



*1 Aerial view of Wheatley*

*2 Wheatley Parish Council Office*



## **Overview from Alison Sercombe, Chairman of Wheatley Parish Council**

Dear Councillor,

Welcome to Wheatley Parish Council.

Thank you for giving up your free time, channelling your enthusiasm for our village and being willing to serve our parishioners of all ages and needs without fear nor favour, not for financial gain but for the satisfaction of giving something back to our community.

We have produced this handbook to give you an overview of the commitment of being a parish councillor and what it entails, to answer any queries and to help you avoid any pitfalls.

The work and role of the parish council has developed a lot over the last few years and continues to evolve and grow as we seek to meet the needs of our parish in the 21st century.

Every one of you has qualities, knowledge, skills, and life experience which will make a difference to Wheatley, and we look forward to seeing what you will bring, and if you have any questions then please do ask.

Alison Sercombe  
Chairman of Wheatley Parish Council.

### **Introduction**

Welcome to the Wheatley Parish Council councillor handbook. This handbook has been designed to provide some background information for parish councillors, elected and co-opted, outlining their role and duties. It is also to provide information that can be given to the public to help them better understand the role of the council, councillors, and the clerk & responsible financial officer.

The contents have been collated from several sources, including in-house policies and documents as well as information available online.

This is not a definitive document and should be read in conjunction with the other official documents referred to in this handbook.

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## 1. The Role of the Parish Council

Local councils (town and parish) have existed in the current format since the 1894 Local Government Act, with many revisions and additions since then. They are the tier of government closest to the community. There were 10,250 parishes in 2018 most have a parish council.

A local council is a corporate body with a separate and distinct legal identity to the councillors who make up the council and officers, who are employed by the council. It is governed by its standing orders, financial regulations, code of conduct and policies and procedures.

Wheatley Parish Council (WPC) is a local council that makes decisions on behalf of people of Wheatley. It is the level of local government closest to the community, with [South Oxfordshire District Council](#) (SODC) and [Oxfordshire County Council](#) (OCC) above it in the hierarchy.

As it is the authority closest to the people, the parish council is invariably the first-place people go with concerns or ideas. For this reason, it is a vital part of the community. It meets at least once a month except August, with committees that meet at various times throughout the year.

## 2. What Decisions Does the Parish Council Make?

It makes various decisions on issues that affect the local community: a full list of the powers available to the parish council can be viewed in Appendix 1. Probably the most common topics that the parish council gets involved with are planning matters and highways.

On its own, a parish council has limited powers to make decisions (other than those listed in App 1), but it does have the ability to negotiate with and influence those organisations that *do* make the final decisions. In this respect the parish council is extremely influential. The organisations that do make the final decisions know that the parish council gives the best reflection of how a community feels about something, and its views are therefore taken seriously. Opportunities for WPC are ever evolving and will change over time.

## 3. Powers and Duties of the Parish Council

Like all local councils, WPC functions within a legal framework. However, it can only carry out actions which it is authorised to do by statute and must not act beyond its legal powers, (see appendix 1).

WPC has a number of duties. SODC also has numerous statutory duties such as collecting household waste, and OCC has statutory duties such as maintaining highways. The powers of a parish council allow it to do a wide variety of activities.

A duty is something a local authority should provide or do in law while a power is something it can do if it wishes. The parish council is a statutory body, having powers under a wide variety of Acts (such as the [Local Government Act 1972](#), the Public Health Act 1936, etc.). It is up to each council to choose what is appropriate for the community they serve.

To ensure public confidence, all its decisions must be transparent and comply with statutory requirements. Members of the public are encouraged to attend meetings and inspect the council's written records. Agendas are displayed on public noticeboards and online.

It is subject to both an internal and external annual audits.

## 4. Income

The parish council funds the majority of its work from its annual precept (collected on its behalf by South Oxfordshire District Council). It can also raise funds through grants from other organisations and revenue from facility hire charges.

#### **4.1 What is a Precept?**

The precept is a tax that parish councils charge to their local electors to meet their budget requirements. Parish councils do not receive any direct funding from central government and rely on the precept plus any other income it may generate from the services or facilities it provides. The parish council precept is part of the overall council tax which is collected from local electors via their council tax paid to the billing authority, SODC.

The precept is usually set by the WPC at its meetings in December/January, after reviewing its fees and charges and budgets.

#### **4.2 How is it Calculated?**

The precept requirement is the difference between the parish council's estimated income and its anticipated spending requirements for the financial year (its budget). The financial year runs from 1st April to 31st March. The parish council needs to agree a budget before it can set its precept, and both must be agreed by the full parish council. This process begins after the summer and must be completed by January of the following year.

Councillors are asked to input into the draft budget, which is then drafted by the Clerk/Responsible Financial Officer draw up a draft budget, based on previous years expenditures and future projects proposed by the parish council. This is then presented to the finance committee to review and then it is presented to the full council in order to be approved.

When calculating the precept, the parish council takes into consideration:

- The current year's spending levels for ongoing services for which it is responsible such as recreation facilities, lighting, insurance and cost of the parish office and maintenance staffing.
- The costs of any additional spending plans or projects
- Provision for contingencies and reserves.
- Levels of anticipated income from services for which it is responsible such as rental income, allotment fees and grants.

