OALC Newsletter

MAY 2020

# The headlines

**WELL DONE CLERKS!**

**Latest Corona Advice READ THIS -** page 2 –Corona Virus

**OALC** – page 3 AGM July cancelled

**LOCAL NEWS - District Cllrs Covid 19 grants** – page 4 - 6

**Oxford Direct Services** – page 4

**Corona Honours** – nominate someone - page 5

**CFO’s community work** – page 5

**Oxfordshire Growth Board** - page 6

**NATIONAL NEWS – Expressway** – page 7

**Corona financial impact survey** – page 8

**Returning to work – safely** page 11

**Remote Council Meetings** – IMPORTANT – page 18

**Pay Negotiations and Home working allowance** –page 21

**New Draft Code of Conduct coming soon** – page 21

**Financial briefing –** public inspection of accounts – page 14

**Employment briefing – various** – page 23

**OALC Training programme**– page 26 – watch this space

**Vacancies – none this month**

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**Training Programme 2020** <https://www.oalc.org.uk/events>

Bookings for events in March, April and May have been refunded if you have provided us with the council bank details.

The Neighbourhood Planning training scheduled for 3rd June has been converted to online and is fully booked.

Chairmanship skills 15th July has been converted from face to face to online. We will contact those that have already booked.

We will consider how best to carry out our planned autumn training events as the lockdown evolves.

## Well Done Clerks!

It is a massive understatement to say that we are living through unprecedented times. Many of the familiar ground rules have gone out the window. But the clerks in Oxfordshire have done a magnificent job, they deserve absolute credit and praise for keeping parish councils going through this pandemic. Many have gone above and well beyond what is written in their job contract to help their communities.

This is a new and different world that we are all coming to grips with, please support your clerk (from a suitable social distance) as they figure out the etiquette of on line meetings and many other strange new features of life as lockdown eases a little bit.

Be kind, life is stressful because it is uncertain. Rudeness, petty criticism and impatience don’t help anyone at the moment, or at any time. Well done Clerks!

## latest corona virus advice

## please go to local news section of OALC website for all the weekly briefings <https://www.oalc.org.uk/local-news>



**PLEASE read this section and check the latest** [**central government guidance**](https://www.gov.uk/coronavirus) **as it is constantly evolving**

In summary as of today (29th May 2020) the situation for town and parish councils is:

1. Indoor physical meetings of more than 2 people are not allowed. Outdoor meetings, in parks or private gardens, of up to 6 friends or relatives will be allowed from Monday 1st June
2. The legislation for allowing virtual meetings is here <http://www.legislation.gov.uk/ukpga/2020/7/contents/enacted/data.htm>
3. The Regulations on virtual meetings – [The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (No.392)](http://www.legislation.gov.uk/uksi/2020/392/contents/made) came into force on 4th April 2020. All member councils have received NALC briefing L01-20 explaining what the Regulations mean in practical terms.

**The Regulations apply to town and parish council meetings until 7th May 2021. Although the lockdown is easing meetings or more than 2 people are still not allowed.**

 **Your council should now be meeting virtually rather than physically**

1. Check your district council website and the County Council’s too <https://news.oxfordshire.gov.uk/coronavirus-information-from-the-government/>
2. Guidance on access to parks and play areas has been previously circulated but as the opening up of sports facilities begins please reference to the latest government guidance. Play areas and outside gyms remain closed.

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-phased-return-of-sport-and-recreation/guidance-for-the-public-on-the-phased-return-of-outdoor-sport-and-recreation>

1. **Be careful**. A lot of town and parish councils are very enthusiastic to set up schemes to help vulnerable people who may be isolated in their community. While commendable please think what powers you might be using, Sec 137 is the most appropriate power but this should not be used for the benefit of individuals. The council would probably be better giving a grant to an existing organisation to enable them to use it as appropriate and probably in a way that the council would not be able to.
2. **Re-opening High Streets Safely fund**

The Reopening High Streets Safely Fund is providing £50 million from the European Regional Development Fund (ERDF) to councils across England to support the safe reopening of high streets and other commercial areas. The guidance provides details of the activities that can be supported through the Fund and an overview of how it will be administered, as well as key ERDF contractual requirements.

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887244/Reopening_High_Streets_Safely_Fund_-_Guidance.pdf>

## OALC news

1. **Subscription invoices**

Thank you to the vast majority of councils that have paid their subscription invoices which were sent out in late February. For those that have not received it in the post (please ask for a copy to be sent to your clerk), for those that have lost it down the back of the sofa (please ask for a copy to be sent to your clerk), for any other reasons or excuses please let us know because we all need cheering up at the moment.

1. **The OALC AGM scheduled for 6th July has been cancelled**. All member councils will be supplied with the Annual Report and Accounts as usual.

## Oxfordshire County Council



Refer to the County Council website for their latest information – updated on a daily basis and their specific Covid-19 webpage <https://www.oxfordshire.gov.uk/council/coronavirus-covid-19> . It covers waste recycling centres, schools and information on all the services the County Council delivers.

<https://news.oxfordshire.gov.uk/coronavirus-information-from-the-government/>

# Local News

## Councillor covid grant scheme – SODC and vale

Each South and Vale District Councillor has up to £2,000 to make discretionary grant payments to community groups and other appropriate organisations that are directly responding to the Coronavirus pandemic in their ward. Please contact your district councillor directly or email grants@southandvale.gov.uk

## Oxfordshire All in

Oxfordshire All In is a tool for all groups and organisations in the county to help coordinate community responses to Covid-19.

Oxfordshire All In <https://www.oxfordshireallin.org/> offers tools and resources to you and your parish council, including:

* a Response Map – there are now 400+ support groups mapped across the county <https://www.oxfordshireallin.org/local-support-groups>
* FAQ’s covering DBS, Volunteer Safety, GDPR and Safeguarding
* Resources by Individuals, by groups, by areas <https://www.oxfordshireallin.org/resources>

## Oxford Direct Services

A Clerk drew our attention to Oxford Direct Services as a local company which may be interested in tendering for parish council work. We do not endorse it but merely bring its existence to your notice.

ODS has existed for many years, born out of the need to maintain Oxford City Council's housing stock, parks and streets. It was formally established in 2012 to serve the community's needs and provide commercial services where capable.

In 2018, ODS was made a wholly owned company by its sole shareholder, Oxford City Council.

Becoming a separate entity opened ODS up to new possibilities and ambitions. We are building more homes and maintaining streets, parks and properties. We are constructing more highways and buildings. We are providing more managed services, repairing vehicles, conducting MOTs, recycling waste, controlling pests and removing trees. We are removing trees. We are working for more local authorities, businesses, schools, universities and residents now across the county.

We create social value – through the services we deliver directly to residents and through the excellent commercial services we provide to businesses, institutions and other local authorities.

Our commercial customers are reassured to know that many of our people have unrivalled expertise in their fields and have probably seen more and done more than most of our competitors ever will.

But we are still hungry to find new, better ways of doing good for our communities and customers, sustainably and in a cost-efficient way.

