OALC Newsletter

August 2019

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**Vacancies** – page 20

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**Training Programme 2019 book here -**<https://www.oalc.org.uk/events>

* **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**

* Sandford St Martin PC – Clerk
* Northants ALC – training manager
* North Newington PC - Clerk

## Sensible tip of the Month – trees, high winds and risk

At the beginning of the August we experienced high winds and we were asked about council’s responsibilities in windy weather such as should a burial ground with mature trees be shut.

This is a matter of risk assessment and we would advise if you have concerns talk to your insurers and take their advice.

Last year there was a court case after a tree fell on a bus causing an accident, serious harm to the driver and damage to a house despite the parish council concerned carrying out regular tree inspections. Much has been written about this particular case ([Witley Parish Council v Cavanagh](http://www.bailii.org/ew/cases/EWCA/Civ/2018/2232.html) [2018] EWCA Civ 2232) which found that the parish council was liable and whether the case has wider applicability.

The [Local Government Lawyer website](https://www.localgovernmentlawyer.co.uk/property/313-property-features/39228-the-dangers-of-one-size-fits-all-tree-inspection-regimes) wrote this (bear in mind this is aimed at principal authorities):

***“What this means for you*** *- Councils and property owners with responsibility for a substantial number of trees should be fully re-examining their tree inspection regimes (in particular for roadside trees) taking into account the size, type and location of each and every tree and the risk to both people and property in the event of a failure. Any regime that simply involves treating tree stock as a whole, essentially a “one size fits all” inspection policy with no regard to specific risk is likely to be considered insufficient.*

*Both the judgments at first instance and on appeal heavily relied on the Forestry Commission Guide for their reasoning. Whilst it is just one of a host of literature available to landowners providing guidance as to safe practice for those concerned with tree inspection regimes, it is clear that it carried significant weight and it would be worthwhile for landowners to review that guidance and consider whether their policies and procedures are consistent with it – at the very least in relation to the type of tree that we are concerned with here.*

*It is worth bearing in mind that when looking at the adequacy of an inspection regime the fact that a tree appears healthy is largely irrelevant – of greater consideration is whether it is in a high-risk location. It probably also did Witley Parish Council no favours that they had failed to follow previous recommendations providing for inspection every two years when adopting the three year cycle. Good record keeping of the reports for each tree and taking account of advices given is essential.*

*Similarly insurers for their part may, in the light of the outcome of this claim, seek greater detail as to the inspection regime being adopted when providing cover to landowners; generally but also with a special focus on roadside trees.”*

We would suggest that it would be prudent to talk to the company that does the council tree survey and consider whether your council needs to increase the frequency of tree inspections for all trees or just for those considered to be ‘high risk’ or in high risk locations. Good tree surgeons will be aware of this court case and will be able to advise the council as well as your insurers.

## Jan gosset Assistant County Officer - retirement

Jan started work as the Local Council Assistant at Oxfordshire Rural Community Council (ORCC) in 1997. She replaced Trish Redpath, who became the Clerk to Kidlington Parish Council. Her experience as a clerk in Hampshire provided good background knowledge. The office was part of ORCC at Jericho Farm, Worton.

As her hours increased this enabled Jan to expand the training programme which has grown exponentially since the four sessions per year. Jan introduced mentoring for clerks, Master Classes for the clerks to larger councils and has generally been a source of advice and knowledge for clerks, councillors and chairman in Oxfordshire.

In 2007 it was decided to separate from ORCC and for OALC to become an independent unincorporated organisation. This was not an easy task but was successfully accomplished. A new base was found within the offices of South Oxfordshire District Council in Crowmarsh.

The next momentous event in the history of OALC was January 15th 2015. Jan always starts work early and she arrived at Crowmarsh to find the offices of SODC a raging inferno. Unfortunately, the South Oxfordshire DC office was badly damaged by the fire. So Jan and the County Officer, Christine Lalley, worked from their respective homes, with a continuation of service to member councils from the very next day. An insurance claim and search for new premises ensued. In late August 2015 OALC installed itself in a new office in the Town Hall, Wallingford, as tenants of Wallingford Town Council.

Over the 22 years that Jan has worked for OALC the local government world has changed beyond recognition; 22 years of constantly changing legislation. In 1997 lots of councils were still introducing technology, some clerks were still volunteers and GDPR hadn’t been considered. Jan’s knowledge of town and parish councils is without parallel, her unbiased advice to councils and clerks has kept them on the right side of legal for many years although that advice has not always welcome! Jan’s calm and analytical thought processes have untangled knotty procedural problems and helped many, many clerks. She will be very much missed.

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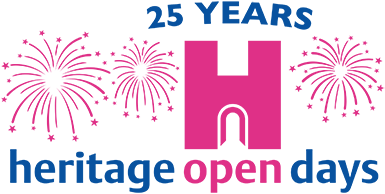
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Oxfordshire Children’s Safeguarding Board (OSCB) is launching a new local [voluntary and community sector webpage](https://www.oscb.org.uk/practitioners-volunteers/voluntary-and-community-sector/) as part of a refresh of its website. The Board has worked with voluntary sector representatives to develop a page which provides a summary of essential resources and tools – linked to relevant areas of their website for further information. The page also highlights current developments and events through a newsletter which is both circulated and posted on the site.