Currently there is no cap on the amount that parish councils can raise via their precept (district councils and county councils are capped). This is always under review by central government but for now the government expects parish councils to demonstrate restraint. A council should be able to explain and justify larger precept increases.

Once a precept has been approved by the parish council, the clerk informs SODC, and it is then added to the residents' council tax bills. The city council collects the precept on behalf of the parish council and pays it in two instalments (in April and September).

#### **4.3 Tax base and Band D Equivalent.**

Part of the precept calculation is the 'Band D Equivalent'. Band D is the middle band of council tax and is supposed to represent the amount of council Tax paid on an average property in the area. The Band D equivalent provides a measure which allows precepts among councils of different sizes to be compared. The estimated number of Band D equivalent properties in the tax base is notified to the parish council by South Oxfordshire District Council prior to the precept setting exercise. The required precept is divided by the number of houses in the tax base to get the Band D equivalent.

### **5. The Council's Place in Government**

Many people are vague about what the local councils can and can't do. It boils down to three rules which are that the parish council must do what parliament requires it to do, do only what parliament say it may do and not do anything unless it has a legal power to act, granted by parliament. Every action must be supported by the relevant power within the law. This is mainly, but not entirely, found within the Local Government Act 1972.

WPC is a consultee for many other organisations on a wide range of subjects. These include

planning, highways, healthcare, and the police. In this role the parish council can be regarded as being a stakeholder in the matter under consideration. The parish council also acts as a key information provider and should assist in informing residents on important topics.

## **6. The Parish Council as an Employer**

Legislation<sup>1</sup> states that local councils must appoint a 'responsible officer', (further details in sections 9 and 10) and it may also choose to take on staff to help it to fulfil its statutory functions.

As an employer, the council has a duty of care to its staff and should seek to support, nurture, and develop its members of staff so they feel valued and remain focused in helping the council to achieve its aims and objectives.

The numbers of members of staff required will depend on the size of the council, and its assets. Many relatively small parish councils with few assets will probably be adequately managed with just one member of staff, the parish clerk who is also the responsible financial officer. However, a larger council might need any of the following:

- Clerk,
- Responsible Financial Officer,
- Deputy Clerk,
- Financial assistants,
- Caretakers,
- Gardeners,
- grounds staff,
- markets managers,
- village hall/events manager, etc.

As an employer, WPC must adhere to current employment legislation and should seek to follow best practice, wherever and whenever possible. To find out more about this subject area please refer to reference reading at the back of this handbook.

## **7. Becoming a Parish Councillor**

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. Seeing your community change for the better, as a result of decisions you have helped make, is something that can give you a sense of achievement and pride. As a new councillor, you can bring fresh enthusiasm and new ideas. You will show care for your community and a willingness to learn.

You can stand as a parish councillor if:

- (a) You are a British subject or citizen of the European Community,
- (b) You are 18 years of age, and
- (c) Is either in the list of electors for that parish or town or has during the whole of the preceding twelve months:
  - (i) Occupied land as owner or tenant in it, or
  - (ii) Had a principal place of work there, or
  - (iii) Resided in or within three miles of it.

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<sup>1</sup> Section 112 of the Local Government Act 1972

**7.1 Elections:** Local council elections are held every four years and therefore your term of office would normally be four years. These elections usually coincide with elections for the district or county councils. If you are standing for election, rather than a co-option you must have a proposer and a seconder who appear on the electoral register for the parish.

**7.2 Casual vacancy (By-election, Co-option):** In the event of a casual vacancy, the parish council must give public notice (Section 87(2) of the Local Government Act 1972). The notice must be displayed in a conspicuous place within the parish. An election to fill the vacancy, will be held if ten electors of the parish write to Democratic Services, SODC, asking for one to be held. The notice must be displayed for 14 days (excluding Saturdays, Sundays, and bank holidays). If no request for an election is made, then the parish council must fill the vacancy by co-option as soon as practicable after the expiry of the 14 days referred to above. Once an election has been requested, the vacancy must be filled by election, and the parish council cannot fill it by co-option, even if there are insufficient candidates.

Where the casual vacancy occurs within six months before the day on which the councillor whose office is vacant would have retired, an election to fill the vacancy shall not be held.

The candidate wishing to stand for co-option must meet the same criteria for being a councillor as those standing in an election. To co-opt a councillor the parish council puts a notice in prominent places, within the parish, inviting anyone interested to apply giving reasons why he or she would like to be co-opted. The applications are then reported to the council, who then either co-opt direct or invite applicants to an interview.

Voting for a new councillor is by show of hands unless the parish council has adopted Standing Orders which allow another form of voting. If more candidates stand than there are vacancies a vote will be taken and the candidate with the least votes will be eliminated. Voting takes place on the remainder, one vote per councillor\* until one person receives an absolute majority. The Chairman does hold a decisive vote.

## **8. The Role of the Parish Councillor**

To be a parish councillor requires time and commitment. A councillor may spend a couple of hours a week on parish business, and this will increase if you take on other roles or responsibilities. All councillors are expected to serve on at least one committee.

