.
* How its committee and sub-committee structure operates.
* How motions for, resolutions at and minutes from meetings are made/drafted.
* Voting on appointments.
* How data and information are managed.
* How dispensations and complaints are handled.
* Roles and responsibilities of the Council’s Proper Officer and Responsible Financial Officer.
* Accounts and accounting statement procedures.
* Communications with higher level authorities.

**How does GWPC conduct its business?**

The Council’s activities are very much guided by the parameters described above and are conducted on a transparent basis, with parishioners having every opportunity to engage with its processes and meetings. Meeting agendas and minutes are matters of public record and are posted online and on designated noticeboards throughout the parish.

While its deliberations are always within the operating framework described, the Council always tries to ensure that all of its dealings with parishioners are conducted on a friendly basis, as informally as circumstances allow, and that at all times everyone’s views and opinions are both heard and respected. Naturally the Council may occasionally need to make difficult and not unanimously popular decisions, but generally it succeeds in finding solutions to issues which benefit most, if not all, parishioners. In practice, some topics discussed and actioned by the Council are much more likely than others to induce direct engagement from parishioners.

This extract from the NALC’s *The Good Councillor’s Guide* highlights some of the procedural aspects encountered when becoming a councillor:

At, or before, your first meeting you must sign the declaration of acceptance of office. In law, you are not a councillor until you sign. At the same time, if your council has agreed, you should undertake to observe the Code of Conduct, which you must read.

At least three clear days before each council, committee or sub-committee meeting, you should be sent a summons and agenda. The three clear days is established in law because it is important to be notified of issues to be discussed. Topics requiring a decision cannot be added to the agenda after the deadline has passed; they must wait for another meeting.

Each agenda item should make it very clear what you as a councillor are expected to do and be precise about the subject under discussion. For example, an agenda item saying “footpaths” gives you no idea what to expect. […]

It is actually unlawful to make a decision, especially a decision to spend money, without sufficient (three clear days) warning. Vague agenda items that don’t specify exact business (such as Matters Arising, and Any Other Business) are dangerous and should be avoided, because the council cannot make unexpected decisions.

Putting the agenda together is the clerk’s responsibility. The clerk must sign the agenda and can decide how it will be set out. This process is often undertaken in consultation with the chairman. You may ask the clerk to add items to the agenda if you feel a relevant subject should be discussed.

[If you cannot attend a meeting] you must contact the clerk with an apology and explanation. […] If you fail to attend any meetings for six months, you automatically cease to be a councillor unless the council approved your reason for absence before the end of the six month period.

[It is] the chairman’s job to manage the meeting by introducing agenda items, inviting members to speak, focusing discussion and clarifying matters for decision. Councillors, having engaged in discussion, vote for or against the proposal by a show of hands matters to be decided are called proposals or motions. Decisions, called resolutions, are recorded in the minutes […]. If you have no view on a proposal, or cannot decide, you can abstain, but you shouldn’t do this frequently. Normally voters’ names are not minuted but if necessary, you can ask for names to be recorded. Remember that council decisions are corporate decisions. […]

You should keep contributions short and to the point […]. Always work through the chairman and try not to score points off fellow councillors. Never engage in personal attacks – however tempting. […]

The council must advertise the meetings by putting up public notices; electors have a right to attend, record and report on public meetings. […] Many councils encourage members of the public to speak and ask questions in a short, defined period, early in the meeting.

As a rule, meetings should not last more than two hours otherwise concentration begins to lapse. […]

Decisions have been taken and these need to be implemented. The clerk or the minute secretary writes the minutes as a legal record of what was decided at the meeting. It is important that the minutes are accurate and therefore the minutes of the last meeting are confirmed and signed at the start of the next meeting[[24]](#footnote-24).

It is important for councillors to approach discussions with an open mind, and to consider all aspects of debate before making a decision. It is important to be aware of the distinction between voting with predetermination or predisposition. The following extract from a Local Government Association document clarifies the difference (the document relates to planning, but the principle is also more generally applicable):

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is alright, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the [Localism Act 2011] also provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting.

Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased[[25]](#footnote-25).

To avoid any criticism of its conduct, GWPC discourages its councillors from using media other than formal meetings to indicate a particular point of view before a matter is discussed. Care is needed especially when using emails – while making information known to other councillors is acceptable, expressing an opinion on a yet to be discussed/decided issue may lay a councillor open to a charge of predetermination and lead to his/her exclusion from the subsequent debate or decision-making.

**What are the principal activities of GWPC?**

GWPC’s main activities are driven principally by the responsibilities described previously, although certain issues tend to resurface periodically and require more attention. However, items discussed at the monthly meetings tend to fall within the broad categories of planning, finances, recreation, highways and asset management. A review of historical meeting minutes on the parish website offers insight on the range of issues considered[[26]](#footnote-26).