The page is intended to provide easy access to key information for both larger charities and local community groups. This update is just one element in a wider initiative to refresh the Safeguarding Board’s communications.

# Local News

## Heritage Open days

Don’t forget Heritage Open Days is coming up, 13th - 22nd September. Here is the link to properties in Oxfordshire that are opening up: <https://www.heritageopendays.org.uk/visiting/printable-area-lists/laa/Oxford>

## The Alchemical Tree, Mathematics Institute Oxford

In Oxford, in the Radcliffe Observatory Quarter (ROQ) there is an Alchemical Tree designed by artist Simon Periton. It is a symbolic metal tree with scrolls through the branches one of which states:

‘*Democracy is when the people keep a government in check’*

Modus Operandi, who are behind the public art strategy for the Quarter describe the tree thus

'*The Alchemical Tree was inspired by historical images of such trees, symbolising growth, transformation, interdisciplinary collaboration and a quest for knowledge. Periton’s Alchemical Tree – cast from an ash tree in Norfolk – features a golden crown hooked around the trunk, below a series of scrolled banners amongst the tree’s branches and inscribed with texts suggested by departments based within the ROQ*. More information [here](http://www.ox.ac.uk/news/arts-blog/public-art-installed-radcliffe-observatory-quarter)

## Oxfordshire Growth Board meeting cancelled

The Oxfordshire Growth Board meeting originally scheduled for Tuesday 30July has been cancelled.  The next scheduled meeting is Tuesday **24 September at 14:00 at Didcot Civic Centre**.

More information on the Growth Board here: <https://www.oxfordshiregrowthboard.org/> and minutes of previous meetings here <https://www.oxfordshiregrowthboard.org/meetings/>

## Oxfordshire Local Industrial Strategy

The [Oxfordshire Local Industrial Strategy](https://www.oxfordshirelep.com/sites/default/files/uploads/Oxfordshire-SINGLE-PAGE_1.pdf), published by the LEP in June 2019, sets out a plan to deliver growth and prosperity across the county, supporting the objectives of the [National Industrial Strategy](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf) launched by the Government in November 2017.

The National Industrial Strategy is based on five ‘Foundations’ and four ‘Grand Challenges’ that the Government hopes to address. The five foundations are:

* Ideas
* People
* Infrastructure
* Business environment
* Places

This Local Industrial Strategy is framed by Oxfordshire’s ambition to be a top three global innovation ecosystem by 2040. Oxfordshire will achieve this through developing the five foundations of productivity, as set out in the national Industrial Strategy, and by building on the county’s world-leading science and technology clusters.

## Chilterns AONB - new management plan 2019-2023



A new Management Plan for the Chilterns AONB has been launched. The Plan, which has been produced in partnership with a wide range of stakeholders, contains a comprehensive summary of the key issues facing the AONB and the policies and actions that are needed to care for its particular landscapes and character.

The full document is here: <https://www.chilternsaonb.org/conservation-board/management-plan.html>

# National News

## Updated NALC Model Financial Regulations and guidance issued

The NALC Model Financial Regulations have been updated. The previous version was issued in January 2016, these are replaced by the July 2019 version which is now available in the Members Area of our website together with guidance on their use. NALC recommends you read the guidance before and during adaptation of the Regulations to the particular circumstances of your council.

 Please ensure you review and revise your Financial Regulations on a regular basis and ensure they are up to date and fit for purpose.

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The changes from the previous 2016 version are very minor:

1. *Restriction added to Regulation 11.1.a.ii*

*Clarifying disapplication of contract regulations to legal professionals limited to those acting in disputes only – not general legal work.*

1. *Update to limits under Public Contract Regulations – footnote to Regulation 11.1.b*
2. *Minor change to heading Regulation 12*

## The Village Survival Guide - the princes Countryside trust



In 2018, over 500 community led projects were recommended to The Prince's Countryside Fund as a result of our Recharging Rural research.

That's why the Trust has decided to publish The Village Survival Guide. Based on the lived experience of rural residents from all across the UK, this book will help communities to tackle a multitude of issues and make sure that their community will thrive in the future.

Featuring advice from experts, as well as the stories of those who've made a real difference in their rural community, The Village Survival Guide will help you get your community up and running.

More information [here](https://www.princescountrysidefund.org.uk/research/village-survival-guide)

## Could you help shape the future of UK democracy?

Next year, you could receive a letter through the door inviting you to take part in an exercise aimed at healing the rift between citizens and their elected representatives.

A recent poll by the Hansard Society found that 63% of people feel the UK's system of government is rigged to the advantage of the rich and powerful. And 47% of those questioned believed they had no influence at all over national decision-making.