Being a parish councillor is an unpaid role. Reimbursement of out-of-pocket expenses is permitted if agreed by council in advance. Although district and county councillors are allowed an allowance from their respective authority. There is a chairman's allowance, set by the council, which should be used by the chairman of the parish council to fulfil the duties of the office of chairman.

You are summoned to attend all council and relevant committee meetings. If you are unable to attend, then you need to send your apologies before the meeting, which needs to be approved by the council. The Local Government Act 1972 states that when a council member fails to attend any meeting for six consecutive months from the date of their last attendance, **they cease to be a member of the authority**, unless the council accepts a reason for the failure to attend.

**Main purpose:** Representing the views of all residents within your parish.

**Secondary purposes:** As part of the parish council, you will have responsibility for running local services and potentially much more. Hopefully, you will decide on how much to raise through the council tax (the precept) in order to deliver your council's services. You will help influence and shape the long-term development for the parish. As part of the planning process, you will comment on planning applications. You will hope to improve the

quality of life and the environment in the local area. You will work to identify issues which are important to the lives of the residents you represent and will work to bring about improvements through local projects, lobbying other service providers and working in partnership with other parishes and agencies.

***No member of the council should promise to do something, or agree to do anything, which they have not been delegated to do by the council.***

## 9. Code of Conduct

Wheatley Parish Council has a duty to promote and maintain high standards of conduct by its members and co-opted members of the Council<sup>2</sup>,

Parish councillors are bound by the same code of conduct as are all local councillors. A newly elected councillor has to sign an undertaking, as part of their written declaration of acceptance of office, that they will observe the parish council's code of conduct.

The code of conduct sets out the rules governing the behaviour of councillors in local authorities across the country. Prospective candidates are advised to read the code before standing for election so that they are aware of what will apply to them.

The Code of Conduct is based on the Nolan's seven principles of public life. These being:

- **Selflessness** – You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.
- **Objectivity** – In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- **Accountability** – You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- **Openness** – You must be as open as possible about your actions and those of your council and must be prepared to give reasons for those actions.
- **Honesty and integrity** – You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.
- **Leadership** – You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

In accordance with the public trust placed in councillors, a councillor shall on all occasions:

- Act with integrity and honesty.
- Act lawfully.
- Treat all persons fairly and with respect; and
- Lead by example and act in a way that secures public confidence in the role of councillor.
- Impartially exercise their responsibilities in the interests of the local community
- Not improperly seek to confer an advantage, or disadvantage, on any person
- Avoid conflicts of interest
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

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<sup>2</sup> Localism Act 2011



## 10. Register of Interests

Following legislation<sup>3</sup> councillors must sign a declaration/acceptance of office, in the presence of the Clerk before they join the council. In addition, all councillors must complete a register of interests within 28 days of the election/co-option, which anyone can lawfully ask to see. Copies are displayed on SODC's website. Prospective candidates are advised to be aware of what will apply to them and be sure that they are willing to complete the requirements for the register of interests.

If a matter comes before the parish council in which a councillor has a personal or prejudicial interest, this must be declared before the item is discussed and, if necessary, the councillor will take no part in the discussion or remove themselves from the meeting. Depending on the nature of the personal or prejudicial interest, the councillor may not be permitted to vote on the item.

## 11. The Role of the Parish Clerk

The clerk's responsibility is to carry out the decisions of the parish council within a framework of dictated by legislation and good practice. The Local Government Act 1972 (LGA72) section 112(1) empowers the parish council to appoint such officers as it sees fit to carry out the work of the council. Typically, small councils use this power to appoint a clerk.

The clerk will organise council business and ensure that the parish council only acts in accordance with the powers it has been given through legislation. The clerk may offer guidance to the council. However, it is the lawful decisions of council that the clerk must enact.

The council will delegate under LGA72 s111 certain powers and duties to the clerk to help with the smooth running of a council's affairs. These will form part of the clerk's job specification.

The parish clerk is the council's proper officer. This means that the clerk is not a secretary simply taking the minutes at meetings, dealing with correspondence and archiving documents. The clerk may be a qualified officer providing professional advice concerning the laws of governance and administrative support to the council. Answerable only to the parish council as a whole, the clerk takes action to implement council decisions and acts as its finance administrator.

The role of the parish clerk comprises three different functions. They are:

- i. The clerk has overall responsibility for the implementation of council policy as would a company secretary in a larger organisation.
- ii. The proper officer is responsible for a range of specific duties as a departmental head would be in a larger authority.
- iii. The responsible financial officer (RFO) is responsible for the finances and accounts of the council.

The clerk has a job description which is reviewed periodically by the Staffing Committee.

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<sup>3</sup> Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

## **12. The Role of the Responsible Financial Officer**

For the parish council, the clerk is also the Responsible Financial Officer and is responsible for the proper administration of the council's financial affairs.

## **13. Emergency Powers/Scheme of delegation**

The clerk can have powers (set out in Standing Orders) delegated to them to manage emergency repairs and to raise payments. These would be itemised on the next agenda as 'retrospective payments' and presented with the invoice/authorisation.

## **14. The Clerk's Relationship with Councillors**

The success and smooth running of the council depends upon a harmonious and positive relationship between the clerk and on the councillors.

