

# BEING A BETTER COUNCILLOR

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### **Being a better councillor**

This booklet provides brief introductory guidance to parish and town councillors on roles and responsibilities within the council, the importance of effective meetings, and ways of engaging with communities. It is based on the training pack, *Being a Good Councillor* produced in 2006 as part of the National Training Strategy.

## Introducing *Being a Better Councillor*

Sometimes it is useful to stand back from your work as a councillor and remember some underlying principles of council activity. This booklet introduces three important ideas:

- The benefit of understanding and respecting the roles, responsibilities and duties of different players in the team – councillors, the chairman, the clerk and the council itself
- The value of conducting effective meetings where decisions are made for the benefit of the community in a lawful and transparent manner
- The importance of knowing what the community thinks and needs so that the council can better serve its interests and plan for the future

Service to the community lies at the heart of all council work and, as a councillor, your task is to make a contribution. You represent your electorate as an individual but you are also a member of the council as a corporate body. You need to appreciate the difference between these two related roles. The first section examines this relationship more closely.

## Roles, Responsibilities, Duties and Powers

The best councils pull together as a team. Each councillor makes their own contribution according to their interests; the chairman manages meetings and is often the public face of the council; the clerk implements council policy and supports its work with professional expertise, and in some councils, other staff play their part. Internal conflict costs money, time and other resources and diverts attention from community service. The best councillors understand and respect the roles, responsibilities and duties of each member of the team.

### Councillors

As a councillor, you make a valuable contribution to society. Your role is to represent the interests of your electors and contribute to good governance and decisions made by the council. You have a responsibility to comply with the rules that underpin the role, to undertake training and keep up-to-date so that you can do the job effectively.

To represent local views you need to make connections with people in the community including key players in local organisations and people who lack the skills or confidence for speaking out. If people feel they can influence the work of *their* council, they are more likely to value it.

A councillor is a channel of communication in both directions between the council and the community and, if necessary, helps keep people informed of services available and of decisions that affect their lives. You can help

electors find answers to their questions, make representations to the council or deal with matters themselves.

It is also useful to have a good working knowledge of principal councils and other organisations that affect life in your parish. You may even represent the council officially on other bodies and report back to the council.

As a member of a corporate body (the council) you have a responsibility for its decisions and its proper financial management. Your task is to contribute to its decision-making processes by being actively involved in meetings of the council, committees and working groups. You represent the council to the community at all times even if the council makes decisions with which you don't agree! It is worth noting that the law does not permit an individual councillor to make a decision *on behalf of* the council at any time.

A councillor has a legal duty<sup>1</sup> to avoid doing anything that tarnishes the reputation of the council as an authority worthy of respect. As an individual member (whether elected or co-opted), it is essential to comply with legal requirements. Your first duty, at or before your first meeting as a councillor, is to sign a declaration of acceptance of office. This represents your commitment to the role and to the code of conduct for councillors. The code requires that you publicly disclose any interests you have that might affect your ability to make objective decisions. You must complete and update a register of your interests and declare your interest in an item on an agenda as soon as you are aware of it. You need to know when a personal interest becomes prejudicial – that is if a member of the public who knows the facts is likely to think your judgement could be affected.

You may notice that you are summoned to council meetings. This seems rather heavy but it is because you have a duty to attend – and you should send an apology through the clerk if you are unable to be at a meeting. If you fail to attend any meeting of the council (or on behalf of the council) for six months, you are automatically disqualified as a councillor – unless you seek approval from the council for continued absence before six months is up.

There are other rules of which you should be aware. Some are enshrined in law while others have been agreed by the council itself; these rules are found in the council's standing orders and financial regulations. They are designed to make sure that every councillor serves the community in a fair and transparent manner and that the meetings of the council run smoothly.

### **The chairman**

One councillor has an additional role – that of chairman. The first business of the council at its annual meeting in May is to elect the chairman for the forthcoming year. The council has a *duty* to elect a chairman but it is good practice also to elect a vice-chairman who can step in if necessary. Chairmen often represent the council at public events or in dealings with the media, but their main role is the management of effective meetings.

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<sup>1</sup> Note that a duty is an action that is required by law.

