



# Induction Guide for Councillors December 2022

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Highlighted items in the following document are available on the PC website/ from the Parish Council Executive Officer (EO).

## Welcome

Congratulations on your election or co-option and welcome to Lickey and Blackwell Parish Council.

You are now a part of the democratic framework in Bromsgrove district and the County of Worcestershire, representing your community at grass roots level.

This Guide is to help you through the early stages of working with council colleagues and parish council staff.

In order to take up council duties, and as a reminder, all councillors are required to complete the following forms:

- **Declaration of Acceptance of Office** which will be provided to you by the Executive Officer and must be completed as soon as elected or at least before you take your seat at the first meeting of the new council.
- **Register of Members' Disclosable Pecuniary Interests** (See paragraph 3, page 6)

You will also be provided with a copy of the council's

- **Code of Conduct** (see paragraph 3 page 6) and
- **Standing Orders**

### 1.0 Introduction to the Parish Council

The Council is made up of **9** Councillors, who are elected from **5** Wards in the parish. The total electorate of the parish as at January 2019 is 3271 electors.

Local Councils are an essential part of local democracy and have a vital role in acting on behalf of communities they represent by:

- giving views, on behalf of the community, on planning applications and other proposals that affect their area
- undertaking projects and schemes that benefit local residents
- working in partnership with other bodies to achieve benefits for the parish
- alerting relevant authorities to problems that arise or work needing to be done

### 1.1 Contact Information

Councillors should be aware of the various ways to contact the Executive Officer, what access they have to the parish council office and that they can accordingly signpost the public.

Executive Officer Lisa Winterbourn:

Email: [eo@lickeyandblackwellpc.org](mailto:eo@lickeyandblackwellpc.org)

Office: The Trinity Centre, 411 Old Birmingham Road, Lickey, Wednesday and Friday 10.30-3.30

Phone: 07930837770

Website: [www.lickeyandblackwellpc.org](http://www.lickeyandblackwellpc.org)

Facebook: <https://www.facebook.com/lickeyandblackwellcouncil/>

See also the list of notable **Contact information** at section 11.

## 2.0 Roles and Responsibilities

It is important for all Councillors to understand their roles and responsibilities (set out below) to avoid any misunderstandings at a later date.

Councillors bring different skills, have different attitudes and need to work as an effective team with the Chairman as team leader.

The Executive Officer is there to provide advice and implement the council's decisions. The Executive Officer is termed the 'proper officer' answerable only to the Council acting as one body. The Executive Officer is also the Responsible Financial Officer who is charged with the management of the council's finances. The Executive Officer is a professional, paid officer, responsible for acting on the orders of the Council.

The advice of the Executive Officer is important and should always be a Councillor's first point of contact.

## 2.1 Councillors' Duties

As a councillor you have the following duties set out in law:

- You must, within 28 days of taking office, sign a declaration of acceptance of office, agree to abide by the council's adopted code of conduct and register any disclosable pecuniary interests
- You must attend meetings when summoned to do so and is responsible to disclose any pecuniary interests before an item is discussed
- You must inform the Executive Officer of an intended absence in order that it can be recorded and approved. If a member does not attend any meeting of the Council, Council Committee or Sub-Committee, or does not carry out an executive function as a member, for six consecutive months he/she automatically ceases to be a member of the authority. If a member has special reasons for not being able to attend meetings there may be circumstances under which the Council can extend the period. The Council can only extend the period before the six months has elapsed.
- You are entitled to vote at meetings
- You can resign at any time by written notice to the Chairman

NALC publish the Good Councillors Guide that provides further details. See EO for an electronic copy.

## 2.2 Councillors' Role:

- To set the Council's budget and thereby precept
- Develop policy and make decisions
- Represent the community by protecting and promoting community interests
- Act as custodian to the public purse
- Abide by the Council's Code of Conduct
- Act collectively as an employer

### **2.3 Beware of what a Councillor cannot do!**

- Councillors cannot make a decision on behalf of the Council
- Instruct the Executive Officer or staff in their duties
- Write to the press on council matters as is he/she is authorised to do so
- Represent the Council as and wherever they wish
- Resign by walking out of a meeting (a resignation must be in writing to the Chairman).

