OALC Newsletter

june 2019

# The headlines

**OALC – AGM 1st July 7.30pm Burford -** *The changing and challenging role of being a councillor and how to improve the service your council delivers’*

**Important job of Assistant County Officer will be advertised soon**

**Sensible tip of the month -** page 2 Holidays, apologies and not being quorate

**Oxfordshire County Council** – page 3 food programme for summer holidays

**External Audit** – pages 5 - dates for this year, what to put on your website

**Accessible websites from 2020** – page 7 – be aware, this affects your council

**Climate emergency** – page 9 what can your council do?

**Tree Charter Day 30th November –** page 10 – mass tree planting, date for your diary

**Employment Briefing –** page 11 using self-employed contractors

**Financial Briefing** – page 13 Inspection of accounts

**OALC Training programme, conferences and other training opportunities** – page 14 Planning training 21st November

**Vacancies** – page 16

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**Training Programme 2019**

* **Roles & Responsibilities –** Saturday 6th July, Didcot

**LAST CHANCE TO BOOK**

* **Chairmanship –** 17th July,Didcot
* **Roles & Responsibilities** –13th September, Didcot
* **Budgeting & Finance for Cllrs** 2nd October, am Begbroke
* **VAT for Clerks** 2nd October, pm, Begbroke
* **Planning** 21stNovember am, West Oxfordshire DC

**Vacancies this month**

* Whitchurch on Thames PC - Clerk
* Sandford St Martin PC – Clerk
* Lower Slaughter PC – Clerk
* Kings Sutton PC, Northamptonshire - Clerk

## 

## AGM DATE please come - monday 7.30pm 1st July 2019 Warwick Hall, Burford

The OALC AGM is on the evening of Monday 1st July, 7.30pm in the New Hall, Warwick Hall, Church Green, Burford OX18 4RY <https://www.warwickhallburford.org/>

Warwick Hall is a beautiful new complex of buildings, cleverly and sensitively designed to fit into the churchyard of St John the Baptist Church. Burford on a summer evening is definitely worth a visit.



Our speaker is the newly appointed Head of Member Services, NALC, Charlotte Eisenhart. She will be speaking about *‘The changing and challenging role of being a councillor and how to improve the service your council delivers’.*

We have received more nominations than vacancies on our Executive Committee so the Executive Committee resolved as its meeting on 3rd June to propose an alteration to the Constitution at the AGM to allow there to be five, rather than the current number of three, representatives, elected to the Executive Committee. If this proposition is agreed there will be no need for an election and all nominations will be agreed together. Each OALC member council is entitled to send two representatives to attend, speak and vote at the AGM, although we are very happy to have more representatives come.

The Annual Report and Accounts have been sent out to member councils

## Job vacancy – OALC Assistant County Officer

This is a heads up to let you know that we will soon be putting out an advert for the role of Assistant County Officer. The job, based in our Wallingford office, is part time (12 hours per week, preferably spread over three days): the main tasks are:

* To assist in the smooth running of the OALC office
* To run our training programme and seek to maximise income from this
* To assist the County Officer to answer queries from member councils

The advert will be sent out on Monday 8th July to all OALC member councils. If you think you might be interested and want an informal discussion ring Christine Lalley, County Officer on 0774 6943076

## Sensible tip of the Month –

The holiday season is coming up and councillors may be away. If your council is quite small you need to ensure you will be quorate for your meetings over the summer, so a reminder to councillors to give your apologies to your clerk in good time. Holidays, unlike work or family crises, are usually planned long in advance.

It is a good idea for the Clerk to keep a record of councillor attendance, a simple chart recording absences, apologies and attendances at meetings is helpful; it can show how diligent councillors are but also can provide an early warning indicating if a councillor has not attended for 5 months and they are in danger of being automatically disqualified.

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**FREE Food Programme to Combat School Holiday Hunger**

Is your town or parish aware of a community group that is planning to provide meals at any point during the school summer holidays, particularly to disadvantaged families?

SOFEA is offering support to groups working with young people over school holidays and that are combating holiday hunger:

*“Through our work with FareShare we are keen to work alongside organisations who provide activities in school holidays, particularly those targeted at children who are eligible for free school meals. We would like to support these projects in providing nutritious meals for young people, by providing food, which can be ordered from us and will be delivered by us. If you are interested or know an organisation who might be, please get in touch”*

**Richard Kennell CEO, SOFEA.**

To find out more please contact <https://www.sofea.uk.com/>

# Local News

## Facts and figures for Oxfordshire

If your council needs to find reliable factual evidence to support its application for a grant or to make a case for or against a proposal/project for example, you need to know about [Oxfordshire Insight](https://insight.oxfordshire.gov.uk/cms/).

This County Council website draws together a wide range of statistics on health, deprivation, housing and more which are used by policy makers to plan service provision.

