

Dear Cllr P Boura.

further to our conversation regarding Mayfield Parish Council.

As stated, before the principals of a Parishes Councillor are as stated in Councillors fundamentals, the Nolan Principles and Code of Conduct requirements and the NALC module standing orders.

For the avoidance of any doubt the procedural requirement of a Councillor to resign as a Councillor/ Chairperson is set out in the Local Government 1972 Act below. This has been tested in the courts bee below.

84 Resignation.

[F5(1)]A person elected to any office under this Act may at any time resign his office by written notice delivered—

(a) except in a case falling within paragraph (b), (c) or (d) below, to the proper officer of the council;

(b) in the case of a person elected to a corporate office in a London borough, to the proper officer of the borough;

(c) in the case of a parish or community councillor, to the chairman of the parish or community council;

(d) in the case of a chairman of a parish or community council or of a parish meeting, to the council or the meeting, as the case may be;

and his resignation shall take effect upon the receipt of the notice by the person or body to whom it is required to be delivered.

[F6(2)]A person elected or appointed to an office under Part . . . **F7** IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer.] A further reference I refer you to is this point below

88 Filling of casual vacancy in case of chairman, etc.

(1) On a casual vacancy occurring in the office of chairman of any council **F19**. . . , an election to fill the vacancy shall be held not later **than the next ordinary meeting of the council** held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.

(2) **F20**. . . , a meeting of the council for the election **may be convened by the proper officer** of the authority.

F21(2A).

(3) In a parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall be convened for the purpose of filling the vacancy forthwith. As it states this has to be done in writing and submitted to the Chairperson of the Council once this has been received and accepted it is legally binding, As to the Chairman when resigning has to be done in writing and submitted to the RFO/Clerk of Council this cannot be done verbally.

Notwithstanding that some of your Councillors did training in 2023 this doesn't mean things haven't changed since then for which your **POLICIES** should show this.

A further reference I bring to your attention is that of your policies like Code of Conduct, Standing Orders, Financial Regulations, Financial Risk Register, Health & Safety Plus many more should be reviewed every **12 months**.

PART II PARISH COUNCILS

7(1) A parish council shall in every year hold an annual meeting.

(2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

(3) The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

8(1) A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.

(2) Those other meetings shall be held at such hour and on such days as the council may determine.

9(1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.

(2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.

10(1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in **[F1]**premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] unless no other suitable room is available either free of charge or at a reasonable cost.

(2) Three clear days at least before a meeting of a parish council—

(a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and

[F2(b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and certified by the proper officer of the council, shall be sent to every member of the council by an appropriate method.]

[F3(2A)In sub-paragraph (2)—

(a)“authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit; and

(b) the reference to sending the summons to a member by an appropriate method is to—

(i) leaving it at, or sending it by post to, the member's usual place of residence, or

(ii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.]

(3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

11(1) At a meeting of a parish council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.

13(1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a parish council shall be by a show of hands.

(2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

As you assert, your councillors did training in 2023 two years ago, a lot has changed since then which might facilitate your members understanding the requirements of what Councillors are able to do and what they are not allowed to do.

On a further point regarding Clerk/RFO please see below,

While it's generally advisable to have a clerk and a financial officer present for council meetings, a meeting can technically proceed without them, though it's highly unusual and could lead to difficulties.

Here's a more detailed explanation:

- **Clerk's Role:**
The clerk is responsible for the administrative and procedural aspects of council meetings, including preparing agendas, taking minutes, and ensuring compliance with regulations.
- **Financial Officer's Role:**
The financial officer is responsible for managing the council's finances, ensuring proper financial administration, and reporting on financial matters.
- **Can a meeting proceed without them?**
In theory, yes, a council meeting can still take place without a clerk or a financial officer, but it would be highly unusual and could lead to difficulties in terms of record-keeping, financial management, and ensuring compliance with regulations.
- **Alternative Arrangements:**
If a clerk or financial officer is unavailable, the **Council could delegate their responsibilities to another member of staff or a councillor, or they could hire temporary staff to cover the roles.**

- **Best Practice:**
It's generally best practice for councils to have a clerk and a financial officer to ensure smooth and efficient operations.
- **Example:**
A council could have a situation where the clerk is on holiday, and they could appoint a temporary clerk to cover the role.

I hope this clarifies the situation regarding what is required to do as a Council. I further refer you to the 7 Nolan Principles of public life

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Kind regards

Mr V Kelly

SPCA