



Town Councillor Briefing

The Town Council, Town Councillors, and the Town Office:

- Roles
 - Responsibilities
 - Regulations
 - Governance
-
- **Councillors Decide**
 - **Officers Advise and Deliver**
 - **One Town Council**
 - **One Operational Channel**



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1a. Overview of Roles



Town Councils Role

- Town Councils serve as the local government tier focusing on representing local community views and addressing local community issues **in a strictly non-partisan manner**.

Mayor and Councillors' Role

- All Councillors are voluntarily elected by public vote every four years to represent the entire local community's interests.
- The Mayor is elected by the Council Chamber every two years and is designated as First Citizen of the Town and the civic representative of the Town Council.
- Councillors are assigned every year to specified Committees and Working Groups.
- If a Councillor resigns before the four-year cycle, unless an election is requested by Ward residents, they are replaced through the Isle of Wight Council mandated co-option process, which is used instead to appoint rather than elect a replacement.

Town Clerk and Town Office Role

- The Town Clerk is employed by the corporate Council body and manages the Town Office and implements Council decisions.
- Specifically, the Town Clerk is **responsible for managing** Town Office staffing and administration, legal and governance compliance, organising meetings, managing budgets and finances, managing commercial negotiations and project delivery.

1b. Overview of Roles

Meetings and Committees Role

The Mayor or designated meeting Chair leads the meeting, Town Council and **holds a casting vote** in ties.



There are **4 levels** of meetings:

- **The Town Council**

- Held monthly.
- Published public agenda and recorded minutes.
- Councillors can ask for specific agenda items to be considered.
- Votes to agree (resolve) recommendations received from the Committees and specific items that have arisen outside of the Committee process.
- Receives general information on all Town Council activities.

- **Committees**

- Held monthly (can be more regular if required).
- Published public agenda and recorded minutes.
- Votes to propose recommendations to the Town Council for voted agreement (can have delegated authority to act if agreed).

- **Working Groups**

- Held as needed.
- Published Town Council only agenda and recorded minutes.
- Manage and deliver specific Town Council projects and initiatives.

- **Informal Meetings**

- Held as needed.
- Issue specific, no formal agenda and actions only recorded.

All the above can result in **Action** points being raised and where further information may be needed prior to a recommendation or resolution being made. All actions are recorded in a centralised Action Log which is managed by the Town Office.

2a. Town Council Remit



Core Activities

Community Leadership and Advocacy

- Town Councils represent residents' views to higher authorities and advocate for local priorities and well-being.

Management of Local Amenities

- Town Councils manage and maintain defined public amenities and assets.

Administration of Funding and Sponsorship Requests

- Town Councils manage financial grant and sponsorship requests from local organisations and members of the public.

Community Events Organisation

- Town Councils organise local events to foster community spirit and engage residents in social activities.

Planning Consultation Role

- Town Councils act as statutory consultees on planning applications, providing input without making final decisions.

2b. Town Council Remit



Finance and Governance

Primary Funding Source

- The Town Council's main funding comes from the precept which is part of the resident Council Tax set through County level budgeting each year.

Financial Governance Controls

- Strict controls include formal payment approvals, accurate records and compliance with audits ensuring fiscal responsibility.

Transparency and Public Access

- To maintain trust and accountability, Town Councils must publish agendas, minutes, financials and policies while enabling public meeting participation.

Legal and Operational Framework

- Governance is supported by legislation and regulations that provide rules for meetings, procurement and spending.

Public Engagement and Accountability

- Town Councils must respond promptly to information requests and complaints, fostering trust and accountability in the community.

2c. Town Council Remit

Key Legal and Procedural Requirements



Legal Frameworks and Governance

- Local Government Acts define powers, responsibilities and ensure democratic accountability and transparency.
- The key acts and bodies are: Local Government Act (LGA), National Association of Local Councils (NALC), Society of Local Council Clerks (SLCC), Nolan Principles and the Town Council's own Standing Orders.

UK GDPR Compliance

- UK GDPR mandates lawful processing, transparency, data minimisation, accuracy and accountability for personal data.
- The Town Office acts as the Data Controller identifying the data to be covered for processing purposes and the Town Clerk acts as the Data Protection Officer and Processor managing data operations on behalf of the Data Subjects, the individuals whose data is being processed.
- Failure to comply with GDPR can lead to heavy fines and reputational damage to the Town Council.