The chairman is responsible for understanding the rules of procedure so that meetings run smoothly, although the clerk will always be able to advise. Councillors might need reminding about legal requirements and the council's standing orders from time to time. The chairman works with the clerk to make sure that they are well-prepared for the meeting and that the agenda is appropriately drawn up.

The atmosphere of a meeting often depends on the style of chairmanship and the authority of the chairman which should be firm and respectful. A good chairman makes everyone feel welcome including members of the public who might be present, and controls the meeting without dominating.

The chairman has a duty to preside at a meeting if present and must also sign the minutes when the council has confirmed that they are a true record. The chairman introduces each agenda item and manages the business specified, making sure that decisions are lawful, that contributors keep to the point and everyone who wishes to speak can do so. This may mean encouraging the quieter councillors to speak out, managing conflict or preventing a councillor from speaking for too long. A good chairman will summarise discussion and make sure that clear proposals are offered for decision, ensuring that a vote is properly taken (by show of hands) before moving the business on. The chairman has a casting vote if a vote is tied.

The chairman is the leader of the team, responsible for creating a harmonious council and motivating other members of the team. The chairman might speak to the media on behalf of the council, or represent the council on other bodies or at civic events; on these occasions the chairman shows leadership but takes care not to say or do anything inconsistent with the council's wishes.

### **The clerk**

The clerk is another key team member. In law, the clerk is known as the 'proper officer' and sometimes the clerk is also the RFO or the Responsible Financial Officer. The clerk is employed by the council to carry out its decisions and to support its work in a variety of different ways.

The clerk is responsible for the agenda of ordinary meetings because she/he signs the agenda. The clerk must be confident that the meeting is lawfully convened and that the business will comply with the law. It is sensible for the clerk to review the agenda with the chairman before it goes out. The clerk is also responsible for the minutes of meetings although another member of staff might write them and the council confirms that they are an accurate record.

The clerk takes instructions from the council – not from councillors. These instructions are found in the clerk's contract and job description, in standing orders and in the council minutes. Having agreed instructions, the council then lets the clerk get on with the job, taking the initiative in carrying out instructions in the most appropriate way. It is important to employ a clerk whose background suggests that they are capable of implementing decisions and advising the council – or that they are willing to learn.

The clerk is an independent and objective officer whose professional knowledge and expertise is, potentially, the council's most valuable resource. In law, the clerk is the only individual person who can make a decision on behalf of the council; this is because their professionalism and objectivity can be trusted. The council should be able to depend on the clerk for legal, procedural and financial advice, for guidance on the planning system and on tools for community engagement, indeed for information on any topic of interest to the council. The clerk might manage projects, events or facilities, depending on the work of the council. A good clerk will have good organisation and communication skills and will interact well with members of the public. If the council employs more staff, the clerk is their line manager; this means they need both the knowledge and skills for managing people. The clerk is never just a secretary, however small the council's workload.

The council should make sure that the clerk is properly equipped for the role; this includes training, sufficient time, staff support and office resources appropriate to the work of the council. Some councils have difficulty keeping clerks because there is too much work or a lack of kindness and respect from others in the team. It is worth investing in a good clerk.

### **The responsibilities, duties and powers of the council**

The council is a single corporate body, a person in its own right. The council is responsible for all its activities, policies, plans and finances. Even if you have voted against a decision that was supported by a majority vote, you belong to the body responsible for the decision. This means accepting the decision because it was made through the democratic process.

The council has duties (things it must do by law) and powers (things that it can choose to do). Most of its duties are linked to meeting procedures and financial management; for example, it must

- elect a chairman
- appoint a proper officer (the clerk) and a responsible financial officer (RFO)
- appoint an independent and competent internal auditor
- hold a minimum of four meetings per year, one of which must be the Annual Meeting of the Council.

In terms of services, the council must provide allotments if six electors ask for them (unless the cost of land is unreasonable); it must consider the impact of its activities on crime and disorder and must consider adopting a closed churchyard in the parish if requested by the Parochial Church Council. This means that the services that the council *must* provide are limited.