It is essential that each party understands the role of the other and that, as far as possible, their respective roles do not overlap. A councillor should not undertake tasks which are properly those of the clerk except in an emergency and only then with the authority of the council. In the same way, it is incorrect for the clerk to usurp the role of the councillors by, for example, seeking to impose his/her views on policy issues on the council.

The clerk is the proper officer, employed by the council and is there to support and provide guidance on many topics including legislation and best practice. It would be hoped that the clerk and councillors would support each other to develop and follow appropriate policies, plans and working practices, to ensure the council operates in the most effective way for the community.

## **15. Standing Orders**

The parish council operates in accordance with its Standing Orders (which deal with financial, legal, and contractual requirements) and the other formal policies and procedures laid down from time to time. These enable the council to take a consistent and properly regulated approach to regular or important activities and issues. The standing orders, policies and procedures are reviewed on an annual basis or if legislation changes.

## **16. Financial Regulations**

Financial regulations govern the financial process of parish council and may only be amended or varied by a council resolution. The parish council is responsible in law for ensuring that its financial management is adequate and effective and that it has a sound system of financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. The financial regulations are designed to demonstrate how the council meets these responsibilities.

## **17. Council meetings**

The parish council meets on the first Monday of each month, except in August, and all council meetings, including committee meetings, must be open to the public, unless there are certain circumstances (confidentiality etc.). Meetings can be recorded, however, if doing so, it must be made clear to all present and arrangements made should anyone wish not to be recorded.

Committee meetings do vary, some meet monthly, others bi-monthly.

Working groups may meet more or less frequently, depending on their terms of reference. Other ad-hoc meetings may be arranged as required.

## **18. Agendas/summons**

Procedural matters such as organising meetings, agendas etc are dealt with in standing orders.

Formal summons and agendas must be circulated with three clear days between the day of issue and the meeting. The clerk is responsible for the agenda and has the final say on the contents of the agenda; however, a parish councillor can request for an item to be added to the agenda or may be asked to write or present an item at the upcoming meeting.

## **19. Committees**

WPC has several formal committees and working groups. Membership of these is approved by the council, alongside the terms of reference in which it will operate, see section 29 for more details.

The parish council's standing orders and financial regulations also apply to all committees.

A working group has no budget or power to spend but will report to council and seek approval for any expenditure but can appoint representatives from the community to join.

## **20. Legislation**

The council must operate within the current legal framework of legislation and powers. Some key pieces of legislation are referenced in this section:

### **20.1 The Freedom of Information Act**

The Freedom of Information Act gives an individual or group the right to ask for all relevant information the parish council holds on any subject requested. Unless there's a good reason, information must be provided within 20 working days. An individual can also ask for all the personal information we hold on them. Everyone can make a written request for information – there are no restriction on age, nationality, or where the person lives. The parish council has a model publication scheme which outlines what information is available to the public and the costs of providing the information. Any information can be asked for, but some information might be withheld to protect various interests which are allowed for by the act. If this is the case, then we will tell the applicant why we have withheld information. If the request is for information about the individual, then the request will be handled under the General Data Protection Regulation. (See also section on e-mails).

### **20.2 General Data Protection Regulation (GDPR)**

WPC must comply with current and relevant GDPR legislation<sup>4</sup> that regulates the collection, storage, and use of personal data as well as managing requests from individuals to access any data held about them.

The eight data protection principles which were in the 1998 legislation have been replaced by six in the new regulation.

These six general principles are very similar to the old law.

Personal information should be:

- processed lawfully, fairly and in a transparent manner.
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- adequate, relevant, and limited to what is necessary.

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<sup>4</sup> Data Protection Act 2018

- accurate and, where necessary, kept up to date.
- retained only for as long as necessary.
- processed in an appropriate manner to maintain security.

Any organisation, including councils, who holds personal data, whether on an electoral register or village hall booking system, must register with the Information Commissioners Office (ICO).

### **20.3 Localism Act**

The Localism Act represents potentially a major shift in power. The Act is long and complex but at its heart are three powers that have and will change the role of parish councils. This legislation gave WPC the opportunity to write its neighbourhood plan and provides opportunities for communities to register, purchase and operate community assets and commercial opportunities including:

### **20.4 Assets of Community Value (ACV)**

An ACV is land or buildings nominated by a Parish Council, or certain local voluntary or community groups, which the Council decides meets the requirements to be listed as an asset of community value.

An ACV and the Community Right to Bid offers greater opportunity for communities to keep such buildings in public use and ensure they remain a social hub for the community.

It is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

Community assets can be nominated by parish councils or by groups with a connection with the community. Individuals cannot nominate community assets. If the nomination is accepted, local groups will be given time to come up with a bid for the asset when it is sold.

Through the Community Right to Bid, communities have the opportunity to 'stop the clock' on the sale of valued community assets, for up to six months.

If a property being sold with a potential change of use is included on the planning authorities list of assets of community value, and a community interest group 'expresses interest' during an initial six-week period, then a six-month window of opportunity applies, which is intended to give communities time to create a business plan and gather the necessary finances to bid for the asset.

