

OALC NEWSLETTER

APRIL 2016

THE HEADLINES

Mind what you say in emails

Page 3 Remember your emails as councillors could be subject to an FoI request, think before you send.

Unitaries - two reports being commissioned by either 'side' in the unitaries debate

Page 4 and 9 The District Councils and the County Council are each commissioning consultants to research proposals for unitary government in Oxfordshire and beyond. OALC will assist all parties, if asked, but will remain neutral as we will have to work with the principal authorities, whatever form they may take.

Employment matters – bullying and harassment

Page 11 All too often in a parish council things can get personal. Robust discussion is accepted but not when it becomes bullying. Read more about what policies you need in place.

Page 15 Star Council Awards – your chance to shine!

Money matters

Pages 16 -18 New Edition of Governance and Accountability 2016; Audit; Please send to: Pay Award; National Living Wage; Grants for Transparency Code compliance.

Training Programme for 2016

Page 23, **NEW TRAINING OPPORTUNITY - SATURDAY** September 10th Didcot, **Roles and Responsibilities** for new councillors - Liz Howlett, solicitor. We have listened to your feedback. This session is aimed at councillors that work full time. Booking forms are on the OALC website [here](#)

Vacancies

Page 25 Didcot Town Clerk

Her Majesty the Queen's 90th Birthday Celebrations in June

NALC is aware that many parish and town councils lit beacons and raised flags in honour of her Majesty's 90th



Birthday celebrations.

Councils may be planning summer celebrations in honour of her birthday. NALC would like to receive your short stories and pictures of these events, so it can put together a national story of how this sector celebrated this landmark birthday.

communications@nalc.gov.uk

The weekend of 11th and 12th of June 2016 will be a celebration of Her Majesty the Queen's 90th Birthday. There will be a national service of thanksgiving in St Paul's Cathedral, and a special civic service in Christ Church Cathedral, 11th June. As part of that, councils and parishes around the country are being encouraged in their turn to encourage and support celebrations, particularly in the form of street parties as happened for The Queen's Diamond Jubilee.



Who are OALC and what do we do?

When you make a payment to OALC

When you pay OALC by BACS for training or subscriptions or anything else, please let us know by email that you have paid and ensure the payment is referenced with exactly what you have paid for. We do get BACS payments credited to the OALC account that are several amounts bundled together, it can be quite difficult for us to unpick which amounts are meant to be for what. Thank you.

Subscriptions- now over due

Thank you to the vast majority of councils that have paid their subscription to OALC. There are 39 outstanding as we go to press and we look forward to receiving payment of your subscription invoice after your next parish council meeting.

Sensible tip of the month – Code of Conduct

ALL councillors should be aware of their obligations under the Code of Conduct which they signed when they accepted office. ALL councillors should have completed their Register of Interests which should be publically available, preferably on the parish council website. From the continuing queries which we receive there appears to be a lot of confusion about declaring an interest and how that affects participation in a meeting and voting.

There is a plain English guide produced by the Department of Communities and Local Government which all councillors would benefit from having a copy of:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf



Openness and transparency on personal interests
A guide for councillors

March 2013
Department for Communities and Local Government

An Interest which is declared on your Register of Interests is called a Disclosable Pecuniary Interest (DPI). If this interest affects anything which the council is discussing you should declare it and take no further part in the discussion and withdraw from the room.

There is a grey area which can be termed 'other interests' which aren't DPI's, for example if you have been nominated to be on the Village Hall committee and the parish council is discussing a grant for the Village Hall then any fair minded and informed observer might think there would be a conflict of interest. This is the test that the courts would apply. In such a situation it is best not to engage in the discussion and definitely not vote. Please read the briefing sent to your council in February by your Monitoring Officer – *Bias in Decision Making- How to recognise and avoid it*. A copy is in the Members Area of our website under OALC briefings.

Always bear in mind the Nolan Principles of conduct in public life which are:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. It is always better to err on the side of openness and transparency.

WHY COUNCILLORS AND STAFF NEED TO MIND THEIR LANGUAGE

Legal Surgery Meera Tharmarajah, NALC solicitor



In our working lives, we've all received the occasional email which is not formal or professional in tone, is indiscreet in content, and which was obviously written or sent in haste. My experience shows there is no such exception in respect of emails from and between councillors and council staff. There can be no guarantee that such emails (or letters) from or between councillors and staff will not be disclosed to an unintended audience. Emails may be disclosed following a request under the Freedom of Information Act 2000 or following a subject access request under the data protection Act 1998 or in the course of legal proceedings. If inappropriate internal council emails are required to be disclosed to persons external to the council then, at best, they may be considered embarrassing for the council and, at worst, have other unwanted consequences. If internal emails are defamatory, offensive, or wrongly disclose confidential information or personal data (which means information that may identify a living individual, such as name, address or telephone number) to those who should not have such confidential information or personal data, this may provide others with a means of legal redress against the council.

Bear in mind



It is worth remembering some other points:

- Information that is held on behalf of a local (parish or town) council (that is by a councillor or member of staff) will satisfy the definition in Section 3 (2)(b) of the 2000 Act and constitute 'information held by a parish council' which a person is entitled to request under the 2000 Act. Therefore, information that relates to the official business of the council that is held in personal email accounts (for example Hotmail, Yahoo and Gmail) of staff or councillors is caught by the Act.
- If official business of the council held in personal email accounts of councillors (and staff) contains personal data, it may come within the scope of a subject access request under the 1998 Act.
- If personal email accounts of councillors contain personal data that relates to their activities as a ward councillor or campaigning for election, it may come under the scope of a subject access request to the councillor under the 1998 Act
- Information in the personal emails of councillors (and staff) that does not relate to the business of the council will not be subject to the 1998 or 2000 Act.

The dos and don'ts of sending emails:



1. When writing your emails always assume that they may have to be disclosed to a court or tribunal or to the Information Commissioner, because in some circumstances that could happen.
2. Before sending an email, please think about its purpose and consider if it is the best form of communication method to use. For example, a telephone call or a face to face discussion might be more effective.