A new Joint Strategic Needs Assessment (JSNA) report has been completed on [Kidlington](https://insight.oxfordshire.gov.uk/cms/kidlington-jsna-profile) which covers:

* Geographical area boundaries
* Population by age and ethnicity
* Child referrals to social care, domestic abuse affecting children, referrals of children to mental health services
* Health profile data from Public Health England
* Unpaid care and care homes
* GP practice data for selected health conditions (diabetes, dementia and depression)
* Wider determinants of health - house prices and commuting
* Deprivation and children in poverty
* People living in communal establishments

## your new councillors and getting them trained

Don’t forget that all councillors should have signed their Acceptance of Office forms and by

Tuesday 4th June completed their Register of Interests form and returned it to the district council Monitoring Officer.

And please book **all new councillors a place on one of our Roles and Responsibilities courses,** there are two remaining dates to choose from, Saturday July 6th or Wednesday 18th September book here <https://www.oalc.org.uk/events>

If you have some more experienced councillors re-elected consider pairing them up with a new councillor and asking them to be a mentor for the first 6 months.

A new councillor pack needs to have in it (but adapt to your council):

* A copy of *The good councillor’s guide* (available from OALC printed copy £4 + £1.20 p&p) or download from the OALC website in the Members Area under Resources for Councillors
* A copy of your Council’s Standing Orders and Financial Regulations
* A copy of your Council’s Code of Conduct, [DCLG Guide on Openness and Transparency](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf), Register of Interests, Acceptance of Office and Publication Scheme.
* A map of the parish, with boundaries, footpaths, land owned by the parish, listed buildings, TPO’s, AONB, SSSI and other relevant planning designations. Links to Neighbourhood Plan/Local Plan and other current planning documents of your district council
* A list of council policies
* A copy of the council budget, strategy documents and forward plans
* Contact details of councillors, clerk and relevant people at the District Council (GDPR compliant)
* Dates of meetings, terms of reference for any committees
* Training courses available from OALC <https://www.oalc.org.uk/events>

**When councillors leave office**….don’t forget that councillors should clear/delete council business from their home computers if they are no longer councillors after May. This is another sound argument for having generic council email addresses and perhaps changing passwords too.

## General Power of Competence – who has got it? please let us know

Following the elections, if your council had previously granted itself the General Power of Competence and it still meets the eligibility criteria – a ‘qualified’ clerk and two thirds of the councillors having stood for election, then the council needs to resolve to grant itself the Power again to ensure it continues to have the useful and wide ranging power.

A briefing paper on the General Power of Competence is in the Members Area of our website.

**If your council has the General Power of Competence (GPC) we would like to know.** We estimate that there are probably about 25 councils in Oxfordshire that have GPC. If your Clerk has the Certificate in Local Council Administration qualification (Cilca) then the next logical step is for the council to gain the General Power of Competence and /or attain the Local Council Award

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| --- |
| What does a ‘good’ council do?   * It has elections * All councillors, new and old, attend training, at least one session, either specialized or general, each year, per councillor, written into Standing Orders – “Any councillor sitting on a Planning Committee to attend relevant training within 6-12 months of taking a seat on the Committee”. * Has a training policy and budget for staff and councillors * Encourages its clerk and other staff to undergo relevant training, allowing time and funds * [ILCA](https://www.slcc.co.uk/content/level-2-qualification-ilca/457/) and [CILCA](https://www.slcc.co.uk/content/level-3-qualification-cilca/525/) qualifications for the Clerk * Attains [General Power of Competence](https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN05687#fullreport) to allow a greater range of work to be undertaken * Gains [Local Council Award](https://www.nalc.gov.uk/library/our-work/lcas/1373-lcas-guide-jan-2015-v2/file) at least at the Foundation level      * Aims for continuous improvement, is pro-active rather than reactive, has a 3-5 year forward plan * Is open, transparent and representative of all parts of its community |

# National News

## External audit

**Clerks – key dates for AGAR – see Steve Parkinson’s financial briefing too.**

**Monday 1 July**. Submission deadline for either completed AGAR, complete with minute reference of Council resolution OR Exemption Certificate.

The legislation provides for **a period for the exercise of public rights** which must be 30 working days inclusive, and that period must include the first 10 working days of July. The earliest this period can end is 13th July 2019. It follows that the earliest date the period of inspection can begin is on 3rd June 2019.

**What information do you need to publish on your website? And we would advise putting on your noticeboard too.**

Councils are required to publish on their website before 1 July 2019 the following information:

**If completing Part 1**

* A copy of the Certificate of Exemption and Declaration of No Accounts

**If completing Part 2**

* Certificate of Exemption
* Annual Internal Audit Report 2018/19
* AGAR Section 1 – Annual Governance Statement 2018/19
* AGAR Section 2 – Accounting Statements 2018/19
* Analysis of variances
* Bank reconciliation
* Notice of the period for the exercise of public rights and other information required by Regulation 15 (2), Accounts and Audit Regulations 2015.