More information on their website -<https://www.odsgroup.co.uk/>

## Cherwell DC Councillor Covid Fund

In the first week of May the Cherwell DC [Councillor Covid-19 Priority Fund](https://www.cherwell.gov.uk/info/118/communities/683/covid-19-councillor-priority-fund) paid **£1,328** to support the local response to the COVID-19 crisis across the district, giving a new running total of £20,344 since the fund opened. Successful bids included: Home Start, Heyford Park Community Group and Wigginton Community Group.

Cherwell DC remain ready to process applications as soon as they come in. The application form and guidance on how to apply for the [Councillor COVID-19 Priority Fund](https://www.cherwell.gov.uk/info/118/communities/683/covid-19-councillor-priority-fund) is on [cherwell.gov.uk](https://www.cherwell.gov.uk/info/118/communities/683/covid-19-councillor-priority-fund). All applications should be sent electronically to grants@cherwell-dc.gov.uk

The Cherwell DC Parish Liaison meeting scheduled for Wednesday 10 June will not go ahead due to the continuing social distancing restrictions.

## Corona virus honours

If someone in your community has done selfless and outstanding work in response to the Corona Virus pandemic you may want to nominate them for an honour. More information and a nomination form is here -

<https://www.gov.uk/government/publications/covid-19-honours-nomination-form>

##  Community First Oxfordshire

**Reaching those in food poverty**

It is a very difficult time for vulnerable people and those on low incomes. CFO runs a community support project at Heyford Park. With the pandemic we had to close our regular Lunch Club (which is supplied by [SOFEA](https://www.sofea.uk.com/), a local food and education charity) and started **delivering food packages** instead. However, it quickly became clear that many other people needed regular supplies of food and we therefore extended the service. From an initial dozen deliveries, we are now providing food parcels for 70+ households, not only in Heyford but in surrounding villages.

**Helping reduce isolation**
Many older and vulnerable people in Oxfordshire rely on the county’s **community transport schemes and Good Neighbour Schemes** for support and to access basic services, but with the difficulty of adhering to social distance requirements, CFO advised all transport schemes to postpone their services. As is the way with community action, schemes did not just stop, they joined in with the local Covid-19 support groups, offered food and prescription deliveries and called on their most vulnerable clients – this is exactly what we have done with our own Red Arrow Good Neighbour Scheme.

In the world of community minibus schemes, we are seeing offers by minibus schemes to help out with patient transport where they can – The Villager will be helping shielded patients attend appointments at the Chipping Norton Health Centre. Thank you for everything you do for your community!

Thanks to Oxford United community work, we received 50 face masks, which we have distributed to 7 volunteer car schemes – unsurprisingly there is high demand for personal protective equipment. We are seeking more PPE for volunteers.

**Stepping up advice**
CFO’s **community halls and community shops support services** are very well-used at the best of times. However, demand has recently surged. Individuals and communities are asking us not only about the usual day-to-day challenges of managing their services but are seeking advice on topics directed related to COVID-19, such as business rate reliefs, sources of grant funding, reserves policies, health and safety assessments and furloughing staff. Contact Tessa Hall if you have any questions.

**Helping those providing support**
We know that a huge range of fantastic initiatives are taking place in communities in response to COVID-19. While extremely valuable, we know this puts pressure on those running or supporting them. There is much to be gained by the sharing of experiences and ideas and coming together to offer mutual support and solve common problems. To this end, we are developing web-based drop-in and training sessions: ‘**Together We Can’** and ‘**Listening In, Listening Out’**.  Contact Rachel Woods for more information.

**Contact Community First Oxfordshire** You can reach CFO via info@communityfirstoxon.org or 01865 883488. Other contact details are available on their [website](https://www.communityfirstoxon.org/)

## Oxfordshire growth board (virtual) meeting 2nd june

If you believe that the Growth Board is remote or undemocratic, a view which has been expressed and the Board has sought to address in its recent review, then you can view the proceedings of its next (virtual) meeting from the comfort of your own home.

The agenda for Oxfordshire Growth Board, Tuesday 2nd June 2020, 2 pm has been published.

To see the publicly available information, follow the link: [Agenda details](http://democratic.southoxon.gov.uk/mgA.aspx?M=2477&LLL=0)

Meeting venue: Virtual meeting viewable by a weblink with details available not less than 24 hours before the meeting.

The following items are included in the agenda:

|  |  |
| --- | --- |
| **No.** | **Item** |
| 1 | Election of Chair and Vice-Chair for the 2020/2021 year |
| 2 | Apologies for absence |
| 3 | Adoption of Virtual Meeting Procedure Rules |
| 4 | Declarations of interest |
| 5 | Minutes |
| 6 | Chair's announcements |
| 7 | Public participation |
| 8 | Growth Board Scrutiny Panel update |
| 9 | Impact of the COVID-19 Pandemic on the Oxfordshire Housing and Growth Deal |
| 10 | Updating the Oxfordshire Infrastructure Strategy (OxIS) |
| 11 | Growth Board Forward Plan |
| 12 | Updates on matters relevant to the Growth Board |
| 13 | Dates of next meetings |

# National News

## Oxford-Cambridge Expressway and arc

The Chair of the Oxfordshire Growth Board wrote to the Secretary of State for Transport seeking clarification on the future of the Oxford to Cambridge Expressway. Subsequently, she had received a reply from the Minister of Roads, Buses and Places which indicated that an update on the future of the project would be provided in due course. This was reported at the 11th March meeting of the Growth Board.

Copies of both letters are available on the agenda webpage of the Growth Board website here: <http://democratic.southoxon.gov.uk/documents/b8081/Written%20Answer%20to%20public%20question%20and%20response%20to%20Growth%20Board%20Scrutiny%20Panel%20recommendations%20Wedne.pdf?T=9>

Councillor Barry Wood, as Chair of the Arc Leaders’ Group, and Bev Hindle, Growth Board Director, provided a verbal update to the last Growth Board meeting. The key points included:

* HM Government regards the Arc as a priority and, therefore, it was likely that the development of the programme would accelerate in the near future.
* Two areas of activity for the Arc included, 1) future Arc governance arrangements with an expected allocation of power and responsibility by HM Government to Growth Boards and 2), that future Growth Board strategic planning frameworks should take account of other Growth Boards in a collaborative manner.
* The Oxfordshire Growth Board was at the forefront of these arrangements and, therefore, provided an exemplar for others to follow.
* While timescales had not yet been determined, including for future potential capital projects, it was important that Oxfordshire was ready to respond to any developments.
* The Budget had identified the Arc as a key economic priority. A framework, setting out both a vision and context for the Arc, was to be developed and tested.
* The Arc provided a conduit for Oxfordshire to have influence with HM Government.
* Public engagement was important to ensure that the role of the Arc was understood

## Latest Grimsey review of the high street seeks your input

The former retailer, Bill Grimsey, is seeking input from local (parish and town) councils to his rapid review on the impact of Covid-19 on high streets and town centres.

The clarion call to repurpose these places as Community Hubs was at the heart of the Grimsey Reviews conducted in 2013 and 2018.

His latest piece of work is expected to examine the necessary steps needed for high streets and town centres to recover and remain relevant in a changing environment.