3. Keep your email message relevant and concise and do not send unnecessary copies of the message or forward it on to others if not strictly necessary
4. Always write your emails as if they are permanent, because even when they have been deleted they can often still be retrieved and may be disclosable to a court or the Information Commissioner
5. Internal emails, even if marked Private or Confidential, might eventually need to be disclosed when it is lawful to do so, for example under the 2000 or 1998 Acts or as part of the requirement on parties to disclose documents in the course of legal proceedings
6. Information communicated by email may not be confidential but it may be sensitive information that needs to be respected
7. Always respect the privacy of others
8. Do not send emails that might be construed as offensive or discriminatory
9. Do not make negative comments about an individual, including members of the public, councillors, staff, or business suppliers.

OALC acknowledges that this article is from the Spring edition of LCR, copyrighted to NALC and that it is reproduced with the kind permission of NALC.

DEVOLUTION DEAL - UNITARIES FOR OXFORDSHIRE?

There are now two counter proposals for unitary local government in Oxfordshire, one from the district councils to form 4 unitary authorities:

- Oxford City
- South Oxfordshire District Council and Vale of White Horse District Councils
- West Oxfordshire District Council with Cotswold District Council
- Cherwell District Council with South Northamptonshire District Council

The district councils are jointly funding a study into this proposal. The specification for the study is [here](#)

The other is from the County Council. This proposal is for one unitary for the whole county. The previously commissioned report from Ernst and Young, November 2014 is [here](#). The current study which the County Council is commissioning requires 5 options to be evaluated:

- 4 unitaries, similar to the districts study
- 3 unitaries - south (Vale and South), City and north (Cherwell and West Oxfordshire)
- 2 unitaries - Oxford City and all four district forming the other unitary - the doughnut option
- 1 unitary - for the county of Oxfordshire
- the status quo

The specification for this study is [here](#)

Both reports are required to be finished by 30th June 2016

OALC is remaining neutral in this discussion because town and parish councils will have to work with the principal authority whether district unitary or county unitary.

OALC has been asked by the County Council to be part of an advisory group and to be available to their consultants. We will do this to ensure representation of the town and parish council voice in the discussions, be that a county table or district table, but this does not imply support of either unitary proposal. We will, of course, always seek for the voice of town and parish councils to be recognized and listened to particularly as a service delivery partner, a role we are increasingly taking on on behalf of the principal authorities.

If your council has strong views either way on the unitary proposals we would like to hear them, without knowing your views we cannot represent town and parish councils. Several councils have already let us know their thoughts. Please copy OALC into emails or letters which your council might send to either the County Council or District Councils on this matter.

The information under the banner of the County Council below is supplied by them. We forward it for information purposes not because we endorse or receive any funding from them.



OxLEP

driving economic growth

Oxfordshire Local Enterprise Partnership is undertaking a refresh of the Strategic Economic Plan for Oxfordshire

Your views are welcome

Please visit
[www.oxfordshirelep.com/
 content/sep-refresh-consultation](http://www.oxfordshirelep.com/content/sep-refresh-consultation)
 to submit your comments



people



place



enterprise



connectivity

www.OxfordshireLEP.com
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OXFORDSHIRE COUNTY COUNCIL

REMOVAL OF BUS SUBSIDIES

The County Council writes: In our last update to you, we said we would keep you updated on the termination of bus subsidies, which will end on 20 July. We also have some positive news on a pilot to support residents without suitable access to transport.

Updates from operators

We have been encouraging bus operators to explore how they may be able to continue to run a service without subsidy. We have also asked all operators to inform us as soon as they are able to provide a public update on the future of their services, in order to reduce the period of uncertainty.

Many operators are still considering their options, but some have already confirmed their intentions. Positively, whilst some services are not able to continue, there are several which will – either with the same level of service, or with an amended timetable and/or increased fares.

As we receive this information from operators, we are immediately informing the county councillors and parishes affected and then updating our public website: www.oxfordshire.gov.uk/stconsultation

Please note that all the public bus services operated by our fleet services team will terminate on 20 July. There are only three routes which we are currently in conversation with parishes about, as they may be able to fund an amended service to continue.

Pilot to support residents without access to transport

We are developing an exciting new pilot scheme which will utilize fleet downtime and offer journeys to anyone without suitable access to transport.

The pilot will provide a completely flexible and affordable service where anyone can request us to provide transport (individuals of all ages, groups, schools, Parish Councils, etc.). We could run both one-off journeys and regular scheduled routes

Further work is required to develop this pilot, as it is a completely new way of operating council owned vehicles. We will present this pilot to Cabinet in May and agree a launch date ahead of the termination of bus subsidies in July.

Usage data

Last month, we advised that we had published bus usage data for the public to review and comment. This has been on the website for 4 weeks and the opportunity for comment will close on Monday 18th April. Community First Oxfordshire will produce an independent analysis of this data and feedback, which will go to Cabinet in May along with a further update on the termination of bus subsidies and the pilot mentioned above.

Further information

We are advising the public to visit our webpages, which will be kept up to date with the latest information. This includes a list of all the routes affected which will be updated when bus operators confirm their intentions for the future of these services.

If you have any questions, please contact the Supported Transport team at SupportedTransport@Oxfordshire.gov.uk



Oxfordshire Together

Since the launch of the Oxfordshire Together proposals in September 2015, around 140 town and parish councils have expressed an interest in taking on delivery of some local highway services that the council will no longer be able to deliver in the future or will only deliver to the statutory minimum standard.

We are now pleased to invite all interested town and parish councils to sign the Section 101 Local Agency Agreements that will enable the council to formally transfer the undertaking of highway services under the Oxfordshire Together proposals to town and parish councils that wish to take them on.

These agreements will include detailed schedules that outline the funding available (if offered with the service), and a description and required minimum standards for each service that is taken up.

