



MARDEN PARISH COUNCIL

MEMBERS HANDBOOK

(this is a working document)

March 2024.

(All documents mentioned in this handbook can be viewed either on the parish website or in the Parish Office.)

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1. The Role of the Parish Council

A Parish Council is a local authority that *makes decisions on behalf of the people in the parish*. It is the level of local government closest to the community, with district Council (Maidstone Borough Council) and the county authority (Kent County Council) above it in the hierarchy.

As they are the authority closest to the people Parish Councils are invariably the first place people will go with concerns or ideas. For this reason they are a vital part of any community.

1.1 What decisions do Parish Councils make?

Parish Councils make all kinds of decisions on issues that affect the local community, and you can see a full list of the powers available to a parish below.

Probably the most common topics Parish Councils get involved with are planning matters (they are statutory consultees), crime prevention, amenities and roads & highways.

It is true to say that on their own Parish Councils have limited powers to make decisions (other than those listed below as Powers & Duties) but they do have the ability to negotiate with, and the power to influence, those other organisations that do make the final decisions such as the District or County Councils, health authorities and the police etc.

In this respect effective Parish Councils are extremely powerful. The organisations making the final decisions know that a Parish Council gives the best reflection of how a community feels about something and its views will be taken seriously.

Marden Parish Council is consulted on planning applications that will be decided by Maidstone Borough Council. It also has the right to speak at the planning meetings of the Borough Council (separate from supporters and objectors).

The Council is also consulted by Kent Highway Services on works within the parish and provides information back to KHS on non working street lights, potholes and other highways work that needs to be undertaken. It also assists, along with Marden Footpath Group, to monitor public rights of way and reports back to the PROW team at Kent County Council.

The Councillors, Clerk and Deputy Clerk attend various workshops and consultation meetings arranged by Borough and County Councils, the Association of Local Councils and other agencies. This allows all to keep up to date with legislation and proposals which may affect the community. The Parish Council hosts the Annual Parish Meeting (which is the annual meeting of the electors) every April/May to encourage the parishioners to make their views known and to provide reports of organisations within the parish of their activities in the last year.

The Annual Parish Council Meeting is held in May (which is the annual meeting of the Parish Council).

2. The Role of a Parish Councillor

2.1 To be a Parish Councillor requires time and commitment. A Councillor will usually spend a minimum of a couple of hours per week on parish business and this will increase if they are a member of a committee. Ideally each Councillor serves on at least one committee.

2.2 The main purpose of being a Parish Councillor is to represent the views of all residents within the parish.

2.3 Ideal skills, qualities and attributes of being a Parish Councillor include:

- Communication Skills – being a good listener, open to new ideas, being able to communicate well with members of the public, computer literate/will use work electronically.
- Personal Qualities – honest, decent, confident, visionary, forward thinking, proactive, strategic, flexible, respectful of professional knowledge, supportive, patience and a sense of humour!
- Commitment – be prepared to attend meetings, be a team player, be punctual, available and accessible to attend scheduled and ad hoc meetings, take role seriously, be willing to participate, be interested and have a positive outlook.

- Knowledge – understand roles and responsibilities of a Parish Council and its officers, willing to learn and develop with training, understand the Council’s Code of Conduct and understand the council’s strategy, standing orders and financial regulations.
- Other – be respectful to Councillors, staff and members of the public, be passionate about the whole of the community and treat others with dignity.

2.4 The other responsibilities of a Parish Councillor is to be part of a local Council which has responsibility for running local services;

- To not pre-determine any decisions prior to it being raised at on an agenda;
- To administer areas of open space, play areas, public conveniences and many more;
- To decide the level of precept in order to deliver the Council’s services;
- To influence and shape the long term development policy for the parish, and as part of the planning process, to comment on planning applications in the parish if you are a member of the Planning Committee;
- To improve the quality of life and the environment in Marden Parish;
- To work to identify issues which are important to Marden residents and to work to bring about improvements through local projects;
- To lobby other service providers and to work 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 and which has not been agreed at a Council meeting.

It is important that the Clerk, Deputy Clerk and Councillors understand each other’s roles and work closely together. This is especially relevant in relation to the respective roles of Clerk and Chairman.

3. The role of the Parish Clerk

3.1 The Clerk’s overall responsibility is to carry out the policy decisions of the Council within a framework of procedures outlined by legislation and good practice.

