

Update

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THE CHIEF'S BRIEF

By Danny Moody, Chief Executive, Northants CALC

June is a time in local government to take a big deep breath. The Local Elections are behind us, the Annual Meeting of the council is done and dusted, with re-elected chairmen settling in for another year of office and newly elected chairmen wondering what on earth they've just got themselves into! And the Annual Return should by now be winging its way to the external auditor. One council year is put to bed, and another begins.

I couldn't let this issue of *Update* pass without recording the glorious double cup win by Northampton Saints. Amlin Challenge Cup Winners 2014 and Aviva Premiership Champions 2014. I attended the victory parade in Northampton where the team was presented to the Mayor of Northampton and Duston Parish Councillor, John Caswell. The Saints' campaign this year highlighted for me that the difference between success and failure is miniscule, a missed conversion here, a referee decision going your way there, but it's the hard work you put in to give yourself a chance to succeed that's the important thing. Sometimes it will pay off; sometimes it won't, but if you keep trying the rewards will come. These lessons apply equally well to the hard work of parish councils... sometimes it won't pay off (the three same-old regulars shuffle in for the Annual Parish Meeting) and sometimes it will (the letter from a child thanking the council for the new pocket park), but keep going with the hard work... it will pay off in the end!



The Saints on the steps of the Guildhall in Northampton.

I mentioned the Local Elections. For most areas in Northamptonshire it was only MEPs we were voting for but it was also election time for seventeen parish councils in the district of Daventry, where local elections are held in thirds. There's more about these elections below. Also worthy of a mention was the inaugural election for Queen's Park Community Council in Westminster, which

was formally created on 1 April as London's first parish council of modern times. Good luck to all new publicly elected officials whether they be in parish, district or European government.

It's been "busyness as usual" at Northants CALC and we've been doing our best to keep up with all the enquiries and requests that fly in from member councils. The training calendar is packed with useful and interesting sessions and we are doing more bespoke events out and about too. It has been my pleasure to deliver several whole-council development sessions over the past eight weeks, with a nominal focus on the Code of Conduct but always widened out to look at how the council builds and then maintains a culture and spirit that ensures efficient and effective delivery of services. Get in touch if you think your council might benefit from a whole-council development session.



The view from Cromer Town Council offices.

I did have a few days off before Easter and, like any self-respecting local government geek, I used the time to visit the local council! (Don't tell me you've never looked at a parish council noticeboard when you've been on holiday!). I popped in to the offices of Cromer Town Council and was pleased to meet Town Clerk Julie Chance and Deputy Clerk Janet Warner. The photo is the view from the town council office... can anyone in Northamptonshire top that?!

On 14 May I attended a meeting of all CALC Chief Officers in Birmingham to meet Dr Jonathan Owen, the new Chief Executive of the National Association of Local Councils (NALC), who started on 1 April. Jonathan comes from a local government background having held positions with the Local Government Association (LGA) and various principal councils. He certainly has his work cut out at NALC but there have already been positive changes, which is a good sign. I hope we'll be able to get Jonathan to Northamptonshire over the next 12 to 18 months.

On 23 May I went to the launch of "Rural Action", an initiative from the Police & Crime Commissioner. The idea is to bring together all the various crime reduction

and community safety measures under a single banner so that everyone involved can work together towards common goals. Parish councils will have a part to play and there will be more about Rural Action in future editions of *Update*.

The 2014/15 council year will be a watershed. It's going to be busy; it's going to be fun. There will be challenges and opportunities. There will be highs and lows. But let's be like the Saints and try to emerge victorious – and let the hard work start now!

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

NO NEWS YET ON CLERK'S PAY

There is as yet no news on any salary award for local council clerks in England who are on the National Joint Council pay scales. A pay award is expected in the summer once the negotiations between the employers' side and the unions are concluded, but it is not likely to be a life-changing increase! The pay scales for the year 1 April 2013 to 31 March 2014 remain in effect until further notice. Any pay award announced in the summer will almost certainly be back-dated to 1 April 2014. As soon as there is an announcement Northants CALC will send details to all member councils in the county.

BOARD BACK TO FULL STRENGTH

The vacancy for a Director on the board of Northants CALC announced in the last *Update* has now been filled.