**Do councillors receive training?**

EALC provide tailored training and educational courses to Council Chairs, Councillors and Clerks on a range of topics[[27]](#footnote-27). The cost of these courses are paid for by the Council using its agreed training budget. In addition, all councillors are required to attend any and all mandatory training modules introduced by higher authorities.

**Useful websites:**

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| Great Waltham Parish Council | e-voice.org.uk/greatwalthamparish/ |
| National Association of Local Councils (NALC) | www.nalc.gov.uk |
| Essex Association of Local Councils (EALC) | www.ealc.gov.uk |
| The Electoral Commission | [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk) |
| Chelmsford City Council – planning application enquiries search facility | <https://publicaccess.chelmsford.gov.uk/>online-applications/search.do |

**Appendix**

**Division of responsibilities at county, city and parish levels.**



1. National Association of Local Councils (NALC) (2023), *About local councils*. Available at: <https://www.nalc.gov.uk/about-local-councils>. (Accessed 15th April 2023). [↑](#footnote-ref-1)
2. Local Government Association (2018), *A councillor’s workbook on working with town and parish councils*, p.4. Available at: <https://www.local.gov.uk/sites/default/files/documents/11.136%20A%20Councillor%27s%20Workbook%20on%20town%20and%20parish%20councils.pdf>. (Accessed 15th April 2023). [↑](#footnote-ref-2)
3. NALC, *About local councils*. [↑](#footnote-ref-3)
4. NALC (2018), *The Good Councillor’s Guide*, p.8. (NALC, London). [↑](#footnote-ref-4)
5. Ibid., p.12. [↑](#footnote-ref-5)
6. NALC, *About local councils*. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. NALC, *The Good Councillor’s Guide*, p.11. [↑](#footnote-ref-8)
9. NALC (2023), Website home page. Available at: <https://www.nalc.gov.uk/>. (Accessed 15th April 2023). [↑](#footnote-ref-9)
10. Essex Association of Local Councils (2023), *The Essex Association of Local Councils*. Available at: <http://www.ealc.gov.uk/home/>. (Accessed 15th April 2023). [↑](#footnote-ref-10)
11. City Population (2023), *Great Waltham*. Available at: [https://www.citypopulation.de/en/uk/eastofengland/admin/chelmsford/E04003960 great\_waltham/](https://www.citypopulation.de/en/uk/eastofengland/admin/chelmsford/E04003960%20great_waltham/). (Accessed 15th April 2023). [↑](#footnote-ref-11)
12. Great Waltham Parish Council (2023), *Great Waltham Parish home page*. Available at: <https://e-voice.org.uk/greatwalthamparish/>. (Accessed 15th April 2023). [↑](#footnote-ref-12)
13. NALC, *The Good Councillor’s Guide*, p.9. [↑](#footnote-ref-13)
14. The Electoral Commission (2023), *Guidance for candidates Part 1 of 6 – Can you stand for election?.* Available at: https://www.electoralcommission.org.uk/sites/default/files/2022-06/Part%201%20Can%20you%20stand%20for%20election%20Parish%20LGE.pdf (Accessed 15th April 2023). [↑](#footnote-ref-14)
15. Ibid. [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)
17. Ibid. [↑](#footnote-ref-17)
18. Great Waltham Parish (2023), *Great Waltham Parish Council*. Available at: <https://e-voice.org.uk/greatwalthamparish/copy-of-parish-directory/>. (Accessed 15th April 2023). [↑](#footnote-ref-18)
19. Great Waltham Parish Council (2019), *Parish Council Financial Regulations*, p.4. Available at: <https://e-voice.org.uk/greatwalthamparish/copy-of-parish-directory/policy-files/>. (Accessed 5th November 2020). [↑](#footnote-ref-19)
20. Ask Your Council (2023), *Part 2: Governance Toolkit, he Parish Clerk*. Available at: <https://askyourcouncil.uk/governance-toolkit/part-two-the-parish-clerk/>. (Accessed 15th April 2023). [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. See https://e-voice.org.uk/greatwalthamparish/copy-of-parish-directory/policy-files/. [↑](#footnote-ref-22)
23. Ibid. [↑](#footnote-ref-23)
24. NALC, *The Good Councillor’s Guide*, p.35-8. [↑](#footnote-ref-24)
25. Local Government Association (2013), *Probity in planning for councillors and officers*. Available at: <https://www.local.gov.uk/sites/default/files/documents/probity-planning-councill-d92.pdf>. (Accessed 15th April 2023). [↑](#footnote-ref-25)
26. See https://e-voice.org.uk/greatwalthamparish/copy-of-parish-directory/parish-council-monthly-minutes/. [↑](#footnote-ref-26)
27. Ibid., EALC home page. [↑](#footnote-ref-27)