The review team would like councils to have a strong voice in this paper, and the National Association of Local Councils (NALC) has urged the review to include the role of local councils in supporting their high streets and town centres.

As a result, the review team would like to hear from local councils on:

* their plans, ideas and successes, including examples of what was working prior to the onset of the pandemic and initiatives that have been taken since that could be sustained;
* critical issues you are facing with respect to your high streets and town centres post lockdown;
* issues around funding are especially pertinent as this paper will be widely publicised and presented to the government.

Please send your contribution to highstreetreview@gmail.com by 5 June 2020.

## Financial impact on councils of corona virus

NALC carried out a survey to measure the financial impact of dealing with the virus on town and parish councils. They have provided a breakdown of the responses from Oxfordshire as well as the national picture.

To summarise – 30 Oxfordshire councils responded (out of a possible 249 not necessarily a statistically representative number)

* The councils ranged in budget size from £5,000 to £1m but most were in the £25,000-£99,000 category
* Reserves range from £5,000 - £1m
* The income generating facilities that had to be closed were – sports & leisure facilities, Village Halls, car parks, markets, events and tourist information centres
* Estimated net loss up to £4,999 (answered by 21/26 councils)
* 90% of councils said they had sufficient reserves to cover the short fall
* Had councils accessed any government assistance? 11/30 no assistance; 3/30 furloughed staff; 1/30 received business rate support; 9/30 would like clarification about what assistance might be available
* What might be the result if there was no financial support? Reduced services 4/30: increased precept 15/30; no impact 12/30
* What were the additional costs incurred by Corona Virus? Furloughed staff 7/30; technological support for remote working 11/30; information leaflets 15/30; no costs 10/30
* For most councils 23/30 the additional costs were up to £4,999
* The additional costs were incurred by emergency grant funding 8/30; reimbursing rents & fees 4/30; providing advice and information 23/30; proving support to volunteers 22/30

District Councils and the County Council have been provided with extra funding from central government to deal with the effects of the virus. NALC has been trying to assess the effect on our level of local government in an attempt to argue the case for financial support.

The national picture from the results of the NALC survey (1,191 responses) is:

* Significant losses of income for some of the larger local councils serving larger populations, with over 100 local councils estimating a short-term first quarter of the year loss of between £25,000 and £500,000
* Two thirds of local councils report loss of income for the first quarter of the year of up to £5,000
* Three quarters of local councils estimate total additional costs as a direct result of the pandemic for the first quarter of the year of up to £5,000
* 89.69% stated liquidity and cash flow does not currently present a significant challenge to them in the first financial quarter because they have enough reserves
* Half of respondents report there could be a long term impact if the government did not introduce financial support
* Three quarters of local councils predict an increase in precept, just under half will reduced service provision, and quarter will need to close facilities
* When asked if they had attempted to access government support the most common response (67%) was ‘no, we don’t require any financial support at this time’

NALC has interpreted the results into these ‘asks’ of government

**Financial support and funding:**

* introduce a dedicated Coronavirus Interruption Fund managed by NALC
* extend eligibility to the Job Retention Scheme, Small Business Grant Fund, Retail, Hospitality and Leisure Grant Fund, and business rates relief, as well as to existing funding schemes for towns and parks
* payment holiday on loans from the Public Works Loans Board
* fast-track current legislation to exempt public toilets from business rates, backdated to 1 March 2020
* a further multi-year deal on council tax referendum principles

**Regulatory freedoms and flexibility:**

* amend Coronavirus Act regulations regarding remote meetings to include parish meetings
* ensure local councils are not held back by a lack of express powers by a temporary extension of the general power of competence to all local councils and removing the Section 137 financial spending limit
* extend deadlines for complying with website accessibility regulations
* borrowing rules extended to cover revenue spending and relaxed requirements to evidence community support

**Effective engagement and other support:**

* establish a single point of contact within the Ministry of Housing, Communities and Local Government at deputy director level or above, with specific responsibility for ensuring effective communications and engagement with NALC and the local council sector throughout the pandemic and the recovery phase
* establish regular contact between the nine regional chief executive leads and the respective regional grouping of county associations
* promotional and marketing advice to help local councils with the recovery and get their services and places up and running quickly when restrictions are lifted

## My Community new website



A new community website providing resources for communities and third sector organisations has been developed. Important organisations such as ACRE, Plunkett Foundation, Locality, NCVO and MHCLG (so many acronyms! We do have a list with explanations if you need one) are supporting the My Community website.

Go to it here <https://mycommunity.org.uk/?gclid=EAIaIQobChMIlsB647U6QIVEO7tCh1YdQUyEAAYASAAEgLEyfD_BwE> if you want more information about…

* Funding
* Help creating partnerships
* marketing support
* to engage my community
* business and financial support
* governance and organisational structure support
* staff and volunteer management support

## government assistance

©Crispin Taylor SLCC Finance and VAT adviser

Here is an advance copy of an article he has written to be published in the July edition of The Clerk. The Clerk magazine is available to members of the Society of Local Council Clerks (SLCC). We encourage all Clerks to be members of SLCC and to benefit from their information, training and support. And we encourage all councils to belong to OALC so the council as a corporate body can benefit from what we offer. It isn’t an either/or situation, we encourage membership of both.

(applies in England only): **Business rates: grant funding schemes**

The Government has announced two completely separate funding schemes for occupiers of rateable non-domestic property. Unfortunately, the guidance for both schemes (at <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-business-support-grant-funding> ) is contained in one document although the eligibility conditions are completely different. The only thing they have in common is that the property must have been on the Rating List on 11 March 2020 (backdating is not permitted so if you haven’t got your cemetery on the Rating List it is too late).

 The Small Business Grant of £10,000 is available to all occupiers of a property which benefits from Small Business Rate Relief (i.e. the relief available to properties with a Rateable Value up to £15,000, not properties which are not eligible for SBRR but benefit from the Small Business Rate Multiplier). Billing authorities should have sent eligible occupiers a form asking them to confirm that they want this Grant.

The Retail, Hospitality and Leisure Grant of £10,000 or £25,000 is available to occupiers who benefit from the ‘expanded business rates retail discount’. Parish and town councils in England which occupy property are not entitled to this Grant since as precepting authorities they were not entitled to the retail discount announced in 2019 and are not entitled to the ‘expanded’ discount announced in March 2020.

## Working Safely .gov guidance as lockdown eases

The government has issued [guidance](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19?utm_campaign=business_support_covid_2020&amp;utm_medium=social%20&amp;utm_source=stakeholder&amp;utm_content=safer-working-stakeholder-1105) to help businesses in the UK to get back up and running and workplaces operating as safely as possible. While obviously councils are not ‘businesses’ as is clear from the eligibility of the various government grants available, the larger councils will have an office and will be dealing with members of the public.

