

# Update

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## THE CHIEF'S BRIEF

By Danny Moody, Chief Executive, Northants CALC

Spring is my favourite time of year. It's a time for looking forward, a time of promise, a time for new beginnings. It's also an eventful period in the local council calendar: the end of year accounts, the Annual Return, the Annual Parish/Town Meeting, the Annual Meeting of the council, the election of chairman/mayor. For some parish and town councils in the district of Daventry it is also a time for local elections. Clerks and councillors are at their busiest in spring, and that's on top of the ever-increasing demands to keep abreast of the latest developments and new legislative requirements. It's no wonder that some clerks and councillors are feeling quite exhausted at the moment!

And government isn't leaving parish and town councils to get on with things quietly. Like a man with a stick poking a beehive Eric Pickles seems keen to turn everything inside out. The innocuously named Local Audit and Accountability Act 2014 received Royal Assent on 30 January 2014 and it heralds a completely new governance and accountability framework for parish and town councils. A raft of secondary legislation will be appearing throughout 2014; gone will be routine external audit for parish councils with an annual turnover of less than £25,000, and in will come new "accountability" measures, such as the right for members of the public to record parish and town council meetings. There's more on these potential new provisions below.

It's all happening in Northamptonshire too. The resumed examination hearings for the West Northamptonshire Joint Core Strategy (JCS) took place from 18 – 21 March and once the JCS passes examination it will trigger a whole new round of consultation and work on community level plans.

Meanwhile the examination hearings for the North Northamptonshire JCS, which were timetabled for the end of 2014, may now be pushed even further back because of the delayed decision on the key Rushden Lakes development. The delay to the strategic plans causes uncertainty and additional work for those parishes engaged in the development of Neighbourhood Plans.



*There's no time to stop and smell the tulips.*

In late February I attended a meeting organised by Spratton Parish Council where members of the Spratton Neighbourhood Plan group shared their experiences with other councils. It was a fascinating evening and a good reminder of just how much work there is in developing any kind of community-led plan. The speakers were excellent and the audience generated some extremely interesting questions. It would be good for other parish councils to host similar events on a range of topics.

Also in late February I had an initial meeting with the Northamptonshire Enterprise Partnership (NEP). The remit of Local Enterprise Partnerships was supposed to be the promotion of economic development but it is becoming clear that they will have a much wider role in the future, including being the conduit for European funding that will support community projects. It's early days but it was good to make the connection.

On 11 March I attended my first meeting of the Court of the University of Northampton and was delighted to find that one of the tables was hosted by Ann Gilbert, Clerk to Brington Parish Council and a governor at the University. Yes, the parish council sector is everywhere you look! Northants CALC is a member of the Court and through that hopes to build closer relationships with the University.

On 19 March I met with Assistant Police & Crime Commissioner, Kathryn Buckle and PCC Strategy Adviser, Stuart McCartney. The PCC has ambitious plans to see many more community volunteers contributing to crime reduction and community safety in the county and I hope that we can work together to achieve that. Crime and the fear of crime are issues that are high on the agenda of many parish councils.

On 20 March I attended an induction of Highway Wardens held at the Brixworth Depot. I was attending in both a professional and personal capacity as having worked with Northamptonshire Highways to launch the scheme I have put my hand up and been appointed as the Highway Warden for Helmdon in South Northants. I look forward to carrying out my role diligently and using that personal experience to ensure the success of the scheme across the county.

The National Association of Local Councils (NALC) held a conference entitled "What's Next for Localism" in London on 26 March. It was well attended and there was a glittering array of speakers from government, think tanks and academia.

My takeaway message was that there is much, much more to do to get government to understand the parish council world and what its true potential is. There's more about the conference below.

Please do continue to get in touch with your queries and questions. That's what we're here for!

## **ALL CHANGE ON FINANCE**

The long-awaited removal of section 150(5) of the Local Government Act 1972, which required that "every cheque or other order for payment shall be signed by two members of the council" has now happened courtesy of The Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014.

So what does this mean for your council? Firstly, this doesn't require councils do anything immediately... in fact there is a great deal of sense in working calmly through a proper process to ensure that any new system that your council adopts is appropriate to your council. Some councils may even choose to continue using cheques for all their payments, after all, if it's not broke... Other councils may now wish to avail themselves of online payments, direct debits and more.

