

Whixall Parish Council



BEING A COUNCILLOR

May 2025

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Welcome

Welcome to Whixall Parish Council.

You are now a part of the democratic framework in Shropshire, at the first layer of government, representing your community at grass roots level.

This Guide is to help you through the early stages of working with Council colleagues and the Clerk.

In order to take up Council duties, and as a reminder, all Councillors are required to complete the following, either at the first meeting of the Council or when elected/co-opted:

- Acceptance of Office
- Code of Conduct
- Register of Disclosable Pecuniary Interests (See paragraph 3 below)

1.0 Introduction to the Council

The Council is made up of 9 Councillors, who are elected from across the Parish. The population of the Parish is 692 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; and
- 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 clerk and what access they have to the clerk's 'office' so that they can accordingly signpost the public.

<p>Clerk Amanda Roberts Westmead, 2 Tilley Road Wem SY4 5HA</p> <p>Clerk.whixallpc@hotmail.co.uk</p> <p>01939 234830 07983 739077 (Not to be shared with the public)</p>
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The Clerk is based at home and works 7¼ hours each week. These hours are not worked on set days, but Tuesdays are generally a good day to contact the Clerk.

Please note that the Council's email address will shortly be changing to clerk@whixallparish.gov.uk.

2.0 Roles and Responsibilities

It is important that all Councillors understand their roles and responsibilities (set out below) to avoid misunderstandings that may lead to conflict later. Councillors each bring different skills, experience and attitudes and need to work as an effective team with the Chairman as team leader. The Clerk is there to provide advice and implement the Council's decisions.

The Clerk is termed the 'proper officer' answerable only to the Council as a whole. As professional paid officers they can have decisions delegated to them. The advice of the Clerk is important and should always be a Councillor's first point of contact.

The term of office of Councillors is four years commencing on the fourth day after the ordinary day of election and ending on the fourth day after the next ordinary election. The

ordinary day of election is the first Thursday in May or such other day as may be fixed by the Secretary of State by order.

A person elected as a Councillor cannot act in that capacity until they have signed a declaration of acceptance of office and delivered it to the Parish/Town Clerk. This is usually done at the first Full Council meeting. If the declaration is not made and delivered within two months from the day of the election, the office of the person elected becomes vacant.

2.1 Councillors' Duties

Councillors have the following duties and entitlements set out in law:

- Must sign a declaration of acceptance of office
- Must agree to abide by the Council's Code of Conduct as adopted
- Must register any disclosable pecuniary interests
- Must attend meetings when summoned to do so
- Must disclose any pecuniary interests before an item is discussed
- Must inform the Clerk of an intended absence in order that it can be recorded /accepted¹
- Is entitled to vote at meetings
- Can resign at any time by written notice to the Chairman

2.2 Councillors' Role

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

2.3 What a Councillor cannot do

Individual Councillors cannot:

- Make a decision on behalf of the Council
- Instruct the Clerk or staff in their duties
- Write to the press on council matters
- Represent the Council as and wherever they wish
- Resign by walking out of a meeting

2.4 Role of the Clerk

The Clerk is the professional officer employed by the Council as a whole to provide professional advice and administrative support. The Clerk prepares the Council for taking decisions, before, during and after meetings, implements decisions and protects the Council as a Corporate Body.

¹ 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

2.5 Role of the Chairman

The Council *must* have a Chairman, whose responsibilities include ensuring that:

- proper decisions are taken in Council Meetings
- meetings run smoothly and on time.
- all Councillors have the opportunity to speak at meetings
- procedure is followed in accordance with standing orders.

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 has a deciding vote when there is a tie.

2.6 Role of the Council as a Whole

The Council is a corporate body, a legal entity separate from that of its members. Its decisions are the responsibility of the whole Council. The 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. Planning matters will also come before the Council as a consultee.

Councils have a Section 137 power to spend up to a certain amount on a service that benefits the community as a whole, however this power is superseded if the Council meets the criteria to achieve the General Power of Competence which allows Council to do “anything that individuals generally may do” although there are some exceptions.

Under the Localism Act 2011, local councils were encouraged to take over more services and have the right to challenge and bid for community assets.

Whixall Parish Council is responsible for the following:

War Memorial	Browns Brook, Next to Whixall CE Primary School
Playing Field	Opposite Moss Cottages
Telephone Kiosk	Welsh End. Used as a book exchange.
Noticeboards	<ul style="list-style-type: none">• Moss Cottages• Whixall Social Centre• Dobsons Bridge• Hollinwood Common
Marl Allotment	Land adjacent to Roundthorn Bridge. Owned by the Council and maintained by volunteers.
Machinery	<ul style="list-style-type: none">• Lawnmower• Chainsaw• Brushcutters (2no.)• Pole Cutter & harness
Hollinwood Common	Common land, not owned by the Council but maintained by volunteers.
Bowling Club Site	Owned by the Council but leased to the Bowling Club for £1 per year.