The working safely [guidance](https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19?utm_campaign=business_support_covid_2020&amp;utm_medium=social%20&amp;utm_source=stakeholder&amp;utm_content=safer-working-stakeholder-1105) is broken down according to type of workplace rather than sector, with eight sets of guidelines in total, so it is important that businesses understand that they may need to look at several publications according to their particular circumstances. It sets out practical steps for businesses focused on five key points:

* Work from home if you can
* Carry out a COVID-19 risk assessment in consultation with workers or trade unions
* Maintain 2 meters social distancing wherever possible
* Where people cannot be 2 meters apart, manage transmission risk
* Reinforcing cleaning processes

A downloadable notice is included in the documents, which employers should display in their workplaces to show their employees, customers and other visitors to their workplace, that they have followed this guidance. [In this toolkit](https://industrialstrategy.frontify.com/d/55EzeVU6rhza/covid-19-business-support#/keeping-your-business-safe/showing-you-re-covid-19-secure), you can also download posters and images for use on digital channels.

More information here: <https://industrialstrategy.frontify.com/d/55EzeVU6rhza/covid-19-business-support#/keeping-your-business-safe/working-safely-guidance-1>



The Health and Safety Executive website <https://www.hse.gov.uk/simple-health-safety/risk/index.htm> walks you as an employer through a 4 step process of assessing and managing risk in the work place:

1. Overview
2. Steps needed to manage risk
3. Risk assessment templates and examples
4. More detail

Don’t reinvent the wheel if there is guidance and templates out there to help you.

## Nalc review of elections

In 2019, NALC undertook a review of the local elections amongst councillors, county associations and committee employees. The vast majority of local councils held elections. Several general issues emerged as a result including -

* Fewer people coming forward to stand in some areas
* Big local issues brought people out
* The low number of contested elections, as uncontested elections are more cost-effective

The report can be read here <https://www.nalc.gov.uk/library/our-work/elections-1/3256-local-councils-elections-2019-report/file>

## NALC’s *LCR* Spring edition goes digital

The Spring edition of NALC’s flagship magazine,*LCR*, is now available to read, for free, online [here](https://www.nalc.gov.uk/news/entry/1480-spring-edition-of-nalc-lcr-magazine-goes-digital%20)

Included in this issue is a special section related to the coronavirus, with articles on:

* how to manage your volunteers,
* how you have been responding to and leading on the pandemic, and
* how to keep your momentum going while you are working from home.

Plus, you can gather tips and inspiration from our other articles, including ones on:

* councils that are successfully engaging with their young people,
* councils making strides on the climate change emergency, and
* our comprehensive round-up of what you believe needs to be done to encourage more candidates to stand for local election.

Subscribe to *LCR* at [www.nalc.gov.uk/lcrmagazine](http://www.nalc.gov.uk/lcrmagazine).

## Non Domestic Rating (Public Lavatories) Bill 2019-21

NALC is continuing its campaign for this Bill which:

* provides 100% business rates relief for standalone public lavatories in England and Wales
* this includes publicly and privately owned, free to use and charging for entry lavatories

This government [factsheet](https://www.gov.uk/government/publications/non-domestic-rates-public-lavatories-bill-policy-factsheet/factsheet-non-domestic-rates-public-lavatories-bill) gives further background information on the measures within the Non-Domestic Rates (Public Lavatories) Bill.

NALC asked councils to complete a survey to provide evidence to support their campaign and will be used in the later stages of the Bill. The survey found from the 541 responses:

* 35% of respondents said they had incurred business rate fees of up to £1500 in the last financial year on their public conveniences;
* 58% of respondents said their councils had budgeted to pay NNDR on their public conveniences in the last financial year; &
* 99% of respondents said they supported the campaign to end the toilet tax on the statute book.

The resurrected Non Domestic Rating (Public Lavatories) Bill 2019-21 was re-commenced in the Commons but the second reading was deferred from 30th March due to coronavirus – see [here.](https://services.parliament.uk/Bills/2019-21/nondomesticratingpubliclavatories.html) A date for second reading in the Commons will be announced soon.  Chris Borg at NALC will contact the lead official at MHCLG to confirm when the date of second reading in the Commons will be.

## Publicising planning applications

The Secretary of State for Housing, Communities and Local Government, Robert Jenrick, announced on 14th May that councils and developers can now publicise planning applications through social media. The Government will introduced, temporary regulations to supplement the existing statutory publicity arrangements for planning applications, listed building consent applications and environmental statements for Environmental Impact Assessment development. This means councils can use digital channels in place of letters and leaflets, and [the updated regulations](http://www.legislation.gov.uk/uksi/2020/505/made) suggest a council could also be discharged of its obligation to publish

## Jurisdiction of the Financial Ombudsman Service – a summary

The rules concerning the jurisdiction of the Financial Ombudsman Service are set out in full in the Dispute Resolution (DISP) Rules, which can be found in full in the Financial Conduct Authority (FCA)’s [Handbook](https://www.handbook.fca.org.uk/handbook/glossary/G1771.html). There are several elements to the ombudsman’s jurisdiction. This note focuses on whether a complainant is eligible to complain to the ombudsman service, as set out in [DISP 2.7.3R](https://www.handbook.fca.org.uk/handbook/DISP/2/7.html)

* Whether a complaint can be brought to the Financial Ombudsman Service depends on four different factors as set out in the Financial Conduct Authority (FCA)’s handbook (see [DISP 2.2.1R](https://www.handbook.fca.org.uk/handbook/DISP/2/2.html)). It will depend on the type of activity to which the complaint relates, the place where that activity took place, whether the complaint was referred to the Financial Ombudsman Service in time, and of particular concern to local or parish councils, whether the complainant is eligible.
* The FCA sets out the categories of eligible complainant that may bring complaints to the Financial Ombudsman Service in DISP 2.7.3R:

An [*eligible complainant*](https://www.handbook.fca.org.uk/handbook/glossary/G349.html)must be a [*person*](https://www.handbook.fca.org.uk/handbook/glossary/G869.html)that is:
(1) a [*consumer*](https://www.handbook.fca.org.uk/handbook/glossary/G210.html); or
(2) a [*micro-enterprise*](https://www.handbook.fca.org.uk/handbook/glossary/G2623.html);
(a) in relation to a [*complaint*](https://www.handbook.fca.org.uk/handbook/glossary/G197.html)relating wholly or partly to [*payment services*](https://www.handbook.fca.org.uk/handbook/glossary/G2617.html), either at the time of the
conclusion of the payment servicecontract or at the time the complainant refers the complaintto
the [*respondent*](https://www.handbook.fca.org.uk/handbook/glossary/G2497.html); or
(b) otherwise, at the time the complainant refers the complaint to the respondent; or
(3) a charity which has an annual income of less than £6.5 million at the time the complainant refers
the complaint to the respondent; or
(4) a trustee of a trust which has a net asset value of less than £5 million at the time the complainant
refers the complaint to the respondent; or
(5) (in relation to [*CBTL business*](https://www.handbook.fca.org.uk/handbook/glossary/G3545c.html)) a [*CBTL consumer*](https://www.handbook.fca.org.uk/handbook/glossary/G3546c.html); or
(6) [a *small business*](https://www.handbook.fca.org.uk/handbook/glossary/G1095.html)at the time the complainant refers the complaint to the respondent; or
(7) a [*guarantor*](https://www.handbook.fca.org.uk/handbook/glossary/G1771.html)