### **Updated guidance**

As part of the removal of s150(5) the Joint Practitioners Action Group (JPAG) was tasked with updating the Practitioner's Guide with new guidance on safeguarding public money. This has been done by issuing a new appendix to the Guide and a PDF copy of the complete Practitioner's Guide including the new Appendix 11 has been sent to every council in membership.

It is very important that any council wishing to move away from cheques signed by two members of the council has a robust system of internal control in place for any other payment method.

### **New Financial Regulations**

With the removal of s150(5) and other recent changes it has been necessary to revise the model Financial Regulations. If your council has not refreshed its Financial Regulations for several years it would be advisable to consider adopting

the new model in its entirety. Bear in mind that the model has several paragraphs that must be customised to fit your council (normally within square brackets) so it is not possible to simply adopt the document without first having gone through it making the customisations. A copy of the new model has been sent to every council in membership.

## **Unauthorised Expenditure**

The removal of s150(5) is welcome and means that councils can now use other forms of payment as well as cheques. However, remember that councils should never incur expenditure that has not been approved by the council, a committee or an officer as appropriate (see sections 4 and 5 of the model Financial Regulations).

## **Audit & Annual Returns**

BDO LLP has sent out the annual audit packs to every council in Northamptonshire. The pack contains the council's audit date, the blank Annual Return form and other associated paperwork. If you have not yet received your pack please contact [councilaudits@bdo.co.uk](mailto:councilaudits@bdo.co.uk).

## **DIRECTOR VACANCY**

Northants CALC has an immediate vacancy on the board for a Director.



Northants CALC is a not-for-profit company limited by guarantee. It is a membership organisation representing the parish and town councils and parish Meetings in Northamptonshire. Our board is comprised of eight Directors selected from the membership (clerks or councillors). The initial term of office will run until the AGM in October when all Directors step down together but may seek re-appointment.

The board is looking for a high quality individual to help lead the organisation as it continues to grow and develop. You will find it demanding but satisfying, being part of a small volunteer team advancing the interests of the Association and its member councils.

Directors must commit sufficient time to prepare for and attend meetings (currently held monthly alternating from Thursday mornings to Saturday mornings).

Further information about the role of a Director including details of the selection process and how to apply is available on request by e-mail to Danny Moody, Chief Executive: [dmoody@northantscalc.gov.uk](mailto:dmoody@northantscalc.gov.uk).

Applications must be completed and returned by 5:00 p.m. on Monday 7 April 2014.

If you feel that you would make a significant contribution to the work of the Association then please apply; we would be pleased to welcome you.

## **COMMUNITY INFRASTRUCTURE LEVY**

### **Background**

The Community Infrastructure Levy (CIL) is the “Government’s preferred vehicle for collecting contributions to mitigate the impacts of development” (CIL regulations paragraph 87) – these contributions are known as “planning obligations”. CIL is a transparent charge, like a tax, on any new development consisting of new buildings in order to pay for infrastructure necessary because of the new development, such as roads and schools.

At present planning obligations are secured through the Section 106 process. A Section 106 is a legal agreement between stakeholders (the local planning authority, developer/land owner and the County Council) in which funds or infrastructure are secured in order to make new development acceptable in planning terms.

In April 2015 CIL Regulations will become more robust meaning that Section 106 will no longer be the predominant way in which development mitigation is secured. From this date Section 106 will be limited to very site specific mitigation measures (such as development access and fire hydrants), and all schemes will have a limit of 5 Section 106 agreements from which you can pool. This is Central Government’s way of encouraging local authorities to adopt a CIL charge (at present it is still optional).

### **Current Work on CIL**

Both the North and the West Joint Planning Units are leading on work on behalf of the local planning authorities in order for each authority to meet the aim of adopting a CIL charge by the April 2015 deadline. The charge is established by all authorities identifying the level of infrastructure required from the proposed growth in their area. Viability work is then undertaken to determine how much development could afford to pay towards mitigation, based on land values and development types (this has been undertaken by both Joint Planning Units, with considerable County Council involvement).

The outcome of this work has been to identify how much a CIL charge would be in Northamptonshire's High, Medium and Low value areas. Both viability assessments were undertaken by different consultants, however the results were reasonably consistent. It is important to note that CIL is not expected to completely fund the required infrastructure, but instead contribute towards it, and encourage other funding streams to fill the gap.

When CIL is collected, it will be spent on infrastructure identified on a list known as the Regulation 123 list (which relates to paragraph 123 of the CIL regulations). This list will be publically consulted upon prior to adoption and will be published on each planning authority's website.