Financial Management

- Town Councils must manage budgets prudently, levy taxes if appropriate, prepare balanced accounts and comply with procurement regulations.

Public Engagement and Transparency

- Statutory obligations include public meetings, record-keeping, consultations and participatory decision-making to build trust.

Compliance and Accountability

- Adherence to laws prevents legal challenges and reputational damage, ensuring Town Councils operate legitimately and with community confidence.



Your Legal Role as a Town Councillor

- **Local Government Act 1972.**
- **As a Councillor, you must:**
 - Act as part of the corporate body of the Town Council remembering that you have no authority to act alone unless delegated.
 - Regularly attend Town Council, Committees and Working Group meetings and participate lawfully.
 - Represent the interests of the whole town, not just individual residents or groups.
 - Follow the Town Council's Standing Orders and Financial Regulations.
 - Ensure the Town Council acts within its legal powers.
- **You must not:**
 - Make decisions or commitments on behalf of the Town Council without authority.
 - Direct or attempt to influence the Town Clerk, Town Office staff or contractors individually.
 - Attempt to influence the day-to-day management of the Town office or supersede the role of the Town Clerk in their Town Office management obligations.
 - Be involved in direct commercial negotiations with contractors or suppliers.

3a. Town Councillor Responsibilities

Your Standards of Conduct and Ethical Duties



3b. Town Councillor Responsibilities

- **Nolan Principles and Localism Act 2011.**
- **You must:**
 - Strictly follow the Town Council's Code of Conduct and associated Localism Act directions.
 - Always uphold the **Nolan Principles of Integrity, Objectivity, Honesty, Accountability and Leadership.**
 - Treat others with respect and courtesy, including the public, other Councillors, the Town Clerk and other Town Office Officers and representatives.
 - Never bully or harass any individual i.e. adhere to the Equalities Act 2010 section 26(1).
 - Never misuse your position.
 - Never attempt to individually control, direct or influence the Town Clerk or Town Officers.
- Any breach of these guidelines could result in your referral to the recognised Monitoring Officer under the Town Council's standards arrangements and for consideration of censure and potential legal action under the Members' Code of Conduct.

3c. Town Councillor Responsibilities



Interests: Your Registration & Declaration

- **Localism Act 2011.**
- **You must:**
 - Register Disclosable Pecuniary Interests (DPIs) within 28 days of election or any change in circumstances.
 - Where relevant, declare such interests at all meetings, even if you have already declared an interest in a prior meeting.
 - Withdraw from discussions and voting if required or directed.
 - Failure to comply with DPI regulations **may be a criminal offence.**
 - To mitigate any risk of non-compliance, if you are unsure if an interest is relevant, **always** ask the officiating Officer or the meeting Chair if a declaration is required or contact the Town Clerk prior to the meeting for their advice.



Decision Making at Meetings

- **Local Government Act 1972.**
- Valid Town Council decisions must:
 - Be taken at a properly convened meeting.
 - Be within the Town Council Chambers powers.
 - Be proposed, seconded and voted on.
 - Be recorded clearly in the minutes.
- **Common risk areas for Town Councils:**
 - Decisions made informally or by email (unless an email vote is agreed by the Mayor or Committee Chair due to urgency).
 - Decisions taken without a lawful power.
 - Inadequate or unclear resolutions.

3d. Town Councillor Responsibilities

3e. Town Councillor Responsibilities



Financial Responsibilities

- **Local Government Finance Act 1992 & 2003.**
- As a Town Councillor, **you share collective responsibility** for:
 - Setting and approving the annual budget and precept.
 - Ensuring public money is spent lawfully, prudently and transparently.
 - Approving expenditure in accordance with Financial Regulations.
 - Ensuring proper internal controls and audit arrangements.
 - Achieving value for money.
- **Key point:**
 - You are responsible for financial decisions **even if you voted against them.**
 - You should always work towards the success of all collective decisions made even if you did not vote to support them.



Best Value Duty

- **Local Government Act 1999.**
- Town Councils are subject to Best Value principles.
- **You must:**
 - Consider economic, efficiency and effectiveness in spending.
 - Question whether services and projects provide good value.
 - Avoid unnecessary or disproportionate expenditure.
 - Debate as a Council Chamber and vote on reaching consensus as to whether the above have been fairly and reasonably addressed.