On the other hand a council's powers are very wide-ranging. Councils are given the power to act by an Act of Parliament (a statute). A council cannot do anything it chooses – it can do only those activities permitted in law. But there is plenty to choose from! For example, the council has a power to fund an orchestra, pay for a cricket coach, manage a nature reserve or build a swimming pool. It can't normally provide housing, run a post office or build a

health centre for example, *unless* it is eligible to use the power of well-being. This power<sup>2</sup>, “to do anything which it considers likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area”, was given to parish councils in 2007 but a council cannot use the power unless it meets the criteria for eligibility. If a council is not eligible to use the power, it can use s137 of the Local Government Act 1972, but expenditure under this power is very limited and would not be enough for the provision of housing. If you need to know whether a council is allowed to act, you ask your clerk’s advice.

The council as a corporate body can decide to delegate decisions to an officer, to a committee, a sub-committee or another authority – but never to an individual councillor or informal group (Local Government Act 1972 s101). Delegation must always be formally agreed by the council and this means that the council trusts the officer or committee to make good decisions on its behalf. If the council decides to delegate decision making to a committee or sub-committee then this is made clear in standing orders. If the committee or sub-committee does not have delegated powers, then its job is to make recommendations to the full council. Delegation to an officer is usually set out in their job description attached to the contract but can also be included in standing orders. Many routine decisions are delegated to the clerk, the RFO and other staff in this way. This means that the council can spend valuable meeting time on more important activities.

Financial management is somewhat trickier. The council as a body is responsible for financial matters, including the decision to raise a precept (income from the council tax) which cannot be delegated. But every individual councillor is also responsible in law for sound financial management. This means making sure you understand how financial management works and keeping an eye on financial progress. You are protecting public money.

The council has a duty to act as a responsible employer and abide by employment law and guidance. The rules, underpinned by mutual respect, protect both employees and the employing council. The law looks after all employees, whether full-time or part-time, in terms of pay, pension rights, leave, training, harassment and discrimination for example. All staff must have a contract of employment and all clerks should be paid (as a minimum) according to the recommendations agreed by the National Association of Local Councils and the Society of Local Council Clerks.

The clerk is employed by the council as a whole and is never answerable to an individual councillor. All other staff, although employed by the council, answer directly to the clerk who is their line manager and responsible for their performance.

The council should make sure that agreed grievance and disciplinary procedures are in place for when things go wrong and that Health and Safety

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<sup>2</sup> Local Government Act 2000 s2 and the Local Government Public Involvement in Health Act 2007 s77



law is observed to protect employees (and councillors, volunteers and members of the public). It is the responsibility of the clerk to advise the council on these matters. As a councillor you can seek advice from the clerk or the chairman, either of whom can then contact the officer at your county's Association of Local Councils for guidance.

### **In summary**

The council is a team and as a councillor, you are a key member of the team working alongside the chairman, other councillors, the clerk and other staff. You all have your part to play, and it is important to respect and value everyone's responsibilities and duties. The whole council as a corporate body is greater than the sum of its parts while service to the community always comes first. A good council has Quality Status, the badge that lets everyone know how good it is.

## **Effective Meetings**

Meetings lie at the heart of council activity and yet they can be boring, confusing and troubled. It is through meetings that the council decides how to spend public money, what to do in the community and how to manage its affairs. Meetings present an image of the council to the public and the press, who are allowed to attend by law, while the character of meetings convinces you whether or not to remain a councillor.

### **Good meetings**

Meetings are generally used in two ways: to share information and for making decisions. Information includes updates on council activity, reports from councillors representing the council on other bodies, reports from principal authority members, notices arising from correspondence, financial reports and reports from committees. Decision making might involve responding to a new idea or problem raised by a councillor, community group or a member of the public. It could be a response to recommendations or options proposed by a committee or by the clerk. It might mean considering and then agreeing policies for which the council as a whole must be responsible, such as an assessment of risks, a review of performance, budget proposals or a response to a consultation document.

If information-giving dominates proceedings, a meeting can be very dull. It is far more engaging to have an opportunity to discuss interesting business and make meaningful decisions. The chairman and the clerk might find ways of reducing information to manageable proportions, for example by providing written reports with the minutes that can be noted more quickly than oral reports. Another tip is to limit correspondence tabled at meetings to essential items while making other information available to view in a file. Some councils report all correspondence to a meeting but as the council gets busier this can become unwieldy and isn't necessary. As a councillor you can report routine matters requiring attention to the clerk outside the meeting rather than as extra business within a meeting.