### **2.4 Role of the Executive Officer**

The Executive Officer is the professional officer employed by the Council to provide professional advice and administrative support. The Executive Officer prepares the council for taking decisions, before, during and after meetings, implements decisions and protects the Council as a Corporate Body. Responsibilities range across organising meetings and events, managing staff and finance, to marketing, negotiating and public relations.

The 'qualified' clerk or Executive Officer will have obtained the Certificate in Local Council Administration (CiLCA) as a minimum. The Executive Officer is a member of the Society of Local Council Clerks (SLCC) which provides a valuable support network and advice.

### **2.5 Role of the Chairman**

The Council *must* have a Chairman, responsible for ensuring that proper decisions are taken in parish council meetings, that meetings run smoothly and on time. The Chairman ensures that all councillors can speak at meetings and that procedure is followed in accordance with standing orders. If at the meeting there is a tied vote the Chairman can use a casting vote to decide the question.

The Chairman is often the public face of the council, representing the council in a civic capacity and sometimes speaks on behalf of the council.

The Chairman is elected at the Annual Parish Council Meeting, which for all parish and town councils is always held in May.

### **2.6 Role of the Parish Council as a Whole**

The Parish Council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole Council. The Parish Council has been granted powers by Parliament including the important authority to raise money through taxation (the precept) and a range of powers to spend public money.

The services currently undertaken here at Lickey and Blackwell include:

- Christmas Lights and annual switch on events
- Floral planters
- War Memorial maintenance
- Provision of highways bench seating at various sites
- Defibrillators
- Maintenance of grass verges and other outside spaces
- Lengthsman scheme (delegated by the County Council)
- Parish competitions, eg. The Best Front Garden

- Annual over 60s Residents' afternoon tea
- Newsletters issued 3 times a year and pages in the Village Magazine
- Comment on notified planning applications and local development
- Provision and maintenance of a parish council website and Facebook page
- Use, care and maintenance of 3 notice boards

## **2.7 The Parish Council as Employer**

Councils often deal with a range of employment relation issues which require clear and straightforward employment policies and procedures that help to handle employment issues quickly, fairly and consistently.

The Executive Officer (EO) is employed by the Parish Council and answers to the Parish Council as a whole. The EO manages any other staff that may be employed by the Council. No one Councillor can act as the line manager of either Executive Officer or other employees. These rules and principles should build on mutual respect and consideration between the EO and the Council.

## **3.0 Councillors' Code of Conduct**

Under the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, members of Parish and Town Councils are required to register theirs and their partner's disclosable pecuniary interests in a register held by the Monitoring Officer, Bromsgrove District Council within 28 days of becoming a member or co-opted member. Provisions in relation to Disclosable Pecuniary Interests are enforced by criminal sanction that came into force on 1 July 2012. A copy of the register is available from the district council for public inspection and is published on their website.

The Parish Council, in accordance with the Localism Act 2011, Section 27, adopted a Code of Conduct which took effect on 1 July 2012 to promote high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council, including the business of the office to which they were elected or appointed, or when they claim to act or give the impression of acting as a representative of the Council. The Code is based on the principles of: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

A copy of the Code of Conduct with a Register of Disclosable Pecuniary Interests Form and an **Application for Dispensation** is available from the EO.

## **3.1 Things a Councillor should not do in relation to the Code of Conduct**

It is important for councillors to be aware that they must not:

- Bring their parish council or office into disrepute
- Misuse their official position to their own advantage or to the advantage or disadvantage of others
- Unduly influence any person who works for the council
- Stop somebody seeing or getting copies of documents they are allowed to have or
- Misuse parish council resources or authorise their misuse, in particular for unauthorised party political purposes.

## 4.0 The Decision Making Process

Parish council meetings are where councillors play their part as decision makers. They are formal events where the public and press have a right to observe how the Parish Council operates, the exception being when sensitive matters are discussed such as legal, contractual or staffing matters.