In an attempt to remedy this, the Citizens' Convention on UK Democracy is preparing to launch a two-year nationwide exercise, asking the public to come up with ideas to change how UK politics works.

Members of the public will be invited to consider ideas such as how politics is financed, how we vote for our politicians, House of Lords reform and English devolution.

The project hopes that, at the end of the process, political parties will promise to take on the convention's recommendations.

The BBC article is here <https://www.bbc.co.uk/news/uk-politics-49130520> and there is more on the Kings College, London website here <https://www.kcl.ac.uk/political-economy/research/research-groups/centre-for-british-politics-and-government/citizens-convention-on-uk-democracy>

## Local government pay 2020

On 24 July the National Employers (LGA) met with the trade unions and received the 2020 pay claim. The unions’ claim is for a 10 per cent pay increase on all pay points and a minimum wage of £10 per hour for SCP 1; a one-day increase in annual leave; a two-hour reduction in the standard working week and a review of workplace stress and mental health.

NALC’s Management Board will be considering making representations on the pay claim at its meeting on 9 September, and if you have any views please let [jonathan.owen@nalc.gov.uk](mailto:jonathan.owen@nalc.gov.uk) have them by then.

## 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!**

## Use of stock images on THE COUNCIL website

NALC has been alerted to an email doing the rounds from a body claiming to act for copyright holders and demanding money from councils for their use, without permission, of images belonging to the copyright holder. The email says that removing the image from a website is not enough.

NALC has advised councils to notify their insurers if they receive such an email, the insurers can advise as to how the council should proceed.

NALC also urge councils to only use copyright free images.

## Tree Charter day– 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.

## Nalc election survey

Following the May elections NALC is undertaking qualitative and quantitative research into the experiences of clerks and councillors of the election. NALC will be trying to gain a broad range of information on contested/uncontested elections; numbers of vacant seats; motivation for running for office, use of election materials; how elections were promoted in your community etc. etc.

The data gathered will be placed in a wider context and it is hoped will give a national picture of town and parish elections in England. It is intended that the information will be used as a springboard to promote the next elections and encourage more people to stand for election.

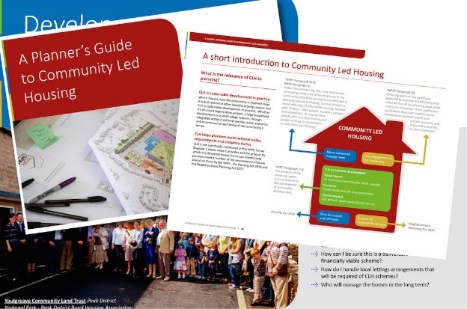
NALC would love to see all councils and councillors complete these surveys. If your council didn’t have elections in May PLEASE IGNORE THE SURVEY

Here is the link to the survey for **clerks** to fill in: <https://www.surveymonkey.co.uk/r/GC5TVYF>

Here is the link to the survey for **councillors** to fill in: <https://www.surveymonkey.co.uk/r/GHKRX5J>

The closing date is 27th September.

## The Planners Guide to Community Led Housing (CLH)

The purpose of this guide is to provide planners with the knowledge and confidence to devise policies and adopt development management practice that supports CLH delivery. There are key learning points for Neighbourhood Plans (page 11) and a short introduction to Community Led Housing that covers: 

* What is CLH
* The forms of CLH
* What type and tenure of homes will CLH provide
* How is CLH funded
* Who develops the homes
* Who manages the homes
* What makes a sound CLH proposal

The guide can be found [here](https://communityfirstyorkshire.org.uk/plannersguide/wp-content/uploads/2019/07/190709-Planners-Guide-to-CLH-FINAL.pdf)

## The Housing Delivery Test – how is your principal authority doing?

The Housing Delivery Test (HDT) was introduced to ensure local authorities are held accountable for their role in ensuring new homes are delivered in their area.

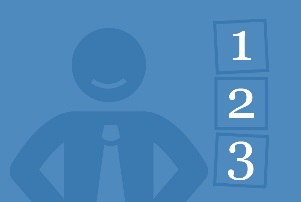
The HDT measures net additional dwellings provided in a local authority area against the homes required, with the method for calculating the figure for the HDT being set out in the [Housing Delivery Test measurement rule book.](https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book) Local planning authorities that fail to meet delivery rate target of 95% are required to submit an action plan to address under delivery.

The good news is that all Oxfordshire councils scored above 95% so do not have to submit an action plan

|  |  |  |  |
| --- | --- | --- | --- |
|  | Housing no. required | Housing no. delivered | Housing Delivery Test measurement |
| Cherwell DC | 1,677 | 3,914 | 233% |
| Oxford city | 1,266 | 1,247 | 99% |
| South Oxfordshire DC | 1,253 | 2,246 | 179% |
| Vale of White Horse DC | 1,305 | 4,357 | 334% |
| West Oxfordshire DC | 1,279 | 1,313 | 103% |

Source: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779711/HDT_2018_measurement.xlsx>

## New ICO guidance

The Information Commissioner’s Office (ICO) has published more advice for parish and town councils, in response to prolonged pressure from NALC for continued sector-specific guidance.