Every member of the team contributes to making a meeting effective, but the key player is, of course, the chairman. A good chairman manages a meeting like the conductor of an orchestra. The pace of the meeting depends on the chairman's ability to manage each agenda item giving just the right length of time for the business to be properly handled. Some items can move quickly while others need to be examined in detail; a good chairman will know which is which. For an efficient use of time, the chairman should make it clear what you, the councillors, are to do and then give you time to speak, listen and question while preventing lengthy speechmaking and keeping contributions focused on the task in hand. The chairman then brings the item to a close in the most appropriate way, for example by summarising key points, confirming that information has been noted or by guiding the framing of a resolution or proposal and taking a vote.

The chairman knows when and how to involve visiting speakers or members of the public. The council's agreed procedures for public participation will be set out in its standing orders. The chairman can invite someone who is not a council member to speak during the meeting but this should be during a clearly designated slot and for a defined purpose; external speakers or members of the public do not contribute to the general debate.

The style of chairmanship is a significant influence on the quality of the meeting; it can all go pear-shaped if the chairman is unable to exercise authority and if councillors are unaware of appropriate meeting procedures.

### **Making contributions**

Your responsibility as a councillor is to attend meetings regularly and arrive punctually and properly briefed. You are expected to read the agenda and accompanying documents such as the minutes of the previous meeting, committee minutes and reports that inform agenda items. You should receive the papers in time to seek more information on any agenda item if you think you need it and to consider whether you have a personal or prejudicial interest in any of the items on the agenda.

You have a duty to declare your interest in an item on the agenda as soon as you are aware of it during the meeting. A good agenda will have a point near the beginning that allows you to make your declaration, so it is important to be prepared and to seek clarification from the clerk beforehand if necessary.

As an elected representative of the community you are expected to participate in the meeting by contributing relevant ideas, experience and local knowledge. You appreciate it if fellow councillors listen to you and respect your views, so you will reciprocate and show consideration for others even if you don't agree with them. Most importantly, you support the chairman and respect his/her authority. You help calm things down rather than cause conflict, and clarify issues rather than confuse and you co-operate as a member of the team to help the council achieve its objectives. It is essential to know the rules designed to make sure that the meeting is lawful and runs smoothly.

### **The agenda and procedures**

The agenda is your guide to the business of the meeting and should be carefully designed. The clerk is responsible for the agenda and will be able to explain the rules and basic principles that underpin its design. The clerk has a duty, because he/she signs the agenda by law, to convene the meeting properly and to specify the business. The Local Government Act 1972 Schedule 12, paragraph 10 (2) (b) says that at least three clear days before the meeting of a parish council:

*A summons to attend the meeting, specifying the business to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.*

Because the agenda must specify the business to be transacted, the best agenda items are precise, saying exactly on what councillors are to do; to note, to approve, to consider, to receive, to agree. Vague agenda headings (eg Footpaths, Correspondence, Play Areas) do not comply with the law because they fail to specify the business. What is more, discussion can be shorter if it concentrates on a precise topic instead of a vague heading that can lead to a long ramble around the subject.

The underlying importance of this provision in law is that every councillor has a chance to prepare for the business of the meeting by receiving the agenda in advance. If you know exactly what the business is to be then you can prepare appropriately. This is why a good chairman will refuse to allow any decisions to be taken on matters that were not specified on the agenda. If a matter is urgent, the clerk might already have the delegated power to act in an emergency; if not, then the matter could go to an extraordinary meeting that is properly convened.

The order of business can be specified in standing orders, usually starting with regular items enabling apologies for absence to be recorded, interests to be declared and the minutes of the previous meeting to be approved and signed for example. The framework will cater for routine items, ongoing business and new topics as appropriate to the council. It is sensible to consider more important or controversial items early in the meeting.

Standing orders provide a wide range of rules, some of which are expressed in law and others which have been specified by the council. For example, the law says that the quorum of a council meeting must be three or a third, whichever is the greater, but the law is silent on a quorum for committees so this is where the council can decide. There is nothing in law to say how long a meeting should be but the council might agree that all meetings will conclude after two hours (the recommended attention span).