Decisions are called 'Resolutions' and these are mostly made by the full Council, please remember these are 'corporate decisions'. Decisions can be delegated to Committees and sometimes to the EO.

The Annual Parish Council Meeting takes place in May, and in an election year (ie every 4 years) the council must meet on or within 14 days following the fourth day after the day of the election. We have a total of 10 parish council meetings a year, with a recess in January and August.

The Annual Assembly is a completely different meeting and takes place between 1 March and 1 June. This is not a council meeting but is hosted by the parish council as required by law; it is an opportunity for parish electors to speak and set the agenda and debate local issues.

A list of meeting dates is provided annually.

## 4.1 Powers and Duties

Parish councils can take part in, and pay for, a wide variety of activities which are permitted by various Acts of Parliament.

Unless general power of competence (see below) applies, councils wishing to incur expenditure on doing something that is not legally specified by any of the various Acts of Parliament, have a section 137 power (Local Government Act 1972 s137). This allows the council to spend up to a certain amount on a service that benefits the whole community.

Under the localism act 2011 local councils are being encouraged to take over more services and have the right to challenge and a bid for community assets. In addition the general power of competence is a new power of first resort that allows eligible parish councils in England to do "anything that individuals generally may do".

The General Power aims to give councils more freedom to work together with others in new ways to drive down costs and increase the confidence to work creatively and innovatively to meet local peoples' needs.

## 4.2 Meetings, Conduct of Business, Standing Orders

Rules about the way meetings must be run, some of which are set by legislation, are contained within the Council's **Standing Orders**. A copy of which is available on our website.

Standing Orders set out the order of business, rules about debate, voting requirements, and the procedures for public participation. Please read Standing Orders so that you are aware of the protocol on the conduct of meetings. Our Standing Orders are reviewed annually.

### 4.3 Parish Council Meeting Agendas

At least five clear working days before a meeting a public notice of the meeting will be placed on the Council's Notice Boards and on our website.

At the same time, the agenda will be emailed to parish, district and county councillors along with a 'summons' requesting their attendance at the meeting. The agenda will also be posted onto our website. Topics requiring a decision cannot be added to an agenda after it has been issued.

It is the responsibility of the EO often in consultation with Chairman to set the agendas for Parish Council Meetings. If you wish to raise an item for the agenda, please contact the EO at least 2 weeks before the date of the meeting.

## 4. Helpful suggestions for Meetings

### Agendas and Reports

- All agendas and reports are uploaded onto the PC's website and Councillors are emailed links to those papers.
- On receipt, read through each agenda and any associated reports to identify important items – those affecting your area.
- Make sure that you understand what actions are being proposed.
- Think about what the result will be if those actions are taken.
- Are the costs involved justified?
- Think about whether there are any alternatives that could be explored.
- If you have any questions, please contact the EO or the Chairman or the author of the report, **before you attend the meeting.**

### In the Meeting

- Read the Agenda and its associated reports in advance of the meeting and follow the advice set out above.
- Identify the areas where you feel you have a contribution to make.
- Prepare yourself – check your facts, the background; ask for an explanation from the Town Clerk and /or fellow Councillors.
- Read your Standing Orders so that you understand the procedure. If in any doubt, please ask the EO.
- Remember your duty to declare an interest and if in any doubt check with the EO on the best course of action.
- If possible, tell the Chairman in advance that you wish to speak and on which Agenda Item.
- Be prepared to intervene on other items – often debates will lead into unexpected territory which may be of particular interest or relevance to you and your constituents.
- Remember not to confine yourself to the Ward which you represent. Consider the parish as a whole.
- Beware the law of defamation!

### Apologies for Absence

You have a duty to attend but if something crops up and you cannot attend, notify the EO so that your apology and reason can be recorded in the minutes. If you fail to attend meetings for six months, without formal parish council approval, you will be automatically disqualified and cease to be a councillor.