2.7 The Council as Employer

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

The Clerk is employed by the Council and answers to the Council as a whole. The Clerk manages any other staff employed by the Council. No one Councillor can act as the line manager of either the Clerk or other employees. These rules and principles should build on mutual respect and consideration between the Clerk and the Council.

3.0 Councillors' Code of Conduct

Members of Parish and Town Councils are required to register theirs and their partner's disclosable pecuniary interests² in a register held by Shropshire Council's Monitoring Officer, 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 for public inspection and is published on the Shropshire Council website.

The Council, in accordance with the Localism Act 2011, Section 27, adopted a Code of Conduct which took effect on 1 July 2012 and was updated in 2021. Whixall Parish Council has adopted this Code of Conduct.

The code is designed to promote high standards of behaviour by its 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.

Please make yourself familiar with your obligations under the code, what to declare and how to declare interests, how to apply for a dispensation, and what to do if you are offered gifts or hospitality (training is offered).

3.1 Things a Councillor must not do

The Code states that Councillors must not:

- Bring their 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 Council resources or authorise their misuse, in particular for unauthorised party-political purposes

4.0 The Decision Making Process

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

Decisions are called 'Resolutions' and as Whixall Parish Council does not have any committees, all decisions are made by the Full Council unless they have been delegated to the Clerk.

The Parish Council generally meets on the second Wednesday of the month. The Annual Town Council Meeting takes place in May. In an election year it must be held on, or within 14 days after, the day on which the newly elected or re-elected councillors take office³

There must be at least 3 other Council meetings in the year.

² Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

³ Councillors take office on the the fourth day after the date of ordinary elections

Annual Parish Meeting

The Annual Parish meeting takes place between 1 March and 1 June. This is not a Council meeting but a meeting when electors can speak and set the agenda and local issues are debated.

4.1 Powers and Duties

There are wide ranging activities covered by Acts of Parliament setting out powers and functions giving local councils permission to act. These include consideration of the provision of allotments if requested to do so, provision and maintenance of bus shelters, power to borrow money, power to provide a wide range of recreational facilities.

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.

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.

4.3 Council Meeting Agendas

At least three clear working days before a meeting, a public notice of the meeting will be placed on the Council's Notice Board or other conspicuous place in the parish. A copy will also be posted on the website.

At the same time, Councillors will receive a 'summons', requesting their attendance at the meeting, with an agenda. Topics requiring a decision cannot be added to an agenda after it has been issued. If you wish to raise an item for inclusion, contact the Clerk with details. Standing Orders set out how you can give notice to raise a question or ask for a motion to be placed on the agenda.

It is the responsibility of the Clerk, often in consultation with the Chair, to set the agenda. Matters Arising on the minutes, or Any Other Business cannot be raised as the Council cannot make unexpected decisions and spend money without sufficient warning.

4.4 Helpful suggestions for Meetings

Agendas and Reports

- Read through the agenda and any associated reports to identify important items – particularly those affecting your area.
- Make sure that you understand what actions are being proposed and the results of those actions.
- Consider if the costs are justified.
- Consider any alternatives that could be explored
- If you have any questions, contact the Clerk or the Chairman or the author of the report, **before you attend the meeting.**
- Identify the areas where you feel you have a contribution to make.
- Prepare yourself – check your facts, the background; ask for an explanation from your Clerk and /or fellow Councillors.
 - Read your Standing Orders so that you understand the procedure. If in any doubt, please ask your Clerk.

In the Meeting

- Remember your duty to declare any interests and if in any doubt check with the Clerk on the best course of action.
- If possible, tell the Chairman in advance that you wish to speak on an agenda item
- Listen, and be prepared to intervene on other items. Debates will often lead into unexpected territory which may be of particular interest or relevance to you and your area.
- Remember not to confine yourself to one part of the parish. Consider the parish area as a whole.
- Beware the law of defamation (See 7.5).

Apologies for Absence

You have a duty to attend but if something prevents you from doing so, notify the Clerk so that your apology and reason can be recorded in the minutes. If you fail to attend meetings for six months, without formal council approval, you are disqualified and cease to be a Councillor.

4.5 After the Meeting - Council Minutes

It is the Clerk's responsibility to write the minutes as a legal record of the Council's decisions which are confirmed by Council and signed by the Chairman at the next ordinary meeting.

No discussion can take place on the content of 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 Clerk 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). Draft minutes will be placed on the Council's website marked as such. This is a requirement for smaller councils (under £25k turnover) under the Transparency Code.

