

Hampshire ALC Advice
'So you want to be a councillor' - Some things you need to know

1 What is a local councillor?

A local councillor is a parish, town or community councillor. This is an unpaid post. By becoming a parish councillor you become someone your community will look to for help, guidance and support – a community leader with the power to influence decisions for the benefit of the people you serve.

Local Councils in England and Wales are the tier of local government closest to the communities and their constitution is governed by sections 14-16 of the Local Government Act 1972.

2 Qualifications to be elected or co-opted as a councillor

Section 79(1) of the Local Government Act 1972 (amended by section 18 of the Electoral Administration Act 2006) states (unless disqualified) a person is qualified to be elected to be a councillor if he is a qualifying Commonwealth citizen or a Euro national and meets certain criteria.

A qualifying Commonwealth citizen is a person who is a Commonwealth citizen who either is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, OR is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act

The qualifying criteria: -

- a) is 18 years of age or over on the day a candidate is nominated and, if there is a poll, the day of the election
- b) on that day and thereafter the person continues to be a local government elector for the area of the authority; or
- c) has during the whole of the twelve months preceding that day resided in the locality or within three miles of it or occupied as owner or tenant any land or other premises in that area; or
- d) his (or her) principal or only place of work during that twelve months has been in that area; or
- e) he (or she) has during the whole of those twelve months resided in that area; or
- f) in the case of a member of a parish or community council he (or she) has during the whole of these twelve months resided either in the parish or community or within three miles of it

These qualifications and qualifying criteria also apply to councillors who are co-opted.

Co-option is the process whereby a council can choose a candidate to fill a vacant seat if a vacancy has not been filled by election. [A vacant seat can be caused by insufficient candidates at an election or by a vacancy arising during the term of the council.]

3 Competencies, Requirements and Activities

There are no formal qualifications required to be a councillor but the following list details core competencies that are considered to be essential or desirable thus providing a council with a good range of knowledge, experience, skills and ability.

3(a) Competencies

Competency	Essential	Desirable
Knowledge	Sound knowledge and understanding of local affairs and the local community Interest in local matters.	A vocational or professional qualification may be of value to the work of the council.
Experience, Skills and ability	Good interpersonal skills. Ability to communicate succinctly. Ability and willingness to represent the Council and their community. Ability and willingness to work closely with other members and to maintain good working relationships with all members and staff.	Ability to work under pressure Ability to work with council's partners (e.g. other councils, voluntary groups and charities). Experience and/or skills that could be of value to the work of the council and its community e.g. good reading and analytical skills; good standard of computer literacy.

3 (b) Requirements

You must be able and willing to attend meetings of the council (including other meetings as a representative of the council, e.g. other councils, local bodies, community groups or organisations). Such meetings are most likely to be held during weekday evenings but could be held during the day or at weekends. The frequency of meetings of your council will vary and you may find it useful to discuss this further with the clerk so that you are fully aware of what will be expected of you.

An enthusiastic, flexible and committed approach to the work of the council is required.

To effectively serve your community and carry out the work of the council you must be willing to undertake relevant training.

3(c) Activities

Local councillors should aim to:

- influence and shape the long-term development policy for the parish, and as part of the planning process, comment on planning applications in the parish
- aim to improve the quality of life and the environment in their local area
- work to identify issues which are important to the lives of the residents they represent
- work to bring about improvements through local projects, lobbying other service providers and working in partnership with other parishes and agencies

4 **Accepting Office**

As soon as you have been elected (or co-opted) you must sign a declaration of acceptance of office which will include an agreement to abide by the code of conduct adopted by your council. You cannot act as a councillor until you have signed your declaration. **Before you stand for office you may find it useful to see a copy of the code of conduct so that you fully understand what is required.** You will also be required to complete a Register of Interests form when you have signed the declaration of acceptance.

5 **The legal framework of local councils**

The local council, is a corporate body, acting in its own name which undertakes the powers, functions and responsibilities conferred on it by statute, these include the authority to raise money through taxation (the precept).

You may find it helpful to talk to the chairman or clerk to find out more about what your council does and how you could contribute to the work of your council.