As many of you will be aware, Parish Councils are entitled to up to 25% (if they have a neighbourhood plan; 15% if they don't) of all CIL receipts in their area. This could be a considerable amount in areas of large scale growth. This is money that Parishes will be responsible for utilising on local projects. This could be a community project, or could be put towards local school improvements, green space or parks, for example. This is because, unlike Section 106, CIL, once collected, can be spent anywhere. The 15-25% to the Parishes ensures that a proportion of the funding remains local, to be spent on schemes important to the residents that will be affected by growth. The County Council's Development Management service has been involved throughout the process to date. If you are interested in receiving further details relating to CIL, or would be interested in a detailed briefing in the future, I would be very happy to hear from you at the contact below:

Ben Hunter (Senior Project Manager, Development Management)

Email: [bhunter@northamptonshire.gov.uk](mailto:bhunter@northamptonshire.gov.uk) Tel: 01604 366634

## THE WOMEN'S TOUR

Get ready to see some world-class cycling when the first-ever Women's Tour cycling event comes to Northamptonshire in May.

This exciting event will bring women's cycling to the UK in the country's first ever international stage-race.



Over 100 of the best female riders, including past and current Olympic medallists and World Champions representing 17 trade and national teams will be competing to become the first ever Women's Tour champion.

The entire first stage takes place in Northamptonshire on Wednesday 7th May, starting with the Grand Depart in Oundle and the stage finish later that day in the centre of Northampton.

On the following day (Thursday 8th May) the second stage will also pass through Northamptonshire, from Welford to Wollaston.

The Women's Tour is created by SweetSpot Group, who are also behind the Tour of Britain. SweetSpot is working with Northamptonshire County Council to bring the event to the county.

Keep up to date with the latest Women's Tour news by visiting [www.womentour.co.uk](http://www.womentour.co.uk) or [www.womentournorthants.co.uk](http://www.womentournorthants.co.uk), follow the event on Twitter [www.twitter.com/thewomentour](https://www.twitter.com/thewomentour) or [www.twitter.com/womentourNN](https://www.twitter.com/womentourNN) or like the Facebook page [www.facebook.com/thewomentour](https://www.facebook.com/thewomentour)

British racing cyclist Hannah Barnes, who lives in Towcester and is part of the UnitedHealthcare team said: "I'm really proud that my home county is hosting the entire first stage and part of the second stage of the first-ever Women's Tour. I hope that everyone will turn out and show the women some Northamptonshire spirit as they race through the county. It's going to be an unforgettable event!"

## **NEW MEDIA RULES**

Northants CALC used its Councillor Panel to conduct a survey on proposed regulations that would make it mandatory to allow reporting from parish and town council meetings (Openness of Local Government Bodies Regulations 2014).

The survey was open from 18 to 25 February 2014 and 44 councillors from member councils in Northamptonshire responded.

73% of respondents agreed that parish and town council meetings should be subject to open reporting whilst 27% thought they should not.

The main positive impacts were thought to be that “Members of the public will be more informed about the parish council” and that “Councils will feel, and therefore become, more accountable”.

The main negative impacts were thought to be that “Councillors will feel intimidated knowing their words are being recorded” and that “Council meetings will become sterile events simply ratifying decisions that are made elsewhere”.

Many of the “other” comments on positive impacts suggest that recording council meetings could result in an overall improvement in meetings and councillor behaviour, which may attract people to join the council. However many of the “other” comments on negative impacts suggested that some councillors may resign if filmed or that new councillors won’t join because they would feel intimidated.

When asked “If the advice is that a parish council should make its own recording of meetings would your council be happy to do so?” a roughly equal number replied “The council would probably consider recording its meetings” (44%) as said “The council is unlikely to wish to record its meetings” (42%).

43% said that it was “quite unlikely” that a member of the public will wish to report from council meetings but 36% said that it was “quite likely”.

When asked about the probable intentions of a member of the public reporting from council meetings 51% thought that members of the public would be “simply reporting facts and neither attempting to show the council in a good or bad light”, but 49% said “They are probably doing so with bad intentions, trying to show the

council in a bad light to a wider audience”. Interestingly, no one thought that members of the public would be recording “with good intentions, trying to promote the council in a good light to a wider audience”!

When asked about the practical implications of recording at council meetings 97% said “We do not have microphones for councillors”, 70% said “There is no wireless internet connection available” and 62% said “There is no 3G/4G connection available”. The practical realities of reporting from village halls may therefore present a significant barrier to the proposals.