3.2 The Clerk will organise the business of the Council and ensure that the Council only acts in accordance with the powers it has been given through legislation. The Clerk may offer guidance to Council, however it is the lawful decisions of Council that the Clerk must enact. The Clerk has prepared a “Succession Plan” of her role within Marden Parish Council.

3.3 The Council will delegate, under Local Government Act 1972 s111, certain powers and duties to the Clerk to help with the smooth running of the Council’s affairs. These will form part of the Clerk’s job specification.

3.4 The Parish Clerk is the Council’s Proper Officer – this means the Clerk is not simply a secretary, merely taking minutes at meetings, dealing with correspondence and archiving documents. The Clerk is a qualified officer providing both 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 decision and acts as its finance administrator.

3.5 The Role of Marden’s Parish Clerk is to have overall responsibility for the implementation of Council Policy and administration; to be responsible for a range for specific duties (as set out in Standing Orders and the Clerk’s Job Description); to be the Responsible Financial Officer responsible for the finances and accounts of the Council; and to delegate any duties to the Deputy Clerk or other members of staff.

When the Parish Clerk is on annual or sick leave the Deputy Clerk will take on the role.

3.6 The Clerk’s Relationship with Councillors - The smooth running of the Council and its affairs depends upon a positive relationship between the Clerk and Councillors. It is essential that all parties understand the role of each other

and, as far as possible, their respective roles do not overlap (eg writing letters on behalf of the Council) unless 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 her views on policy issues on the Council. The Clerk should not forget she is the employee of the Council and that Councillors may sometimes make decisions with which she does not always agree.

4. The Council

Many people are vague about what the Parish Council can and can't do. It comes down to three rules:

- The Council must do what Parliament requires it to do;
- The Council may do only what Parliament says it may do;
- The Council must 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.

The Parish Council is a statutory consultee for many other organisations on a wide range of subjects which include planning, highways, healthcare and police. In this role Councils are often seen as being stakeholders in the matter under consideration.

Parish Councils also act as a key information provider and help-point on a wide range of topics to the residents they serve.

4.1 Code of Conduct and Register of Interests

Parish Councillors are bound by the same Code of Conduct as all local Councillors. 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. Depending on the nature of the interest the Councillor may not be permitted to vote on the item and will need to leave the room when any decision is made on the particular item.

A newly elected Councillor has to sign an undertaking, as part of their written declaration of acceptance of office, that they will observe the Council's Code of Conduct. A signed declaration and undertaking must be received by the Parish Clerk before a newly elected member can carry out any duties as a Councillor.

In addition, all Councillors must complete a register of interests within 28 days of the election, which anyone can lawfully ask to see. The original is sent to the Monitoring Officer at Maidstone Borough Council with a copy being kept in the Parish Office – both MBC and the Parish Council are legally bound to have copies available to view on their website.

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, and be sure they are willing to complete the requirements for the register of interests.

The Seven Principles of Public Life (also known as the Nolan Principles) - *see Appendix B* - apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

4.2 Standing Orders

The Parish Council operates in accordance with its Standing Orders. Standing Orders deal with - financial, legal and contractual requirements -and the other formal policies and procedures laid down by the Parish Council. 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 a regular basis and reviewed in response to any changes in relevant legislation.

4.3 Financial Regulations

Financial Regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by a resolution made by the Full Council.

The Council is responsible in law for ensuring its financial management is adequate and effective and that the Council has a sound system of financial control which facilitates the effective exercise of the Council's function. This includes appropriate arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the Council meets these responsibilities.

4.4 The Freedom of Information (FOI) Act

The FOI gives an individual or group the right to ask any public body for all the information they have on any subject requested. Unless there is a good reason, the Parish Council must provide the information within 20 working days. Individuals and group can also request all the personal information the Council may hold relating to themselves as individuals or groups.

Everyone can make a written request for information – there are no restrictions on age, nationality or where the person lives.

The Council has a Model Publication Scheme which outlines what information is available to the public and the costs of providing the information.

Members of the public can ask for any information at all – but some information might be withheld to protect various interests which are allowed for in the Act. If this is the case, the Parish Council must tell the applicant why they have withheld information.

If the request is for information about the individual, then the request will be handled under the Data Protection Act. The new General Data Protection Regulations (GDPR) came into force in May 2018 and the Parish Council has GDPR policies available to view on its website.