The signing of the agreements will mark the initial rollout of this new way of delivering services for our residents, whereby communities are empowered to take ownership of local priorities.

This approach recognises that while the size of the public sector is shrinking, we remain committed to creating the right environment for communities to be able to do things for themselves about issues that matter locally.

If your town council has already expressed an interest in taking up services, we will shortly be in touch with you regarding the signing of the legal agreement.

If you have recently decided that you are interested in, or are still considering, the Oxfordshire Together proposals and would like to discuss this further you can contact us at localities@oxfordshire.gov.uk

Improving our Oxfordshire's library service

The county council has undertaken a series of projects to improve the services available to the public at Oxfordshire libraries.

One of the main projects is the renovation of the Oxford Central Library in the Westgate Centre, which is currently underway. During this renovation the Central Library will be closed, but in the meantime a temporary library has opened at Unit 41 in the Oxford Castle complex.

The temporary library, due to space restrictions can only offer a limited service, the following services are unavailable; internet access, reference information, newspapers, journals and music services. However, these services will be provided by other libraries in the area.

Another project which was recently completed was Bicester's brand new library, which opened its doors on 11th April. The new library is larger than the old facility and allows Oxfordshire County Council's Library Service to offer an improved service. There are now more public access computers than at the previous library and the availability of WiFi will offer increased opportunities for people to get online and further develop their digital skills.

There'll also be a broader choice of books and audio visual items and increased opportunities to join in with regular activities such as weekly rhyme-times for babies and toddlers, family learning activities and reading groups.

The project to create the new facility has been paid for by developers as part of the expansion of Bicester, meaning there is no cost to the public purse.

A further improvement to Oxfordshire's libraries service has been the upgrading of the People's Network with 334 new PCs being delivered to libraries. Publicly accessible Wireless has also now been provided, using Arts Council funding, at 28 Oxfordshire libraries.



INDEPENDENT STUDY OF PUBLIC SERVICE REFORM OPTIONS

Briefing No 2 – April 2016

Purpose

- This is an update on the debate about local government reform in Oxfordshire

Background

- Three weeks after submitting a joint devolution bid to government, Oxfordshire district councils announced an alternative proposal to create four new unitary authorities covering Oxfordshire, and parts of Northamptonshire and Gloucestershire.
- Under this proposal, a 'combined authority' quango would provide some services such as children and adult social care to an area with a population approaching 1 million.
- The county council has concerns about the financial sustainability and effectiveness of this model, which also cuts across boundaries for the NHS and policing.
- Other options should be considered, including a new single unitary council for Oxfordshire which could save an estimated £30 million annual and protect frontline services.

- The districts declined to discuss having an independently commissioned joint study, so the county council was left with no alternative but to commission an independent study looking at all the options. It will be published to ensure an informed public debate about all the options.

Scope of the independent study

- The county council has published an invitation to quote for an independent study to look at all the options for local government restructuring in Oxfordshire, namely:
 - A single unitary council for the whole county
 - Four unitaries covering council areas administered by: Oxford City; West Oxfordshire and Cotswolds (Gloucestershire); South Oxfordshire and Vale of White Horse, and Cherwell and South Northamptonshire (Northants)
 - Three unitary authorities covering, covering areas currently administered by Vale of White Horse and South Oxfordshire; Oxford city; and Cherwell and West Oxfordshire
 - Two unitary authorities, with one covering the city based on expanded boundaries and the other covering the remaining area of Oxfordshire
 - Status quo based on the current arrangement of county and district councils

Criteria for assessing different models

- The independent study will focus on the following areas, with each criteria scored separately to show the relative strengths and weaknesses of different models:
 - Improving local service delivery and outcomes, particularly for the most vulnerable
 - Delivering significant cost savings, value for money and financial sustainability
 - Providing stronger and more accountable strategic and local leadership
 - Driving economic growth and meet the infrastructure challenge
 - Engaging with communities and empowering local areas

Oxfordshire Together – working with towns and parishes

- Restructuring local government offers the opportunity to think from first principles about how to bring real power and influence to local areas, including through parish and town councils. This could potentially include devolution of parking, local planning, and other functions.
- Last year the county council launched its 'Oxfordshire Together' programme, which is designed to give greater control of local services to communities.
- This debate is likely to generate a wealth of creative ideas. The county council will of course consider all of these, no matter what the outcome of the unitary debate, and work with towns, parishes, and local communities, to consider how Oxfordshire Together could be expanded in the future.

Government advice on developing unitary proposals

- Government has indicated that it considers the optimum population range for unitary council areas is 300-800k. This provides the tax base and scale to manage.
- The three and four unitary council models fall short. Oxford city has a population of around 160k so would require significantly expanded boundaries to meet that criteria.
- Government says it is prepared to consider separate sets of proposals for restructuring.

Concerns about the four unitary proposals

- Significant risks to public service delivery without clear evidence of benefits. Social services in particular work better on a larger scale than these four quasi unitaries offer.
- Fragments strategic planning of transport and housing that underpin growth
- Complicates public service delivery in Oxfordshire by involving parts of Gloucestershire and Northamptonshire, and range of other agencies including five local enterprises partnerships (LEPs), three police and five NHS clinical commissioning groups. It also perpetuates two tier service delivery by creating a combined authority quango.
- Duplication of council functions reduces the chances of efficiency savings.

About local government in Oxfordshire

- As the county council provides the bulk of services by value (80%), the reductions in government funding have had greatest impact on its services.
- Demand for County Council services has increased dramatically. Social care accounts for half of the budget, rising to three-quarters by 2020 as the population ages.
- Smaller unitary councils would have the same pressures without the scale to manage them.