3f. Town Councillor Responsibilities



Use of Council Powers

- **Localism Act 2011 and General Power of Competence.**
- Cowes Town Council is currently SLCC (Society of Local Council Clerks) and LCAS (Local Council Award Scheme) Bronze accredited.
- Cowes Town Council is not currently operating under the blanket Localism Act 2011 General Power of Competence (GPC) which means that any significant financial decision taken must state the power (actual regulation) the decision was made under as without this, certain spending is limited.
- GPC regulations **do not** remove the requirement to follow the Localism Act 2011 regulations; it does give delegated authority to the Town Clerk as to be assumed to know the regulation under which a decision is made and removes the requirement to specifically minute the actual power used.
- Once the Town Clerk is CiLCA (Certificate in Local Council Administration) accredited, Cowes Town Council will be able to consider operating under the GPC.
- Note that GPC registration is optional and if assumed, requires a full Town Council resolution (only approximately 25% of all UK Councils employ the GPC).
- Note also that the current lack of Town Clerk CiLCA accreditation **does not negate** the basic legal principles of Town Council governance processes and procedures or the regulations under the Localism Act 2011.

3g. Town Councillor Responsibilities



Community Leadership & Representation

- **Localism Act 2011.**
- **You are expected to:**
 - Act as a visible community representative.
 - Encourage public participation and transparency.
 - Balance community views with legal and financial constraints.
 - Avoid giving preferential treatment.
- **Key Reminder for Town Councillors**
 - You are personally responsible for acting lawfully and ethically.
 - Acting in good faith is not a defence if the Council acts outside of its powers.

3h. Town Councillor Responsibilities

3i. Town Councillor Responsibilities



Working Relationships

- Good governance principle.
- **You must:**
 - Recognise the Town Clerk as the Town Council's Proper Officer and professional adviser.
 - Respect the Town Clerk's role in law, finance, staffing and administration.
 - Understand that the Town Clerk is **responsible** for managing and administering Town Office operations.
 - Raise any requests or concerns through the Council Chamber as a whole or the Town Clerk individually and not directly with any individuals outside of either of those reporting lines.
- **You must NOT:**
 - Unless under an agreed Council Chamber decision or resolution, directly instruct the Town Clerk or any other Town Council Officer to act outside of Council decisions or knowledge.
 - Undermine or pressure the Town Clerk or any Town Council Officers or staff.

3j. Town Councillor Responsibilities

Meeting Procedures and Voting



- **Meeting Structure and Transparency**

Town Council meetings are advertised and are mostly open to the public, ensuring transparency **except for confidential issues**. Agendas follow a clear, structured format including apologies, declarations, participation, and reports.

- **Voting and Decision Making**

Each Councillor has influence as one individual only and has one vote; decisions are made by simple majority, with the Chair having a casting vote to break ties.

- **Delegation of Authority**

Delegation allows committees or the Town Clerk to handle routine or urgent matters within set limits to ensure efficient governance.

- **Role of the Chair**

The Chair enforces order, halts personal remarks and protects meeting participants from undue challenges.

- **Conflict Prevention**

Clear rules, a strong Code of Conduct, and respectful dialogue form the foundation of conflict prevention. Private discussions, committee member led mediation and external facilitation help resolve issues before escalation.

- **Formal Complaint Protocol**

Formal complaints are reserved for serious breaches, ensuring a professional and collaborative environment.

4a. Town Clerk Responsibilities

Core Activities



- **Corporate Body and Delegated Authority**

The Town Council is a **legal Corporate Body**.

Elected Councillors are collectively part of the Corporate Body and cannot act or instruct as individuals.

Councillors set the Town Council's policy, budget and strategic direction; the Town Clerk then implements the Town Council's resolved decisions.

The Town Clerk acts in all matters with delegated authority from the Corporate Body to act as the Town Council's **Proper Officer** and to implement resolved decisions without interference, favour or pressure.

The Town Clerk is directly accountable to the Town Council as a Corporate Body **and not to** individual Councillors.

- **Strategic Advisory Role**

The Town Clerk bridges Councillors and Council operations ensuring effective administration and trusted advice. The Town Clerk acts as the chief legal adviser ensuring all decisions are lawful and defensible and advises on policy and community impacts to support effective and lawful decisions.