**If completing Part 3**

* AGAR Section 1 – Annual Governance Statement 2018/19
* AGAR Section 2 – Accounting Statements 2018/19
* AGAR Section 3 – The External Auditor Report and Certificate
* Notice of the period for the exercise of public rights and other information required by Regulation 15 (2) Accounts and Audit Regulations 2015.

It is recommended as best practice that you also publish the Annual Internal Audit Report

**We welcome feedback on your experience of this year’s external audit. Was it better or worse than last year?**

## cid:c0de3f6c-7da5-45a7-9d7c-bd59ea56cf54@venom.localNew Insurance company

A new insurance company has written to us about their offer. We are bringing it to your attention but as it is new we know very little about it and as with all other products we do not endorse it. Their website is here: <https://www.parishprotect.co.uk/>

Parish Protect is underwritten by Royal and Sun Alliance Insurance Group (RSA) and managed by Business Services at CAS Ltd, a subsidiary of Community Action Suffolk, a charity who supports the Voluntary Community and Social Enterprise Sector (VCSE).

Business Services at CAS Ltd have over 20 years’ experience in the VCSE and Parish Council insurance sector.  We understand Councils have a legal requirement to provide ‘best value’, Parish Protect therefore offers a specialist policy with great prices, developed to protect Parish Councils and the assets they are responsible for.

With Parish Protect Councils can expect:

* + A dedicated and experienced team to help solve the issues you face on a daily basis
  + A tailored policy backed by RSA, one of the Uk’s largest insurers
  + Banded sums insured to avoid the need for most small mid-term amendments
  + No administration fees
  + Long Term Undertaking availability (fixed discounted rates)
  + Express claims service on property claims under £2,500, settled by BACs or cheque within 24 hours of notification (Express service on large claims – subject to conditions)
  + Easy to arrange cover for events
  + Crisis Management for incidents including support on public relations and media reports
  + Exclusive stand-alone Cyber and Crime polices available

Councils who have changed to the Parish Protect policy have saved on average over 30% off their renewal premium.

## Rural transport

The [Rural Services Network](https://www.rsnonline.org.uk/) work closely with Rose Regeneration and they have asked us to circulate the message below on their behalf:

*The University of Lincoln and Rose Regeneration are carrying out a study to explore the potential for rural mobility innovations to address rural needs.  The project is funded by Midlands Connect but it is expected that the findings will be relevant to rural areas across the UK.  To assist in the initial phase of the project, they invite your input* here: <https://survey.az1.qualtrics.com/jfe/form/SV_cXXTRENP46xA0W9>

## requirement for Accessible websites for parish councils by next year – **september 2020**

Last November 2018 we brought to your attention the need for parish councils, as local authorities, to have websites that are accessible to all members of the community. NALC issued a legal briefing L09-18 on the [Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018](http://www.legislation.gov.uk/uksi/2018/852/contents/made). This briefing is in the Members Area of our website.

That briefing referred to the government’s intention to issue a model accessibility statement.

The Government Digital Service has now created a sample accessibility statement for guidance which can be found [here](https://www.gov.uk/government/publications/sample-accessibility-statement?utm_source=Members&utm_campaign=7559769677-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-7559769677-323671257). County Officers are pressuring NALC to assist with guidance for councils.

**Start talking to your website provider NOW!**

## Toilet Tax Bill enters Parliament

Legislation to end the toilet tax entered Parliament in the past week, which when enacted will save the local government sector millions of pounds. This has been a NALC campaign over the last few years to exempt parish and town councils from paying business rates on toilets they own or manage. The snappily titled [Non Domestic Rating (Public Conveniences) Bill](https://services.parliament.uk/bills/2017-19/nondomesticratingpubliclavatories.html?utm_source=Members&utm_campaign=8513949765-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-8513949765-323671257) received its First Reading in the House of Lords on 18 June. NALC will be working with Parliamentarians in both Houses, including Scott Mann MP, who chairs the All Party Parliamentary Group on Local Democracy and has been championing this issue, along with Liz Truss MP and local government minister Rishi Sunak MP.