County council responsibilities	District council responsibilities
Adult social care	Leisure
Children's services	Waste collection
Highways and transport planning	Housing
Fire and rescue service	Environmental health
School support and admissions	Collecting Council Tax
Libraries	Street cleaning
Waste management	Benefits payments
Public health	Planning
Trading Standards	Electoral registration

EMPLOYMENT UPDATE



OALC offers its member councils access to Bethan Osborne, an experienced HR and employment advisor. **PLEASE REMEMBER ACCESS TO BETHAN IS THROUGH OALC, PLEASE DO NOT APPROACH BETHAN DIRECTLY.** OALC has a limited number of hours of Bethan's time per month, if councils go directly they may be depriving other councils of access to her valuable knowledge.

As part of that service Bethan writes a monthly article on relevant employment legislation changes that could affect your council. The article is placed in the Members Area of the OALC website. This month it is –

How do we handle allegations of bullying and workplace disputes?

What is bullying?

The definition used by ACAS for workplace bullying is the most generally accepted: *“Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*

What is harassment?

ACAS also have a widely agreed definition for this sort of behaviour: *“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.”* This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

What sorts of interpersonal behaviours should councils be concerned about?

Bullying and harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.

Examples include: insulting someone, ridiculing or demeaning someone, spreading malicious rumours, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately undermining a competent worker by overloading work and/or constant criticism, blaming a person for others’ mistakes, preventing an individual’s promotion or training opportunities. It is likely to be the behaviour of one or two individuals rather than the whole council which is characterised by the term “bullying” but by its acceptance of the behaviour the council can find that it is vicariously liable for the actions of an individual.

Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time. The behaviour could be intentional, sub-conscious or entirely unintentional. It is the experience of the recipient which largely determines whether it is acceptable or unacceptable interpersonal behaviour.

What does the law say about handling bullying complaints from staff in the workplace?

Councils have a duty of care towards all their workers and liability under common law arising out of the [Employment Rights Act 1996](#) and the [Health and Safety at Work Act 1974](#). If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim unfair ‘constructive’ dismissal at an Employment Tribunal. In addition, if considerable distress is suffered the employee could have a Personal Injury claim to pursue against their employer.

The [ACAS code of practice on resolution of workplace](#) disputes requires that a complaint from an employee be handled as an internal grievance and that it should be investigated, considered by an impartial decision-maker at a hearing, that the employee be entitled to be represented at that hearing

by a trade union rep or fellow employee and that there is a right of appeal against any decision made by the employer.

Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council and the perpetrator(s) as individual named Respondents.

In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

Do we handle complaints of bullying and harassment differently if they come from staff, elected members or members of the public?

Yes.

- If an employee raises a concern about bullying/harassment that should be handled through the formal Grievance procedure.
- If an Elected Member raises concerns about bullying by a fellow member that should form a Code of Conduct complaint under clauses such as "failure to treat others with respect" and possibly "bringing the council into disrepute".
- If an Elected Member raises concern about bullying by an Officer the council should investigate the matter thoroughly and address the concerns either through the performance management or disciplinary procedure, depending on the outcome of the investigation.
- If a member of the public or a contractor have concerns about bullying or harassment then that should be put to the council under its Complaints Procedure and be referred to the Police if considered sufficiently serious.

There are several scenarios where an alternative dispute resolution approach, such as Mediation, could resolve workplace difficulties in a less adversarial manner and councils are encouraged to consider this when dealing with interpersonal difficulties.

Which policies and procedures can be useful when handling bullying complaints?

The council should have a **Grievance procedure** to handle any complaints from staff. This will need to ensure that the matter is stated in writing, that an investigation takes place, that there is a hearing in which panel members act with impartiality and the employee is entitled to representation and that an appeal process is available to the employee after the Grievance is concluded.

A **Dignity at Work** policy is also recommended in which the council states what is/is not acceptable interpersonal behaviour (both in meetings and through communication channels) and what actions will be taken/procedures adopted if there is a complaint of bullying/harassment forthcoming. SLCC members can download a template from the Society's website.

If an investigation identifies that an employee is at fault and has been bullying/harassing another then the council will need to consider instigating **Disciplinary procedures** and/or addressing the issue through the **Performance Management** (annual appraisal/assessment) process and offering training if this is appropriate.

What can the council do to sanction the perpetrator?

As mentioned above, if the perpetrator is an employee the council can commence disciplinary proceedings, following the investigation, and if the bullying is serious or discriminatory it could be dealt with as a matter of gross misconduct i.e. likely to lead to a dismissal if found against the employee.

If the alleged perpetrator is an Elected Member the council cannot vote to exclude the councillor or remove the councillor from the council. It is advisable that in a serious case of alleged bullying that the victim be directed to register a grievance (if an employee) or a complaint (if from outside the council) and at the same time to pursue a complaint under the Members Code of Conduct. However, councils can resolve to undo any actions they have taken to elect the Member into additional positions of influence on the council e.g. committee member, representative on an outside body. It is recommended that any council facing this sort of decision liaises closely with the County Association and the Monitoring Officer before taking any actions

Why are there so many bullying complaints in councils?

There is no clear answer to this question but it could be down to a mixture of: uncertainty about roles and the extent of roles of officers and Members; lack of training for officers and Members alike; power imbalance between many Members as “the employer” and one or two officers as “the employees”; a political environment may not be as calm or respectful as other workplaces; peoples’ passions and agendas for their community sometimes over-ride respectful conduct in the workplace; lack of robust performance management which leads to Members feeling that they have no option but to criticise Officers in meetings, in public or via e-mails.

What is certain though is that workplace bullying can create severe strain on officers and Members alike as well as leading the council to incur costs for legal and other professional advice. In addition, there is the cost of replacing people who find the situation unbearable and walk away and the reputational damage to the organisation which may follow.

Prepared by Bethan Osborne, Employment & HR Consultant working with OALC 27th April 2016

NATIONAL NEWS

Consultation on privatisation of the Land Registry

It was announced in the Autumn Statement 2015 by the Chancellor that Government intended to consult on options to move operations of Land Registry into the private sector.

This is part of a wider aim of the Government to seek up to £5 billion of additional corporate and financial asset sales by March 2020.