* Types of eligible complainant include consumers, micro-enterprises, small businesses, and charities. On most cases, it will be clear that the complainant is eligible to bring a complaint. However, in some cases, the ombudsman will have to carry out further checks to ensure the complainant is eligible to complain. The FOS will do this before it looks at the merits of the case and will give the parties an opportunity to make representations before deciding that the complaint is outside its jurisdiction.
* If the ombudsman is satisfied that it has the jurisdiction over a complaint, it will consider it and can make a final decision on the case as the final stage in the process. The FOS’s power to issue final decisions stems from section 228(2) of the Financial Services and Markets Act 2000 (FSMA) which states that “*a complaint is to be determined by reference to what is, in the opinion of the ombudsman, fair and reasonable in all the circumstances of the case*”. Although the FOS try to be consistent, what it has said in one decision does not always predict the outcome of another, as the individual circumstances of each case may differ.
* The FOS explains that jurisdiction is a matter of fact and law. Generally speaking, it does not appear that a parish council exercising its powers and functions as a local authority is eligible to complain as a *microenterprise*, or *small business*, on the basis that it is not an “*enterprise”* defined in the FCA Handbook as “*any person engaged in an economic activity, irrespective of legal form…”* and explained in Recommendation 2003/361/EC of the Commission of 6th May 2003 concerning the definition of micro, small and medium-sized enterprises.
* However, a parish council (or its members) may still be able to bring a complaint to the ombudsman service in its capacity as trustees of an associated trust, or in relation to a connected charity (DISP 2.7.3R (4) and (3) respectively).
* Therefore, the FOS will need to decide on a case by case basis if a complaint brought by a local council passes the test for being an eligible complainant (and all other tests set out in its jurisdiction). The FOS would continue to encourage councils to contact get in contact with the FOS if you feel they have been treated unfairly by their financial services provider and haven’t been able to resolve the issue.
* More information here <https://www.financial-ombudsman.org.uk/>

## Gigabit broadband vouchers

Gigabit-capable broadband connections offer the fastest and most reliable speeds available, and the government is committed to a vision of a full fibre Britain. As part of this commitment in March 2018, the government announced a £67m **Gigabit Broadband Voucher Scheme**.

Gigabit vouchers can be used by small businesses and local communities surrounding them to contribute to the installation cost of a gigabit-capable connection. Businesses can claim up to £2,500 against the cost of connection either individually or as part of a group project. Residents can benefit from the scheme with a voucher worth £500 (plus VAT) as part of a group project.

From May 2019, premises in the harder-to-reach places in the UK may be eligible for additional funding. Find out more on the [**Broadband for Rural Communities**](https://gigabitvoucher.culture.gov.uk/rural/) page.

Here is a case study of how East Hagbourne improved the broadband capacity at relatively little cost -<https://gigabitvoucher.culture.gov.uk/for-businesses/case-studies/east-hagbourne-community-fibre-partnership/>

## External Audit – letter from Moore

Your clerk will have received this letter from the council’s external auditor Moore

*“Dear Clerk*

*Following on from our previous communication, clarification has now been provided and approved by the Ministry of Housing, Communities and Local Government in relation to how smaller authorities should conduct meetings in the present climate and to extend deadlines in place for the submission of the annual accounts to 31 March 2020.*

***Please note Smaller Authorities are Category 2 Authorities in the regulation changes below.***

*As a result, a two month extension to key deadlines has been confirmed to allow authorities additional time to complete their preparation and organise review and approval of the Annual Governance and Accountability Return for this period.*

*Furthermore, meetings can now be held virtually using online software rather than being required to be held in person as well as updates having been made to how the public and journalists attend these meetings.* ***Please note the provisions for remote meetings apply to all authorities EXCEPT Parish Meetings who must hold a public meeting and approve the AGAR before 31 August 2020.***

*These updates have been widely circulated through NALC and SAAA, please review their correspondence, websites or contact your local authority for the full detail in relation this. Links to specific public pages dedicated to the latest news on coronavirus can be seen below:*

[*www.nalc.gov.uk/coronavirus*](http://www.nalc.gov.uk/coronavirus)

[*www.slcc.co.uk/coronavirus-covid-19/*](http://www.slcc.co.uk/coronavirus-covid-19/)

*The following detail is provided in relation to deadlines for completing your AGAR, the Public Rights periods and submitting the information to us.*

*Finally, we have revised our initial documentation for the change in dates and uploaded updated versions for reference on our website which can be seen attached in the following links, we have also updated our* [*FAQs*](https://www.moore.co.uk/sectors/public-sector/smaller-authorities/smaller-authorities-frequently-asked-questions) *on our website:*

* [*Notice of Public Rights (AGAR Part 3 Authorities)*](file:///C%3A%5Cgetmedia%5C7fd2c7e4-2043-4ed9-833a-ebd093c144be%5CSA-notice-of-public-rights-2020-Post-COVID-regulation-changes) *and* [*Notice of Public Rights (Exempt Authorities)*](file:///C%3A%5Cgetmedia%5Cb0c0a335-b5c4-4808-9b22-c26ab7039271%5CSA-notice-of-public-rights-exempt-authorities-2020-Post-COVID-regulation-changes)
* [*Step-by-Step Guide (Other Authorities)*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Step-by-step-guide-Other-authorities2019-20-revised-April-2020.pdf) *and* [*Step-by-Step Guide (Parish Meetings)*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Step-by-step-guide_Parish-Meetings-2019-20-revised-April-2020.pdf)
* [*Flowchart (Other Authorities)*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Flowchart-2019-20_Other-authorities-revised-April-2020.pdf) *and* [*Flowchart (Parish Meetings)*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Flowchart-2019-20_Parish-meetings-revised-April-2020.pdf)
* [*Additional information required with submission*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Supporting-document-to-call-in-letter-Post-COVID-regulation-changes.pdf)
* [*Updated copy of our previous email*](http://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/AGAR-2020-Call-in-letter-copy.pdf)
* [*Annual Return Addendum*](https://www.moore.co.uk/MediaLibsAndFiles/media/MooreStephensUK/Documents/Annual-Return-Addendum.pdf)

*There are no further changes to the guidance other than in relation to the dates.*

***Accounts and Audit (Coronavirus)(Amendment) Regulations 2020***

*The Ministry of Housing, Communities and Local Government (MHLCG) has confirmed that a statutory instrument (SI) amending the Accounts and Audit Regulations has now been laid.*

*The new effects of the amendments to the regulations are to change the dates that local authorities are required to publish draft and final accounts, and to remove the ‘common’ period during which local electors can inspect and object to local authority accounts.*

*A copy of the SI, which comes into force on 30 April 2020, can be accessed at the following website:* [*http://www.legislation.gov.uk/id/uksi/2020/404*](https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.legislation.gov.uk%2Fid%2Fuksi%2F2020%2F404&data=02%7C01%7CAlison.Morris%40communities.gov.uk%7C8a70a2ac41bb4771619208d7daf7e672%7Cbf3468109c7d43dea87224a2ef3995a8%7C0%7C0%7C637218630570007969&sdata=FpGuBNe56%2FNDfTMQ5mn7OHA6ctt1Rmkzbto5hzjulFE%3D&reserved=0)*. The amended requirements are expected to apply to audits of 2019-20 accounts only.*