### **20.5 General power of competence (GPC)**

Local authorities' powers and responsibilities are defined by legislation. In simple terms, they can only do what the law says they can. Sometimes councils are wary of doing something new - even if they think it might be a good idea - because they are not sure whether they are allowed to in law, so are concerned about the possibility of being challenged in the courts.

The Government has turned this assumption upside down. Instead of being able to act only where the law says they can, local authorities will be free to do anything - provided they do not break other laws.

The Localism Act includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax. The new, general power gives councils more freedom to work together with others in new ways to drive down costs. It gives them increased confidence to do creative, innovative things to meet local people's needs. Councils have asked for this power because it will help them get on with the job. The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to comply with duties

placed on them.

The criteria for a parish council to be able have the 'General Power of Competence' is that:

The three conditions for eligibility are set out in the Statutory Instrument as follows:

1. Resolution: the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
2. Electoral mandate: at the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e., not co-opted).
3. Qualified clerk: At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g., Certificate in Local Council Administration, Certificate of Higher Education in Local Policy).

Having decided at a full meeting of the council that it meets the criteria for eligibility at that particular time a resolution to this effect must be clearly written in the minutes. The council is then required to revisit that decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria (if it does).

A 'relevant' annual meeting is the annual meeting of the council after the next ordinary election has taken place.

Eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors, it must also record its ineligibility at the next 'relevant' meeting.

There is no requirement for members to be trained in the general power of competence.

## 21. Representing the Council

It is of paramount importance that councillors represent both the council and them in the correct manner to ensure that both are not misquoted or misrepresented and views belonging to one or the other are not confused in conversations or meetings.

### 21.1 Situations

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 or ask a question.

As most councillors live or work in the parish they may be stopped by residents when they are out and about with problems which they wish to be addressed. It is important that these queries are brought to the attention of the council. ***No member of the council should promise to do something, or agree to do anything, which they have not been authorised to do by the council.***

### 21.2 Councillor as a Representative

When attending meetings of groups and organisations, councillors do so as representatives of the parish council and should only put forward views agreed by council, and not their own personal views. Councillors should abide by the democratic decisions of the council once made. If you are attending a meeting as the parish council representative, but feel you have questions or an objection which you would like to express as an individual then your status must be clearly communicated to the meeting you are attending.

Examples

1. The parish council decides to support a planning application. You decide to attend the planning committee at SODC because you, personally, don't like the planning application and have a strong objection towards its design and position. If you decide to write against the application, it must be as an individual. However, recent findings have concluded that even as an individual you are more widely known as a councillor and thus open to criticism. Any such correspondence should make it clear that it is a

‘personal viewpoint’.

2. You have been asked to attend a community meeting as the parish council’s representative for no particular purpose other than to gather information of what is happening and to see if any items will affect Wheatley. You are only attending the meeting because you are the representative of the 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 Wheatley 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 parish council, remembering that you are only there because of the parish council.
3. Neighbourhood or police meeting: you attend the meeting because you live in the parish and have an issue to raise at the meeting with the police. You are not the council’s representative for this meeting. You should raise your points as a resident and try to avoid mixing in any the parish council opinions or decisions otherwise this would be confusing to other members at the meeting.

## 22. Delegated authority

***No council member should promise to do something or agree to do anything which they have not been authorised to do by council. However, in certain special circumstances a member may be given delegated authority to act on the council’s behalf if there is a change in current legislation to permit this (such as with the temporary Covid legislation).***

No member of the council should misrepresent or do something ‘in the name of the council’, which they have not been authorised to do by the council. The clerk, through his/her job specification, has the delegated authority on behalf of the council to represent the council in negotiation with other bodies.

***Councillors should be aware that their direct or indirect involvement can later affect their position in council due to predetermination. Most importantly, if a councillor acts without delegated authority, he/she could be held financially responsible and surcharged in the event of the council incurring expenditure it had not previously budgeted for or agreed to.***

## 23. Local Plans

**23.1 SODC The Local Plan:** The local plan of South Oxfordshire District Council (SODC) sets out a planning policy for Wheatley. SODC must prepare a local plan which includes development plan documents. These are very important when deciding planning applications. Within the local planning authority’s local plan, its’ development plan documents must be ‘sound’<sup>5</sup> both in terms of their content and the process by which they are produced. They must also be founded on a robust and credible evidence base.

**23.2 Wheatley Neighbourhood Plan & Design Guides.** The village of Wheatley has a Neighbourhood Plan and Design Guide (2023) that was commissioned by WPC and written and supported by a referendum by members of the community. They have legal standing within the planning process. Developers will need to ensure they understand and comply with the policies and strategies within the documents that support sustainable, developments that are in keeping with the characters of the village.

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<sup>5</sup> (section 20 of the Planning and Compulsory Purchase Act 2004)

## 24. Planning & planning permission

Town and parish councils are not Planning Authorities, they are consultees in the planning process. This means that...