## Precepts media coverage

There was some [good media coverage](https://www.bbc.co.uk/news/uk-england-48356581?utm_source=Members&utm_campaign=8513949765-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-8513949765-323671257) by the BBC this week highlighting how local councils are increasing precepts to take on and save local services, examples in the story include Chippenham Town Council, Lilbourne Parish Council and Newport Pagnell Town Council. NALC has published its analysis of parish precepts which you can read [here.](https://www.nalc.gov.uk/library/news-stories/2938-national-precept-statistics/file?utm_source=Members&utm_campaign=8513949765-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-8513949765-323671257)

## LCR MAGAZINE interviews Duncan Selbie of Public Health England

Marie Dill, senior communications officer, interviewed Duncan Selbie, chief executive at Public Health England, for the summer edition of LCR’s special on health and wellbeing. Just one of the things he wanted to point out was how vital local councils are in helping people to live in good health. He said: “*I would reverse the importance of the different councils in local government. I would say the most important are [local councils] because they are the closest to people. Keeping people healthy is not just about diagnosis, but what really matters to people – can they meet their friends, get to the local shops and get decently paid work. And it’s local councils that know the most about how to connect people*.” To read more from the interview, which will be published in the summer edition, click [here](https://www.nalc.gov.uk/lcrmagazine?utm_source=Members&utm_campaign=8513949765-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-8513949765-323671257) to subscribe to LCR.

NALC’s chairman, Cllr Sue Baxter, attended a meeting of the [Prime Minister’s **Rural Dementia** group](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/507981/PM_Dementia-main_acc.pdf) on 20 June and heard about some excellent work in the south-west, where local councils are working together to build dementia friendly communities. NALC will be promoting this as part of its health and wellbeing campaign this year, so please do let us know of any work your local council is doing to help support local residents with dementia.

And finally from NALC...

In support of [National Loneliness Awareness Week,](https://www.awarenessdays.com/awareness-days-calendar/loneliness-awareness-week-2019/) NALC published [50 case studies](https://www.nalc.gov.uk/news/entry/1220-nalc?utm_source=Members&utm_campaign=8513949765-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-8513949765-323671257) demonstrating how local councils of all sizes are getting involved to help tackle loneliness, a problem which increases the likelihood of premature mortality by 26%. The case studies featured identify activity taken to counter loneliness amongst older and younger people, the unemployed and those with dementia, including managing community venues, organising events, providing community transport and social prescribing.

(Unfortunately no case studies from Oxfordshire were included, is your council doing something to address loneliness – if so we would like to hear about it)

The NALC chairman, Cllr Sue Baxter, met with the rural affairs minister, Lord Kimble, and other rural organisations on 11th June to discuss rural loneliness and discuss how our organisations might support the next phase of the Government’s loneliness strategy, in particular tackling loneliness among young people. Sue was able to outline some of the work our councils are already doing, and proposed a number of initial ideas for how NALC, county associations and local councils might be able to help, building upon our new joint guide with the Local Government Association, which we will be launching at their annual conference next month. Again, do let NALC (and OALC) know at [policycomms@nalc.gov.uk](mailto:policycomms@nalc.gov.uk) about your own work and projects to help tackle loneliness and isolation, along with any ideas and suggestions you might have about what you need to get started or do more.

## Climate emergency – what can parish councils do?

There is gathering momentum behind calls for a Climate Emergency to be declared. On 1st May MP’s approved in Parliament a motion to declare a Climate Emergency, the proposal demonstrates the will of the Commons but doesn’t compel the government to act.

In November 2018, the County Council at its [meeting](http://mycouncil.oxford.gov.uk/documents/s45094/26%2011%2018%20Motions%20report%20for%20briefing%20note.pdf) agreed to:

* Join Councils, such as Bristol City Council, in declaring a Climate Emergency
* Call on Westminster to provide the powers and resources to make local action on climate change easier
* request Scrutiny to urgently review and make recommendations on revisions to the Council’s 2017-2022 Carbon Management Plan
* Continue to work with partners across the city and region to deliver widespread carbon reductions

The wording of the agreement to sign up to or declare a Climate Emergency varies but revolves around reducing carbon emissions to zero by a set date (2030/2050). More information is available on the website of the group behind [Climate Emergency](https://climateemergency.uk/blog/category/declarations/town-parish/), their website maps councils that have made the declaration.

Obviously, a council making the Declaration is one thing but being able to deliver on a set of measurable criteria is another matter. Frome Town Council have detailed what they intend to do in a report to their council [here](http://www.frometowncouncil.gov.uk/wp-content/uploads/2018/12/Frome-Town-Council-Climate-Emergency-declaration.pdf)

A number of councils have raised this with us, asking if they able to make the declaration (yes) and what could it actually mean for them.

One of the main aims of the Climate Emergency declaration is zero carbon emissions by a set date 2050, although how this is measured for a small parish isn’t clear. The powers of a parish council to affect carbon emissions are limited. A lot is based around education and encouragement of other relevant groups, organisations and bodies. A council could look at changing its energy supplier to a renewable energy based one; investigate solar panels on the village hall etc. The council can obviously only do what is within its powers, but a statement of intent might be a starting point. A Working Party might be a way forward, tasked with identifying possible projects, methods of working towards measurable carbon targets and other smaller associated quick environmental wins such as recycling, no plastics, more green activities, encouragement of walking rather than car use etc.