The Association is delighted to welcome Mr Michael Heaton as the first director appointed under the new governance arrangements adopted by the AGM in October 2013.



Michael is a parish councillor in Spratton, a parish with 930 electors in the district of Daventry. He brings a wealth of business and financial experience and he is a passionate communitarian. He is chairman of the Spratton Neighbourhood Plan and is currently project managing a major World War I event planned for 2015.

The Association was delighted to receive five outstanding applications for this vacancy, which made selection a very difficult task! The board will be stronger for it and that will help secure ever-better member services and increased value for money for member councils.

Michael will attend his first board meeting on 19 June.

GREEN SPACE & LANDOWNER STATEMENTS

Town and village greens are land where local people have enjoyed informal recreation, for at least 20 years, without challenge or permission. Once the land has been registered, by the county or unitary authority (the registration authority) as a green it is protected from development.

Now landowners can submit to the registration authority a statement and map which challenge people's informal use of land and thereby threaten the public's ability to register the land as a town or village green. Once a statement has been deposited and notices posted on the land, local people have only one year in which to submit an application to register the land as a green based on 20 years' use for informal recreation.

The Open Spaces Society, the leading organisation concerned with the protection of green spaces, has asked all registration authorities to tell it of any such statements. However, it would be valuable if all local councils were to do this too. There is no guarantee that a notice will remain on the land for long, so the only way you can be sure of knowing about the threat to your local green space is by getting the council to inform you.

We recommend that you contact your county or unitary council's commons registration department and ask to be notified of any landowner statements made under section 15A of the Commons Act 2006. (These may be combined with landowner declarations relating to public rights of way, under section 31(6) of the Highways Act 1980.)

Once you know of a landowner statement, you can check the land to see whether it is eligible to register as a green. The Open Spaces Society's book *Getting Greens Registered* helps with this. If it is eligible as a green, local people have one year in which to gather evidence of use and submit an application. If it is not

eligible you might wish to consider alternative ways of protecting the land, such as designation as Local Green Space.

Details are on the Open Spaces Society's website <http://www.oss.org.uk/what-we-do/village-greens/new-threat-to-village-greens-landowner-statements/>. You can contact the society for further information and help, although the society will ask you to join if you are not already a member.

BUCKINGHAM PALACE CALLING

Every year Northants CALC is permitted to nominate two representatives to attend the Royal Garden Party at Buckingham Palace. The board of directors nominates councillors that have made a worthy contribution to first-tier local government in the county. It might be for their length of service, or for a particular act that went above and beyond the call of duty.

The nominees this year were Cllr Mike Lacey from Brixworth Parish Council and Cllr Mark Wesley from Daventry Town Council. Each was allowed to take one guest.



Cllr Mark Wesley and his wife Julie, also a councillor.

After the visit Mark Wesley wrote *"I accepted my invitation via Northants CALC to a Garden Party at Buckingham Palace. Then I realised the consequences namely a new outfit for my wife. But as I felt this was a privilege and honour I put that to the back of my mind.*

"Come the day it was a matter of excitement and hope the weather would hold. Set off at 11 - on time but unheard of! Stopped at services, my wife met some ladies also attending (now behind schedule). Arrive at constitution Hill – the car pass works and we are directed to a very privileged parking place. We note that we are one car away from another couple from Daventry and now one car away from the ladies from the services; they invite us to share their picnic lunch (that's courtesy of Blaby District Council in Leicestershire). I thought that was a lovely start to the experience.

“We decide to join the queue at the Palace Gates. This was a good move despite the hour and a half wait. Firstly we were close to the front but the time spent was all very nice. Tourists were intrigued and taking photos, we were having nice friendly chats with them and the other people around us. The time flew by.

“Palace gates open and we are crossing the courtyard to the Palace. Passing through the state rooms and into the 15 acres of garden with the military bands and marquees.

“Taking lemon barley water and a seat with two ladies, I discover one is a curator of the Royal Collection and she proceeds to tell us all about daily life in the Palace and who’s who around the grounds. We await the Royal party and take position to get a good view of the entrance and procession as the band strike up the National Anthem. Slight miscalculation and we are in line to see Prince Philip and not the Queen. I was very close as he was presented to the group just in front of me... I was impressed at how engaged he was with the guests.