- they only have the right to be informed of planning applications within the parish.
- they cannot approve or reject planning applications.
- they can only comment on planning applications in the same way that individuals can comment.
- the length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- WPC can request that it be given extra time to comment on an application. The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

### 24.1 What powers does Wheatley Parish Council have with respect to planning applications?

WPC is consulted by the relevant planning authority (which is usually South Oxfordshire District Council) on all planning applications within Wheatley. Any views expressed by the parish council will be considered by the planning authority before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the planning authority, **not** the parish council.

WPC will only comment on what are known as “material considerations”. Issues such as boundary disputes between neighbours or loss of private views will not be considered.

### 24.2 How Do Parish Councils Comment on Planning Applications?

- Parish councils can only agree to comment or delegate the ability to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant planning authority.
- The process is the same as that of an individual wishing to comment on a planning application.
- Parish councils are statutory consultees but have no powers to approve or reject planning applications, they can only comment or not on applications.

### 24.3 SODC – Local Planning Authority

South Oxfordshire District Council’s constitution establishes how the Local Planning Authority will determine a planning application. In most cases, planning applications are decided by a Planning Officer, except in the following cases:

Where the following applies the planning matter shall be referred to the District Council Planning Committee for determination:

- In applications categorised as major (defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size) or in applications classified as minor (from one to nine dwellings) where the officer’s recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish meeting (in whose area the application is located) unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chair, vice-chair and the local ward councillor or cannot be resolved by condition or negotiation.
- A ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in a planning application (except an application for a certificate of lawful use or development, prior approval or notification) within 28 days of the start of the consultation period, to be considered by the Planning Committee. The

- reason(s) for asking for an application to be 'called in' must be on planning grounds.
- The head of planning, in consultation with the Planning Committee Chair, considers that the Planning Committee should consider it. The application is recommended for approval and would represent a significant departure from:
  - ~ the policies of the development plan
  - ~ (Includes the adopted local plan, neighbourhood plans, and the waste and minerals local plan);
  - ~ the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England);
- An outline or full application is recommended for approval and falls into the category of a 'large scale major' application (defined as 200 or more dwellings). This does not apply to a reserved matters application where the principle has been agreed.

SODC makes its decisions on behalf of the whole community. It must make decisions openly, fairly and with sound judgement. Letters of objection can only be considered on specific grounds' (see list below). Whilst views of local residents are always considered, local opposition or support on its own is not a reason for refusing or granting permission.

Statements of planning policy are issued by government and set out material planning considerations that the local planning authority must consider when reaching planning decisions.

The local planning authority must also consider other government policies issued in technical documents and ministerial statements.

Previous planning decision, including those that were considered on planning appeal must also be considered.

#### **24.4 Valid Reasons for Comment on a Planning Application**

Comments that are clear, concise, and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as 'material planning considerations':

- Parking and servicing in relation to traffic flow for deliveries.
- Access and highway safety, including access for emergency vehicles.
- Traffic generation – increased traffic movements arising from the proposed development
- Overlooking and loss of privacy
- Overshadowing
- Privacy/overbearing nature of the proposal
- Design and appearance
- Visual impact
- Daylight/sunlight
- Layout and density of buildings (over-development).
- Noise, nuisance and disturbance from the scheme.
- Loss of trees.
- Loss of ecological habitat
- Flood risk.
- Loss of public visual amenity – not the same as loss of private individual's view
- Risk of increased crime
- Economic impact
- Planning history/related decisions.



## 24.5 Irrelevant Reasons for Objection

The following is a list of issues that cannot normally be considered:

- Speculation over future use
- The identity of the applicant or occupant
- Loss of view or value to private individual property.
- Private rights of way.
- Land ownership.
- Age, health, status, background and work patterns of those objecting or supporting.
- Disruption during the building phase.
- Time taken to carry out the work.
- Damage to property.
- Possible change in property value.
- Competition (Business).
- The applicant's personal conduct or history.
- The applicant's motives.
- Potential profit for the applicant arising from the application.
- Private covenants or agreements
- Boundary disputes
- Capacity of private drains/sewers.
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates.
- The fact that an objector is a tenant of land where the development is proposed.
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before getting planning permission)
- The developer's motives, record, or reputation
- "Better" site or "better" use.

NB: The examples listed above are definitive but not comprehensive and are a guide to assist in the preparation of letters or statements of support or opposition.

## 24.6 Other Matters: Concerns and Issues

The person making a planning application must provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission. Because of this, certain issues may not be considered as 'objections' but it is entirely reasonable for you to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used.
- The exact nature of any proposed planting or boundary treatment.

## 25. Communications

The parish council's relationship with the community is vital to its work and the decisions it takes. An open and constructive dialogue is a key requirement for influencing and developing services, identifying attitudes, and measuring satisfaction. The council has implemented a Communications Policy to support its work and currently uses the following communication methods:

- Website ([www.wheatleyparishcouncil.gov.uk](http://www.wheatleyparishcouncil.gov.uk)),
- Wheatley News
- Emails,
- Facebook
- Council meetings and events

## **25.1 Councillor Emails**

As a parish councillor you will be issued with a council email address, usually in the format of [your name]@wheatleyparishcouncil.gov.uk. This is to keep your parish council work separate from your personal business. ALL council business should be handled through your council email address. This separates and protects you, as a private individual and as a councillor. It also separates and protects the parish council from any confusion that may arise from data protection and freedom of information requests. If you use your personal email address for council business and a freedom of information request is made it means that ALL your emails (private as well as council related) would have to be provided.