### **Making decisions**

Decision making is at the heart of council activity; it is the main purpose of a council meeting, closely followed by information exchange. A meeting can be formal or informal but it must demonstrate the council's professionalism.

Matters for decision come from many different sources, often from outside the council. As a councillor you can start the process by asking the clerk to put a matter on the agenda; for example, you might want to provide more entertainment for young people, clear up a messy open space or set up a farmers' market. The clerk can advise whether your idea is legally and financially possible and might discuss your suggestion with the chairman first before putting it on the agenda. The clerk writes an agenda item clearly specifying what councillors are to do so the chairman can guide discussion.

At the meeting the chairman might invite you to explain the issue but you must take care if you have an interest in the matter. If you have a prejudicial interest you can make representations to the council in the same way as a member of the public - if the public are allowed to speak - and then you must leave the room when the council discusses what action to take. So that the council is well-informed for making a decision, the clerk can report on the council's powers, financial and legal matters and ways of working with other bodies and can suggest recommendations or options based on relevant investigations. Alternatively the job of researching options can be given to a working party. The council should not be tempted to delay decisions, taking no action until the next meeting unless absolutely necessary.

Good chairmanship makes sure councillors are well-informed for making a decision and that everyone who wishes to speak has an opportunity. When the time is right the chairman makes sure that a clear proposal is framed and a decision is formally taken. The clerk records the resolution (decision) clearly in the minutes. Sometimes the minute will include action points, noting who is responsible for the action that has been agreed. The task of implementing the decision is usually given to the clerk.

### **In summary**

As a councillor you should respect the chairman's role and authority. Every councillor plays a part in achieving an effective meeting where the business is transacted in an open and efficient manner, presenting a professional image to the press and public. You get to know the standing orders designed to help the meeting run smoothly, you prepare for the meeting by checking the agenda and attached paperwork and you support the chairman by complying with the rules. Most importantly, you appreciate the importance of interesting meetings that concentrate on council action and make sure that matters of concern in the community are raised for discussion through the clerk.

## **The Council and the Community**

Whether you were elected or co-opted, your task is to represent the interests of your community. Your council has a great opportunity to lead the community, identifying its vision for the future and helping it achieve its goals. Once the council knows what it is aiming for, it takes action within the community and influences outside bodies, often working in partnership with others. But how does it know what the community wants?

It is no longer enough for a council to argue that they were elected and have a mandate to act. Local councils are often criticised for being unrepresentative of their communities while many councillors have to be co-opted because there was no call for an election. These days it is not acceptable to sit back and wait for people to speak out. Many people lack the confidence or the skills for making their views known while it is not safe to assume that people know what a council is and how it works. The council is responsible for raising its profile and engaging the community's interest in its work.

### **Community engagement**

It is easy to treat the community as a single body that speaks with one voice. In truth a community is made up of many smaller communities - age groups, neighbourhoods, specialist groups or service users for example, all with different perspectives on life in the community. The council should be sensitive to their diverse needs and views. If the council has to deal with opposing interests it is important to have a true understanding of opinion and not just the impression gained from those who shout the loudest.

The more the council knows about what people think the better it can serve the community. It can speak on its behalf with greater confidence because it has evidence to support its arguments. When applying for grant funding a council often has to show it has community backing and how it will engage the community in the project. It can provide needed services and facilities or press others to do so. If a council wants to use the power of well-being it must explain in a statement how it will engage the communities affected to gain their support and ownership of planned projects. If your council wants Quality Status then the two criteria, 'communication and community engagement' and 'promoting local democracy and citizenship' must be demonstrated.

Effective community engagement does more than consult people; it inspires them to take part in community action. By getting involved people develop the skills and confidence they need for speaking out and become a valuable resource for helping to get things done. Community action can break down potential barriers between groups in local society. For example, young people might work with older residents gain access to the Internet or longstanding villagers help newcomers learn about their new home through a local history event. The council can support community activity in many ways, for example by providing local groups with expertise, meeting spaces and funding.

### **Partnerships, action and influence**

Part of the council's leadership role is to work with community groups and other partners. Most councillors are connected with community groups and institutions such as the church, the Women's Institute, schools and sports clubs. Your task is to make the most of your contacts for the benefit of the community. As an individual councillor you might try filling some of the gaps in your contacts list. For example, if you have no access to the teenage community, you get in touch with someone who does. If you don't know who is housebound, perhaps the 'meals on wheels' service can help you.