- **Governance and Compliance**

Responsible for statutory compliance and facilitating transparent governance within the Town Council so protecting against non-compliance based statutory audit failures and potential reputational damage.

- **Neutrality and Integrity**

To maintain impartiality and provide non-political guidance to uphold Town Council integrity.

- **Conflict Management and Resolution**

To offer proactive conflict management that adheres to governance and legal standards. Responsible for managing all Councillor, Public and Employee relations and interactions in a professional, legal, independent and balanced manner.

Disregarding the Clerk's guidance can result in governance failures, legal challenges and Corporate Body reputational damage.

4b. Town Clerk Responsibilities

Operational Activities



- **Legal and Regulatory Interpretation**

Understanding local government law and procedural rules ensuring Town Council decisions are lawful, defensible and audit compliant. Translating complex regulations into clear guidance helps Councillors make informed decisions, specifically derived from:

- LGA (Local Government Act) guidelines.
- NALC (National Association of Local Councils) guidelines.
- CiLCA (Certification of Local Council Administration) guidelines.
- Undertaking Continuous Learning to keep up-to-date with changes in law, governance, and best practices.

- **Office and Staff Management**

Managing the Town Officers and administration of the Town Office.

- **Financial Management**

Working with the Responsible Financial Officer to oversee budgeting and expenditure to ensure robust financial controls within the Town Council. To ensure efficient budget preparation that aligns with the strategic goals of the Town Council and supports community needs and expectations.

- **Risk Management**

The Town Clerk is the principal Town Council risk manager being responsible for identifying, mitigating and managing all risks that could affect the Town Council.

- **Programme Management**

To manage the delivery of community projects and Town Council initiatives that require strong time management, cost control and delivery prioritisation.

4c. Town Clerk Responsibilities



Administrative Activities

- **Mandatory Procedures Governance**

Maintaining up-to-date knowledge and Town Council adherence to all operational regulatory compliance processes and procedures:

- Current UK Legal Policy Management.
- Safety, Health and Environment Regulations.
- Equality Act.
- Employment Law.
- Freedom of Information Act.
- GDPR and Data Regulations.
- Freedom of Information requests.

- **Meeting Facilitation and Record Keeping**

To act as the custodian of Town Council records and facilitator of official meetings, ensuring alignment with legal frameworks.

- **Meeting Organisation**

Along with ensuring all meetings are conducted following the agreed Codes of Conduct that stress integrity, respect, and interest disclosure that are required to maintain ethical governance, the Town Clerk will organise Town Council meetings, prepare agendas, and produce accurate minutes that comply with all legal standards.

- **Effective Record-Keeping**

Maintaining statutory documents and historical records to ensure transparency and audit accountability within the Town Council.

- **Correspondence and Compliance**

Managing correspondence and ensuring data protection regulation compliance is met.



Key Principle

COUNCILLORS DECIDE • OFFICERS ADVISE & DELIVER

• ONE TOWN COUNCIL • ONE OPERATIONAL CHANNEL

- The Town Office provides the professional and operational capacity that enables the Town Council to function effectively.
- Councillors determine priorities, policies, budgets and formal Town Council decisions.
- The Town Clerk coordinates the Town Office and ensures that Town Council decisions are properly progressed.
- Officers provide professional advice and undertake the day-to-day administration, financial management, commercial and contract management, funding and sponsorship management, project delivery, communications, facilities management and community support required to deliver the Town Council's responsibilities.
- Operational, staffing, workload, resource allocation and service-delivery requests are solely directed to the Town Clerk in the first instance.
- This maintains clear accountability, protects Officer impartiality, prevents conflicting instructions and ensures that Town Council resources are directed in accordance with decisions, policies, budgets and delegated authority.

5a. Town Office Responsibilities

5b. Town Office Responsibilities



Key Activities

- **Councillor and Governance Support**

The Town Office enables Councillors to undertake their democratic and representative responsibilities by ensuring Councillors have the information, advice and administrative support needed to make informed collective decisions.

- **Finance and Asset Management**

The Town Office supports the Town Council's financial stewardship by ensuring finances, assets and resources are managed responsibly, transparently within governance and regulatory guidelines.