## Tree Charter – 30th november 2019



A date for your diaries! As you may know, NALC is a partner in the Woodland Trust’s Tree Charter project. This year’s Tree Charter Day will be held on 30 November with a **planned mass planting.** (Planting trees is good for addressing Climate Emergency, see above) You can find out more about how to get involved in the Tree Charter on the project page on the NALC website [here,](https://www.nalc.gov.uk/our-work/treecharter) and watch the video too.

Jonathan Owen, CEO of NALC would like to encourage you to sign the Tree Charter [here,](https://sign.treecharter.uk/page/6023/petition/1?locale=en-GB) and to let NALC know at [policycomms@nalc.gov.uk](mailto:policycomms@nalc.gov.uk) about any tree and woods related activity or projects so they can share and celebrate it.

## DATA PROTECTION REGULATIONS – CLLRS NO LONGER HAVE TO REGISTER WITH ICO

The [Data Protection (Charges and Information) (Amendment) Regulations 2019](http://www.legislation.gov.uk/ukdsi/2019/9780111177211?utm_source=Members&utm_campaign=08960f7a5d-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-08960f7a5d-323671257) came into force on 1 April 2019 and have changed the rules around paying the data protection fee. The new Regulations mean that, elected representatives and prospective representatives are now exempt from paying a fee to the ICO if they are exercising the functions expected of elected representatives.

The Information Commissioners Office (ICO) has updated the [local council FAQ’s](https://ico.org.uk/for-organisations/in-your-sector/local-government/local-gov-gdpr-faqs/?utm_source=Members&utm_campaign=08960f7a5d-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-08960f7a5d-323671257) on its website and [data protection fee guidance](https://ico.org.uk/for-organisations/data-protection-fee/?utm_source=Members&utm_campaign=08960f7a5d-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-08960f7a5d-323671257) to reflect these changes. NALC’s analysis of the regulations is that this also includes co-opted councillors, and the ICO has indicated it agrees with this view.

NALC has updated its legal guidance. It has issued L02-19 Data Protection Fees which is in the Members Area of our website.

# Employment Briefing

OALC believe the relationship between the Clerk and the council, their employer, is critically important to the smooth and professional running of the council. All too often the Clerk’s job does not receive the respect or remuneration commensurate with the skills required. **Some people may pay their gardener or cleaner more than the Clerk receives per hour!**

Please remember:

* No Clerk should be self employed
* All Clerks should have a proper job contract
* All councils should be registered with HMRC as employers
* All clerks should have an annual appraisal
* All Clerks should be treated with respect, they work for the council not individual councillors

Employment law is complex and specialized so while OALC can assist with general employment queries we retain the services of Chris Moses, Personnel Advice and Solutions Ltd. to provide expert advice to our member councils. Chris holds a Master’s Degree in Employment Law and is a Chartered Fellow of the Chartered Institute of Personnel and Development, he has over twenty years front line HR experience. In addition he has over fifteen years’ experience of helping town and parish councils comply with their legal obligations as employers. We have retained Chris for four hours per month available free of charge to member councils. OALC pay for this, because we believe it is an important and valuable service to our member councils.

**The Use of Self Employed Contractors**

Many town and parish councils rely on the services of self-employed contractors to carry out various activities as well as seasonal work. Posts such as handyman/woman, caretaker, grass cutters and RFO’s are often engaged as ‘Contractors’. However, the status of the self-employed worker has come under extensive legal scrutiny in recent years following cases such as *Uber, Pimlico Plumbers* and *City Sprint*. The trend in case law has been that if an employer exerts control over the worker’s activities, provides tools and equipment for the contractor to do their job, and expects a named individual to deliver their services on a regular basis, they will probably be an employee. If so, they are entitled to a whole range of employment rights.

The issue regarding the use of self-employed clerk’s has been fully addressed by HMRC, and it is a well-established fact that they must be treated as an **employee**. No town or parish clerk can be engaged on a self-employed basis. In April 2018 HMRC issued their latest update on this topic [(EIM67300)](https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim67300) which states:

*The Clerk is an office holder and emoluments received, whether described as an honorarium, a salary, a payment towards expenses or a combination of these, are chargeable to tax as employment income and are earnings for Class 1 NIC purposes. PAYE must be operated by the Parish Council on the income the Clerk earns. A Parish Clerk can never be considered self-employed for tax or NIC purposes.*

However the use of ‘contractors’ on a self-employed basis is still fairly common within councils. In our experience we encounter a lot of parish and town councils who exert a close eye on how their contractors operate, and the work that they do. In addition the councils also provide the equipment needed to do their jobs, such as mowers, strimmers or cleaning equipment. Furthermore, if the contractor is sick or on holiday, the council will often wait until they return, rather than expect another contractor to do the job. Such arrangements are increasingly being defined as employed status. According to a recent report published by the Work and Pensions and Business Select Committee, as well as the Taylor Report, councils and other employers who wrongly classify workers as self-employed contractors should be fined.