The ICO’s senior policy officer, Stacey Egerton, has blogged about [three top issues for town and parish councils](https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2019/08/blog-three-top-issues-for-town-and-parish-councils/?utm_source=Members&utm_campaign=b528c910d2-EMAIL_CAMPAIGN_2018_06_08_03_15_COPY_01&utm_medium=email&utm_term=0_206970988f-b528c910d2-323671257&mc_cid=b528c910d2&mc_eid=2593660dc7) and their new bite-sized resources to reflect these issues - a fact sheet on the use of personal devices, data audit and retention resource pack, and six steps to data sharing in local councils. Also pleasing is Stacey’s recognition of growing confidence among councils and evidence of good practice, but she also highlights there is still more to do. NALC is meeting with the ICO over the next few weeks and will be discussing this latest guidance and further support to help councils with data protection.

## HMCLG: By Deeds and their results: how we will strengthen our communities and nation

On 20th July the Ministry of Housing, Communities and Local Government [published its vision](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819477/MHCLG_Communities_Framework_Accessible.pdf?_ga=2.95583644.1033415332.1566891076-1152155170.1553591250) for stronger communities, why communities matter, what strong communities look like, and what government and partners can do to support their creation.

The Ministry of Housing, Communities and Local Government’s communities framework - sets out 4 pillars that will shape their future work across government to strengthen communities, focused on supporting:

* trust, connectedness and local pride – where people feel a sense of pride and connectedness with their local area
* active citizenship and local control – where people are active in their communities and have more control over decisions about their local areas
* shared community spaces - where sustainably-run and inclusive spaces are available for people to come together, including parks, community centres, libraries, pubs, and high streets
* shared prosperity, with no community left behind - where strong communities help create a thriving and inclusive economy

Publishing the document marks the next step of an ongoing conversation with communities and partners that will shape the department’s future activity. This will include:

* Holding a national conversation with communities across England which will start after the UK’s departure from the EU
* Establishing a series of Civic Deal pilots
* Publishing a Communities White Paper

NALC were one of the organisations on the Communities Partnership Board which helps to inform government policy on communities. So town and parish councils do get several mentions in the active citizenship and local control section.

“*We want all citizens, regardless of income or background, to have opportunities to be active in their communities, and to have more control over decisions that are made about their local areas. However, currently only a quarter of people (26%) say they can influence local decision making, while more than half would like to be more involved in local decisions – a proportion that has increased year on year from 47% in 2014/15 to 54% in 2017/18.*

*We believe in localism and want to encourage more meaningful involvement for communities in decision making. This includes championing ‘onward devolution’ that puts power in the hands of communities and seeks to expand the opportunities available for local community control.* ***We want to build on existing civic infrastructure and models of local accountability and democracy, including exploring opportunities to strengthen the role of parish and town councils****. We also want to make the most of emerging digital platforms, and the opportunities they present for citizen participation and the coordination of local action in areas.*

*Currently, the Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media and Sport are supporting three local authorities (principal authorities) through the* [*Innovation in Democracy Programme,*](https://www.gov.uk/government/publications/innovation-in-democracy-programme-launch) *opening up issues in the area to their citizens through deliberative democracy and online engagement*

*The* [*Civil Society Strategy*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732764/Executive_summary_-_Civil_Society_Strategy.pdf) *sets out an ambitious vision to strengthen volunteering and encourage active and mobilised citizens, and there is a range of activity currently underway to support this. For example, the Department for Digital, Culture, Media and Sport’s* [*Community Organisers Expansion Programme*](https://www.corganisers.org.uk/news-blog/massive-expansion-of-community-organisers-programme/) *is training 3,500 people in community organising across England by March 2020, helping to bring people together to act on local issues supported by a new National Academy of Community Organising and Social Action Hubs across the country.* [*The Place Based Social Action Programme*](https://www.tnlcommunityfund.org.uk/funding/programmes/place-based-social-action)*, jointly funded by the Department for Digital, Culture, Media and Sport and the National Lottery Community Fund, is also investing £4.5 million over seven years to support local partnerships of community groups, residents, local councils and service providers to address issues through collective community action.*

Section 3 of the document is entitled **How we will take this forward**. In addition to the future activity outlined in the three bullet points above the government says it will:

* Work with local government to share best practice and further strengthen their role in supporting communities.
* ***Champion the important work of parish and town councils****, including updating and strengthening Community Governance Review guidance to support the creation of new parish, town or community councils where local communities wish to establish them.*
* *Help support a sustainable social sector, working with the Department for Digital, Culture, Media and Sport to build on the Civil Society Strategy and recognise the contribution that the social sector makes in local places.*
* *Work with Business in the Community and their Place Leadership Team to help deliver against the principles set out in this document and explore how government and business can work together to build thriving communities in which to live and work.*
* *Encourage community involvement in Business Improvement Districts including considering the option of appointing a community representative to their boards, alongside options for promoting community engagement and involvement.*
* *Support delivery of the next phase of the Loneliness Strategy, to help connect communities and reduce loneliness.*
* *Establish design principles and guidance for planning new homes and places that put communities and community involvement at their heart.*
* *Take action to address unfair segregation in housing developments and promote integrated and socially cohesive communities, working with the industry and local planning authorities to implement the National Planning Policy Framework.*
* *Strengthen community involvement in local placemaking, including providing continued support for communities to shape the future growth of their areas through neighbourhood plans.*
* *Support volunteering, by working with the Department for Digital, Culture, Media and Sport to implement the commitments in the Civil Society Strategy.*
* *Set a standard for community involvement across all departmental policies, and champion this standard across government.*
* *Explore opportunities to strengthen community ownership of local assets, and make it easier for communities to take on the ownership and running of local assets*

# consultations

## Oxfordshire Minerals and Waste Local PLAN - Revised Statement of Community Involvement

## runs from Wednesday 24th July to Wednesday 2nd October 2019

The County Council wants to make sure that everyone within an interest in Minerals, Waste and County Council developments within Oxfordshire has the opportunity to be actively and meaningfully involved.

The Oxfordshire Statement of Community Involvement sets out how the County Council will engage with and involve people and organisations in the preparation of the Minerals and Waste Local Plan and in the consideration of planning applications for Minerals, Waste and County Council developments.

The current Statement of Community Involvement was adopted by the County Council in 2015. Following some recent changes in planning laws and procedures, the Council has decided that the Statement of Community Involvement should be reviewed and updated.

The County Council is now consulting on a draft revised Statement of Community Involvement. Anyone who is interested can make comment and give us their views. To make it easier to see where changes have been made from the current Statement of Community Involvement, we have underlined or deleted where amendments have been made.

The draft revised Statement of Community Involvement and response form can be viewed and downloaded at: <https://www.oxfordshire.gov.uk/cms/content/new-minerals-and-waste-local-plan>

It is also available to view at Oxfordshire County Council, County Hall, Oxford, OX1 1ND and libraries across Oxfordshire. If you have difficulty accessing the consultation document or obtaining a response form, please contact the County Council using the details below.

If you would like to make comments, please complete a response form and send it to us:

E-mail to: [mineralsandwasteplanconsultation@oxfordshire.gov.uk](mailto:mineralsandwasteplanconsultation@oxfordshire.gov.uk)

Paper copy to: FREEPOST OXFORDSHIRE COUNTY COUNCIL

If you are sending a response to the FREEPOST address, please make sure you write “MWPlans” in the top left hand corner of the envelope to make sure it reaches the County Council. If you are unable to use the response form, you can send your comments by email or letter and they will be still considered.

Following this consultation, the County Council will review and consider all the responses received and make any appropriate further changes to the Statement of Community Involvement. The County Council is aiming to adopt the revised Statement of Community Involvement by the end of 2019. It will then be published on the Council’s website and will replace the current Statement of Community Involvement.

Minerals and Waste Policy Team, Direct Line: 07741607726 [mineralandwasteplanconsultation@oxfordshire.gov.uk](mailto:mineralandwasteplanconsultation@oxfordshire.gov.uk)

## Oxfordshire Cycle survey 2019

This survey supports the production of the first “local cycling and walking infrastructure plans” (LCWIPs) for Oxford, Bicester and Didcot. LCWIPs will set out a cycle network for each town and will identify what improvements are needed to make the cycle network more attractive to existing and future cyclists.

The survey will help the County Council understand:

* Cyclists’ choice in terms of road types and paths
* Factors (gender, age, cyclist experience) that affect cyclists’ choice
* Problem locations for cyclists

The information will be used to identify and prioritise improvements to the cycle network. It is planned that the LCWIPs will be included in the new Local Transport & Connectivity Plan, which is due to be adopted by the County Council in spring/early summer 2020. Note that LCWIPs are forward plans to be implemented over the next 10 years (depending on funding).

The County Council is also interested in the views of cyclists in areas outside Oxford, Bicester and Didcot. Responses given for other areas will be used in developing cycling proposals for those places. However, there are no immediate plans to produce LCWIPs in other areas.

The consultation is [here](https://consultations.oxfordshire.gov.uk/consult.ti/Cyclesurvey2019/consultationHome?fbclid=IwAR2hIUvPdctoVzb3fDH49tDNWE4B85s9C5oak4OiEz8dj1mi_5UMTgnRZ9s) on the County Council consultation web page, it closes on the 6th September.

## NEW - Independent Review Into Local Government Audit

Sir Tony Redmond is undertaking an [independent review](https://www.gov.uk/government/publications/review-of-local-authority-financial-reporting-and-external-audit-terms-of-reference) into local government audit.  The Ministry of Housing, Communities and Local Government (MHCLG) is providing the secretariat for this work.  The review will make its initial recommendations to the Communities secretary in December 2019 and a full report will be published in March 2020.