4.6 Important Documents

The following are important documents that councillors should be able to reference in the decision-making process:

- Standing Orders*
- Financial Regulations*
- Budget for the current year and any projected financial planning*
- Parish Map*
- Minutes of previous meetings (On PC website)
- Assets Register*
- Insurance policy (On PC Website)
- Schedule of Council Fees and Charges (On PC Website)

* A copy of these documents will be provided.

4.7 Council Policies and Protocols

The Council has also adopted the policies and protocols listed in Appendix A.

5.0 Planning Matters

Involvement in planning is an important activity for a local council. The Planning Authority (Shropshire Council) must consider the parish 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 were 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. These reasons are called material considerations.

Emerging from the Core Strategy Local Plan in Shropshire is the Site Allocations and Management of Development Plan (SAMDev) which sets out just how much development is permitted and where. Currently Shropshire does not have a Local Plan in place so other sites not included in the SAMDev plans for the town may now be considered.

In responding to planning matters, in Council meetings, Councillors should ensure they understand material and non-material planning. Further information will be provided and Planning Training is available.

6.0 Dealing with Public Money

The Clerk, is also the Council's Responsible Financial Officer and administers the finances of the Council.

Councillors are collectively responsible for ensuring the proper management of the Council's finances to avoid risk of fraud, loss or bad debts. The Council must operate a sound system of internal control⁴ and prepare an annual governance statement in accordance with proper practices in relation to accounts. The law requires an audit to be carried out so that local taxpayers can be assured that the risks to public money have been managed. The [Transparency Code for Smaller Authorities](#) and the [Local Government Transparency Code 2015](#) requires certain councils to publish a range of financial information on line.

Detailed information is set out in 'Governance and Accountability in Local Councils; *the Practitioners Guide* in England' [Practitioners' Guide 2025](#),. The Guide sets out how accounts should be kept, their format and how and when they must be approved and published; where and for how long taxpayers can view the accounts and details behind them.

⁴ The Accounts and Audit Regulations 2015

The council's finances are controlled by regularly checking spending against budget plans at council meetings. The annual budget is on the Council's website. The Council's own Financial Regulations set out how the council must manage its finances and its overall system of internal control. As part of this, the Council appoints an independent 'competent' auditor to conduct an internal audit which is in turn reported with the accounts.

As a member of the Council you are responsible for ensuring that the annual return accurately presents the financial management by the Council.

6.1 Budget and Precept

The Council is empowered to incur expenditure in the execution of its statutory powers. It obtains its funds (the precept) from the principal authority (Shropshire 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. The budget setting process starts in Autumn each year and the request for the precept is normally sent in late-January. Setting a three-year rolling budget is good practice.

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, subject to release of personal information under the Data Protection Act 1998. Requests must be in writing (email is accepted) and the Clerk, on behalf of the Council, must respond promptly, normally within 20 working days. The Council is entitled to make a charge which must be set out in a **Publication Scheme** which also sets out the type of information published and the manner in which is published.

The Council does not have to respond to repeated or 'vexatious' requests if it has already responded to an identical or substantially similar request from the same person. There are some other exemptions which fall into the category of 'absolute exemptions' such as court proceedings or personal information that would breach the Data Protection Act. The Council then has a duty to consider whether disclosure is required in the public interest. Guidance is available from the Information Commissioner.

7.2 Data Protection

All Councils hold a wide range of information and are required to 'notify' the Information Commissioner of personal data they hold, subject to certain exemptions. Personal data may be as simple as holding someone's name and address but in addition includes 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.

Councillors are covered by the Council's notification and have the same responsibilities with regard to data protection as the Clerk/employees of the Council. If Councillors are processing electronic personal data in an individual capacity (ie where you are not acting on behalf of the Council) you are likely to be classed as data controllers and would individually need to notify the Information Commissioner. For advice and guidance, go to 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. The National

Association of Local Councils (NALC) has provided the following in 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 withheld 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 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 of acting, as a representative of the Council, they are 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

When making statements in Council and Committee meetings, Councillors should be aware that they are subject to the general principles of law relating to defamation. As a general defence the Councillor who makes the statement should show that any such alleged statement was made on a 'qualified' privileged occasion, and 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 and Media

- Seek help from the Clerk on how to handle individual press enquiries.
- If approached either in person or on the telephone, think carefully before you speak, and ask for time to consider your reply if necessary.
- Think carefully about anything you say. Remember that it may well be reported, and it may be your voice that says it
- Beware of radio reporters who ring you and say that they want to do a recorded interview immediately over the telephone. Ask them what they want to talk about and ring them back in ten minutes. Use this time to compose yourself, to decide what you are going to say and, if necessary, to take advice.
- Do your homework and learn all the facts.
- Be honest in your answers.
- Even if you do not know the answer to a particular question, it is better to admit that, rather than make up something

Local Newsletters

Beware of providing items for your local newsletter particularly if it has not been agreed by the Council that you have this authorisation. It is normally the Clerk who provides this information. If you do provide articles for inclusion, remember that any views expressed

should be clarified as being your own and anything you write must not bring your Council into disrepute. It is worth repeating here that the decisions made by your Council are made by the Council as a whole, even if you voted against a decision.

