

**PARISH COUNCIL MEETING 1 March 2018**

**Please note:**

- This Report is brought to the Council before it has been agreed by the Task Force
- Councillors will have the opportunity to comment/debate in due course

**Governance Task Force Report  
24 February 2018**

The work will be done in sections and each section will be brought to the full council for their comment and sign-off. Work has started on Sections 1 and 2 (attached); both are incomplete. Red text denotes author's comments

We have taken a top-down approach.

- Section 1 defines the Lexicon we will use in subsequent sections. Some words are easy but we are still having problem with Duties and especially their statutory content.
- Section 2 is about management structures/frameworks. We have tried to identify management functions, the Need that each creates and how we meet that need. The draft is very incomplete but it gives a sense of the likely functions.
- "The Clerical function" illustrates the application of this logic. There is much more work to be done.
- The Staffing Committee recognise that the documents they are preparing will build on the content of Section 2

The council is invited to note this report.

# Chidham & Hambrook Parish Council

## Governance review

*I thought we should start by agreeing the meaning of a few words that have caused difficulties in the past. We will need to use them when we start to define what people and groups do, and for whom they do it. For example someone is responsible for ..., the roles of ... include, etc*

*I think we need to be scrupulously careful to really think this through and make choices that fit our particular circumstances. As a corollary, we should not to lean too heavily on someone else's work.*

### Section 1 – the Lexicon

#### Governance

Governance dictates how the Parish Council is to manage its affairs, including the making and implementing of decisions.

- It is not specifically about making 'correct' decisions
- It is about using best practice processes and management structures for making those decisions

Governance is a framework of rules and practices by which the Parish Council ensures accountability, fairness and transparency in its relationship with all of its stakeholders.

#### Accountability

The residents of the parish have elected eleven individuals to be members of the Parish Council, and to represent their interests. On appointment, the councillors become accountable to the residents for their individual and corporate actions. This accountability cannot be delegated. At the end of the day it is a councillor who must face up to residents and justify what happened and why it happened.

Accountability is therefore a fundamental requirement of good governance. The Parish Council has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

#### Responsibility

The main difference between responsibility and accountability is that responsibility can be shared or delegated. For example, within the Parish Council responsibilities are delegated to groups (e.g. working groups, project teams, committees) and individuals (e.g. the Chairman and the Clerk).

Responsibilities should be formalised and agreed by the full Council in documents such as:

- Contracts between the Parish and its stakeholders
- Procedures for proper supervision, control, and information-flows to serve as a system of checks-and-balances.

## Roles

Within the Parish Council, individuals and group are nominated to perform fairly specific functions such as:

- Membership/Chairmanship of a committee or team
- Media liaison

## Duties

*The previous Clerk frequently referred to her statutory duties and legal obligations. Hours of research have failed to find an authoritative description of a Parish Clerk's statutory duties.*

*My suggested definition of a 'duty' is*

A duty is something that an individual or group is expected or required to do by moral or legal obligation. A duty would be statutory if it were required, permitted or enacted by statute.

*To help us understand the lack of clarity I suggest we steal two sentences from Community First (Wiltshire and Swindon)*

Duties of a clerk are understood generally and are not listed in law. Rather procedures of the council are listed and the clerk ensures they are followed to guarantee proper discharge of functions.

*Then add a bit from CPALC*

There are relatively few statutory duties in the role of the parish clerk. Among them is the issuing of legal summons to elected members to attend meetings

The role of Clerk is to ensure that the Council as a whole conducts its business properly and to provide independent, objective and professional advice and support

# Chidham & Hambrook Parish Council

## Governance review 2018

*I have now tried to drill down one level to review how roles, responsibilities and accountabilities [and duties?] are discharged within the Parish Council management structure framework*

*I have tried to start with a need and then work out how that need is discharged. This is the reverse of what we have tended to do; we have tended to come up with a management structure and then try to work out what it should do*

*I have tried to keep it simple with the detail relegated to Annexes (Not yet drafted!!)*

## Section 2 - Management Framework

In putting together a management structure it is clearly ineffective for everyone to do everything. Best practice is therefore to:

- Sort out what the Council has to do - the Needs
- Group similar/related Needs into Functions
- Identify how the Needs are to be met within each Function

### The leadership function

#### The Need

The Council needs someone to:

- Preside over its meetings
- Ensure its business is conducted in an orderly fashion
- Act as its head/ representative to the outside world
- Act as its spokesperson unless another Councillor is appointed

#### Meeting the Needs

Within the Council the Chairman exercises the leadership function and is accountable

- To the residents of the Parish for the effectiveness of the Council
- To the other Councillors for actions he/she has taken on their behalf

Full details of the roles and responsibilities of the Chairman are at [*to follow*]

When the Chairman is not available the Deputy Chairman exercises the leadership function. Full details of the roles and responsibilities of the Deputy Chairman are at [*to follow*]

The Councillors elect

- A Chairman [*when, how long?*].
- A Deputy Chairman [*when, how long?*]

## The Clerical function

### **The Need**

Without offering an authoritative source, CPALC assert that the law requires the Council to appoint someone to:

- Conduct the administrative duties that are needed to ensure the Council's external and internal business is transacted smoothly. For example deadlines are met, submissions are accurately completed
- Advise the Council and ensure their actions accord with legal and regulatory requirements

This individual is known as A Proper Officer

The Council also needs to appoint someone to be the Responsible Finance Officer

### **Meeting the Need**

The Council appoints a Clerk to fulfil all three functions

The Clerk is accountable to Chairman for all activities he/she makes on behalf of the Council. The

Clerk may be responsible to the leader/chairman of a nominated group for the discharge of a specified activity.

Full details of the roles and responsibilities of the Clerk are at *[to follow]*

*[Financial accountabilities to follow]*

## The Decision-making function

Arguably, the most important function of the Council is to ensure timely and appropriate decisions are made. The Council can:

- Retain the decision-making function
- Delegate it to a subordinate group

Good governance demands that members of the Council must understand the decision that has to be made. The decision will only be as good The decision should be no more complicated than to endorse or reject a recommendation. The recommendation will most often have been prepared by a committee or task force

- Members of the Council should be provided with the recommendation and all relevant facts at least 3 days before the meeting
- Debating must be controlled; points not ...

The preparation of submissions and recommendations to the Council will be prepared by a committee or task force.

A committee is appropriate when the group's work has no end-date.

A task force will be formed to manage a specific project, normally with a finite end-date

## The Planning function

There are two types of planning application

- Minor works such as house improvement
- Developments

There is no end-date for the planning and it is therefore managed by a committee. Response times are frequently short and the Council has therefore delegated decision-making for minor works to the Planning Committee

Developments have potentially large impacts on the parish and decisions relating to them made at Full Council meeting. Papers and recommendation are prepared by the Planning Committee

## The Finance function

Not delegated – level of importance – Full Council  
Served by Committee with Clerk

## The HR function

No end-date so Committee  
Called Staffing Committee

## The Complaints function

Committees

Task forces