This consultation sets out options to move Land Registry into the private sector. A sale of Land Registry is expected to deliver a capital receipt for Government which they suggest can be invested elsewhere for the benefit of the tax payer.

The full consultation is [here](#) and closes on 26th May 2016

POWERS TO REMOVE OUTDATED TRAFFIC SIGNS

New powers to remove pointless road signs that are an eyesore and distract drivers will be given to councils on 22 April 2016 under [The Traffic Signs Regulations and General Directions 2016](#).

According to DCLG the number of signs on our roads, more than doubled from 2.45 million in England in 1993 to an estimated 4.57 million in 2013.

Now simpler rules are being brought in to give town halls the power to take down unnecessary signs and for the first time, signs that say 'new' layout ahead will have 'remove by dates' on the back so they are not needlessly left in place for years

Life is too short to read all 547 pages of the new Regulations which have come into force but if there are nugatory signs in your village we would suggest your council suggest their removal to the Highways Authority.

STAR COUNCIL AWARDS 2016 - COUNCILS, COUNCILLORS, CLERKS AND PROJECTS - THIS IS FOR YOU!

NALC will be running its second Star Councils awards scheme this year, details of the 2016 programme are [here](#). The awards will once again provide an opportunity to celebrate the work of councils, councillors and clerks.

Last year OALC was runner up in the CALC Outstanding Project of the Year Award. There are over 300 parish and town councils and parish meetings in Oxfordshire; I know interesting and innovative work is going on in the county being done by dedicated councillors and clerks. This is your chance to shine. Please put in a nomination and celebrate what you are achieving on behalf of your community in these challenging times. It would be good for at least one Oxfordshire council to be nominated in each category. Don't leave it to someone else; anyone can make nominations, it doesn't have to be the clerk.

The categories are:

- Young Councillor of the Year (Aged 18-30)
- Clerk of the Year
- Councillor of the Year
- CALC Outstanding Project of the Year

- Local Council Outstanding Project of the Year
- Council of the Year

The closing date for nominations is 31 July 2016. Nominations are on line via the [nomination guide](#)

The longlist will be announced in August 2016, the shortlist in September 2016 and a special awards presentation and event will take place on 19 October 2016 at Jurys Inn, Birmingham. The event will be held in conjunction with the NALC Annual Conference on 19 and 20 October 2016.



COUNCIL TAX LEVELS 2016-17

For those that are interested, National Statistics published on March 31st the annual statistics on council tax levels set for 2016-7.

They report that "The average Band D precept charged by a parish or charter trustee for 201617 will be £57.40 an increase of £3.28 OR 6.1%, FROM 2015-16."

The report which goes into greater detail can be found [here](#)

TWO NEW FINANCIAL BRIEFINGS FROM NALC, A NEW EDITION OF GOVERNANCE AND ACCOUNTABILITY FOR SMALLER AUTHORITIES 2016 AND AN UPDATE TO LTN 14E BYELAWS

All three documents are in the Members Area of the OALC website and were sent out on Thursday 31st March to clerks, the LTN is also in the Members Area

F02-16 Local Audit and Accountability Act 2014 – changes to audit appointments and arrangements



This briefing deals with changes to audit appointments and certain other amendments that will start to come into effect during the course of 2016. Please note the final paragraph which details a change which comes into effect immediately and concerns the setting of the date for the exercise of Electors' Rights.

F03-16 (it was sent out by NALC with the wrong number F02-16) and

Governance & Accountability for Smaller Authorities in England – a Practitioners Guide to Proper Practices 2016

This briefing announces the publication of the latest Practitioners Guide which replaces the 2014 Guide. The guidance applies to Annual Returns in respect of financial years commencing on or after 1 April 2016 .

The new edition of Governance and Accountability for Smaller Authorities in England 2016 is a slimmer document, in four sections; the fifth section which is referred to will be available later in the year.

Please note paragraph 1.43:

“The authority needs to approve the annual governance statement by resolution of members of the authority meeting as a whole, in advance of the authority approving the accounting statements in Section 2 of the annual return. The Chair of the meeting and the Clerk need to sign and date the annual governance statement and a minute reference entered.”

This is the reverse of previous practice but can all be done at the same meeting.

Legal Topic Note 14E Byelaws (England) has been updated to reflect a changed DCLG contact address for byelaw queries as well as minor cosmetic changes. The LTN has a useful flow chart showing the process for obtaining a byelaw. The LTN is in the Members Area of the OALC website.

[Oxford Legal](#) writes:

“On 11 February 2016, the Byelaws (Alternative Procedure) (England) Regulations 2016 (SI 2016/165) were made.

Section 236 of the Local Government Act 1972 (LGA 1972) states that byelaws need to be confirmed by the Secretary of State before they enter into force. The regulations provide an alternative procedure for the making, entering into force and revocation of such byelaws. The alternative procedure, which removes the need for central government confirmation, involves a two-stage process for preparing a byelaw and consulting before the new byelaw is advertised and made. The alternative procedure will enable local authorities to resolve any objections and bring into force any byelaw locally.

The regulations, come into force 20 days after being made.”

AUDIT - THINGS TO NOTE AND BE AWARE OF FOR 2015-6

You will have received from your external auditor BDO their Spring Briefing, March 2016.

Please read it thoroughly, there is a lot of useful information in it. Please also read the new version of Governance and Accountability 2016 together with the two briefings from NALC F02-16 and F03-16 sent to clerks on Thursday 31st March (see above). The BDO briefing reflects on the changes brought in by the Accounts and Audit Regulations 2015 which are applicable for the Annual Review of the year just ended (March 2016)

We would draw your attention to:

- The period for the exercise of public rights is 30 working days. The setting of the date for the exercise of Electors Rights is now the responsibility of the council not the External Auditor as previously. The date should follow immediately after the adoption of the Annual Return by the Council. These 30 working days must include the first 10 working days in July. The earliest you can start will be Friday 3rd June and the latest is Friday 1st July.
- The Responsible Finance Officer **must publish on the council website** before the inspection period starts - the Annual Governance Statement; Statement of Accounts and a statement

setting out the period for the exercise of electors rights and details of the auditor and where the documents can be inspected.

