

Brandeston Parish Council – 12th November 2019

Note from Cllr Buckingham

Relating to Minute 6/1920/4 of the Parish Council meeting held on 10th September 2019

Discussions at the September meeting raised a few questions about the role, powers and limitations of a parish council (PC) and the councillors which are elected or co-opted to it. I therefore thought it would be helpful to summarise a few of these aspects for the benefit of the PC and parish residents alike, to support discussions together in the future.

Key roles and responsibilities of a Parish Council

PCs are an essential part of the structure of local democracy and have a vital role in acting **on behalf of the communities they represent**. In Suffolk we work closely with our borough/district councils and Suffolk County Council.

PC activities fall into three main categories: representing the local community, delivering services to meet local needs, and improving quality of life and community wellbeing.

The PC:

- gives views, on behalf of the community, on planning applications and other proposals that affect the parish
- undertakes projects and schemes that benefit local residents
- works in partnership with other bodies to achieve benefits for the parish
- alerts relevant authorities to problems that arise or work that needs to be undertaken
- helps the other tiers of local government keep in touch with their local communities.

It is true to say that on their own, PCs have limited powers to make decisions. But they do have the ability to negotiate with, and the power to influence, those other organisations that make the final decisions, e.g. East Suffolk Council, Suffolk County Council, health authorities and the police, etc.

In this respect PCs are quite powerful. The organisations that make the final decisions know that a PC gives the best reflection of how a community feels about something and its views will be taken seriously. In properly carrying out its duties, the PC will consider its whole community at large, not just the views of residents which are orally presented to it at meetings or in writing. **It is important for local democracy that the PC welcomes and listens to its residents at meetings and also that it takes steps to be as inclusive as possible, having regard to the bigger picture for the benefit of the parish as a whole.**

The framework of rules and guidance which governs the operation of a PC is vast, complex and often feels unduly burdensome for a parish council-sized operation. However, the PC and its councillors/co-optees are bound by law to be aware of which rules apply, to keep up to date with changes, to adopt certain aspects and then operate within them. Given that our PC only meets 6 times a year and that the Clerk is only paid 4 hours a week, this is a big ask!

Parish Council functions

PCs have a variety of powers and duties, all of which impact directly on the community. Here is a list, not all of which will be relevant to Brandeston PC.

- Allotments
- Burial Grounds, Cemeteries, Churchyards and Crematoria
- Bus Shelters
- Bye-laws – the power to make bye-laws concerning: baths and washhouses (swimming pools), cycle parks, mortuaries and pleasure grounds
- Clocks – public clocks can be provided and must be maintained
- Community Centres, Conference Centres, Halls, Public Buildings
- Drainage – of ditches and ponds
- Entertainment and the Arts
- Footpaths
- General Spending – parish councils can spend a limited amount of money on anything they deem of benefit to the community that is not covered by the other specific responsibilities described in this list
- Gifts – parish councils may accept gifts
- Highways – lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Land – acquisition and sale of
- Legal proceedings – power to prosecute and defend any legal proceedings in the interests of the community, power to take part in any public enquiry
- Litter - provision of litter-bins and support for any anti-litter campaigns
- Planning – parish councils may be notified of any planning applications for the area
- Postal and Telecommunication Facilities – power to pay a public telecommunications operator any loss sustained in providing services in that area
- Public conveniences – provision and maintenance of public toilets
- Recreation – provision of recreation grounds, public walkways, pleasure grounds, open spaces, village greens, gymnasiums, playing fields, holiday camps and boating ponds
- Rights of Way – footpath and bridleway maintenance
- Seats (public)
- Signs – danger signs, place names and bus stops signs
- Tourism – financial contributions to any local tourist organisations allowed
- Traffic Calming
- War Memorials
- Water Supply – power to utilise stream, well or spring water and to provide facilities for general use

Standing Orders

These are the written rules of the PC – how it must operate. Brandeston PC has adopted NALC's (National Association of Local Councils) standard set of Standing Orders as a baseline, which is customary amongst parish councils. Some financial aspects are part of Standing Orders but there is also a set of Model Financial Regulations which the PC has adopted.

Standing Orders include the details required of council minutes, sub committees, extraordinary meetings, motions for a meeting, resolutions, appointments, the declaration of interests and many other aspects.

The Rules of Debate at meetings is included and is a long and complex description of elements such as proposing, amending, speaking, interruptions and right of reply, to name but a few! Most of the time our general discussions at the PC will flow along nicely without having to refer to detailed rules, but I think **it is important to know they exist and when it might be appropriate to refer to them.**

Meetings of the PC are open to the public unless a few exceptions apply (rarely).

Members of the public may speak, ask questions and provide evidence in relation to agenda items, one person at a time. Public participation is limited to 15 minutes in total, with each member of the public limited to 3 mins, unless the Chair decides to vary this.

A question from a member of the public need not generate a response, nor start a debate. The Chair may opt to provide a written response.

The PC is not obliged to record the names of members of the public who attend and/or speak.

The Suffolk Code of Conduct

<https://www.eastsuffolk.gov.uk/assets/Your-Council/Councillors/SuffolkLocalCodeofConduct.pdf>

The Code of Conduct is referred to in Standing Orders. The Code is a separate document, adopted by the PC and it includes the issue of pecuniary interests or other interests and when a councillor should withdraw from a meeting if a matter is to be discussed in which he/she (or their spouse) has the interest.

The Suffolk Code of Conduct is applicable to all councillors and co-optees in Suffolk, whether appointed to parish, district, borough or county councils. It refers specifically to the Nolan Committee's 7 principles of public life (selflessness, integrity, honesty etc). This goes into some detail about declaring interests and makes it clear that a councillor with an interest in a topic must not participate in discussions about it, nor vote on it or even remain in the meeting room when the topic is discussed. Disclosable Pecuniary Interests (DPIs) and Local Non Pecuniary Interests (LNPIs) are described within it and **I think this is a very important aspect for all councillors to be aware of, especially given that many of the decisions taken by the PC include planning matters. DPIs are relevant if they are an interest of you yourself or your spouse/civil partner/a person you live with. They are therefore far-reaching and councillors need to be aware of this and act according to the rules.**

The Planning Process and Material considerations

A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.

Material considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance and materials
- Government policy
- Disabled persons' access
- Proposals in the Development Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation

However, issues such as loss of view, or negative effect on the value of properties are not material considerations.

East Suffolk Council will often ask us as the PC for its view on planning applications. This can help give a local voice on issues arising from proposed developments. We may recommend that planning permission is granted or refused, however our views as a PC are given no more or less weight than any other comments East Suffolk will receive.

Decisions about small developments are usually made by East Suffolk's Planning Officers. Decisions about large scale or controversial developments are generally made by the council's Planning Committee.

The strength or volume of local opposition is not, of itself, a material planning consideration. The voices of local people are more likely to be heard if their objections are focussed on issues that can be taken into account, i.e. those which are 'material considerations.'

This is a good read: https://www.local.gov.uk/sites/default/files/documents/11.63%20-%20Cllr%20Planning%20workbook_02.pdf

SALC runs this course: <https://www.salc.org.uk/training-2/planning/>