When asked for any other comments the responses ranged from the very positive (e.g. “I support anything which makes local councils more transparent & more accessible to the local electorate”) to the very negative (e.g. “I have no wish for this to happen and would give up being a councillor. It will be a complete disaster for local government”).

## Conclusion

The majority of respondents support the recording of meetings but feel that it will be practically difficult and that the impact on the council may be negative. If the proposal to make it mandatory to allow reporting from parish and town council meetings goes ahead there will need to be very clear guidance provided by the National Association of Local Councils (NALC). Government may need to think about providing financial assistance to overcome the practical and technical difficulties members of the public may face.



*There may come a time when all parish council meetings are available via YouTube.*

The impact on the sector in terms of elected member and/or officer attrition as a result of this proposal should not be underestimated and it would be good to see government having a clear understanding of this impact before finalising the legislation.

## BE CAREFUL WHAT YOU WISH FOR

"May you live in interesting times" is the first and probably best-known part of the Chinese Curse. The second and third parts are quoted less often but are just as relevant to local councils... the second part is "May the government be aware of you" and the third part is "May your wishes be granted." Certainly we live in interesting times, and certainly the government is more aware of local councils than ever before, but is it a case of be careful what you wish for?

In my role as Chief Executive of the Northamptonshire County Association of Local Councils (Northants CALC) the statistic that sticks in my mind more than any other is that 50% of the local councils in membership have an electorate of 500 or less. Clearly the capacity to deliver the government's vision of Localism is somewhat limited when your council has an annual income of less than £10k and an entire staff resource of 5 hours per week.

So the question is whether or not government truly understands the nature of the local council sector. Or does it in fact think that every local council is like a large town council, with £500k+ budgets and teams of council staff?

The evidence would suggest a certain lack of understanding.

Take the issue of council transparency. The Department for Communities and Local Government (DCLG) has issued guidance on how local councils can be more open and accountable to their electors, but the provisions seem like a sledgehammer to crack a nut when taken in the context of a small rural parish. I remember one such parish in Northamptonshire attending a Quality Parish Scheme (QPS) Accreditation Panel meeting a few years ago and being picked up on the fact that they hadn't published a newsletter four times a year (which was a requirement at the time). The chairman of the council explained that instead of publishing a newsletter they used GLADYS, and the panel wondered what the acronym was for "Global Local Authority Distribution..." until the chairman explained that if they wanted to get information out in the parish, which had only 87 houses, they told Gladys, and she told everyone else! Does that council really need DCLG's guidance on local authority publications?



Perhaps a more serious example is that of Council Tax referenda. Whilst local councils have so far escaped any move by Eric Pickles MP to impose “capping” on local council precepts, the threat hangs over local councils like the sword of Damocles. But again, a one-size-fits-everyone ruling would be nonsense in the local council sector. Take a small parish council with a precept of £1,500 equating to a Band D of £52. Assuming the tax base stays the same, an increase to £1,800 would result in a Band D of £62, an increase of 20%. A referendum to approve the £300 increase could cost more than the increase itself. There is no other form of government that is more directly accountable to the people than local councils. Those upon whom the precept is levied are sitting in front of you on plastic chairs in the village hall.

If government doesn't completely understand the local council sector then what can CALCs do about that? Firstly we can gather data. Yes, I know that 50% of our members have an electorate of 500 or less but I am not required to report that anywhere, nor is there any mechanism for sharing that information nationally. Council tax billing authorities are now required to report at individual council level what precepts have been set, but where that information goes and who sees it I know not. I suspect it is seen more by data crunchers than policy makers. So there is a lack of “market intelligence” and I think CALCs could fill that gap. Secondly we can ensure that government gets a balanced picture of the sector by drawing attention to the features and benefits of the smaller local council. When was the last time you saw in the press news of a DCLG minister visiting a tiny rural local council? Most of the headline-grabbing visits I've read about are jamborees to larger councils or attendance at national conferences, which inevitably results in that minister having a distorted view of the sector.

I feel that if Localism is to succeed it needs to be flexible and proportionate. If the capacity of the sector is not well-understood and clearly articulated then there is a risk of over-selling what local councils can deliver and setting them up to fail. It also means that government will underestimate the need to invest in capacity building, which is the real key to unlocking Localism.

I hope that the mixed messages we've heard over the past few years give way to clearer thinking and more trust of the electorate. Let local councils live or die by the ballot box; there's no need for any other control than that.