Other recommendations include guaranteeing workers set weekly hours, or to compensate them with rates of pay above the National Minimum Wage for the uncertainty of their work.

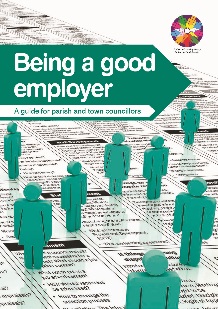
Councils who engage the services of self-employed contractors need to assess whether or not the above tests regarding the employment status can be applied to their workers / contractors. If they do routinely exercise control over the work of the contractor, provide tools and equipment for them to do their activities, and expect the same person to do the job, they are in all likelihood an employee.

If so, the council should consider payment liability for PAYE and National Insurance. Failure to do so could leave the council in breach of its statutory obligations to HMRC. Furthermore the worker is entitled to claim holiday pay from the council, as well as payment at the National Minimum Wage Rate. Should the employee earn £118 per week or over, they would also be entitled to Statutory Sick and Maternity / Paternity Pay.

They may also be entitled to collective terms and conditions such as NJC rates of pay, sick pay and holiday entitlement. Furthermore, if the ‘contractor’ has been engaged continually by the council for two or more years, they may be entitled to claim Unfair Dismissal if their contract were to be terminated by the council.

Chris Moses is Managing Director of Personnel Advice and Solutions Ltd is a Chartered Fellow of the Chartered Institute of Personnel and Development. He also holds a Master’s Degree in Employment Law from Leicester University and has over twenty years front line HR experience.

Further information and advice for councils can be found by visiting [www.personneladviceandsolutions.co.uk/factsheets](http://www.personneladviceandsolutions.co.uk/factsheets)



PS. Don’t forget this NALC booklet; it’s six chapters cover the complete employment relationship – recruitment, employee rights and obligations, management, staff development, if things go wrong and the end of the contractual relationship. Electronic copy in the Members Area of our website in the Employment section. Hard copies available £4 per copy from OALC

# Financial Briefing



**OALC also offers its member councils the benefit of advice from Steve Parkinson, our Finance, Audit and VAT advisor. If you have any problems or queries concerning finance, VAT, accounting process or financial governance we will send them on to Steve so that you can benefit from his extensive experience. Please send us an email (**[info@oalc.org.uk](mailto:info@oalc.org.uk) **) with a clear description of your problem with as much background information as possible. We will send it on to Steve and get back to you with his response.**

As part of his work for us Steve writes a short article each month. We will put these articles in our Member’s Area for reference as well. This month it is on inspection of accounts...

**Inspection of Accounts**

It’s the time of year when the council’s records are open to scrutiny. Any person interested (including any journalist) is entitled to inspect the accounting records for the financial year and all related books, deeds, contracts, bills, vouchers, receipts and other documents. They are also entitled to make copies of all or any part of those records or documents. However, they are not entitled to see personal data and it is important to ensure that documents such as payroll records, full of tax and bank details, have such information obscured.

The 30-working day inspection period is determined by the council’s Responsible Financial Officer (RFO) but must include the first 10 working days of July. The earliest date the inspection period could start in 2019 was Monday 3 June and the latest is Monday 1 July.

Notice of the inspection period cannot be given before the Statement of Accounts in the AGAR has been approved and signed. Several things must be done to give notice:

The RFO must publish online (on the council’s website, if it has one)—

**1. The Statement of Accounts**, accompanied by either:

a signed declaration, that the statement of accounts is unaudited and may be subject to change; or

that it will not be audited because the council has self-certified itself as exempt, unless there is a request to question the auditor or an objection to the accounts.

**2. The Annual Governance Statement**

**3. A statement** that sets out—

(i) the period for the exercise of public rights;

(ii) how to inspect the accounting records;

(iii) the name and address of the local auditor;

(iv) the rights to inspect and object, set out in Sections 26 and 27 of the Act;

(v) for exempt councils, the rights to inspect in section 25 of the Act;

**People have raised questions about signatures\***. There is a statutory obligation (Regulation 15 (2) and (4) of the Accounts and Audit Regulations 2015) to publish a copy of the signed Statement of Accounts. Where there is a legal obligation to publish something, there is no right to redact signatures.

The signed accounts of over a million organisations are available on the Companies House website and there is nothing unusual about signatures being published.

\*we (OALC) have raised this matter of signatures with NALC and it is on the agenda for discussion by JPAG soon. We will report back, if and when we hear anything.

“The Act” refers to the Local Audit & Accountability Act 2014

# Training and Development

The updated OALC training programme is below. Please note that our popular Planning training has been scheduled for 21st November. This is always popular so don’t leave it until the last minute to book.

