

Little Waltham Parish Council

Representation protocol

This protocol provides guidelines for Councillors representing Little Waltham Parish Council (the council) on another body and/or within the Parish

Scope

It is of paramount importance that Councillors represent both the Council and themselves in the correct manner to ensure that both are not mis-quoted or mis-represented and views belonging to one or the other are not confused in conversations or meetings.

It also ensures that the Council makes decisions collectively in accordance with the law.

Also, it should be noted that when acting in the capacity of Councillor you are also bound by the terms of the Council's Code of Conduct.

A breach of legal requirements and/or Parish Council Governance procedures, may have an impact upon both the financial and reputational position of the Parish Council and/or individual Councillors, thus, this protocol summarises the legal requirements to ensure the smooth running of Parish Council activities within the constraints of the law.

Situations

It is important to note that decisions of the Council are made collectively by the Council and no member of the Council may act individually. The very fact that you are a Councillor does not impart any specific powers upon you. Councillors may only act with the knowledge and specific authority of the Council and no member should misrepresent or do something 'in the name of the Council', which they have not been authorised to do by the Council.

Councillors should also respect the fact that once a decision had been made by the Parish Council it is classed as a collective decision and adhered to by all Councillors. Councillors should respect the ethos of collective responsibility and it is not acceptable to brief against a decision once it has been made as this undermines the position of the Parish Council.

Councillors may be requested, or volunteer to be, a Council representative on another body. This could include attending a group as the Council's representative or, attending a meeting of another authority as the Council's representative to pass on information, gather information or ask questions. Also, as most Councillors live and/or work in the Parish, they may often be stopped by residents who have information, ideas, or problems which they wish to be resolved or receive assistance.

A Councillor as a Representative

In the event that a Councillor is authorised to attend a meeting with a third party group or organisation, a Councillor attending as the Parish Council representative, should **only** put forward the views agreed by the Council, and **not** their own personal views. In principle, all Councillors should abide by the democratic decisions of the Council once made.

If you are attending a meeting as the Council representative but feel you have a view, questions or objection which you would like to express as an individual or is a view held by another group or committee then this must be clearly communicated to the meeting you are attending (see some examples below).

No Councillor should of their own accord approach or work with a third party organisation without the prior knowledge and authorisation of the Parish Council. Councillors should be aware that the correct manner for a third party organisation to communicate with the Council is via the Clerk which enables all Councillors to be kept appropriately advised of issues and for relevant issues to be raised for consideration by Councillors at a Council meeting.

Examples

1. The Council decided it supported a particular planning application. You have decided to attend the Planning committee meeting at Chelmsford City Council because you, personally, don't like the planning application in question and have a strong objection towards its design and position.

If you are allowed to speak, and you introduce yourself as 'Parish Councillor for Little Waltham Parish Council' then you may only offer its' views - which was that the Parish Council supported the application.

If you wished to express your personal views at this meeting about the application, then you should **not** introduce yourself as a Parish Councillor and make it very clear to the meeting that you are expressing your 'Personal View'.

If you do not make yourself clear about whose views you were expressing to the meeting then the Council could be mis-quoted as not liking or objecting to the application, when this was not the case.

2. You have been asked to attend a community meeting as the Council's representative, for no particular purpose but to gather information. You are only attending the meeting because you are the representative of Little Waltham Parish Council and otherwise you would not be invited to this meeting.

The meeting goes off track and begins discussing an item which is not at all relevant to the Council but that you are interested in and have knowledge about. If you engage in conversation regarding issues, opinions or objections you should make the meeting clearly aware that this is your own personal view and not the views of the Council - remembering that you are only there because of the Parish Council.

3. You decide that you consider that it would be beneficial for the Council to liaise with a third party organisation for the benefit of Parishioners.

You should raise this at a Parish Council meeting for consideration as to whether the Council wish to take this course of action and may not otherwise take action in your capacity as Councillor as you would not have the authority to do so.

A Councillor and Residents

Councillors may sometimes be stopped by residents, when they are out and about, who have information or ideas for them to listen to or problems which they wish to be resolved or passed on. It is important that these queries are noted for either; passing on, handing over or raising with the Council.