“Tea time was very civilised as we went to the marquee to select from an array of sandwiches, savouries, cakes and pastries and I would recommend the iced coffee which was most welcome. I have to confess that it all so delicious I had a second turn. The atmosphere was wonderful; everyone was pleased, excited and proud to be there. Conversation was easy as we strolled round the gardens, the bands playing and the weather holding, a nice ice cream to cool us off.

“I lined up to watch the Queen return to the Palace from the gardens with Royal Party. The day was nearing its end but time for another look around the gardens. And we see the Corgis being let out barking and yapping for their afternoon run. It was so ordinary but in an extraordinary setting.

“Departing back through the Palace we were already reflecting on what had been a wonderful day, never to be forgotten.”

DAVENTRY ELECTIONS – LESSON LEARNT?

Every district in Northamptonshire apart from the district of Daventry holds parish council elections on the normal national cycle, i.e. 2007, 2011, 2015 etc.

Daventry district elects in thirds; in other words one third of the parishes have elections each year, with one year off. In 2014 there were 17 first-tier councils with elections, including Daventry Town Council whose councillors had their term of office cut to three years because of a drafting mistake by the Department for

Communities and Local Government (DCLG) when making an Order to bring into effect some minor boundary changes.

Sadly, and it is sad, out of the 17 councils just 3 had a contested election: Daventry Town Council and two parish councils where there was one more candidate than places. 6 councils were left with 3 or more vacancies to fill following the election, and one of those was left with 7 vacancies.

Name of Council	Seats	No. Nominated	Vacancies	14-15 Electors
Brington Parish Council	8	8	0	396
Byfield Parish Council	11	7	4	1,059
Church w/ Chapel Brampton Parish Council	9	10	0	687
Cold Ashby Parish Council	7	6	1	236
Creaton Parish Council	8	5	3	391
Daventry Town Council (Abbey Central)	2	2	0	19,187
Daventry Town Council (Abbey North)	1	2	0	
Daventry Town Council (Abbey South)	2	3	0	
Daventry Town Council (Ashby Fields)	2	2	0	
Daventry Town Council (Daneholme)	1	2	0	
Daventry Town Council (Drayton)	5	7	0	
Daventry Town Council (Hill)	4	4	0	
Everdon Parish Council	8	7	1	281
Guilsborough Parish Council	9	8	1	565
Harlestone Parish Council	8	5	3	398
Lilbourne Parish Council	8	4	4	309
Moulton Parish Council	14	10	4	2,815
Overstone Parish Council	9	8	1	645
Preston Capes Parish Council	7	6	1	170
Spratton Parish Council	10	11	0	938
West Haddon Parish Council	10	8	2	1,265
Woodford-cum-Membris Parish Council	14	7	7	2,658
Yelvertoft Parish Council	9	7	2	669
Total	166	139	34	32,669

The malaise affected smaller councils as well as larger ones, although clearly the smaller the parish the harder it is to find enough people willing to stand. A post-

mortem is required, and required urgently, if the same pattern is to be avoided across the county in May 2015.

So why is it important that parish councils have contested elections?

Firstly, the fact that councillors are democratically elected it is one of the three things that makes the sector special. The other two are the fact that parish councils are statutory bodies and that they have the power to raise money through the precept. These three legs of the stool differentiate parish councils from other community organisations such as clubs and societies, and if you kick away one leg of the stool the whole thing falls over. Parish councils must cherish and protect their elected status and do all they can to ensure elections are strongly contested.

Secondly, we are being watched. Watched by principal (district, borough, county) councils, and watched by government. Principal councils, to whom elections are part of the fabric, might look at the parish sector and say *“that’s the lot that are supposed to be elected but actually most of them are co-opted by their mates. We’re the only ones with a true democratic mandate”*. Wouldn’t it be better if they were saying *“Parish councils do such brilliant things and are so important to their communities that people are queuing up to get on them”*! Government is looking at the sector and, for the moment, is willing to give parish councils unlimited legislative powers (the General Power of Competence) and unlimited tax-raising powers (having chosen not to extend “capping” to the first tier). That is a powerful mix; one that no other tier of local government enjoys. Government relies on the ballot box to protect communities against the abuse of these powers, so take that away and with it will go the freedom.