Please book your places via the website <https://www.oalc.org.uk/events>

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| date | subject | Half/full day | trainer | location |
| Saturday 6th July  A FEW SPACES LEFT BOOK BEFORE MONDAY | 11. Roles and Responsibilities for new councillors and clerks | full day  **note 9.30am start** | Elizabeth Howlett | Didcot Civic Hall, Britwell Road, Didcot OX11 7JN |
| Wednesday July 17th | 12. Chairmanship skills | Full day | Elizabeth Howlett | Didcot Civic Hall, Britwell Road, Didcot OX11 7JN |
| August |  |  |  |  |
| Wednesday September 18th | 13. Roles and Responsibilities for new councillors and clerks | Full day | Elizabeth Howlett | Didcot Civic Hall, Britwell Road, Didcot OX11 7JN |
| Wednesday  October 2nd | 14. Budgeting and financial management for councillors  15. VAT for clerks (and councillors!) | Half/ morning  Half/ afternoon | Steve Parkinson | Begbroke Science Park, Woodstock Room, Begbroke OX5 1PF |
| Thursday 21st November  NEW | 16. Planning – How local councils fit into the planning system and effective responses to planning applications | Half/ morning | Phil Shaw | West Oxfordshire District Council, Witney, OX28 1NB |

**NALC ANNUAL CONFERENCE & EXHIBITION 2019: BOOK NOW & SAVE 20%**

Early-bird booking rates are now available for the NALC Annual Conference and Exhibition 2019 at the Double Tree by Hilton Hotel in Milton Keynes on 28-29 October 2019. This is the biggest event in the NALC calendar and is now in its fourth year. Book before 31st July and save 20%.

NALC’s Annual Conference and Exhibition 2019 is an essential event for councillors, council officers, county association members and officers as local councils join with other parts of the public sector (including the government and principal authorities), private sector and voluntary sector to discuss the key policy issues of the moment. The event will reinforce the NALC vision that parishes will be the focus of community effort, the natural centres for a range of public activity and service delivery; giving a democratic voice to those communities in the work of other agencies and public bodies. This vision also puts local councils at the heart of building stronger communities in a post-Brexit world, making that critical change in their areas. This will be a brilliant opportunity for councillors, clerks, county officers and members, exhibitors and sponsors to network, share good practice and gain solutions to local issues from a platform which puts local councils at the heart of building stronger communities.

What’s On Offer?

• Dynamic and hard-hitting plenary updates on the latest policy developments affecting local councils (the Secretary of State for Housing, Communities and Local Government is being invited to the event, as is the Princess Royal). There will also be a plenary session about town centre management.

• Practical and relevant workshop sessions offering cutting-edge solutions to the vital issues affecting your councils (sessions will include networking opportunities, sharing good practice, case studies and updates on national lobbying campaigns).

• Workshops will focus on how local councils can build strong rural communities, healthier and safer communities, and successful town centres along with sessions on improving the way councils work and engage with residents.

• A large sector-specific exhibition showcasing services from brilliant organisations who can support your council’s every need.

• Star Council Awards 2019.

For more information about the event and how to book, please click [here](https://www.nalc.gov.uk/our-events/annual-conference-2019)

**Certificate in Local Council Administration (CiLCA) **

**What is it?** [The Certificate in Local Council Administration](https://www.slcc.co.uk/content/level-3-qualification-cilca/525/) is one of the recognised qualifications your Clerk needs to attain if your council want to attain the General Power of Competence or gain recognition via the [Local Council Award Scheme](https://www.nalc.gov.uk/our-work/improvement-and-development/local-council-award-scheme).

**Why bother studying?** All councils should have a positive attitude towards training for both the Clerk and Councillors.There should be a council training budget. The (CiLCA) qualification provides the Clerk with broad knowledge of all the aspects of council work - roles and responsibilities, the law, procedures, finance planning and community involvement. The better the knowledge of the Clerk, the better they are able to advise the council. Legislation is constantly changing, your Clerk is the professional officer of the council and they keep the council on the correct legislative path.

**How can I get the certificate?** Enrol via the Society of Local Council Clerks website <https://www.slcc.co.uk/content/level-3-qualification-cilca/525/> and follow the four steps. It costs £350 to enroll and there is a further similar charge for mentoring to assist you through the work which has to be completed within one year of enrolment. It takes approx. 200 hours to complete the five modules. If you are interested in doing Cilca and receiving mentoring please contact OALC.

The guide to the portfolio and the scope of the work is [here](https://www.slcc.co.uk/UserFiles/File/2017%20-%20Portfolio%20Guide%20final%20new%20cover(1).pdf)

# Vacancies

All vacancies can be found on the [Local News section](http://www.oalc.org.uk/localnews.htm) of the OALC website, scroll down to the very bottom of the page. We do not charge councils to advertise their jobs but we do expect all adverts to provide the basic information in the template we can provide.