The remit of the review is to assess the arrangements in place to support the transparency and quality of local authority financial reporting and external audit including those introduced by the Local Audit and Accountability Act 2014. The Review will not look at broader issues of local authority finances and sustainability.  NALC is minded to reiterate some of its main recent positions on audit in its response and submissions (there is likely to be a formal call for evidence this Autumn) – and will include feedback from the sector on its experiences on how well or otherwise the transparency and audit changes introduced by the Local Audit and Accountability Act 2014 have bedded in:

1.     NALC want to support the continued principle of audit proportionality (i.e. a lighter-touch for smaller bodies) and of **safeguards to contain excessive fees brought about by habitual (local resident) audit complainers**;

2.    In the National Audit Office (NAO) Code of Practice there should be the inclusion of a principle relating to proportionality in respect of smaller authorities, especially where the authority has an annual budget / turnover below £25k and is potentially exempt (i.e. smaller and subject to the Smaller Authorities’ Transparency Code).  The local councils with annual budgeted incomes of less than £25k per annum will need further support in terms of ensuring complete compliance with the transparency requirements of the Act;

3.    The Review **needs to be aware that to a smaller local council the costs of an audit investigation could cost more than the council’s annual precept**;

4.    MHCLG and NAO should in our view work with NALC and the local council sector in the future to consider the need to revise upwards the financial turnover audit and accounts threshold of £6.5 million for the largest spending local councils in England; &

5.  The 2014 Act is still very new, is largely working and stability for this reason is needed to give the main changes from 2014 a chance to bed-in.

NALC is additionally interested in your views on the effectiveness and consistency of current internal audit arrangements.  Wherever possible it would be very helpful to NALC if county associations of local councils and local councils could please provide case study examples to support their views.

NALC will be responding to the review questions below and is interested in the sector’s views:

1.     Have audit standards been maintained or improved, and not been compromised?

(a) In particular we are interested to hear from local (parish and town) councils as to why / how they think audit standards have been maintained and not comprised (or otherwise).

2.    Is there an ‘expectation gap’ in what external audit provides? What is the nature of the gap and how can it be filled?

(a) In particular we are interested to hear from Super Councils as to whether they think they are likely to exceed the £6.5 million ceiling threshold for the limited audit regime in the next three years.

3.    Are auditors properly responding to questions or objections by local taxpayers?

**(a) In particular NALC is interested to hear examples of councils suffering repeat vexatious local objections to their accounts from their residents.**

4.    Are audit recommendations effective in helping local authorities to improve their financial management?

(a) In particular we are interested to hear from local councils as to whether they think current internal audit arrangements for their council are strong enough with examples.

5.             Does the financial information provided in local authority accounts facilitate scrutiny by local taxpayers and by the local press?

(a**) In particular NALC would be interested to hear examples from local councils which have had to pay excessive audit fees to cover the costs of an audit investigation and where these fees have been in excess of the council’s annual precept.**

Please email your responses to this review to [Claire.Goldfinch@nalc.gov.uk](mailto:Claire.Goldfinch@nalc.gov.uk) by 17.00 on 18 October, 2019.

# Employment Briefing

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.

This month we have lots of holiday reading -

* 1. **What to do if the Clerk simply walks out**

The end of an employment relationship can be difficult, and it is not unusual for both parties to want to get things resolved and out of the way. Furthermore, if an employee has another job lined up, it would not be surprising if they left before working all of their notice period.

Clearly failing to work a notice period breaches the relevant term of an Employment Contract. However, most councils would normally bite the bullet, and let the employee go, rather than pursue a legal claim for breach of contract in Court, which could cost more than any benefits which could be achieved.

However, in the case of a Clerk, or other senior staff such as RFO, the damage caused by the employee’s swift departure can be catastrophic. Many councils request a 12-week notice period from such employees, in the hope that this will provide sufficient time to conduct a comprehensive handover, and possibly recruit a replacement before the Clerk leaves. However, such plans can quickly go out of the window if Clerk leaves early.

In such circumstances, councillors can find themselves struggling to keep the ship afloat, whilst feeling completely in the dark as they haven’t got all the information they need. This problem can be further compounded if the Clerk was home based, and there have been difficulties getting the Council’s files and other information returned.

Clearly, this will prove costly for the Council.

Such a dilemma was tested in the Supreme Court *(Societe Generale (London Branch) v Geys [2012])* who ruled that termination of an employment contract only becomes effective when both parties accept it. If the Council hasn’t accepted the Employee’s early departure, and expects them to comply with the Contract’s notice requirements, it could apply to the Civil Courts for an injunction against the employee, and apply for a reimbursement of expenses incurred by the Clerk’s breach of contract. The key issue for the council is to decide if the costs incurred in pursuing litigation would be outweighed by the benefits of winning the case.

* 1. **Proposal to make Flexible Working Opportunities Compulsory for Employers**

The Flexible Working Bill, which was introduced to Parliament on the 17th July, proposes making all jobs flexible, and requires all employers, including councils, to provide a predefined list of flexible working arrangements for staff.

Currently all employees with six months continuous employment can request a change to their working hours, but a council is able to turn the request down for specific reasons.