## **25.2 Media Relations**

Effective media relations are an important factor in establishing a good relationship between the parish council and the community. Since members of the public generally rely on the media for local information and news, it is important for the parish council to present information about its activities and aspirations in a consistent way. The community in this sense includes all residents and elected representatives, businesses, schools, shops, places of worship, statutory agencies, voluntary organisations, groups and associations.

The general principle is that the parish council office will act as the press office. Any official contact with the media concerning the parish council's policies, the decisions it takes and the services it provides, are to be initiated through the press office.

Press releases and statements will be prepared by the clerk and/or chairman in association with other members as required and will normally be restricted to matters that have been debated and agreed by the parish council.

Other members and employees of the parish council who identify a media opportunity should refer to the press office so as to ensure accuracy and consistency in any subsequent press release or contact with the media.

If a member or employee receives an approach or enquiry from the media about any matter relating to the parish council, it should be referred to the press office. A decision will then be made by the clerk and/or chairman, in consultation with other members where necessary, about the format and content of any response.

Nothing in these guidelines is to be interpreted as preventing, or attempting to prevent, a member from expressing a personal opinion through the media, for example by writing to a newspaper or posting an item on an internet site. Members must make it clear however that any views expressed, where different from the parish council policy, are their own personal views. Members should take care not to misrepresent and/or bring the parish council into disrepute and must bear in mind their responsibilities under the Local Government Code of Conduct.

Employees (other than the clerk) should not contact the media on any matter relating to the parish council unless specifically authorised by the clerk and/or chairman of the council. All press releases and other materials are to be kept for reference.

## **25.3 Talking to the Media**

In response to a parish council press release:

- a) Any enquiry from the media is to be referred to the clerk or chairman of the council and the author of the press release.
- b) No-one else should offer any comment without prior discussion, except to confirm basic matters of fact (dates of events, spelling of names, etc.)

In response to an unsolicited approach from a journalist or reporter (this includes enquiries about press releases issued by other organisations):

- a) The views of the parish council may be expressed subject to the guidelines above.
- b) The clerk or chairman of the council should be informed so that facts can be checked, and appropriate action taken.

#### **25.4 Monitoring**

It is important to monitor the media for items (reports, articles, and letters) about the parish council in order to know:

- a) Whether press releases and statements issued by the parish council are picked up and used effectively.
- b) What members of the community are saying about the parish council.

Members and employees are encouraged to look out for items referring to the parish council in the media: original press cuttings should be sent to the clerk.

Anyone taking part in a radio or television broadcast should try to arrange for it to be recorded and a copy sent to the clerk. In the absence of a recording, a note of the broadcast's contents should be sent.

#### **26. Learning and Development**

WPC are committed to the development of councillors and employees. This commitment is detailed in the Learning and Development Policy.

Councillors are expected to have attended training to support their knowledge and understanding of local councils and any specific committees, working groups or other areas of council work, in which they have a lead role or responsibility.

Attendance at such courses is vital to keep up to date with new legislation and other developments affecting the work and duties of the parish council.

Development opportunities can be in many forms, including an initial induction, online sessions, face to face meetings/courses, conferences, peer support.

Training events are provided by various organisations, such as the Oxfordshire Association of Local Councils (OALC) and Society of Local Council Clerks (SLCC), National Association of Local Councils (NALC) local providers, fellow councillors.

The council sets a budget for learning and development and would seek to cover the costs of attendance.

Each year the council arranges two councillor development days. Attendance is requested and the content varies.

Employees are encouraged to expand their understanding, knowledge and to continue their personal development. Annual reviews are undertaken, and development opportunities identified. Other opportunities are considered throughout the year.

#### **27. Specifics to Wheatley Parish Council**

Wheatley is a medium/large linear village and parish in south Oxfordshire, covering an area with over 4,000 residents.

It has 15 councillors representing the community.

The council owns (A detailed Asset Register is available from the website):

- Church Rd Recreation Ground
- Farm Close Recreation Ground
- Cullum Rd Recreation Ground
- Littleworth Allotments and
- Various parcels of land dotted around the village.

- Wheatley Playing Fields and Pavilions.

The council operates from the Parish Office (89a High St, Wheatley) which is leased from The Merry Bells Management Committee.

It carries out grass cutting of its own sites, and parts of the highways which are the responsibility of Oxfordshire County Council, under agreement (s101).

Projects

WPC are also in negotiations to:

- Create a new community open space in the west of the village.
- Create a new community building in the west of the village.
- Improve facilities at Wheatley Playing Fields

## 28. Staffing Structure

Councillors are supported by the parish clerk who works 30 hours per week and the Assistant Clerk, who works 10 hours per week.

Grounds Maintenance duties are carried out by two part time employees, who work 20 and 16 hours a week.