Some people in the community are truly hard to reach and sometimes the council has to make a special effort to get in touch. If you hear nothing from people with young children, shiftworkers, students and people at work all day, perhaps it is because they are tired and have little time to spare; it might not be because they have nothing to say. People whose first language is not English, people with disabilities and homeless people have other reasons for not getting involved. If you can reach these people you will find they do have needs and opinions which help inform the council.

Often, partner organisations can help. The council needs to establish good working relations with many organisations who can offer support including specialist departments at the principal authority, the primary care trust, the police authority, transport service providers and neighbouring councils. The clerk or a councillor representing the council will actively build partnerships to help the council meet its goals. By working together the council can be more active and achieve more; with strength in numbers the council will have greater influence.

### **Visions, plans and policies**

There are many activities that can be organised to involve more people in creating visions, plans and policies for the future. Community conferences, focus groups or workshops can bring people together to identify needs and priorities and discuss future plans. Planning for Real<sup>®</sup> is a technique using a model that helps people demonstrate what they want to happen in a particular space. A healthcheck can be used to identify the community's resources, needs and opinions, providing sufficient information for devising an action plan for the next five or ten years. Creative activities can successfully engage people who are hesitant about getting involved; as people are painting, sewing or sticking they are encouraged to talk about the things they value or want to change in the community. The Rural Community Council (or county-based ACRE) will help if your council wants to learn more about tools for engaging the community.

If it has an action plan or policy based on widespread community consultation, the council will already be well-informed when new ideas come out of the blue because it already knows what people think. This is especially useful if a developer makes an unexpected proposal. The council might know how to respond because it has already consulted the community. The council needs a plan of action to help it achieve its vision for the future.

### **In summary**

If you and your council are to represent the interests of your electorate, you are expected to engage with the community to find out in some detail what people in different parts of the community think and need. You can put this knowledge to good use when obtaining grants and other benefits for the community and when fighting your corner on difficult issues. By involving more people in community action you help people develop confidence and skills and then they can do more for the community.

To achieve more benefits you need to work in partnership with other organisations both within and beyond the community and, as a councillor you can help partnerships work more effectively. At the heart of your work is the community's vision for its future. There are many ways of finding out what people want to protect, change or develop. Once the council has the evidence it can devise plans and policies that help direct its work and respond to new challenges as they arise.

## **Being a Better Councillor**

This booklet introduces some underlying principles and practices that might help you to become a better councillor.

First it is essential to understand and respect the roles, responsibilities and duties of each member of the team including the chairman, the clerk and other councillors. It is also important to distinguish between what you can do as a councillor and what the council must do as a corporate body. Both councillors and council have a duty to act according to the law and to establish sound procedures for doing business. You can be a better councillor, serving the interests of your whole community, if you are also aware of the wide range of powers to act that the council enjoys.

A meeting is often the most obvious public face of the council and it is important that it is conducted efficiently and effectively. This depends largely upon the clerk who creates a good agenda and the chairman who manages the business to be transacted, but each and every councillor plays their part. It is useful to remember that meetings should, for the most part, concentrate on deciding how to take action for the benefit of the community.

Finally, to be a better councillor, you really need to get to know the community in all its different shapes and guises. You can help the council find out in some detail, what people think and need. If you can help more people to get involved, individual and community benefits are enormous. You can also contribute to partnership working both within and beyond the community to achieve community goals and you can help the council plan for its future.

This booklet is just a start. If you wish to be a better councillor, you are encouraged to attend training and networking events when opportunities are offered. By following the principles contained in this booklet, the work of a councillor should always be varied, challenging, rewarding and enjoyable.

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## **About the Oxfordshire Association of Local Councils**

The Oxfordshire Association of Local Councils is part of a national network and has been representing Town & Parish Councils and Parish Meetings for over sixty years. We provide advice and information for them, and training for councillors and clerks. We represent local council interests through partnerships with other local and regional agencies in the public, private and voluntary sectors.

If you would like further details of the other courses we provide with the Oxfordshire Partnership for Local Councils please contact us at the address above.