4.5 General Power of Competence

The General Power of Competence (GPC) was introduced by the Localism Act 2011 and took effect in February 2012. In simple terms, it gives councils the power to do anything an individual can do provided it is not prohibited by other legislation. It applies to all principal councils (district, county and unitary councils etc). It also applies to eligible parish and town councils. (*An eligible council is one which has resolved to adopt the GPC, with at least two thirds of its members being declared elected and the Clerk must hold an appropriate qualification (Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012)*).

It replaces the wellbeing powers in England that were provided under the Local Government Act 2000. The scope – and some limitations – of the General Power are set out in sections 1 to 6 of the Localism Act 2011. In summary, the GPC enables councils to do things:

- an individual may generally do
- anywhere in the UK or elsewhere
- for a commercial purpose or otherwise, for a charge or without a charge
- without the need to demonstrate that it will benefit the authority, its area or persons resident or present in its area (although in practice councils will want to realise such benefits).

But there are some limitations on the General Power, either because they are not things which an individual can do or because they are excluded by the Act.

The GPC will not:

- provide councils with new powers to raise tax or precepts or to borrow
- enable councils to set charges for mandatory services, impose fines or create offences or byelaws, over and above existing powers to do so

- override existing legislation in place before the Localism act 2011, so-called ‘pre-commencement limitations’ (however powers enacted after commencement of the GPC will only limit the GPC if this explicitly stated in the legislation).

4.6 Committees

The Council currently works with three main Committees (Planning, Amenities and Finance). It also has Sub-Committees and Sub-Groups that work on specific issues and/or projects. Each Committee has its own terms of reference which set out the Committee’s area of operation and functions. The Council’s Standing Orders and Financial Regulations also apply to all these Committees. A Committee will report regularly to Full Council details of their meetings and actions.

4.7 Delegated Authority

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. However, in certain circumstances a Cllr, or Officer, may be given delegated authority to act on behalf of the Council – this has to be agreed at a Committee meeting/Full Council meeting before action is taken.

No member of the Council should misrepresent or do something “in the name of the Council”, which they have not been authorised to do so by the Council as a body.

The Clerk, through her job specification, has delegated authority to undertake some duties such as writing on behalf of the Council and representing the Council in undertaking responding to outside bodies on decisions made by Council.

Cllrs should be aware that their direct involvement can affect their position in Council when it comes to making a decision as their position could have become jeopardised by their involvement. Most importantly, if a Cllr acts without delegated authority, the member could be held financially responsible and surcharged in the event of the Council incurring expenditure it had not previously budgeted for or agreed.

5. Powers and Duties of a Parish Council

Parish Councils, like all other forms of local government administration, function within a legal framework of Powers and Duties. *Attached at Appendix A.*

Duties

Parish Councils have a duty to provide allotments but only when the criteria to invoke this duty has been met. District Councils have duties such as collecting household waste and County Councils have a duty to maintain highways.

Powers

Our powers allow us to do a very wide variety of activities but at our own expense and where applicable with the consent of the authority who normally would have that duty.

Parish Councils are Statutory Bodies, having powers under a number of different Acts (such as the Local Government Act 1972, the Public Health Act 1936 etc). Very few Councils use all of their available powers. It is up to each Council to choose what is appropriate for the community they serve. Marden Parish Council has also voted and agreed to have the General Power of Competence.

6. Finance – Income and Expenditure

6.1 Precept

The Parish Council raises funds through the annual Precept. This is the proportion which is added to the council tax bill and collected by Maidstone Borough Council on behalf of Marden PC. The Parish Precept is set at the finance meeting of the Parish Council in Quarter 3 of the Financial year . The amount required is guided by the setting of the annual budget.

6.2 Parish Services Scheme

The Parish Council also receives an annual grant from Maidstone Borough Council called “Parish Services Scheme”. This amount is used to fund, in Marden’s case, grounds maintenance of open spaces. It is a grant that is paid to Parish

Councils for services that are received by residents living within the urban area of Maidstone Borough who are not charged an additional Precept payment. The final figure is decided by MBC.

6.3 Other Income and Expenditure

The Parish Council also receives an income through grants from other organisations and direct revenue from facility hire charges, the cemetery and play scheme.

The Parish Council pays for grass cutting and maintenance of the playing field, Southons Field, cemetery and several of the smaller grassed areas around the village. It also funds the parish newsletter, annual play scheme, Christmas celebrations and administrative duties of the Council to name but a few. It makes grants to organisations such as CAB and Youth Club and has, in the past, contributed to the Memorial Hall and Heritage Centre.