## 29. Committee Structure

To support the work of the whole council it currently has five committees:

- **Finance:** meets bi-monthly to:
  - ~ review the draft budget & make recommendations to full Council,
  - ~ monitors the budget,
  - ~ power to authorise payments between £1,000 and £5,000,
  - ~ review financial transactions of the council,
  - ~ monitor value for money on new/standing contracts & regular payments,
  - ~ review annual grants and make recommendations to full Council,
  - ~ review the Financial Regulations and related policies as necessary.
  - ~ review investments
- **Planning:** meets monthly to:
  - ~ consider all planning applications and licences sent by SODC.
  - ~ reviews policies relevant to the committee
- **Open spaces committee** meets bi-monthly to:
  - ~ Oversee management of council's play areas, recreation areas, allotments, and other open spaces
  - ~ review expenditure for these areas and budget setting.
  - ~ review maintenance and inspection reports.
  - ~ oversee any Health & Safety issues,
  - ~ oversee and support community events
- **Staffing Committee:** meet at least once per year (or when needed) to:
  - ~ carry out the clerk's performance review and make recommendations to council,
  - ~ investigate any breach of the code of conduct,
  - ~ investigate any complaint against a Councillor or employee and to resolve as per Complaints Policy and habitual/Vexatious complaint policy.
  - ~ Review working practices, policies, contracts.
  - ~ Reviews staffing budgets ahead of budgeting setting.

In addition, there are several more working groups or project groups that are set up to deliver specific projects/initiatives.

### 30. External Relations

Wheatley Parish Council are members of and/or work with:

- **Community First Oxfordshire** who provide advice and guidance on matters relating to the community in Oxfordshire.
- **Information Commissioners Office** the UK's independent authority set up to uphold information rights in the public interest, promote openness by public bodies and data privacy for individuals.
- **NALC (National Association of Local Council)** through its membership with the OALC. NALC lobbies government and provides training resources, information guidelines, legal topic notes, etc.
- **South Oxford District Council** as the district authority it is important to have good constructive working relationship to be able to work as partners on behalf of the community.
- **Oxford Green Belt Network** who works to preserve and protect the green belt.
- **OALC (Oxfordshire Association of Local Councils)** who provide a wide range of advice, training resources and a network of town and parish councils throughout the county. For simplicity contact between the OALC and OMPC is restricted to the Clerk and the Chairman of the Council. The Clerk will circulate the OALC Newsletter and book training events.
- **Oxfordshire County Council** as the county authority, like with the SODC, it is important to have a good constructive working relationship to be able to work as partners on behalf of the community.
- **SLCC (Society of Local Council Clerks)** who provide the clerk with a wide range of advice, training resources and a network of clerks though out the county and nationally.
- **Many local groups, charities and organisations** who provide a vast array of facilities and services for the community.

### 31. Reference and further reading

There are many informative and helpful publications available from NALC, OALC, SLCC, etc. The Good Councillor's series include:

- The Good Councillor's Guide,
- Being a Good Employer,
- Finance and Transparency, to name just a few.

Charles Arnold-Baker, Local Council Administration is seen as the 'bible' of law and procedures however it is rather expensive.

## APPENDIX 1 POWERS & DUTIES

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Function	Powers & Duties
Allotments	Duty to provide allotments; power to improve & adapt land for allotments, and to let grazing rights
Burial grounds, cemeteries, crematoria	Power to acquire & maintain; Power to provide; Power to agree to maintain monuments & memorials; Power to contribute towards the expenses of cemeteries; Duty to keep cemeteries in good order and repair; Duty to follow the <u>Local Authorities Cemeteries Order 1977</u> .
Bus Shelters	Power to provide and maintain shelters
By-laws	Power to make by-laws with regard to pleasure grounds; cycle parks; baths & washhouses. Open spaces, burial grounds; mortuaries and post-mortem rooms.
Closed churchyards	Power to maintain these
Common pastureland	Power to provide common pasture
Community centres	Power to provide and equip buildings for use of athletic, social or recreational clubs
Crime prevention	Powers to install & maintain equipment & establish & maintain a scheme for the detection or the prevention of crime
Drainage	Power to deal with ponds and ditches
Entertainment and the arts, support of	Provision to provide entertainment & support of the arts
Highways	Power to maintain footpaths & bridle-ways; power to light roads & public places; provide litter bins; parking places for bicycles, motor-cycles & other vehicles; to enter into agreement as to dedication & widening of highways, power to provide roadside seats and shelters; consent of council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway; power to complain to the highways authority as to unlawful stopping up or obstruction of highway, or unlawful encroachment on roadside wastes; power to provide traffic signs & other objects or devices to warn of danger; power to plant trees along roads and lay out grass verges etc., and to maintain them.
Land	Power to acquire land by agreement; Power to appropriate land; Power to dispose of land
Litter	Provision of bins
Lotteries	Powers to promote lotteries
Open spaces	Power to acquire land and maintain open spaces

Public buildings and village halls	Power to provide buildings for public meetings and assemblies
Public conveniences	Power to provide public conveniences
Town and Country Planning	Right to be notified of planning applications
Tourism	Power to encourage visitors and provide conference and other facilities
Traffic calming	Power to contribute financially to traffic calming schemes
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport; Powers to make grants for bus services
War memorials	Power to maintain, repair, protect and alter war memorials
Water supply	Power to utilise wells, springs or streams and to provide facilities for getting water from them