- Parish Meetings are exempt from publishing the above information on a website but it must be displayed in a conspicuous place for 14 days.

PAY AWARD – STILL WAITING

All three NJC trade unions have consulted their membership on the LGA two year pay offer – 1% this financial year and 1% the following year. UNISON and Unite have a mandate to seek industrial action ballots. UNISON members voted by 64% to reject the offer and Unite members voted to reject by 87%. 90% of GMB members voted to accept.

UNISON and Unite are pressing the Local Government Association (LGA) to put a revised, one-year offer on the table.

The Employers' Side of the NJC met on 1 April to consider the unions call for a revised offer. UNISON's NJC Committee and the NJC Trade Union Side Executive will meet to consider any revised offer from the LGA on 5 April.

There is pressure on employers to reach agreement. Over a third of the pay points on the current pay spine will fall below the Chancellor's 'National Living Wage' by 2020 and so will have to be deleted. A majority of councils are now paying the 'real' Living Wage.

NATIONAL LIVING WAGE

The National Living Wage (NLW) comes into force on 1st April 2016, replacing the National Minimum Wage for all workers over the age of 25. The NLW is set at £7.20 per hour. The National Minimum Wage continues to apply to those under 25.

NALC has issued a briefing on this (E01-16) which is in the Members Area of the OALC website.

Is the pay of clerks affected? No. LC1 the lowest scale that applies to clerks starts at SCP15 – an hourly rate of £8.613.

However, councils may have other staff affected. The salary rate SCP 5 was deleted on 1st October 2015. This leaves SCP 6 and SCP7 below the NLW. Any council employee who is employed on SCP 6 or 7 should be paid at the NLW until such time as these grades exceed the NLW.

The Department for Business, Innovation and Skills have [guidance](#) on calculating minimum pay entitlements.

For current pay scales see NALC briefing E03-14 in the Members Area of the OALC website.

TRANSPARENCY CODE - GRANTS AVAILABLE TO ENSURE COMPLIANCE. A RARE OPPORTUNITY TO GET A SUBSTANTIAL GRANT WITH A SIMPLE APPLICATION PROCESS!

NALC has received confirmation that funding will continue for this (2016-7) financial year.

There is a revised application form for this financial year which was sent out to all councils last week. More information and answers to FAQ's are available on the NALC website [here](#)

The [Transparency Code](#) requires that smaller councils (turnover under £25,000) should publish, on a freely available website, information about:

- all items of expenditure above £100
- end of year accounts
- annual governance statement, internal audit report
- list of councillor or member responsibilities
- the details of public land and building assets
- Minutes, agendas and meeting papers of formal meetings

If your council does not have a dedicated website of its own, over which it has access and control, it will be eligible to receive a grant towards getting a computer and setting up a website to enable the council to comply with the Code.

Nine councils in Oxfordshire have received grants totaling £7,692 so far. Typical amounts of money available are:

- Internet set up costs £300
- Website setup costs £500
- Training costs £400
- Scanner costs £100
- Computer costs £350

CASE STUDIES OF COUNCILS WORKING TOGETHER TO DELIVER SERVICES – YOUR HELP PLEASE

NALC and (OALC) are always keen to receive case studies of innovative examples of service delivery by councils large and small. NALC need examples to show to the Department of Communities and Local Government and other government departments to illustrate that councils are being pro-active in responding to the needs and demands of their communities.

Please take this opportunity to show the world what your council has done. A couple of paragraphs and a photo are all that is required to ensure fame! Please send to info@oalc.org.uk

HELPING LOCAL COMMUNITIES TO REDUCE THE NUMBER OF ATTACKS BY DOGS ON SHEEP



Your council may be aware of distressing attacks on sheep by dogs: over 600 have been killed in the first dozen weeks of 2016 (probably only the tip of a, largely unreported, iceberg) – and most of them will have been pregnant.

Sheepwatch UK is a new initiative, recently featured on BBC Countryfile, which is trying to help people work together to reduce the number of attacks on sheep and support responsible dog ownership.

There is now a [website](#) and a [Toolkit](#) of ideas which may be of interest to Parish Councils, community groups, schools, farmers and others.

Dog attacks on sheep seem to be increasing: a situation that affects rural businesses, animal welfare, community relations, access to the countryside, food prices and much more

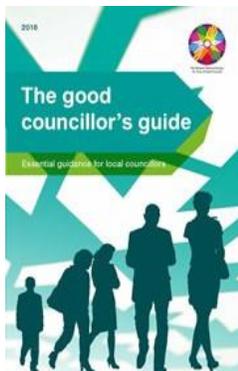
The problem can be addressed by bringing people together and using education and awareness to gradually change behaviours. Parish Councils may be able to play an important role in this matter

SheepWatch UK is trying to encourage all farmers to report incidents to its website so that there is a better picture of the scale, nature and costs of the problem

The campaign will offer ideas and advice to farmers as well as producing a 'Toolkit' for local communities so that they can organise local campaigns to increase awareness and encourage responsible behaviour in the countryside

A [national conference](#) (free of charge) is being arranged for Friday 3rd June.

NEW EDITION OF THE GOOD COUNCILLORS GUIDE - 5TH EDITION 2016



A new updated edition of THE GOOD COUNCILLORS GUIDE is available to download in our [Members Area](#) at the bottom of the page under Councillor Resources. This is the 5th edition and incorporates changes to legislation since the 4th edition in 2013. NALC has undertaken to review this useful publication each year.

If you wish to order copies of the new 5th edition (2016) please contact us. We have supplies in the office. The price for printed versions is now £3 per copy + £1.20 p&p inc. VAT.