In 2015 the Parish Council obtained a Public Works Loan through the Public Works Loan Board to replace the Memorial Hall Roof. This is similar to a mortgage and the repayments are a regular amount paid twice a year until 2045.

7. Finance – Financial Management

The Parish Clerk is also employed as the Responsible Financial Officer (RFO) and she administers the Parish Council's financial affairs.

The Parish Council conducts a review at least once a year and employs an independent auditor to undertake an annual internal audit and to provide a full financial report to the Council. The Parish Council also, by law, must prepare an annual return which gives a breakdown of all income and expenditure over the last financial year. This is then reviewed by the Audit Commission. Members of the public are notified when the accounts are due to be audited and when they are returned to the Parish Office.

Councillors also undertake a rolling three year financial budget and forecast.

8. Planning

8.1 Maidstone Local Plan

Maidstone Borough Council has formally adopted the Maidstone Local Plan (this is currently being reviewed) which is the document that Parish Councillors refer to when discussing any planning aspects within the parish. This document is currently under review and can be found on Maidstone Borough Council website.

8.2 Planning Consultation

The Parish Council is a statutory consultee on all planning applications within the parish. This means the Parish Council must be notified by the Local Planning Authority before coming to a decision. The responsibility for making decisions on planning applications usually rests with Maidstone Borough however some applications are determined by Kent County Council. The Parish Council can only offer comment and make a recommendation as to whether the PC considers the application should be approved, approved with planning conditions or refused. The majority of planning decisions are made by Planning Officers under powers delegated to them by elected Borough Councillors. More controversial planning applications can be determined by the Planning Committee in a public meeting. The Parish Council can request that an application which would otherwise be determined as a delegated decision by a planning officer is brought before the Borough Council's Planning Committee. However, there must be sufficiently robust planning grounds for the Parish Council to exercise this right.

8.3 Marden Neighbourhood Plan

In February 2020, after several years of hard work by Cllrs and residents, Marden Neighbourhood Plan was passed by referendum to be accepted as a planning document forming part of Maidstone Borough Council Local Plan. The Neighbourhood Plan runs from 2017 to 2031 and is currently being reviewed alongside the MBC Local Plan review.

9. Representing the Council

Guidelines for Councillors representing the Council on another body or in the village:

It is important that Councillors represent both the Council and themselves in a 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.

9.1 Situations

Councillors may be requested, or volunteer, to be a Parish 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 village they may often receive information that has been passed directly to them by local residents. In this situation it is recommended that Councillors note the comments made and either refer the individual direct to the Parish Clerk or bring it to the attention of Council at the next available opportunity.

9.2 Councillor as a Representative

Marden currently has a number of groups with Councillor Representatives attending on its behalf, including:

Marden Memorial Hall

MBC Cluster Meeting

Kent Association of Local Councils (Maidstone Area)

Patient Reference Group

Marden Community Forum

Whilst attending these groups, Councillors attend as a member of Marden Parish Council and will 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 a Councillor is attending a meeting as a Marden Parish Councillor but feel they have a view, question or objection which they would like to express as an individual, or if the Councillor is attending a meeting as an individual, then this must be clearly communicated to that meeting.

10. Media Relations

Marden Parish Council's relationship with the community is vital to its work and the decisions the Council makes. An open and constructive dialogue is a key requirement for influencing and developing services, identifying attitudes and measuring satisfaction.

Since members of the public generally rely on the media for local information and news it is important that the Parish Council presents information about its activities and aspirations in a consistent way. Marden Parish Council's Press and Media Policy sets out the way in which contact is made between both parties.

11. Training

The Parish Clerk, Deputy Clerk, Admin Assistant and Parish Councillors are all eligible to attend training on subjects relevant to their work for the Parish Council. Suitable courses are run at relatively nominal cost by various organisations in Kent. 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. All Councillors are expected to undertake regular professional development training.