*The article above was written by Danny Moody and appeared in the spring 2014 edition of NALC's magazine LCR. If you would like more information about LCR please email: [lcr@nalc.gov.uk](mailto:lcr@nalc.gov.uk).*

## OUR BIG GIG

### **Nationwide music celebration returns to a community near you this summer**

*- Our Big Gig returns to host hundreds of music events in communities across the nation from 11-13 July*

*- Grants and support available for event organisers who wish to programme community events in their areas*



Our Big Gig, England's largest community music festival is to return in 2014 from 11<sup>th</sup> to 13<sup>th</sup> July, Communities Minister Stephen Williams has announced today. Community organisations are now being urged to apply for an Our Big Gig grant to organise an event.

Funded by the Department for Communities and Local Government, Our Big Gig will see the country unite to celebrate local music at community events, showcase new and existing talent and give people the opportunity to have a go at making music.

Last summer, over 200,000 people attended 326 Our Big Gig events which saw a wide variety of musical activities take place in a range of unusual spaces. From schools to skate parks, beaches to boats, some 14,600 people performed across the length and breadth of the country.

For 2014, all types of community organisations are being urged to apply to put on an event in their local area and bring together diverse groups of people through music. Be it a sports club, faith group or another, all successful applicants receive grant funding and event management training is provided.

Organised by music and arts organisation Superact, Our Big Gig grew from the Bandstand Marathon; an iconic London 2012 festival event that helped close the London Games with 9000 people across Britain simultaneously performing Coldplay's 'Viva La Vida'.

As an official 'Spirit of 2012' legacy event, the Olympic feel good factor pervaded Our Big Gig in 2013 as 5,800 people volunteered to help at events and nearly 35,000 people took part in new musical activities.

Launching Our Big Gig for 2014, **Communities Minister Stephen Williams** said:

“Our Big Gig is a great opportunity for local people to take the lead in putting on a musical event that unites their local community, celebrates home grown talent and inspires people without a background in music to get involved.

“Like taking part in sport, making music has the power to transform lives and I’m really looking forward to events that inspire people of all ages and backgrounds to get involved and make music part of their lives.”

**Katharine Lane, Director at Superact** added:

“Our Big Gig is a fantastic opportunity for organisations to put on a musical event in their community and reach out to people that they may not yet know.

“While Superact has been running community music events across the UK for years, we never cease to be amazed at the unifying power of music.

“We’re looking forward to receiving event applications from across the country and would encourage as many people as possible to apply before 4<sup>th</sup> April”

**To apply to host an Our Big Gig event visit [www.ourbiggig.co.uk](http://www.ourbiggig.co.uk) and fill out the online form.**

**Deadline for applications – 4<sup>th</sup> April 2014**

## **ENERGY EFFICIENCY GRANT**

The Western Power Distribution Community Chest has just reopened for a third round of funding.

Western Power Distribution (WPD) has just launched their Community Chest grant scheme. Community groups within WPD’s distribution area, which serves the Midlands, South and West Wales and the South West of England, can apply for grants of up to £1,000, in order to pay for simple but effective energy efficiency improvements to not only reduce their energy costs but also reduce the carbon emissions of the buildings they use for their activities.

£50,000 is available in total to enable communities to increase the efficiency of their buildings. The grant is being administered by the Centre for Sustainable Energy (CSE) who can also provide expert advice and guidance to help groups to carry out an audit of their buildings.

Eligible measures include insulating loft spaces, installing energy monitors, draught proofing windows and doors, fitting effective heating controls and installing low energy lighting.

The application process is simple. Groups are asked to submit a short application form and provide quotes for recommended improvements, as well as completing an audit of their building. Guidance and an application pack are downloadable from [www.cse.org.uk/wpdcc](http://www.cse.org.uk/wpdcc) or email [wpdcc@cse.org.uk](mailto:wpdcc@cse.org.uk) for more information.

## **COMMUNITY EMERGENCY AND FLOOD PLANS**

The recent flooding and strong winds experience across the UK has highlighted the widespread and long lasting effects extreme weather can have on communities. Until the Emergency Services and responding agencies can reach an area, communities can help themselves to deal with the incident by planning ahead to prepare for emergency situations. By planning in advance a community can respond and recover quicker by working together.

Northamptonshire County Council's Emergency Planning Team and the Environment Agency have worked together, merging the existing Community Emergency Plan with The Environment Agency's Flood Plan. This means the community need just one plan to deal with a range of emergencies.