NALC NATIONAL LOBBY DAY

NALC held its second parliamentary Lobby Day on 12th April after a National Council meeting which our President, Cllr Malcolm Leeding attended as the Oxfordshire representative. Collectively the County Associations engaged with over sixty Members of Parliament and Peers including local government minister Mark Francois MP, chairman of the Local Government Association Lord Porter and shadow leader of the House of Commons Tom Brake MP. OALC had written to all 6 Oxfordshire MP's enclosing a briefing about OALC and what it does for town and parish councils, we have only managed to secure a meeting with Andrew Smith MP for Oxford East in May.

You can read more about Lobby Day in the NALC [press release](#).

On the morning of the Lobby Day, National Council met at Portcullis House, Westminster highlights include:

- a welcome address from deputy speaker of the House of Commons Eleanor Laing MP, in which she spoke about the important role of parish councils and praised the excellent work of NALC and the Essex Association of Local Councils (EALC);
- the first speech from our new president Lord Matthew Taylor

- National Council noted the quarterly report setting out progress against NALC strategic plan objectives

Tuesday 12th April also saw the All Party Parliamentary Group on local democracy hold a session to discuss the role of councillors and the Councillor Commission; speakers included Prof Colin Copus, Leicester De Montfort University, Cllr Mel Usher, Frome Town Council, Cllr Clare Nelmes, Mayor of Dursley Town Council and Joy Darby, EALC. The meeting launched the 'parish stream' of the Councillor Commission. The parish commissioner, Cllr Mike Evans urged councillors and councils to get involved by sending in written evidence or hosting roundtables (more about the Councillors Commission in the article below). The transcript of the APPG session will be available on the NALC website's [APPG page](#).

NALC events

On 14th April there was a joint event in Birmingham organised by NALC with the Society of Local Council Clerks for county association and SLCC branch officers. Christine Lalley, OALC County Officer and Sharon Groth, SLCC Oxfordshire Vice-Chairman, clerk to Witney Town Council attended. It was the first time in several years we have come together for this kind of event and it proved to be a productive day with speakers from councils, county associations, branches and the LGA; topics and discussions ranged from partnership working, reputation management and communication.

COUNCILLORS COMMISSION

Cllr Mike Evans from Whiteley Town Council has joined a high profile panel of local government experts on the Councillor Commission as 'parish commissioner'.

The appointment of the experienced Hampshire town councillor follows discussions between NALC and the Commission's chairman Professor Colin Copus about the role of England's 80,000 parish and town councillors in the review.

The Local Government Research Unit at Leicester De Montfort University launched the Councillor Commission in December 2015 to conduct an independent review of the role and work of the councillor and the contribution made by councillors to the governance of their communities and the country.

The Commission is aiming to provide policy makers with a better understanding of the office of councillor and of the contribution councillors make to their communities, as well as seeking to further public and policy debate and understanding about local government and local democracy.

A 'parish stream' of the Commission's review will be launched on 12 April at a meeting of the All Party Parliamentary Group on local democracy, whose chairman Andrea Jenkyns MP is a former current councillor and Scott Mann MP, one of the Group's vice chairman, is also a serving councillor.

The terms of reference of the Commission are:

'To explore and consider the roles, functions, tasks, responsibilities and powers of the councillor so as to assess their relevance and effectiveness in enabling councillors to sustain a viable system of local democracy, local leadership and local government. It will examine the daily experiences of the councillor in their office as a politician and representative, to understand how far and to what effect councillors can shape their communities and the actions, activities and policies of private and public

organisations operating within and beyond the boundaries of the council. The commission will examine the quality of support councillors receive from their councils in conducting their activities and examine ways of strengthening and enhancing the role and status of the office of councillor.'

To find out more information about the Councillors Commission and how you can submit evidence please read [here](#).

CALL TO PROTECT AFFORDABLE RURAL HOMES

Peers and rural groups joined forces to argue for measures that protect the affordability of rural housing.

The consortium includes the Rural Services Network, the Rural Housing Alliance, the Country Land and Business Association and the Campaign to Protect Rural England (CPRE).

It is arguing for a series of measures to be added to the Housing and Planning Bill to help protect the balance of tenures, types and the affordability of housing in rural communities.

The Bill will continue its detailed scrutiny in the House of Lords, they are currently debating a suite of amendments supported by the coalition of rural groups. CLA president Ross Murray said: "The challenge of delivering much needed housing in our rural areas is different to that in our towns and cities. Starter homes may be the answer in many urban areas but forcing them on rural areas won't work. He added: "The risk is they dissuade those bringing forward much needed land for affordable housing as all the benefit goes to the house buyer who may sell in only five years."

Rural communities needed a variety of housing types, tenures and sizes, said Mr Murray. "Allowing Starter Homes to be built instead of rented accommodation will mean those who cannot afford to buy a property will have no accommodation options open to them." Similarly, said Mr Murray, ministers were yet to indicate where properties replacing those sold under the Right to Buy will be built.

"Government must be clear that that any replacement property is built like-for-like and in the same area to ensure the continued vibrancy of our rural communities.

"We support government's ambition to boost homeownership, but the legislation in its current form could put delivery of rural homes and the vibrancy of our countryside at risk." CPRE chief executive Shaun Spiers said: "The proposals set out in the government's bill will not help the people in rural communities who need genuinely affordable homes."

Starter homes were beyond the means of most young rural people, and would do little to prevent families from being forced out of their communities because they could not afford to stay there.

"Vibrant communities are essential to rural life, and to support these communities we must provide a mixture of housing types that also cater for those who cannot or do not want to buy their own home."

Hastoe Group chief executive Sue Chalkley said: "People in rural areas face particular difficulties in accessing an affordable home, with low local incomes, and high property values.

She added: "The growing affordability gap means young people and families are being priced out of their local rural communities."