This document is only a brief description of what the Parish Council must and does do throughout the year. For further information or if you wish to discuss the workings of the Parish Council in more detail please contact the Parish Clerk 01622 832305 / clerk@mardenkent-pc.gov.uk

Parish Office, Marden Memorial Hall, Goudhurst Road, Marden, Kent TN12 9JX

Appendix A

Listed below are some, but not all, of the powers and duties of a Parish Council

Functions	Powers & Duties
Allotments	Power to provide allotments Duty to provide allotment gardens if demand unsatisfied; Power to improve and adapt land for allotments, and to let grazing rights
Art galleries	Power to provide art galleries (but does not extend to museums)
Baths and washhouses	Power to provide public baths, washhouses and bathing places
Borrowing Money	Power for Councils to borrow money for their statutory functions or for the prudent management of their financial affairs
Burial grounds, cemeteries and crematoria; private graves	Power to provide; Power to acquire and maintain; Power to agree to maintain monuments and memorials; Power to contribute towards expenses of cemeteries
Bus Shelters	Power to provide and maintain shelters
Bye-laws	Power to make bye-laws in regard to pleasure grounds; Parking places for bicycles; Baths and washhouses; Open spaces and burial grounds; Mortuaries and post-mortem rooms
Car Parks	Powers to provide off-street car parking
Charities	Duty in respect of parochial charities; Power to act as charity trustees
Clocks	Power to provide, maintain and light public clocks
Closed churchyards	Powers to maintain
Commons and common land	Powers in relation to inclosure and to regulation and management and providing common pasture
Conference Facilities	Power to provide and encourage to use of facilities
Community Centres	Power to provide and equip premises for use of clubs and societies having athletic, social or recreational objectives; Power to acquire, provide and furnish community buildings
Community Transport	Power to establish and support car-sharing schemes; Power to pay grants for a bus service for elderly and disabled etc; Power to grant taxi fare concessions for the disabled etc; Power to investigate transport needs and publicise transport services
Crime Prevention	Power to spend money on various crime prevention measures
Ditches and drains	Power to deal with ponds and ditches

Functions	Powers & Duties
Entertainment and the arts	Provision of entertainments, theatres, dance halls etc and development of the arts
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general power of competence.
Gifts	Powers to accept
Highways	Power to repair and maintain public footpaths and bridleways; Power to light roads and public places; Provision of litter bins; Power to provide parking places for vehicles, bicycles and motor-cycles; Power to enter into agreement as to dedication and widening; Power to provide roadside seats and shelters, and omnibus shelters; Consent of Parish Council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway; Power to complain to district Council as to protection of right of way and roadside wastes; Power to provide certain traffic signs and other notices; Power to plant trees etc and to maintain roadside verges
Honorary Titles	Power to admit to be honorary freemen/freewomen of the Council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area
Investments	Power to participate in schemes of collective investment
Land	Power to acquire by agreement, to appropriate, to dispose of; Power to accept gifts of land
Litter	Power to provide receptacles
Lotteries	Power to promote
Markets	Power to establish or acquire by agreement markets within their area and provide a market place and market buildings
Mortuaries and post mortem rooms	Power to provide mortuaries and post mortem rooms
Museums	Power to contribute
Functions	Powers and Duties
NALC subscriptions	Power to subscribe
Newsletters	Power to provide information relating to matters affecting local government
Nuisances	Power to deal with offensive ditches

Functions	Powers & Duties
Open spaces	Power to acquire land for public recreation and maintain; Power to acquire and maintain land for open spaces
Parish property and documents	Power to direct as to their custody; Duty to deposit certain published works in specific deposit libraries
Parks and Pleasure Grounds	Power to provide
Postal and telecommunications	Power to reimburse any public telecommunications operator any loss sustained in providing additional telecommunications facilities
Public buildings and village halls	Power to acquire and provide buildings for public meetings and assemblies
Public conveniences	Power to provide
Recreation	Power to acquire land for or to provide recreation grounds, public walks, pleasure grounds and open spaces and to manage and control them; Power to provide a wide range of recreational facilities; Provision of boating pools
SLCC subscriptions	Power to subscribe
Town and Country Planning	Right to be notified of planning applications if right has been requested
Tourism	Power to contribute to organisations encouraging tourism
Traffic calming	Power to contribute financially to traffic calming schemes
Functions	Powers and Duties
Village Greens	Power to provide
War Memorials	Power to maintain, repair, protect and adapt war memorials
Water Supply	Power to utilise well, spring or stream and to provide facilities for obtaining water there from
Websites	Power for Councils to have their own websites
Well-being	Power for (eligible) Parish Councils to do anything they believe is likely to achieve the promotion or improvement of the economic and/or social and/or environmental well-being of their area.

Appendix B

Seven Principles of Public Life (also known as Nolan Principles)

1 Selflessness

Holders of public office should act solely in terms of the public interest.

2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6 Honesty

Holders of public office should be truthful.

7 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.