To download the up to date guidance and template and for more information on self-help plans go to the Emergency Planning web pages at [www.northamptonshire.gov.uk/emergencies](http://www.northamptonshire.gov.uk/emergencies)

The plan is in two parts, guidance on how to prepare the plan and an easy to follow template which when completed will be the finished plan.

The main themes for the plan are:

- the risks to the community and relevant response actions
- vulnerable people in the community

- resources in the community available to assist during an emergency
- contacts and communication

The plan also includes check-lists that can be referred to ensure vital actions are undertaken or considered.

The Northamptonshire Emergency Planning Team has started using Twitter to keep people up to date, follow us at @NorthantsEPTeam.

**Joanne Maddams, Emergency Planning Officer, Northamptonshire County Council**

T: 0300 126 1012 | DD: 01604 361351 | M: 07711 492067 | F: 01604 365199 |

E: [joanne.maddams@northamptonshire.gcsx.gov.uk](mailto:joanne.maddams@northamptonshire.gcsx.gov.uk) | W: [www.northamptonshire.gov.uk/Emergencies](http://www.northamptonshire.gov.uk/Emergencies)



## UPDATED GUIDANCE ON ALLOTMENT DISPOSAL

Allotments are valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle. As such there are many legal and policy safeguards in place to make sure that their disposal is properly and thoroughly handled by the Secretary of State. New guidance published by the Secretary of State on 30 January 2014 replaces the letter sent to local authority chief executives in February 2002 and sets out, much more robustly, the factors the Secretary of State will consider when deciding whether to give consent to a disposal request.

The guidance is available at:

<https://www.gov.uk/government/publications/allotment-disposal-guidance-safeguards-and-alternatives>

It should be noted that “disposal” is not just “selling” but includes the letting by lease or license of allotment land or any permission to use the land for a purpose other than allotment gardening.

## **DATA PROTECTION RESPONSIBILITIES**

All councils by now should have realised that as local authorities they have responsibilities under the Data Protection Act 1998 (DPA).

A checklist published by the Information Commissioner helps parish and town councillors and clerks to see whether they have considered the issue in sufficient depth. The questions are:

1. Who is the officer responsible for information governance and are they aware of their responsibilities?
2. Do you have a [councillor] with lead responsibility for Data Protection Act (DPA) compliance?
3. Is your authority registered with the ICO as required by the DPA?
4. What transparency arrangements do we have in place for releasing and publishing information to the public?
5. What procedures do we have in place for keeping data secure?
6. What information governance arrangement do we have in place for sharing information, and for exchanging it securely when appropriate, with partners?
7. What procedures do we have in place for responding to freedom of information, information sharing and data protection subject access requests?
8. What are the risks to the authority with regard to data and how are they being addressed?
9. Is our information managed efficiently or can we make improvements?
10. What training do we give members and officers on data protection and information sharing and how do we ensure that knowledge is kept up to date?

If you are reading this and shifting nervously in your seat then it might an opportune moment to have an agenda item at the council's next meeting to review Data Protection policies and procedures.

All parish and town councils, no matter how small, must comply with the DPA, which can seem quite onerous initially. However, much of it is common sense and all measures should be reasonable and proportionate.

If your council doesn't know where to start then there is a useful introductory NALC Legal Topic Note on the subject, which is available from Northants CALC on request.

## **EARLY CONCILIATION SERVICE**

**By Chris Moses**

From the 6 April 2014 ACAS will be delivering statutory pre-claim conciliation to all claims which have been submitted to the Employment Tribunal Service.

This will require all Claimants to send details of their dispute to ACAS before it can be addressed by the Tribunal. The role of ACAS will be to attempt to reach a solution through conciliation and settlement.

Councils will have to demonstrate to an ACAS Conciliator that they have managed their Employee in a fair and reasonable manner, and adhered to their Code of Practice.

Failure to do so, or refusal to engage with ACAS, could result in the Conciliator informing the Tribunal that the Council's defence has 'little chance of success', which would no doubt influence the outcome.

If either party refuses to accept a reasonable offer made by the other side to settle a dispute prior to a Hearing, the ACAS Conciliator will make a note of the refusal on the file for the Tribunal Judge's attention.

In addition, legislation will also give Employment Tribunals the power to levy financial penalties with fines of up to a maximum of £5,000 on Councils who have:

- Failed to manage their Grievance and Disciplinary procedures in a fair and reasonable manner.
- Not followed the ACAS Code of Practice.
- Insisted on defending an Employment Tribunal claim where the ACAS Conciliator has informed them that they have 'little chance of success'.