Social Media

The Parish Council has a Facebook page which is administered by the Clerk, please familiarise yourself with the Social Media Policy.

8.0 Members' Services

8.1 Members' Allowances

A local council may pay a basic allowance to its elected Members having taken into consideration any recommendations from the principal council's Parish Remuneration Panel and must publish at the end of the financial year any amounts paid. The Chairman may receive an additional Chairman's Allowance. Allowances are taxable under the PAYE system and so records should be kept.

The Council is also required to take into consideration recommendations of the Panel regarding the payment of **Travel Expenses** for approved duties and in the case of smaller local councils, this is normally limited to approved attendance outside of the parish area.

Councillors have the option of whether or not they wish to take such allowances. Whixall Parish Council does not currently pay Members' allowances.

Mileage is paid for Councillors to attend training courses/meetings outside of the town at a rate of 45p per mile.

8.2 Training and Development

Councillors will be informed of any available training or briefings they are expected or invited to attend. Induction Training for councillors is available via SALC

The Clerk will inform you of any other training that becomes available. Some training may incur a small cost to the Council. However, some events/briefings may be free.

All new councillors must in their first year in office endeavour to undertake training courses in the following subject areas

- New Councillor Training (induction)
- Finance
- Planning
- Code of Conduct

Skills needed to be a Councillor

Councillors require many skills to carry out the various aspects of their role effectively. They are required to listen, question, consult, negotiate, deal with conflict and make objective assessments. Contact your Clerk if there are skills you wish to develop, for instance public speaking, use of IT etc.

9.0 Managing Risk

The Health & Safety at Work Act 1974 places a duty on Councils as employers to protect health and safety of its employees and the public visiting its premises. This includes maintaining the safety of any places of work and the working environment (including

equipment) without risks to health for which the Clerk will undertake appropriate risk assessments. The Equalities Act imposes obligations on Councils as employers and wider obligations to ensure access to services, including permanent physical adjustments to premises and meeting rooms.

9.1 Insurance

The Council undertakes a review of its risks annually. Using the Asset Register as a guide, the Council 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. The Council's insurance may also cover councillors for Personal Accident, Libel and Slander and Officials' Indemnity. Your Clerk will advise.

10.0 Useful Contacts and Sources of Advice

- Your Clerk – It is the Clerk's job to receive information and to keep the Council informed.
- Shropshire Association of Local Councils (SALC) www.alcshropshire.co.uk
- The National Association of Local Councils (NALC) <http://www.nalc.gov.uk/>
- Your Clerk is a member of the Society of Local Council Clerks (SLCC) <http://www.slcc.co.uk/>
- Shropshire Voluntary Community Services <http://vcsvoice.org/>
- Shropshire Council <http://www.shropshire.gov.uk>

11.0 Useful Publications

- NALC 'The Good Councillor's Guide'
- NALC 'The Good Councillor's Guide to Finance and Transparency' *
- 'Being a Good Employer'
- Governance and Accountability for Local Councils: A Practitioners' Guide
- 'The Local Council Award Scheme'

* A copy will be provided to all Councillors

Appendix A: Council Policies and Procedures

Core Documents	C1	Standing Orders
	C2	Financial Regulations
	C3	Code of Conduct
	C4	Business Plan/Action Plan*
	C5	Annual Report
	C6	Asset Register
GDPR & Information Management	GDPR1	Information and Data Protection
	GDPR2	Personal Data Management
	GDPR3	Privacy Policy
	GDPR5	Privacy Notice Policy
	GDPR4	Privacy Notice - basic
	GDPR6	Subject Access Policy
	GDPR7	Website Privacy and Use Policy
	GDPR8	security breach protocol
	GDPR9	Publication Scheme
	GDPR10	Records Management
Planning	P1	Planning Policy & Process
	P2	Place Plan
	P3	Local connection
Financial	F2	Grant Giving Policy
	F3	Reserves Strategy
	F4	Statement of Internal Controls
Risk Management	RM1	Business Continuity Plan
	RM2	Business and Finance Risk Assessment
	-	Risk Assessments
	RM3	Health & Safety Policy
Members	M1	Contact sheet for members
	M2	Procedure for co-option
	M3	Training Statement
Operational	O1	Email Policy
	O2	equality and diversity policy
	O3	Complaints
	O4	Scheme of delegation (inc planning)
	O5	Social Media Policy
	O6	Communications
	O7	Website Policy

* To be developed in 2025-26