- **Community Support and Engagement**

The Town Office provides the connection between the Town Council and the local community residents and community organisations by giving access to Town Council information, services, facilities and opportunities to participate.

- **Project Delivery**

The Town Office provides the professional and operational coordination required to deliver Town Council projects ensuring approved projects are coordinated, monitored and delivered within agreed budgets, timescales and governance arrangements.



Town Officer Roles and Responsibilities

5c. Town Office Responsibilities

- **Town Clerk**
Proper Officer being responsible for governance control, professional and obtaining legal advice, delivery of Town Council decisions and all staff, commercial and operational management.
- **Responsible Financial Officer**
Management of budgets, accounting, financial controls, audit and financial reporting.
- **Deputy Town Clerk**
Supporting the Town Clerk, administration of Town Council business and coordination of Town Office operations.
- **Facilities & Town Manager**
Management of buildings, assets, facilities, contractors, operational services and acting as the businesses of Cowes Town liaison point.
- **Communications and Funding Manager**
Management of grants and sponsorships, external funding applications and project support. Media communications, website and social media management, community information and engagement.

6. Governance and Accountability

Town Councils follow statutory obligations and governance standards to ensure transparency and public trust.



- **Ethical Conduct, Integrity and Accountability**
Councillors and Officers must act with integrity, avoid conflicts of interest and prioritise public interest. Declarations of interest and whistleblowing policies maintain transparency and ethical behaviour.
- **Audit, Compliance and Risk Management**
Audit and risk management safeguard public funds and align Town Council operations with laws and best practices. Internal and external audits verify financial compliance, preventing fraud and errors.
- **Legal Compliance Requirements**
Town Councils must comply with financial reporting, procurement rules, and data protection laws to avoid penalties.
- **Proactive Policy Review**
Regular policy updates and external audits maintain robust governance and adapt to regulatory changes.
- **Efficient Budget Preparation**
Town Councils develop annual budgets aligning with strategic goals and community needs for efficient resource allocation.
- **Transparency and Reporting**
Decision making should be documented, evidence based, and scrutinised to prevent misuse of authority. Regular publication of financial reports ensures accountability and enables public scrutiny of Town Council finances. Use of digital systems improves accuracy, reduces errors and supports ethical financial governance.

7. Risk Management

The Town Council Risk Management Framework is administered by the Town Office with the Town Clerk owning and being responsible for the Town Council Risk Register.



The Risk Management Framework is used to identify, assess, categorise and mitigate operational, financial, strategic, compliance and reputational risks to the Town Council through:

- **Risk Identification**
Identify risks across operational, financial, strategic, compliance and reputational domains to anticipate potential threats early.
- **Risk Assessment**
Conduct regular assessments to evaluate the likelihood and severity of identified risks systematically.
- **Risk Mitigation Strategies**
Implement controls, identify mitigation strategies / actions and establish contingency plans to reduce risk impact effectively.
- **Risk Register**
All risks identified, along with associated risk mitigation strategies and action owners are recorded to allow for active and effective management of risk identified.
- **Communication and Integration**
Communication of risk policies to all stakeholders and to ensure risk management is integrated into all strategic planning and decision-making activities.

8. Audit Management



The Town Council's evidence-based audit reviews are designed to support internal and external best audit practice and governance processes and procedures.

- **Purpose of Auditing**
Auditing ensures Town Council operations comply with legal and financial standards, enhancing governance and trust.
- **Internal Audit Focus**
Internal audits evaluate controls, risk management and efficiency, identifying weaknesses and recommending improvements.
- **External Audit Role**
External audits verify financial accuracy and statutory compliance, performed by accredited independent bodies.
- **Technology and Transparency**
Leveraging technology improves audit accuracy and efficiency, while transparency fosters stakeholder accountability.

9. Training and Development

Continuous training and development for all members of the Town Council Chamber and Town Officers ensures that the expected levels of understanding and professional competency becomes a core tenant in the successful delivery and governance of Town Council operations and local community support.



- **Importance of Ethics Training**
Training in ethics and governance is essential to reinforce responsibilities and consequences of non-compliance.
- **Importance of Skilled Personnel**
Skilled Officers understanding governance and regulations are essential for effective audit and risk management.
- **Continuous Professional Development**
Ongoing training keeps employees updated on legislative changes and best practices in their fields.
- **Fostering Accountability and Innovation**
Building a culture of accountability and encouraging innovative risk mitigation strengthens the Town Council.
- **Mentorship and Knowledge Sharing**
Mentorship initiatives help build resilience and adaptability within organisations.