See <http://www.acas.org.uk/index.aspx?articleid=4028> for more details.

### **PROFILE**

Christopher Moses is Managing Director of Personnel Advice & Solutions Ltd and a Fellow of the Chartered Institute of Personnel and Development. If you have any questions regarding these issues please feel free to contact him on (01529) 305056 or email [p.d.solutions@zen.co.uk](mailto:p.d.solutions@zen.co.uk).

## A CAUTIONARY TALE

Never forget that a parish or town council is a public body. If its actions are not completely exposed to the scrutiny of the public – no matter how uncomfortable that might be at the time – then there is a risk that issues will fester and escalate and lead to even bigger problems in the future.

That's what happened to Long Preston Parish Council in North Yorkshire and it culminated with six of the seven members of the council resigning from the council.

The issues seem to stem from a lack of communication and understanding between the council and its residents.

There were probably failings on both sides: the council probably wasn't as open as it might have been and the residents probably used inappropriate pressure to address their concerns. Whatever the facts of the case it resulted in a battle that appears to have lasted several years and been damaging to all.



*Beware the angry resident.*

The chairman of the council said “The village has been torn apart by the poison of this small group of residents who refuse to respect that we were elected by people here, in preference to them...”, whilst a resident claimed that the council had “been involved with a number of arguments with community groups and claims they walked away because they were out of touch with public opinion.”

You can read the full sordid story at:

<http://www.mirror.co.uk/news/uk-news/village-parish-council-resigns-after-2849644#ixzz2wyiZvNU0>

If your council is facing an angry group of residents then don't ignore it, get in touch with Northants CALC and help will be provided. It is possible to turn such situations around – even turn them into positive experiences for the council and community.

## **TRAINING AND DEVELOPMENT FOR LOCAL COUNCILS**

Look below for a course or event that may be of interest and make a booking through the Clerk to the Council. All councils must have a training budget from which councillors can book courses under the authority of the Clerk. If your council has not yet done this then why not ask for it to be on the next agenda?!

### **Training Opportunities April to September 2014**

#### **Dealing with Disruptive Behaviour**

Monday 31 March 2014 7.00pm to 9.00pm, Northants CALC Offices, Litchborough

#### **New Clerks**

Saturday 12 & 26 April 2014 10.00am to 4.00pm, Northants CALC Offices, Litchborough

#### **Planning Nuts & Bolts**

Monday 28 April 2014 7.00pm to 9.00pm, Litchborough Village Hall

#### **Off to a Flying Start**

Wednesday 7 May 2014 6.30pm to 9.00pm, Northants CALC Offices, Litchborough

#### **Section 106/Community Infrastructure Levy (CIL)**

Monday 2 June 2014 10.30am to 1.00pm, Saxon Hall Raunds

#### **Data Protection & Freedom of Information**

Tuesday 10 June 2014 6.30pm to 9.00pm, Northants CALC Offices, Litchborough

#### **Off to a Flying Start**

Wednesday 25 June 2014 6.30pm to 9.00pm, Northants CALC Offices, Litchborough

#### **Section 106/Community Infrastructure Levy (CIL)**

Monday 7 July 2014 6.30pm to 9.00pm, Litchborough Village Hall

#### **Playground Management & Inspection**

Wednesday 16 July 2014 6.30pm to 9.00pm, Northants CALC Offices, Litchborough

#### **Planning Nuts & Bolts**

Tuesday 22 July 2014, 10.00am to 12noon, Saxon Hall, Raunds

## **Major Planning Applications and Parish & Town Councils – increasing the effectiveness of your response**

Monday 8 September 2014 10.00am to 1.00pm, Litchborough Village Hall

## **Dealing with Disruptive Behaviour**

Monday 16 September 2014 10.00am to 12noon, Saxon Hall, Raunds

For information on any of these courses please see

[www.northantscalc.gov.uk/events.html](http://www.northantscalc.gov.uk/events.html) or for further information contact Anne Kirkland, Training Manager, on 01327 831482 or [akirkland@northantscalc.gov.uk](mailto:akirkland@northantscalc.gov.uk).

All courses must be accompanied by a course booking form, which can be downloaded from [www.northantscalc.gov.uk](http://www.northantscalc.gov.uk). Alternatively you can book online at <http://www.northantscalc.gov.uk/training-reservations.html>.

If you would be interested in a training session specifically designed and delivered for your Council, please contact Anne Kirkland to discuss your requirements.