*The key changes for publication of draft and final accounts are as follows:*

*For Category 1 authorities:*

* *The deadline for authorities to publish draft financial statements moves from 31May to 31 August 2020.*
* *The deadline for publication of final (audited) financial statements moves from 31July to 30 November 2020.*

*For Category 2 authorities (****smaller authorities****):*

* *The deadline for authorities to publish draft Annual Governance and Accountability Returns (AGAR) moves from 31 May to 31 August 2020.*
* *The deadline for publication of final (audited) AGAR moves from 30 September to 30November 2020.*

*For both Category 1 and Category 2 authorities, the requirement for a ‘common’ inspection period has been removed. The requirement to hold a 30-working-dayinspection period remains, but for 2019-20 both Category 1 and Category 2authorities can commence the inspection period at any time,* ***except it must commence no later than 1 September 2020****. This will allow authorities to produce their draft accounts and commence their inspection periods as soon as they are able.*

*For AGAR Part 3 Authorities, once the accounts are formally approved by the Council, we would remind you that all documents are still required to be physically signed by the relevant parties even where the meeting is held ‘virtually’.*

*As soon as this is achieved, you can send/scan the AGAR together with all of the supporting documents necessary and the dates intended for the Notice of Public Rights Period to us. There is no need to defer this until the Public Rights Period has either commenced or elapsed.*

*We can then commence our review of the accounts and once the Public Rights Period ends, subject to our review being completed and no objection(s) having been made, we will be able to sign off the audit. This will assist our efforts to make the process run efficiently during these difficult times.*

*Finally, please note that for exempt authorities who have already submitted a certificate of exemption to us, we do not require this to be resubmitted or changed as a result of the revised deadlines.*

*Kind regards,*

*Carolyn Rossiter*

 T    +44 (0)1733 397300 [www.moore.co.uk](http://www.moore.co.uk)

 **Moore East Midlands**, Rutland House, Minerva Business Park, Lynch Wood, Peterborough, PE2 6PZ

## Support from the Government for village halls and other Community Buildings during the Covid 19 epidemic

****CFO writes:

*Most village and community halls should be eligible for two forms of support:*

* ***100% business rate******relief****, (the Expanded Retail Discount or ERD), which is available to places of public assembly and*
* *The* ***Retail, Hospitality and Leisure Grant (RHLG)****. The RHLG is £10,000 for premises with a rateable value up to £15,000 and £25,000 for premises with a rateable value over £15,000 and less than £51,000. You can find your rateable value at the Valuation Office Agency (VOA) website under the business section, by entering the hall’s postcode or rating reference.*

***How to apply***

*If you do not receive a letter with an application form from your local authority inviting you to apply, you will need to look on your local authority’s website for* ***‘Help for Small businesses’****. You can then apply online for the* ***Retail, Hospitality and leisure Grant Fund.***

*Note: In the early days of issuing this grant, those charities already in receipt of full discretionary rate relief were inadvertently excluded from support, however since 1st April, version 3 of the guidelines has clarified that charities already in receipt of full discretionary relief are eligible for RHLG.*

 ***Parish and Town Councils running village halls and community centres are not eligible****. Please contact Christine Lalley, County Officer at OALC on 07746943076 or email* *info@oalc.org.uk* *for help and advice.*

*If a Parish or Town Council is a sole trustee of a charitable hall, it should be eligible because it is the charity that is the ratepayer and the rates come out of charity income and not the council. Please explain this position to rating authorities if queried.*

*Church Halls may not be eligible because they are religious charities.*

*If you need any help please contact Tessa Hall, Community Buildings Adviser at CFO email:* *tessa.hall@communityfirstoxon.org* *or phone 07595787104. I work from 9am until 5pm Monday to Thursday.*

 *I may be able to offer advice and support if this grant is not enough to cover your losses. Here is some very useful advice to small charities from the Charity Commission on managing your financial difficulties at this time* [*https://www.gov.uk/guidance/manage-financial-difficulties-in-your-charity-caused-by-coronavirus*](https://www.gov.uk/guidance/manage-financial-difficulties-in-your-charity-caused-by-coronavirus)

## Remote council meetings – briefing by Liz Howlett, solicitor

**‘Think before you speak’ and other tips for remote meetings**

Local government has been plunged into a brave new world of meeting remotely by necessity. It has risen to the challenge splendidly and achieved in weeks what would normally have taken years. The speed of the change means thinking through the consequences after, rather than before, the change but we are learning from direct experience, rather than simply speculating, so it is not all bad.

The Local Audit and Accountability Act 2014, section 40, introduced the right to blog or tweet from council meetings and the right to record meetings. From that moment what was said in public at a meeting had the potential to go across the world in seconds. That was a huge change. We were apprehensive (and slightly grumpy about it being introduced with no notice during August) but we coped.

Remote meetings mean that the possibility of being recorded has become an absolute certainty. How we manage information in this new world is not changed merely because it is definitely ‘out there’ now. The importance of doing it well has just moved higher up the agenda.

So, here are a few information governance tips for our new world:

1. **Plan** – think ahead about what is on the agenda and what might arise because of the subject matter. Will it be necessary to discuss personal data or commercially sensitive issues? Is it likely to happen anyway? If so, make clear on the agenda that those topics will be at the end of the agenda and that the public will be excluded. This is nothing new but it is now even more critical and see point 2….
2. **Apply Freedom of Information Act (FOI) exemptions** – use the tests under FOI to justify excluding the public. Remember the ‘public interest test’. You must weigh up the right of the individual to privacy against the public interest in the information being widely available. Refer to the ICO website for detailed guidance on all the exemptions ([www.ico.org.uk](http://www.ico.org.uk)). The ones that affect parish and town councils the most are personal data, commercially sensitive information when receiving bids and legal advice (especially where you are considering legal proceedings).
3. **Use the mute button** – this one is for those controlling the meeting. If you sense someone is about to launch into an inappropriate tirade (or even just a helpful detailed background description of a local person) and you fear that might be an unlawful disclosure of personal data, hit the mute button. You have the power. Use it, but don’t abuse it.
4. **Report unlawful disclosures of personal data -** under the General Data Protection Regulation 2016/679 (‘GDPR’) unlawful disclosures should be reported but there are considerations to weigh up about how serious the breach is and whether a report to the Information Commissioner’s Office (‘ICO’) is needed. Was the data sensitive (or ‘special category’ as it is known under GDPR)? The more sensitive it is, the more likely it is you will need to report it. County Councils and Unitaries handle a great deal of sensitive information (for example, medical records of vulnerable adults). Parish and Town councils handle very little. How much data was disclosed and to how many? You are broadcasting to the world but how many were watching? If you are unsure about whether you should report the breach, seek advice. There is a form on the ICO website for reporting breaches. It is worth looking at that to understand what the ICO requires. The ICO’s priority is how you will ensure the breach does not happen again. What process have you put in place to mitigate the risk of another breach?
5. **The minutes v the recording.** The minutes remain the legal record of the meeting. This has not changed. The recording may assist writing up the minutes but it does not replace the minutes. Editing a recording takes time and expertise. Whether it is necessary to remove the unlawful breach has to be weighed up depending on the severity of the breach. Seek advice if you are concerned about the public viewing a recording.
6. **Remember not to blur the boundaries** – this is really tricky for everyone. You are sitting at home in your own familiar environment and you are speaking in a formal meeting. This has been an increasing problem for councillors with the growth of social media anyway. Everyone has their own ways of dealing with this. Some like to dress formally. Some like a distinct ‘office space’ in the house.