## 4.5 After the Meeting - Council Minutes

It is the responsibility of the EO to write the minutes as a legal record of the PC's decision which are confirmed and signed by the Chairman at the next ordinary meeting. No discussion can take place on the minutes, only their accuracy.

Minutes should contain a heading and a decision at the very least. They are not meant to be a verbatim record of discussions but the EO is likely to minute any advice given. Councillors can request that their comments be recorded in the minutes and may also call for a recorded vote to be taken (see Standing Orders).

## 4.6 Important Documents

The following are important documents that councillors should be able to reference in the decision-making process and can be accessed on or via our PC website [www.lickeyandblackwellpc.org/documents/](http://www.lickeyandblackwellpc.org/documents/) :

- ◆ Standing Orders
- ◆ Financial Regulations
- ◆ Budget for the current year and any projected financial planning
- ◆ Parish map
- ◆ Neighbourhood Plan
- ◆ Bromsgrove District Plan
- ◆ Minutes of previous meetings
- ◆ Asset Register

## 4.7 Parish Council Policies and Protocols

The Parish Council has also adopted policies/protocols; these are all available on the PC website

## 5.0 Planning Matters

Being involved in planning is an important activity for the parish council. The Planning Authority (Bromsgrove District Council) must consider the PC's view before it decides to grant or refuse planning permission.

The Town and Country Planning Act 1990 provides the main legal basis of the English Planning system as amended by the Planning and Compulsory Purchase Act 2004. Further changes have been introduced by the Localism Act 2011.

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England and contains the framework within which Local Plans are developed. The purpose of the NPPF is to help achieve 'sustainable development' that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Planning and Compulsory Purchase Act 2004 placed an obligation on local planning authorities to produce a Local Plan (or Core Strategy) shaping how land use and places will change and develop over the next 15 to 20 years. It also sets out a spatial planning strategy – what the general location of development will be.

Planning decisions need to be made in line with the development plan, unless there are good reasons why this should not be done.

The Localism Act 2011 gives local communities more say in planning by encouraging local councils to prepare neighbourhood plans, to establish general planning policies for the development and use of land in their neighbourhood. Lickey and Blackwell PC have recently submitted a Neighbourhood Development Plan (NDP) to Bromsgrove District Council (BDC) and to an Examiner, we hope to have it adopted very soon and it will be referred to by BDC in any of their future planning decisions for the parish. The NDP is available on our website alongside many supporting documents such as Character Appraisals.

In responding to planning matters any members, particularly those on the Planning Committee, should familiarise themselves with the **Material and Non-Material Planning Considerations** (on PC website).

Planning issues are also informed by our Village design Statement and soon to be adopted Neighbourhood Development Plan – both are available on our website.

## **6.0 Dealing with Public Money**

The EO (or Responsible Financial Officer if the role is separate) administers the finances of the Parish Council and collectively Councillors are responsible for ensuring the proper management of the Parish Council's finances to avoid risk of fraud, loss or bad debts.

The Local Audit and Accountability Act 2014 provides clarifications on how councils are scrutinised when accounting for public money. Detailed information is set out in the 'Governance and Accountability in Local Councils in England' publication available from NALC/CALC and SLCC.

The accountability and audit framework places a duty on local councils to complete an Annual Return. The Act states how accounts should be kept, the form of accounts, and how and when they must be approved and published; where and for how long taxpayers can view the accounts and details behind them and how taxpayers can exercise their rights in relation to the accounts.

The annual return has three numbered sections:

1. The annual governance statement
2. The statement of accounts
3. External auditor's certificate and opinion.

The report from the independent internal auditor should also be included.

The Parish Council's (PC) finances are controlled by checking spending against budget plans regularly at council meetings. The PC's own **Financial Regulations** (available on PC website) sets out how the PC must manage its finances and its overall system of internal control. As part of this, the PC appoints an independent 'competent' auditor to conduct an internal audit, which is in turn reported with the accounts. As a member of the PC you are responsible for ensuring that the annual return accurately presents the financial management by the PC. The PC's finances are controlled by checking spending against budget plans regularly at parish council meetings.