The declared aim of the new Bill is to help close the gender gap, assist parents with childcare, and make work more attractive to people who have to balance caring and other domestic commitments. Conservative MP Helen Whatley, who is proposing the Bill, believes that it will “*bring together best practices, to create a more productive workforce*”.

However, the Bill is also seen by some as a means of increasing the pool of available workers, to address a reduction caused by the loss of workers from the EU.

Many employers of small organisations have expressed concern as to what constitutes ‘best practice’, and wonder if it can be achievable for their business. For parish councils, what is considered to be ‘best practice’ at District and County Council level, may be beyond the resources and capabilities of a much smaller council.

Currently, councils, along with other employers, can turn down requests for flexible working if it would cause damage to the council’s performance, incur unreasonable additional costs, reduced service to the community, or the council is unable to find a replacement worker. The new Bill proposes to remove that refusal option, and instead require the council to produce a list of workable flexible options for the employee to consider.

* 1. **Workers Will Be Able To Demand Regular Hours Are Written Into Contracts**

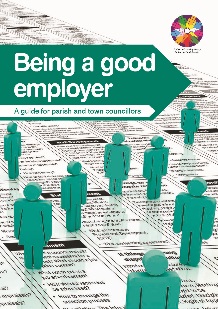
The Government is also examining proposals for workers who work variable hours to be given the right to change their contract to more accurately reflect the hours they actually work.

Council workers such as casual staff on zero hours contracts could have the right to insist that their contracts are amended to reflect what they actually do. The same could apply to part time employees who routinely exceed their contracted hours.

If a worker on a zero hours contract actually works regular hours each week, and has an expectation of doing a given amount of weekly hours based on custom and practice, they will be able to require the Council to amend their contract to reflect the true picture. As a result their written terms and conditions would change from zero hours to regular weekly hours, or guaranteed minimum weekly hours.

Should a Council refuse to change the employment contract, they would be required to justify their decision in the Employment Tribunal,

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 -

**Sports bookings**

Local councils have wide ranging powers to provide sports related facilities. Where they hire out facilities for playing sports, councils are not operating under a special legal regime that is different from the private sector, so the hire is a business activity for VAT purposes.

Sports facilities are premises designed or adapted for sport or physical recreation, such as swimming pools, football pitches, dance studios and skating rinks. Ordinary halls with floor markings are not regarded as sports facilities. However, if halls are hired with equipment such as racquets and nets, the whole hire is treated as a letting of a sports facility.

The letting of sports facilities (for example, for a 90-minute game) is normally a standard-rated (20% VAT) taxable supply. Where changing facilities are provided, these should not be treated as a separate hire, but as part of a single supply of sports facilities.

Hiring a sports facility for periods longer than 24 hours is VAT exempt, where the hirer has exclusive control throughout the letting period. Hire of halls and rooms that do not qualify as sports facilities is also VAT exempt.

Blocks of 10 or more sessions of the same sport/activity, at the same site are exempt from VAT, provided that certain conditions are met:

1. the facilities must be let for a series of 10 or more sessions,
2. to a school, club, association or a body representing them such as a local league,
3. the interval between sessions must be at least 24 hours but not over 14 days,
4. the hirer must have exclusive use of the pitch/lane/court/pool and
5. there must be written agreement to pay for the whole series, regardless of use.

* Different pitches/lanes/courts can be used on different days, but they must be at the same establishment and for the same activity.
* Provision for a refund, in the event of unavailability if the facility, does not invalidate the block booking. Payment can be made by installments.

Where a VAT registered council has made an Option to Tax, all exempt sports hire becomes taxable and VAT must be charged.

Where a council makes taxable sales, it may need to register for VAT, if the VAT on the council’s charges would be more than £1,000 during the financial year. Councils that are not VAT registered, but provide taxable services in return for payment, are not entitled to reclaim VAT on costs (such as pavilion repair or line marking) relating to those services.

Councils that charge for VAT-exempt services can only reclaim VAT on the costs involved if the VAT is less than £7,500 in the financial year. Such councils should take advice before implementing any major projects on their facilities.

# Training and Development

## OALC Training programme

The OALC training programme is below. Please note that our popular Planning training is 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>

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| date | subject | Half/full day | trainer | location |
| 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 |

## Other training and conference opportunities

**NALC Annual Conference & Exhibition 2019 – Book Now!**

Double Tree by Hilton Hotel, Milton Keynes, 28-29 October 2019

NALC’s Annual Conference and Exhibition 2019 is an essential event for anyone interested in the role of local councils in strengthening their communities. So join them and other parts of the public, private and voluntary sectors to discuss the key policy issues of the moment.  There will be exciting workshop sessions on rural issues, youth engagement, council communications, cybercrime, invest to save, loneliness, health and wellbeing and the comprehensive spending review (with more to be confirmed).  There will also be prominent keynote speakers, a full exhibition catering for your council’s needs, the [Star Council Awards](https://www.nalc.gov.uk/our-work/star-councils-awards) dinner and prize giving, as well as a networking drinks reception!