10a. Conflict Management In Meetings

Why Meeting Conflict Management Matters

- **Maintaining Governance and Trust**
Effective conflict management preserves public trust and ensures smooth governance within Town Councils.
- **Focusing on Policy, Not Personal**
Managing conflicts keeps disagreements centred on policy, preserving professionalism and integrity.
- **Compliance and Ethical Standards**
Conflict management helps Town Councils comply with laws and uphold principles like accountability and openness.
- **Preventing Risks and Promoting Harmony**
Addressing conflicts early reduces legal risks and maintains a positive working environment for all.

10b. Conflict Management In Meetings



Prevention First

- **Clear Roles and Responsibilities**
Establishing clear standing orders and Committee Terms of Reference defines Town Council member roles and responsibilities effectively.
- **Code of Conduct Importance**
A well-understood Code of Conduct ensures members follow expected behavioural standards during Town Council activities.
- **Training and Reinforcement**
Regular training sessions empower Town Councillors to handle complex governance and reinforce conflict prevention principles.
- **Constructive Challenge Culture**
Encouraging constructive policy debate without personal attacks fosters a respectful and effective Town Council environment.

10c. Conflict Management In Meetings



Anchor Behaviour to the Town Council Code of Conduct

- **Framework for Acceptable Behaviour**
The Code of Conduct provides clear guidelines for acceptable behaviour within Town Councils, promoting professionalism and respect.
- **Focus on Observable Behaviour**
When conflicts arise, Town Councils should in the first instance focus on observable behaviour rather than motives, encouraging fairness and clarity.
- **Encourage Self-Correction**
Self-correction is promoted before formal escalation to maintain accountability and respect among Town Council members.
- **Reinforce Fairness and Transparency**
Consistent application of the Code ensures fairness, transparency, and impartial governance in Town Councils.

10d. Conflict Management In Meetings



Early and Informal Resolution

- **Importance of Early Intervention**

Addressing conflicts early prevents formal complaints and entrenched divisions, saving time and preserving relationships.

- **Informal Resolution Methods**

Private conversations, chair-led (or nominated relevant Committee representation) discussions and Town Clerk supported mediation are effective informal steps to resolve disputes.

- **Risks of Public Disputes**

Town Councils should always avoid public arguments, and social media disputes as these significantly worsen tensions and vastly increase the risk of damaged reputations.

- **Benefits of Informal Resolution**

Informal resolution maintains a constructive atmosphere and upholds public confidence in Town Council operations.

10e. Conflict Management In Meetings

The Role of the Chair and Town Clerk



- **Chair's Role in Conflict Management**

The Chair (or nominated relevant Committee representation) enforces rules, intervenes in personal debates, and uses neutral language to reduce tension and maintain professionalism.

- **Town Clerk's Supportive Role**

The Town Clerk provides procedural advice, ratifies incident information and ensures legal compliance while supporting the Chair (or nominated representative) without acting as referee.

- **Maintaining Governance Integrity**

Protecting the Town Clerk's impartiality is crucial to uphold governance standards and maintain respect in council meetings.

Formal Escalation as Last Resort

- **When to Escalate Formally**

Formal complaints are pursued only after informal efforts fail or serious breaches occur, like persistent misconduct.

- **Risks of Formal Escalation**

Formal escalation may cause entrenchment, factionalism, and reduce public confidence if not handled with care.

- **Ensuring Fair Processes**

Town Councils should ensure processes are transparent, fair and proportionate to maintain trust and minimise disruption.

10f. Conflict Management In Meetings



Focus on Purpose and Post-Conflict Learning

- **Focus on Statutory Purpose**
Town Councils must prioritise their legal purpose and community interests over personal agendas during conflict resolution.
- **Prioritise Community Outcomes**
Discussions should aim for resolutions that best serve the residents and overall community wellbeing.
- **Post-Conflict Review**
After conflicts, Town Councils should review triggers and effectiveness of interventions to improve future conflict management.
- **Institutional Learning and Strengthening**
Reflective practices transform conflicts into learning opportunities that strengthen governance and reduce disputes.