## **6.1 Budget and Precept**

The parish council is empowered to incur expenditure in the execution of its statutory powers. It obtains its funds (the precept) from the Council Tax raised by Bromsgrove District Council for the expenses it is expecting to incur in the financial year ahead and so it is important that an accurate budget is set for the proper carrying out of the parish council's functions. The budget setting process normally starts around October each year and the formal request for the precept is normally sent by the EO to BDC in late January. The **2022/2023 Budget** is on the PC website.

## 7.0 Handling Information

### 7.1 Freedom of Information

The Freedom of Information Act 2000 allows the public access to certain types of information held by the Council. It does this in two ways:

- public authorities are obliged to publish certain information about their activities
- members of the public are entitled to request information from public authorities.

Requests must be made in writing and contain the requester's name and address, email is acceptable. The PC must respond within 20 working days. The **Publication Scheme** sets out the details of any charges and the type of information published and the way it is published as well, it is available on our website.

### 7.2 Data Protection

All Councils hold a wide range of information and are required to 'notify' the Information Commissioner of personal data it holds, subject to certain exemptions. Personal data may be as simple as holding someone's name and address but in addition includes amongst other things details of complaints, lists of contacts, employee/personnel records and information provided for the purpose of placing a contact to which the data subject is a party. Images taken by CCTV systems can now also fall within the data protection regime. Since 25<sup>th</sup> May 2018 the PC has been required to follow the General Data Protection Regulation, which provides greater security for individuals and requires town and parish councils to follow seven key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

The PC Data Protection Policy is available from the EO and will soon be on our website. For advice and guidance, go to [www.ico.gov.uk](http://www.ico.gov.uk).

### 7.3 'Need to know'

Councillors do not have a 'need to know' for all council business and cannot claim an automatic right to see all council documentation and information. However, the PC adheres to the need to be open and transparent, thus if any information is withheld it will be for specific reason, see 7.4 below. The NALC guidance for establishing whether a councillor has a 'need to know':

- If you are a member of a committee, you have the right to inspect documents or to obtain information relating to the business of that committee
- If not a committee member, you need to demonstrate why sight of the information in question is necessary to enable you to perform your duties as a councillor
- The document/information will be held if a councillor's motives are indirect, improper, or ulterior
- Councillors may not go on a fishing expedition in respect of council documents but should specify precisely what information they need and for what purpose.

## 7.4 Confidential Information

The PC is expected to be open about its decisions and actions. There are however certain occasions where information should not be disclosed as it would be contrary to the public good. It is lawful for the PC to discuss certain such as those relating to members of staff and legal disputes in a confidential session.

The Council's Standing Orders and the Code of Conduct require Members and Officers to maintain confidentiality. When a councillor is acting, or gives the impression as acting, as a representative of the Council, a councillor is obligated not to disclose information which is confidential or where disclosure is prohibited by law. There are some exceptions, for instance if you are required to do so by law, where you have a person's consent or disclosure is in the public interest (justified in only very limited circumstances). Improper disclosure of confidential information constitutes a breach of the Code of Conduct.

## 7.5 Defamation and Privilege

Councillors when making statements in council and committee meetings should be aware that they are subject to the general principles of law relating to defamation. As a general defence a councillor should show that any such alleged statement was made on a 'qualified' privileged occasion, when the councillor who makes the statement must show that the statement was made without malice and in pursuit of a public duty. If, upon investigation, the statement is found to be true, it is not defamatory at all, but if it is found to be untrue, privilege can be claimed if the Councillor acted without malice.

## 7.6 Press and Media

### Dealing with the Press

- Check the Council's policy on the issue of press statements.
- Seek help from the EO on how to handle individual press members.
- Get to know the reporters who cover your area and those who are regularly present at Council Meetings. Learn how to explain your views on issues and do not talk "off the record" – some things are best kept unsaid!
- When approached either in person or on the telephone, think carefully before you speak, and ask for time to consider your reply if necessary.