There are security issues with any of the technology used. Zoom has been subject to a lot of criticism partly because use soared and it was suddenly being used to do things it was never designed for. Zoom has done a huge amount to rectify security concerns (and all systems have vulnerabilities) but consider carefully what is to be discussed and the host should ensure the following security features are in place:

* Waiting room function to be used to control access to meetings.
* Password required to allow access to the meeting. Think about who and how you share the meeting ID or password.
* Attendance monitored throughout the meeting.
* If there are any identity concerns then participants will be sent back to the waiting room until identity concerns are resolved.

In addition:

* Host is responsible for muting and unmuting
* Members do not have ability to unmute themselves
* Members muted throughout unless brought in by Chair
* No renaming
* No virtual backgrounds
* No sharing of screen
* Disable chat function - The ‘live chat feature’ can be used by malicious people to spread phishing messages. Be vigilant. Don’t click on links or attachments you were not expecting or from meeting attendees you do not recognise.

The objective is to keep it professional and to keep the discussion focused. Very much what we aspire to with face to face meetings really.

Liz Howlett, Solicitor, May 2020

## requirement for Accessible websites for parish councils by **september 2020** this timetable hasn’t altered despite the pandemic

Follow this link to do a basic accessibility check **-**<https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one>

It covers [Preparing to do a basic accessibility check](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#preparing-to-do-a-basic-accessibility-check)

[1. Text content](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#text-content)

[2. Images, video and audio content](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#images-video-and-audio-content)

[3. Interactive tools and transactions](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#interactive-tools-and-transactions)

[4. PDFs and other documents](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#pdfs-and-other-documents)

[5. Technology](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#technology)

[6. HTML checks](https://www.gov.uk/government/publications/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one/doing-a-basic-accessibility-check-if-you-cant-do-a-detailed-one#html-checks)

[And what to do once you have done the checks](https://www.gov.uk/guidance/make-your-website-or-app-accessible-and-publish-an-accessibility-statement#make-a-plan-to-fix-any-accessibility-problems-you-find)

The core principles of the [Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps) are that local authority websites should be:

* Perceivable – so people can hear or see the content
* Operable – so that people can use the computer by typing or by voice
* Understandable – so people get clear simple language
* Robust – so people can use different types of assisted technology

We would suggest that your starting point is talking to whoever created the council website, do they know and understand the requirements of the Regulations? Can they do an accessibility check on the council website and then suggest what improvements/alterations are necessary to work towards compliance?

## Pay negotiations for 2020/2 – no news

The main local government workforce [has been offered improved pay increase of 2.75 per cent from 1 April 2020](https://www.local.gov.uk/council-employees-improved-pay-offer-announced), plus an additional one day’s leave which would increase the minimum entitlement from 21 to 22 days per year (plus public holidays). The original 2% offer was rejected. This offer would affect over 1 million employees. The employers have said that the offer is final but that they will approach the government for more money for local government pay for 2020-21.

## Home working allowance increases from 6 april 2020

For Clerks working from home there is an increase in the home working allowance from £4 per week to £6 per week (from £18 per month to £26 per month) to cover your additional costs.

<https://www.gov.uk/tax-relief-for-employees/working-at-home>

## Civility in Public Life and New Draft Members’ Code of Conduct

**Why is the model code of conduct being reviewed**?

The Local Government Association (LGA) is undertaking a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life, but also in response to rising concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall standards of behaviour and expectations in public debate, decision making and engagement.

The LGA aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of people in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.

**Objectives**

The LGA’s objectives in reviewing the model code of conduct are to:

* articulate what local government believes are good standards for all in public office
* show leadership in good standards of conduct for those in public office, both elected and as employees
* achieve consensus between the stakeholders affected by local government conduct
* support its member councils and partners in achieving good standards of conduct
* produce a code that is fit for purpose, useful and held in high regard
* enhance the reputation of local government and local politicians
* support the good running of councils
* support all democratically elected local representatives to deliver their best on behalf of their local communities
* build on the good practice that already exists within member councils

The LGA published at the end of March its draft Members’ Code of Conduct, which can be found on the Association of Democratic Services Officers (ADSO) website - <https://www.adso.co.uk/draft-members-code-of-conduct/>

It is reported on the ADSO website that the LGA will be issuing a series of questions as part of its revised consultation exercise.

## New edition of Governance and Accountability

The Practitioners’ Guide is issued by the Joint Panel on Accountability and Governance (JPAG) to support the preparation by smaller authorities in England of statutory annual accounting and governance statements found in the Annual Governance and Accountability Return (AGAR).

The 2020 edition of the guide applies to Annual Governance and Accountability Returns in respect of financial years commencing on or after 1 April 2020. As there are no changes to the guidance, simply clarification of proper practices, it can be applied to Annual Governance and Accountability Returns.

The 2020 edition and a list of the changes from the 2019 edition can be found on the NALC website here <https://www.nalc.gov.uk/our-work/j-p-a-g>

# Financial Briefing

**OALC 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 **) 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

**Public inspection of the accounts**

Each year, any person interested (including any journalist) is entitled under Section 26 of the Local Audit and Accountability Act 2014 to inspect a council’s or parish meetings accounting records for the financial year, including all related books, contracts, bills, receipts and other documents. They also have the right to make copies of all or any part of those records.

Due to the lockdown, the audit deadlines have been changed and for the 2019/20 accounts, 1 September 2020 is the latest date on which the public inspection period can start.

The dates for this 30-working day (i.e. 6 whole weeks) inspection period are determined by the council’s Responsible Financial Officer (RFO), but it cannot commence until the council’s statement of accounts has been approved, signed and published online.

Subsections 26(4) to 26(9) say that this right of inspection does not entitle a person to inspect or copy any part of any record or document containing:

1. information which is protected on the grounds of commercial confidentiality, or
2. personal information,

nor can they require any such information to be disclosed in answer to any question.

Information is personal if it enables a particular individual to be identified, but it is not personal merely because the information relates to a business carried on by a sole trader.

Allowing a person to see personal data when legislation explicitly states that they are not entitled to it would be a data breach.  As part of its GDPR compliance, a council is required to know where they hold personal data.  They should be able to go through the records and ensure that personal data is not inadvertently disclosed during the inspection.

Most councils don’t have anyone inspect their accounts, but they should consider how they can safely arrange inspection in the current situation. If a council gets a request, the easiest approach would be to ask what the person would like to see and ask if they would be happy to receive scanned copies of the documents.