[Click here](https://www.nalc.gov.uk/our-events/annual-conference-2019) to book and for more information!

**Congratulations to Joanna Myers, Clerk to Milton (Abingdon) Parish Council on attaining Cilca. Well done, Joanne!**

**Qualifications for your Clerk:**

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1. **Introduction to Local Council Administration (ILCA)**

This level 2 online sector specific learning tool is designed to support all new council officers in in their roles in the first few months of employment, as well as those aspiring to go on and complete their level 3 CiLCA qualification. The aim of the course is to provide an introduction to the work of a local council, the clerk and its councillors.

More information here: <https://www.slcc.co.uk/content/level-2-qualification-ilca/457/>

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

**Why should your Clerk under take CiLCA?**

[CiLCA](https://www.slcc.co.uk/content/level-3-qualification-cilca/525/) helps the Clerk become more aware of the law and procedures for local councils and helps the Clerk understand the planning system. It checks that the Clerk can manage the council’s activities, its finances and community engagement. In England, a CiLCA-qualified clerk can help the council gain the General Power of Competence and the Local Council Award Scheme. CiLCA helps your council achieve standards of good practice and builds the reputation of local councils in a fast-changing world**. The better your Clerk, the better your Council.**

**What is CiLCA?** CiLCA is like an A-level; it’s a Level 3 qualification tailored for the officers of local councils.

**Who can take CiLCA?** Any officer who needs to know how local councils work can take CiLCA. Councillors can take it too.

**How does CiLCA work?** To prepare for CiLCA, clerks should attend recognized mentoring. This provides both the knowledge that you need and guidance on completing the assessed tasks. You put together a portfolio of work for 30 activities, it takes approx. 200 hours of work. Some tasks involve writing an explanation, while others ask for notes accompanying council documents. There are five units covering:

* Core Roles in Local Council Administration
* Law & Procedure for Local Councils
* Finance for Local Councils
* Management for Local Councils
* Community Engagement

**How can the council help?** As an employer, the council should support the Clerk; it is encouraged to

* Pay all costs (£350 for registration + similar amount for mentoring). The investment is rewarded from the outset.
* Manage your workload. Too many demands can hinder your achievement.
* Provide and protect study time if your hours allow it. It’s worth preventing delay.
* Show an interest in your progress. This is encouraging and demonstrates support.
* Listen to your advice. The aim is to improve the council’s performance

More information here: <https://www.slcc.co.uk/content/level-3-qualification-cilca/525/>

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| **The next SLCC mentoring session begins on 9th September, it will be at Bicester Town Council offices; more information and booking here** [**https://www.slcc.co.uk/course/cilca-portfolio/53/**](https://www.slcc.co.uk/course/cilca-portfolio/53/) |

1. **Community Governance**

An advanced qualification for local council officers who work with local communities. The qualification has a number of benefits including being:

* Unique - targeted at local council officers
* Flexible - allows for specialist topics to be studied facilitating work-based learning
* Part-time - allows students to get a qualification while they work and features three 24-hour study days each year
* Supportive - student support is offered throughout the course in the form of an online learning environment, as well as a professional, experienced teaching team

Students can gain a Certificate of Higher Education (CertHE): Community Governance (Level 4), Foundation Degree: Community Governance (Level 5) or BA Hons: Community Governance (Level 6).

SLCC is providing the Community Governance course through De Montfort University (DMU).

More information here <https://www.slcc.co.uk/content/higher-education-community-governance/39/>

# 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.

**Northamptonshire ALC – Training Manager**

Northants CALC, which is the membership organisation for parish and town councils in Northamptonshire, has a vacancy for a full time, permanent **Training Manger** to lead and develop its training programme. This is an exciting opportunity to join a small busy team and to make a real difference to local government in the county.

Location: Litchborough, Northamptonshire, NN12 8JB

37 hours per week (flexible) Involves evening and some weekend work

£28,270 - £30,100 plus 8% pension contribution Permanent contract

The closing date for applications is **12 noon on Monday 9 September 2019**.

Full details available at: <https://www.northantscalc.com/uploads/tm-job-advertisement-july2019.pdf>.

**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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| **North Newington Parish Council**  **Parish Clerk**  **Location:** The new clerk will be required to work from home plus attend  monthly evening Parish Council meetings, usually the 1st Tuesday of each month,  excluding August.  **Hours:** The role is for approximately 3 hours per week and attracts a salary of  £9.743 per hour (LC1 SCP 19) starting point depending upon experience and  transferable skills  **Specific responsibilities:** The clerk provides administrative and clerical  support to the council and duties include managing the meetings of the council  including preparing the agenda, taking minutes, monitoring actions and  decisions, managing communications with councilors, other organisations and  the public.  To apply please send your CV with a covering note to the clerk at: [northnewingtonparishcouncil@gmail.com](mailto:northnewingtonparishcouncil@gmail.com)  Or for further information or an informal chat please call the clerk, Elaine  Boswell on: 01295 738803 |