## **NALC CHIEF EXECUTIVE**

The National Association of Local Councils (NALC) has appointed Dr Jonathan Owen as new Chief Executive of the organisation.

Dr Owen will be responsible for leading the corporate management of NALC.

Cllr Ken Browse, Chairman of the National Association, said: "I am delighted to welcome Jonathan as Chief Executive of NALC. He brings a wealth of experience to the role, having worked at different tiers of local government as well as at a national local government body."

Prior to this appointment, Jonathan was Director of Ipswich Borough Council for four years, Assistant Chief Executive of London Borough of Havering and Head of Policy at Suffolk County Council. With a Doctorate in Local Government Studies and 10 years experience working at the Local Government Association's predecessor bodies, Dr Owen has extensive experience of lobbying civil servants, MPs, Peers and MEPs on local government matters.

For more on the appointment see [www.nalc.gov.uk](http://www.nalc.gov.uk).

## WHAT'S NEXT FOR LOCALISM?

A conference report by Danny Moody

The National Association of Local Councils (NALC) held a conference in London on 26 March 2014 called "What's Next for Localism?". The title implies of course that Localism is here now and that it has already achieved something. Localism, or the concept of doing things at a local level that have traditionally been done at a higher level, has been around for decades. Some parish councils claim "it is what we do" or "it's our bread and butter". But when government says "Localism" it is normally referring to what has happened since the introduction of the Localism Act in 2011, and in that context it is harder to see what has changed, and therefore to consider what might be next.

The list of speakers offered an interesting mix of think-tankers, academics and members of parliament (one from each of the three main parties). Sprinkled into the mix was "the principle council perspective" and "the parish council perspective".

It was interesting that the parish council perspective was provided by Helen Ball, Clerk to Shrewsbury Town Council with 53,000 electors, 63 staff and a budget of £3.4 million and Jennie Thomas, Clerk to Stone Parish Council with 7,500 electors and a budget of £385,000. Jennie said "We're not a large council like Shrewsbury because we "only" have 12 employees"! Both speakers were highly impressive in their own context but what was missing was the perspective of an "average" parish council... 600 electors, £15,000 budget, or even a smaller parish... 200 electors, £1,500 budget. Are we to deduce that Localism is only for big parishes and towns, and that smaller parishes aren't capable of contributing to the overall effort? I certainly hope that is not the government's view.

Perhaps it is indicative that only thirty two parish and town councils were represented at the conference. Thirty two out of nine thousand five hundred councils in England.



The ministerial input was provided by Brandon Lewis MP, the self-proclaimed "pubs minister". He laid out his vision of Localism and certainly talked the talk. If

one closed one's eyes it was possible to be swept into a world where parish councils and principle councils worked together in harmony, intelligently redesigning services and providing ever more services for ever less money. A dream where the brakes of community development were instantly released by a legislative tweak here or a new Community Right there. And a world where parish councils had the innate capacity, ambition and desire to take up services where principle councils dropped them off. But then the shouted question from the audience "What about capping? What are you going to do about capping?!" and suddenly reality kicked back in.

The conference was useful, valuable and worthwhile. There are two key challenges: Firstly, to translate the language being used about Localism into words the sector can understand (one think-tanker described Localism as "The synaptic network that allows the neurons of social action to pass across it"! ). Secondly to build the capacity of parish and town councils so that they are in a position to make the most of the opportunities presented. And therein lies the rub... if government sees a bigger role for parish councils then let's see it put its money where its mouth is and provide the sector with transformational development funding. Then we can really start talking.

## **SITUATIONS VACANT**

### **West Haddon Parish Council**

West Haddon Parish Council has an immediate vacancy for a Clerk. The position is for 16 hours per week at SCP 26 – 29 (£11.665 - £12.938/hr). The parish has 1,297 electors and a precept income of approximately £66,000. West Haddon is 12 miles north west of Northampton and is in the district of Daventry. The closing date for applications is 28 March 2014.

### **Cogenhoe & Whiston Parish Council**

Cogenhoe & Whiston Parish Council has an immediate vacancy for a Clerk. The position is for 12 hours per week at SCP 23 (£10.603/hr). The parish has 1,207 electors and a precept income of approximately £20,000. Cogenhoe & Whiston is just to the east of Northampton but falls in the district of South Northamptonshire. The closing date for applications is 4 April 2014.

Please see <http://www.northantscalc.gov.uk/job-vacancies.html> for details of these and all parish and town councils vacancies as and when they occur.

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