If they insist on seeing the originals, a simple approach might be to provide a room (or even a garage), put the records in it and make sure the individual doesn’t go near anyone else.  You may want to leave doors open, so the individual doesn’t touch handles or anything else and consider leaving everything for at least 24 hours after the member of the public has gone before putting things away, with appropriate steps for cleanliness and safety.

# Employment Briefing

Employment law is complex and specialized. OALC can assist with general employment queries but we retain the services of Chris Moses, Personnel Advice and Solutions Ltd. to provide expert advice to our member councils. 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 members. Further information and advice for councils can be found by visiting [www.personneladviceandsolutions.co.uk/factsheets](http://www.personneladviceandsolutions.co.uk/factsheets)

1. **Corona Virus Job Retention Grant Scheme – Furlough Leave – Update**

Rishi Sunak has announced that the Coronavirus Job Retention Scheme will be extended for four months, until the end of October 2020.

The Scheme had been expected to end on the 30 June 2020, however this announcement extends it in its current form to the 31 July 2020.

From August, the Scheme would continue for all sectors and regions of the country but with greater flexibility to support the transition back to work.

Although more details are still to come, it is expected that Employers will be able to bring workers back to work part time, and pay them for the hours they work. The Grant would then be claimed by Employers to make up the difference between the hours worked and the workers’ normal contracted hours.

The amount of Grant to be paid would be based on 80% of the non-worked hours in the week.

For zero hours workers, the Job Retention Grant would be paid based on their  average weekly hours over a 52 week period, less what they had actually worked and been paid for during the week in which the Grant is claimed.

1. **Record Award for Disability Discrimination *(Royal Bank of Scotland PLC v AB (UKEAT))***

A Member of the Nat West Customer Service staff at their Croydon Branch has been awarded a record of £.4.7M in a claim for Disability Discrimination.

The Employee had suffered significant injuries to her legs following a road traffic accident in 2008, which affected her mobility and performance at work. The Employment Appeal Tribunal heard that these physical problems had resulted in a stream of insults from other staff and the manager that left her feeling worthless, and were directly attributed to her subsequent diagnosis of severe Depression and Psychosis.

The EAT also heard that the Bank had failed to provide Occupational Therapy, or fully investigate what adjustments were needed to accommodate her at work. She was also denied a transfer to another branch, because Managers believed that her physical abilities would limit her performance.

As a result of her treatment at the hands of the Bank, the Employee claimed she required round the clock care.

Both Employment Tribunal and Employment Appeal Tribunal ordered RBS to pay £4,670,535 plus £54,266 in interest.

What is of note in this case is the fact that the Claimant was not a high flying Banker at the senior echelons of the business, but a member of the branch staff. Consequently, awards of this magnitude could be applied to other Claimants in similarly paid jobs.

1. **Disability Update**

According to the Ministry of Justice, statistics for Disability Discrimination increased by 26% during the last twelve months, the following provides an update on recent case law decisions relating to disability claims.

**Could the Menopause be a Disability?**

A claim has been submitted to the Scottish Employment Appeal Tribunal *(Davies v Scottish Courts & Tribunal Service)* to determine whether or not the menopause constitutes a Disability, and is due to be heard in 2020. According to earlier Tribunal rulings the effects of the menopause fulfil the legal definition of a Disability. If the EAT agrees the decision could result in a large number of additional claims.

**Can Withdrawing a Dismissal and Re-employing a Disabled Person Remove the Risk of a Discrimination Claim?**

In *Jakkhu v Network Rail* the Claimant had been dismissed due to their disability, but the Employer’s Appeal process realised their mistake and re-engaged the Employee. According to the EAT that was too late. The damage had been done. The initial decision was a clear act of ‘unfavourable treatment’ due to a disability, and that act had effectively “crystallised” the discriminatory treatment of the Employee.

**The Importance of Clear Communication**

Failing to keep an Employee informed of what a business was doing to accommodate their disability, resulted in a successful claim for discrimination.

In *Bailie v ADM Investor Services Int.* the Claimant held a senior post within the business and had suffered with depression caused by excess workload. The Employer appointed someone to work alongside the Claimant to reduce the workload, but had failed to consult with him beforehand or investigate what adjustments would help accommodate his disability. The Tribunals opinion was that this amounted to ‘unfavourable treatment’ and was discrimination.

1. **Statutory Payments April 2020**

***National Minimum Wage Rates***

|  |  |
| --- | --- |
| 25 years and over | £8.72/hour |
| 21 – 24 years | £8.20/hour |
| 18 – 20 years  | £6.45/hour |
| Under 18 years | £4.55 per hour |
| Apprentice Rate | £4.15 per hour |
|  |  |
| National Insurance Lower Earnings Limit | £120 per week |
| Statutory Maternity Pay/Statutory Paternity Pay | £151.20 per week |
| Statutory Sick Pay | £95.85 per week |
| Cap on weekly pay for Compensation Payments | £538 per week |

Whilst every care has been taken in compiling these notes, Personnel Advice and Solutions Ltd cannot be held responsible for any errors or omissions. These notes are intended to provide general information. Guidance for specific legal problems should be sought separately.

**IMPORTANT:** The information in this factsheet is for guidance only. Personnel Advice & Solutions Ltd cannot accept responsibility for the use of the information. It is not an authoritative statement of the law. You should always seek professional advice on a specific legal matter. Individual Personnel issues must always be addressed on their own merit

# Training and Development

Congratulations to Lizzie Fuller, Thame Town Council and Joanna Brock, Ewelme Parish Council on gaining their Cilca qualification.

The qualification shows commitment, dedication and professionalism. It is the recognized qualification for Clerks (and other staff – Lizzie) and may enable the council to gain the wide ranging General Power of Competence. Well done!

All councils should encourage their clerk to undertake relevant and appropriate training; all councillors should be committed to doing training too and there should be a council training budget.

The current mentoring session has changed from face to face to online. Well done to all those undertaking the work – Liz, Laura, Marzia, Rachel, Martin, Annie, Sarah and Tracy.

## OALC Training programme – on pause at the moment

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **subject** | **Half/full day** | **Trainer** | **location** |
| Wednesday 3rd June | Neighbourhood Planning | Full day | Neil Homer | Online Fully booked |
| Wednesday 15th July | Chairmanship skills | Full day | Elizabeth Howlett | Online |
| Our face to face training programme is on pause while we wait to see how social distancing will play out. Face to face training but with social distancing may not be financially viable, we are assessing the situation and what the way forward might look like. |
| Wednesday 9th September | The Experienced CouncillorChairing and Facilitation skills | Half/morning 10 12Half/afternoon1.30 – 3.30pm | Frances WebsterWellers Hedley’s | Oak Room, Bloxham Mill Business Centre,Barford Road, BloxhamBanbury OX15 4FF |
| Wednesday 23rd September  | Roles and Responsibilities for new councillors and clerks | Full day | Elizabeth Howlett | Didcot Civic Hall, Britwell Road, Didcot OX11 7JN |
| Wednesday 21st October  | Finance for councillorsContracts & procurement | Half/ morningHalf/ afternoon | Steve Parkinson | Blenheim Room, Begbroke Science Park, Begbroke OX5 1PF |