We do publish our own newsletter 3 times a year and a regular page in the Village magazine. Councillors provide items for publication which are edited by the EO. It is worth repeating that decisions made by the PC are made by the PC as a whole, even if you voted against a decision.

### Dealing with the Media

- Seek help from the EO. Refer reporters to the Chairman as spokesperson.
- Think carefully about anything you say. Remember that it may well be reported, and it may be your voice that says it! If necessary therefore, ask for time to consider your reply and take appropriate advice.
- Remember that a recorded interview may be cut and edited in just the same way as a press report.
- Beware of radio reporters who ring you and say that they want to do a recorded interview immediately over the telephone. Ask them to call back later to allow thinking time.
- Be honest in your answers, if you do not know an answer to a question it is better to admit it rather than making something up.

## 8.0 Members' Services

All Councillors will be given access to a PC email address. Paper and printing ink are provided to Councillors for PC business, these will be ordered by the EO annually.

### 8.1 Members' Allowances

The PC can pay travel costs for travel outside of the parish on PC business. Travel expenses are currently paid at £0.45 per mile. Claim Forms are available from the EO. The Chairman may also claim an additional Chairman's allowance. Allowances may be taxable under the PAYE system, so records should be kept, however we may be able to apply for a dispensation from HMRC.

Councillors have the option of whether or not they wish to take such allowances. Any further details regarding expenses and allowances should be directed to the EO.

### 8.2 Training and development

Councillors will be informed of any training or development available. Induction training for councillors is available from CALC and usually takes place at County Hall.

Councillors are encouraged to attend any such training to develop their knowledge and skills to carry out their role. The PC [Training Policy](#) is available on the website.

## 9.0 Managing Risk

The Health & Safety at Work Act 1974 places a duty on Councils as employers and employees to protect the health and safety of its employees and the public visiting its premises. This includes maintaining the safety of any places of work, the working environment (including equipment) and without risks to health for which the EO will undertake appropriate risk assessments. The Disability Discrimination Act 2010 imposes obligations on Councils as employers and wider obligations to ensure access to services, including permanent physical adjustments to premises and meeting rooms. The PC [Health and Safety Policy](#) is available on our website.

### 9.1 Insurance

The PC undertakes a review of its risks annually. Using the Asset Register as a guide, the PC will identify the level and severity of any likely risk and take appropriate steps to manage the consequences, which includes reviewing its insurances prior to renewal date.

Policies normally cover core risks, such as property and public liability in addition to mandatory cover for Employers' Liability, Fidelity Guarantee (Employee Dishonesty), and Hirer's Indemnity. Other optional cover is available. Your Council's insurance may also cover councillors for Personal Accident, Libel and Slander and Officials' Indemnity. The schedule of insurance is available from the EO.

## 10.0 Useful Contacts and Sources of Advice

- The Executive Officer – It is the EO's job to receive information and to keep the Council informed.
- Worcestershire County Association of Local Councils (CALC) <http://www.worcscal.org.uk/>
- The National Association of Local Councils (NALC) <http://www.nalc.gov.uk/>
- The Executive Officer is a member of the Society of Local Council Clerks (SLCC) <http://www.slcc.co.uk/>
- Bromsgrove District Council – <https://www.bromsgrove.gov.uk/>
- Bromsgrove District Council Planning Portal - <https://publicaccess.bromsgroveandredditch.gov.uk/online-applications/>
- Worcestershire County Council - <http://www.worcestershire.gov.uk/>
- CPRE - [www.cpre.org.uk](http://www.cpre.org.uk)
- Department for Communities & Local Government <https://www.gov.uk/government/organisations/department-for-communities-and-local-government>
- Government Website <https://www.gov.uk/>

## 11.0 Useful Publications

- The Good Councillor's Guide - NALC
- Being a Good Employer - NALC
- Governance and Accountability for Local Councils: A Practitioners' Guide
- The Local Council Award Scheme
- Planning Explained - CPRE
- How to respond to planning applications - CPRE
- How to shape where you live - CPRE