No member of the Council should promise or agree to do anything, which they have not been authorised to do by the Council or do something 'in the name of the Council', which they have not been authorised to do by the Council.

Examples

1. A resident has noticed a pot hole in their road and does not know who or how to report it, so, knowing you are a Parish Councillor, has asked for your help.

If you know which authority the problem belongs to tell the resident. If not, tell them you will report to the Clerk to investigate.

You could take a look at the pot hole, even take a photo and note of the exact position and severity of the hole and then report straight on to the correct authority (ie ECC) using their reporting systems; or pass information on to any of the local City or County Councillors to take forward; or pass information to the Clerk to report on; or pass on to the resident the information so they could report the fault themselves.

2. A resident approaches you because they know you are a Parish Councillor. They ask if you might consider their idea which they feel would make things better for their age group.

You go to inspect an area of land where they are suggesting changes and meet with the land owner and discuss the project. You agree with the resident that the Council thinks this is a good idea and promise that the Council will carry out this project.

These actions described above are **wrong** in a number of ways.

- You should never be seen to be acting on behalf of the Council, by getting involved in discussions which the Council is not aware you are doing i.e. with a land owner.
- You as an individual should not be giving the Council's 'endorsement' or 'agreement' to anything without its express permission or knowledge.
- You should not be agreeing to carry out any works, however small, on behalf of the Council.

A recommended course of action for you, to an approach of this kind from a resident, would be to listen to the idea and logic of the suggestion, note down any particulars or positions and then raise this at a Parish Council meeting for the Council to consider.

Liaison with the Press

Councillors should adhere to the terms of the Parish Council media policy when dealing with the press

Bias, Predetermination and conflicts of interest

Councillors should adhere to the provisions of the Localism Act 2011 in relation to the declaration of pecuniary and non-pecuniary interests and the need to withdraw from a meeting where there is a conflict of interests.

Councillors should also adhere to the Localism Act 2011 in relation to issues of bias and predetermination and the need to approach decision making with an open mind.

It is essential that Councillors do not appear to have already made up their minds in advance of the meeting itself. Such impressions can be created in a number of different ways such as quotes given in the Press or social media or what is said at the meeting itself or at other meetings and in correspondence and emails.

The acceptance of gifts may also give rise to allegations of bias or may even be in contravention of the Bribery Act 2010. Councillors must adhere to such legislation and in the event that a gift is accepted must register it forthwith.

These provisions are to ensure both fairness and transparency in the decision making process.

Liaison with the clerk

Effective working relationships between Councillors and the Clerk are key to the smooth running of the Council and in maintaining public confidence in the workings of the Council. The Clerk is the Proper Officer and Responsible Financial Officer of the Council by way of statutory requirements of the Local Government Act 1972.

It is the Clerk's role to advise, assist and support Councillors in the decision making process and to implement the decisions of the Council including all administrative requirements and the management of the financial affairs of the Parish Council as more particularly set out in the job description. The Clerk also has some devolved powers that may be utilised.

It is therefore vital for the Clerk to be provided with copies of all communications, reports, documentation and information to enable her to effectively carry out her job and for the Council to function in an effective way.

For example, if the Clerk is not aware that a particular issue needs to be brought to the attention of the Council, she is not able to include it in an agenda and thus it would not be able to be discussed or decided upon in a timely fashion

In addition, the provisions of the Freedom of Information Act 2000 impose obligations to respond to requests and provide information and documentation. Thus, to enable the Council to be able to comply with this legislative requirement it is important that the Clerk is provided with copies of all documentation.

The Clerk has an expectation of fair treatment both under Employment and Equality legislation and under the terms of the Code of Conduct.

In the event that a Councillor wishes to raise an issue regarding the Clerk he or she should refrain from doing so in a public setting such as a meeting or any other public statement as this undermines the reputation of the Council as a whole and undermines the trust and confidence required for effective working relationships. Any issue or concern in relation to the Clerk should in the first instance be referred to the Parish Council Chairman who may choose to invoke the existing procedures in place in relation to the management of employees.

This protocol was approved on 7th September 2021 and was updated and approved by the Parish Council on 2 December 2021

Reviewed on 16th May 2023

Date of next review May 2027