6 **Chairman**

The chairman is elected by fellow councillors each year at the annual meeting of the council (also known as the AGM). The chairman is the figurehead but his authority is limited to matters of procedure and to the conduct of a meeting. Other than the power to exercise a second or casting vote, a chairman has no rights or views greater than the rights and views of other councillors.

7 Clerk and Responsible Financial Officer

A local council is required by s.112 of the Local Government Act 1972 to appoint such officers as it considers necessary for the proper discharge of its functions. The number and designations of officers appointed and their responsibilities will vary according to the size of the council and the work it carries out. A council, whatever its size, should have a Clerk and a Responsible Financial Officer (RFO). The Clerk is very often also the Responsible Financial Officer (RFO) but in some councils this role is carried out by another member of staff.

The clerk is the chief officer and responsibilities include advising the council and administration of the council's affairs. The clerk is an independent and objective officer who takes instructions from the council as the corporate body and not from individual councillors. The RFO has specific duties relating to the budget, the accounts and financial management of the council.

The Local Government Act 1972 confers certain responsibilities on a council's 'Proper Officer'. The Clerk is normally the Proper Officer but it is possible for there to be more than one employee who is the council's Proper Officer for the purposes of exercising the statutory functions which are the responsibility of the Proper Officer.

Except when the delegation of the exercise of a statutory function or power to an employee is prohibited by law, a council has the power to delegate the exercise of its statutory functions or responsibilities to its employees.

8 Meetings of the Council

Councils must hold an annual meeting and a minimum of three other ordinary meetings in every year. The number of meetings that councils hold will vary according to the amount of business that is transacted. There is a statutory procedure to follow regarding notice of meetings, issuing agendas and minutes and this is the responsibility of the clerk.

9 Standing Orders

Important decisions are made at the meetings of a local council, its committees and sub-committees and therefore a council should have relevant standing orders which regulate procedure and conduct at their respective meetings. **Before you stand for office you may find it useful to see a copy of the council's standing orders.**

10 Financial Regulations

Financial regulations govern the conduct and management of the council's finances by the council and its officers. **If you become a councillor you will need to familiarise yourself with the council's Financial Regulations.**

Glossary of Terms

Code of Conduct	This is a legal document adopted by the council to make sure councillors maintain proper standards as a councillor. Following the change in legislation with the enactment of the Localism Act 2011 the Model Code of Conduct has been replaced with a (statutory) requirement for parish councils to adopt another code and Hampshire ALC has recommended to parish councils that they should adopt the same code as their local authority.
Delegation	Must be formally agreed by the full council and the power to make decisions can only be handed over to an officer, a committee, a sub-committee or another council (except where prohibited by law).
Duties	These are actions that a council must take by law.
Powers	This is given by an Act of Parliament to a local authority to act and carry out its functions.
Precept	This is the council's share of the council tax. The precept request is agreed by the local council and the demand goes to the billing authority (local principal council).
Proper Officer	This is the term used in law to mean the officer appropriate to the task (in local councils this officer is normally the clerk but may be another employee).
Register of Interests	This is the formal registration of your financial and other specific interests that might affect your decisions as a councillor. The clerk will retain a copy of the form and send the original to the Monitoring Officer.
Ultra vires	A council may only do what it is permitted to do by statute and acting 'ultra vires' means it is acting beyond its powers.

Further information about the Code of Conduct and Register of Interests should be obtained from the Clerk to the Council or the Monitoring Officer of the principal authority.

Acknowledgements

This publication is a partnership project researched and written by Hampshire Association of Local Councils (HALC) with contributions from the staff and members of Marchwood Parish Council. Other sources of information include NALC's Standing Orders for Local Councils and The Good Councillor's Guide.

Speaking on behalf of Marchwood Parish Council, Cllr Vango-Fisher said:

"Aspiring councillors should appreciate that working for their community does mean that residents may want to access them any time to voice their complaints or worries. But, acting as a conduit for them, by contacting the responsible person to get their complaints resolved, is a very satisfying part of a councillors duties."