Ms Chalkley said Hastoe strongly supported the drive to develop more new homes. But several of the government's proposals would exacerbate the shortage of affordable rural homes. They included unaffordable starter homes, the forced sale of council homes and the lack of a guarantee that homes

sold through the extension of the Right to Buy would be replaced. "We hope that the government recognises the need to protect badly needed affordable homes in rural communities and accepts the amendments put forward today by peers.

This article is from:

DISExtra – NALC's Direct Information Service, 109 Great Russell Street, London, WC1B 3LD. Tel: 020 7290 0308. Fax: 020 7436 7501. Email: Dis@nalc.gov.uk

DIS Extra is a fortnightly publication providing the latest news, events and funding opportunities in the local government sector.

Member rate: £90 + VAT (one-year subscription - 26 issues). If your council subscribes for multiple years you will receive an additional discount. A two-year subscription - 5% discount, three-year subscription - 10% discount.

TRAINING AND DEVELOPMENT

OALC TRAINING PROGRAMME 2016

Booking forms are on our [website](#).

Saturday training session for new councillors in September

We have listened to your feedback, so for those councillors that have difficulty getting time off work to come to training we are trialing a Saturday session. We will start slightly earlier and compress the breaks to make the best use of time. However, the venue and the trainer are more expensive because it is a Saturday. We hope that there will be strong demand so please get your bookings in early. New councillors, particularly those elected in May would benefit from attending.

The Clerks Year on June 29th is particularly aimed at newer clerks and councillors. It will be run by a very experienced clerk and lecturer, Dominic Stapleton (ex Didcot Town Council) it will cover:

- Key dates and actions for the year. What needs to be done and when?
 - What are the responsibilities of the clerk during the year?
 - What is the role of the Chairman throughout the year?
 - The Council's responsibilities throughout the year.
 - What policies and documents should be reviewed during the year and when?
 - What is good governance and how to achieve it?
-
- May 18th **Freedom of Information, Data Protection** – Liz Howlett, solicitor- SPACES STILL AVAILABLE
 - June 29th **The Clerks Year** – Dominic Stapleton, ex clerk to Didcot Town Council, now Assistant Course Leader, Community Governance degree, Gloucestershire University
 - July 13th **Chairmanship** – Liz Howlett, solicitor ex Monitoring Officer at Cherwell DC

- **NEW TRAINING OPPORTUNITY - SATURDAY** September 10th **Roles and Responsibilities** for new councillors - Liz Howlett, solicitor
- September 21st **Finance for parish councils** - Steve Parkinson, Development Manager, Finance expert, SLCC
- October 5th **Roles and Responsibilities** for new councillors - Liz Howlett, solicitor
- November date tba **Planning**
- December 7th **Employment briefing** - Bethan Osborne, OALC HR Consultant

Other events:

- **Devolving and delivering – NALC and LGA**

This jointly delivered event on 1 June 2016 from the National Association of Local Councils (NALC) and the Local Government Association (LGA) will explore the opportunities devolution presents for principal and local councils to work more collaboratively.

NALC and LGA have consistently made the case for devolution. Now, with several devolution deals established and more in discussion, this event will examine how all tiers of local government can benefit from devolving powers and functions, as well as how services can be improved through closer working.

This free conference in London is open to NALC member councils. More information and booking [here](#)

- The Oxfordshire Association of Care Providers also provide training; their current training dates and subjects are:
 - Business Planning May 25th 9:30 am - 1:00 pm location tba
 - Food Hygiene Level 2 June 8th 9:45 am - 12:30 pm location tba
 - Safeguarding of Adults June 14th 9:30 am - 12:30 pm Rose Hill Community Centre, OX4 4HF
 - Equality and Diversity June 14th 1:30 pm - 4:30 pm Rose Hill Community Centre, OX4 4HF
 - Performance Management June 17th 9:45 am - 4:30 pm OACP, Howbery Park, OX10 8BA
 - Train the Trainer June 24th 9:45 am - 4:30 pm Clare Foundation HP14 4BF (includes lunch)
 - Recruiting and Retaining Volunteers July 8th 9:45 am - 4:45 pm Venue tbc

Half day training from £44.55

Full day training from £67.50

All enquiries to Kathy Thomas – kathy.thomas@oacp.org.uk or go to the website www.oacp.org.uk

Didcot Town Council - Town Clerk



Salary Scale LC3/4, SCP 45, £39,267 to SCP 62 £61,067 per annum (depending upon experience and qualifications)

Didcot is a rapidly growing and fast developing town situated in South Oxfordshire with a population of more than 27,000.

The Council is seeking to appoint a forward thinking and proactive Town Clerk to take responsibility for all aspects of the managerial, administrative and financial operation of the Council, including acting as Responsible Finance Officer and Proper Officer. The Council has transitional foundation status on the Local Council Award Scheme and a key role for the Town Clerk will be to take this forward by developing services, partnerships and new initiatives to progress to the quality and quality gold status.

Applicants must be able to demonstrate that they have extensive managerial and financial experience. The Council has a budget in excess of £1,000,000 and is subject to the associated accounting procedures. They should have a more than sound knowledge of local government law and procedures, hold a relevant professional qualification and show that they have or can obtain the Certificate in Local Council Administration. The Council has held the General Power of Competence and wishes to do so in the future with a suitably qualified clerk.

An essential car user allowance will be payable and the post holder will also act as Treasurer/Secretary for the Didcot Civic Hall Management Committee.

The closing date for the receipt of applications is Friday 6th May at 12 noon; interviews are planned for the week commencing Monday 16th May, and the start date is expected to be between July and September 2016 [dependent on notice period of successful candidate].

The application pack is on our website at <http://www.didcot.gov.uk/Vacancies.aspx> Alternatively, to request an application pack or an informal discussion about the post contact Didcot Town Council, Britwell Road, Didcot, Oxfordshire, OX11 7HN, telephone 01235 812637 or email council@didcot.gov.uk

Didcot Town Council is committed to Equality of Opportunity and actively welcomes applications from all sections of the community.