

## YATTON PARISH COUNCIL

**Full Council, 12 July 2010**

### **Agenda item 8: Renewal of Quality Parish Council status**

#### **Report of the Clerk**

1. In April 2007 Yatton Parish Council was certified as a 'Quality Parish Council'. That accreditation expires on 24 April 2011. This report summarises the nature and benefits of Quality Council status, and the tests that have to be passed. Note that the tests are different from those that the Parish Council had to pass in 2007 and there are some new tests. I am bringing this report well in advance of the expiry of accreditation since the preparation of evidence will take some officer time, and will also involve some decisions by the Council.

2. Quality Parish Council status was introduced in 2003. The intention was to mark out those parish and town councils which have a democratic mandate, have qualified staff, meet regularly, follow proper procedures, communicate effectively and engage actively with their local community. There are currently 696 parish and town councils in England with Quality status (out of around 8,500). Quality status must be renewed every four years. The cost of renewal for Yatton Parish Council would be £235, in addition to the cost of officer time.

3. The benefits of Quality status are a matter for debate. Most of the tests that have to be passed represent things that the council should be doing anyway. The Quality 'badge' is a public mark that the council is doing the right things. There may or may not be more tangible benefits. Some principal authorities are more willing to work in partnership with, and delegate functions to, Quality councils. North Somerset Council does not currently give any special treatment to Quality councils and the Town and Parish Charter currently in draft does not suggest any change to this. Quality status is not a requirement for eligibility to use the power to promote well-being, although some of the tests for Quality status are the same as or similar to the tests for eligibility.

4. Quality status cannot be renewed before accreditation expires (and in any case the Parish Council does not currently pass the 'electoral mandate' test, see below). The Parish Council then has three months to renew (that is, until 24 July 2011) before it loses Quality status.

5. The tests that have to be passed are as follows:

- (1) Electoral mandate: at accreditation at least two-thirds of the members of the council must have been elected. 'Elected' means 'not co-opted'; it does not mean the election had to be contested. Yatton Parish Council currently has 11 elected members (out of 21 seats) so it fails this test. The

Parish Council will therefore have to wait until after the elections on 5 May 2011 to see whether this test is passed.

(2) Qualified clerk: the clerk must have the Certificate in Local Council Administration. This is expected in 2010.

(3) Regular meetings: the council must meet at least six times in the year, public notice of the meetings must be given and there must be time for public participation. The council must publish draft minutes within two months of the meeting. Yatton Parish Council passes all these tests.

(4) Communication and community engagement: the council must have a website (with contact details for councillors and clerk) and an email address and must publish a newsletter at least four times a year, either free-standing or in a local freesheet. Yatton Parish Council passes all these tests. In addition there are 17 further tests on communication and community engagement, of which at least 9 must be passed. These allow for various ways of demonstrating that the parish council communicates and engages with the local community. Note that a community engagement strategy (one of the 9 options) is a requirement for eligibility to use the power to promote well-being.

(5) Annual report: the council must publish an Annual Report by 30 June including an overview by the chairman, a summary of the accounts and contact details for councillors and the clerk. Yatton Parish Council passes this test.

(6) Governance and accountability: the council's accounts must have received an unqualified opinion from the external auditors and there must be an adequate system of internal control and internal audit. Although this year's external audit has not yet taken place I see no reason why Yatton Parish Council should not pass this test.

(7) Code of conduct: the council must have adopted the Model Code of Conduct. Yatton Parish Council passes this test.

(8) Promoting local democracy and citizenship: this is a new test. The council must demonstrate that it works pro-actively to support local democracy and citizenship in its area. Examples could be: active consultation with different parts of the community such as young people and hard-to-reach groups, actively encouraging people to register to vote and stand for the parish council, or a citizenship project with a local school. The run-up to the 2011 North Somerset and parish council elections gives Yatton Parish Council an excellent opportunity to engage in these activities and I plan to bring a further report on this issue.

(9) Staff terms and conditions: the clerk must have a contract of employment complying with the NALC/SLCC model and all staff must have a written contract of employment. Yatton Parish Council passes this test.

(10): Training: this is a new test. The council must have prepared a Statement of Intent on training. The statement must consider the training needs of both councillors and staff and set out how those needs are to be met. On subsequent re-accreditations the council will also have to show that the statement has been acted upon.

6. NALC has published guidance on tests 4, 8 and 10 which I can supply to members; members will note that these tests will require decisions by the Parish Council. If members are minded to pursue re-accreditation I will bring further reports to the Parish Council in due course.

## Agenda item 9: Revision of standing orders

### Report of the Clerk

1. The National Association of Local Councils has issued a revised set of model standing orders. I will bring copies (37 pages) to the meeting or members can download a copy from the ALCA website (access details on request) or collect one from the office. I also have a NALC commentary on the standing orders which unfortunately is only available in hard copy.
2. As in the previous model provisions required by legislation have been included in **bold**. NALC recommends that provisions in **bold** should be adopted without amendment. Other provisions are optional and can be adapted to the needs of the Council or indeed omitted. Additional provisions can be included as long as they do not conflict with legislation. In any case the model will need adaptation to fill in blanks (e.g. on the number of councillors required to rescind a resolution within six months) and choose between alternatives (should members be required to stand when they speak?).
3. Although much of the new model follows the old model issued in 2003, for example on rules of debate, it has been completely re-ordered and it is not really feasible to make changes to the Parish Council's existing standing orders so that they are consistent with the new model. There would also be a danger in this approach that new mandatory provisions might be missed. I recommend that the Parish Council adopt a completely new set of standing orders based on the new model.
4. The most significant change is that the right of members of the public to make representations, answer questions and give evidence in relation to any item on the agenda is now included in standing orders. This provision is needed in order to enable members with a prejudicial interest to make representations, answer questions and give evidence under paragraph 12(2) of the Code of Conduct. Although Yatton Parish Council has allowed a period of public participation for many years there has been no provision for it in standing orders and thus in theory paragraph 12(2) cannot apply.
5. The commentary on the standing orders also suggests that public participation should be during the meeting rather than before it. This is to ensure that any comments under paragraph 12(2) by members with a prejudicial interest are minuted.
6. It is very unfortunate that the new model has been issued before we know what the Government means by 'abolishing the Standards Board regime'. The latest announcement suggests that the legislation which set up the current standards regime will be repealed in its entirety. If this is so then this means the end of the current Code of Conduct and prejudicial interests may disappear.

7. Apart from recognising public participation there are few changes of substance but there are some additional provisions dealing (e.g.) with paragraph 12(2), the power of well-being, arrangements for dealing with employees and arrangements for dealing with notifications relating to breaches of the Code of Conduct.

8. Members are invited to consider how to proceed. There is no time limit for adopting new standing orders but the new model and commentary represent NALC's official advice on best practice. I would definitely recommend that new standing orders should be adopted before the 2011 elections. Members might wish to consider either referring the matter to the Finance, Personnel & Administration Committee or setting up a small working party to make recommendations. In either case I will prepare a draft, based on the model, and a commentary for members to consider in detail. I also have a commentary on the new model from Elisabeth Skinner of the University of Gloucestershire following a presentation that David Crossman and I attended.