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| **Whitchurch on Thames Parish Clerk** |
| **Location:** Work from home |
| **Hours: per week or month** 6-8hours per week |
| Salary is expected to be in the region of £250 to £350 per month, plus expenses, based on an average working time of 6 to 8 hours per week. |
| The Parish Council seeks to employ a home-based, part-time parish clerk, working a minimum of 6 hours per week. The successful applicant will have to organise monthly parish council meetings, support parish councillors, maintain accounts and manage the village hall. A full list of responsibilities is available on request. |
| **Qualities**  - Previous Clerk experience preferred  - Strong administrative skills  - Experience with financial packages  - Proficient with MS Word and Excel  - Knowledge of and passion for parish council related local issues  - Strong interpersonal skills to work with the team of councillors, stakeholders in the village, as well and as representatives from the Oxfordshire County Council (OCC) and South Oxfordshire District Council. |
| **How to apply** Please email your CV and a covering letter to the Chair, Cllr. Jim Donahue,  [cllrdonahue.whitchurchonthames@gmail.com](mailto:cllrdonahue.whitchurchonthames@gmail.com).  **Deadline** 20th July 2019  **Interview date** Interviews will be held after the deadline  **------------------------------------------------------------------------------------------------------------------------** |

**SANDFORD ST MARTIN PARISH COUNCIL – CLERK & RFO**

Working from home plus attendance at evening meetings, usually held 4 times a year.

Approximately 8 hours a month

Salary dependent on experience and qualifications. Previous experience as a Clerk would be an advantage

Job description: The Clerk provides administrative and clerical support to the Council and, as the Responsible Financial Officer, will be required to manage the Council’s finances.

To apply please send your C.V. with a covering letter to: [Sandfordclerk@hotmail.co.uk](mailto:Sandfordclerk@hotmail.co.uk)

Or for further information please email: [sandfordclerk@hotmail.co.uk](mailto:sandfordclerk@hotmail.co.uk)

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| **PARISH CLERK TO LOWER SLAUGHTER PARISH COUNCIL** |
| 3 hours per week variable, working from home |
| Salary will be based on the National Association of Local Councils 2019 scale range LC1 (13-17) Salary: £11.45 to £12.39 /hour  £4 per week is payable for the cost of an office/safe storage area for council documentation. Use of your own car is essential for which an allowance of 45p per mile is payable. |
| The position will include attending Parish Council meetings (typically two meetings every two months), taking and writing up Parish Council minutes, writing letters when requested, updating the Parish Council website and advising the Parish Council in respect of the performance of its statutory duties.  Training is available for all aspects of the clerk's role.  The role will also include liaising with the district and county services when required.  The position is home based apart from attendance at the meetings noted above which are held in Lower Slaughter. A laptop will be provided solely for council use along with other necessary equipment. |
| The council are looking for a proactive team player to work with a supportive and friendly team. The successful candidate will be prepared to deal with a diverse range of issues in a 'hands on' manner and be able to communicate effectively, both orally and in writing, with a wide variety of people, have good numeracy skills and be computer literate.  Applicants do not have to have specific experience as a council clerk but must have several years’ experience in a similar role. |
| **How to apply**  Application forms can be downloaded from the parish website at http://www.lowerslaughter.btck.co.uk/  **Closing Date for Applications Mid-Day - 30th August 2019** |

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| **Name of Council** | **King’s Sutton Parish Council, Northamptonshire** |
| **Job Title** | **Parish Clerk** |
| **Vacancy Statement** | King’s Sutton Parish Council has a vacancy for a parish clerk and responsible finance officer. |
| **Requirements** | Applications are invited from suitably qualified and experienced persons, although training will be offered and enthusiasm to learn will be seen as an alternative to formal qualifications. The parish clerk will be responsible for the administration of the business and finances of the council.  The post includes some evening work and occasional attendance at civic functions. The successful applicant would be expected to have, or be prepared to obtain, CiLCA (Certificate in Local Council Administration). He or she must be computer literate, with good communication skills. Friendly and positive outlooks are essential. |
| **Salary** | Salary scale LC2, SCP 18 - 23,  £24,313 - £26,999 p.a. pro rata (£12.64 - £14.03 per hour) |
| **Hours** | **21 hours per week** |
| **Place of work** | **Parish office at the Millennium Memorial Hall,**  **Astrop Road, King’s Sutton** |
| **Please apply for an Application Form to:** | |
| **Contact** | **Bob Burrell** |
| **Position** | **Chairman, King’s Sutton Parish Council** |
| **Address** | **28 Whittall Street, King’s Sutton**  **near Banbury**  **Oxon OX17 3RD**  **Email :** [bburrell@talk21.com](mailto:bburrell@talk21.com) |
| **Telephone** | **07970 934309** |
| **Closing date for expressions of interest/requests for an Application Form:** | **30 June 2019 – completed Application Form to be returned by 15 July 2019** |