The third reason is the effect that contested elections have on councillors. Someone elected to public office after a contested election knows that they were chosen by the people to represent them. It instils humility and a sense of public service to know that the electorate, faced with a choice, chose you for the job. The contrasting position when there is no contest, particularly where the council is left with one or more vacancies following the election, is that those persons elected feel a boldness and arrogance that comes from doing a job that no one else wanted to do... *“Don’t criticise me – where were you at election time – I didn’t see you putting yourself forward to be in this position”*. Clearly this is a sweeping generalisation and there are plenty of exceptions that prove the rule.

The fourth and final reason is that, like it or not, there are some very odd people in the councillorship. Councillors who seem hell-bent on furthering their own agenda whatever the cost, who are more intent on infighting and causing trouble than in serving the people and doing good in the community. The ballot box is supposed to be a protection against such people so if there is no contested election then don't be surprised if some "undesirables" get through the net! Of course there is no guarantee that the electorate will choose wisely every time, but it lessens the opportunity for local government to be infiltrated by nutters and extremists.

Winston Churchill described democracy as the worst form of government, apart from all the others that have been tried and parish councils must take on board how important their democratic mandate is to their effectiveness and very existence.

But whose job is it to promote candidacy for parish council elections? Those running the elections don't seem particularly interested... the Electoral Commission doesn't seem to really mind whether or not a parish council election is contested or not, and some local election officers seem to see contested elections as just more work and a greater strain on their already-stretched resources. Councillors want to avoid being turkeys-campaigning-for-Christmas, and parish clerks are in the awkward position of a) not wanting to encourage competition against their current members and b) trying to maintain an objective, professional distance from the election process. The National Association of Local Councils (NALC) is too distant to have much effect and even a County Association can't have all that much impact on the ground.

So the parish council as a corporate body must take responsibility. Councillors should be expected to put their own re-election chances to one side for the greater good of having a contest, and if the council properly instructs its clerk to promote candidacy at a forthcoming election it removes the awkwardness of their unilateral action. All councils should be putting a minimum of ¼ of the election expense aside each year, so that the cost of a contested election is not a significant factor.

Every parish council with elections in May 2015 should have an agenda item at a council meeting before the end of 2014 "*To decide what this council is going to do to ensure that there is a contested election in May 2015*". From 1 January 2015 the council should organise a local flurry of noticeboard posters, web site and

social media posts, newsletter articles, open days, attendance at meetings of groups and organisations and personal approaches (avoiding cronyism of course). There are potential candidates out there – you just have to reach out to them.

Yes, it's a lot of effort, and the returns may leave you wondering if the juice was worth the squeeze, but your council needs to prove its democratic credentials like never before and, whilst there will be plenty of help available, no one else is going to do it for you.

If you have a comment/suggestions/idea about parish council elections Northants CALC would be pleased to hear from you: info@northantscalc.gov.uk.

YOUNG PEOPLE'S ACHIEVEMENT AWARDS

Article by Nikesh Jani

Young People's Achievement Awards (YPAA) is set to launch in September 2014. An organisation has been set up by young people to focus on two important tasks.



The first task is to replace existing local awards which were offered by local councils to celebrate young people's achievements. Northamptonshire Voluntary Youth Action no longer supplies awards due to funding shortages, and V-Involvement has limited access in this region. Therefore YPAA has taken the step in order to reward young people, who are under 18, for their hard work. (A full list of awards can be found on the YPAA website).

The second task of YPAA is to educate young people on democracy. So far YPAA's founder has been involved in creating a sustainable democratic system with the Youth Council in South Northamptonshire and in Huntingdon. Therefore YPAA has set out to help train and implement youth councils and schools councils across the East Midlands and to reward those councils for improving youth democracy. This will also help give an insight for young people into how local councils work.

Since April 2014, YPAA has been endorsed by Andrea Leadsom, MP for South Northamptonshire, as well as being supported by Julian Huppert MP and Jonathan Djanogly MP. Our founder now wishes for local councils, organisations and schools to come forward in nominating young people for a number of our awards for Northamptonshire. Any institution that wishes to set up a local youth council can contact us for advice.

“I have worked with South Northamptonshire Council since the age of 16 as a Youth Councillor and have seen how youth councils should be run. I then became an Advisor for UNICEF UK which allowed me to experience what ‘youth democracy’ really was. I was lucky to have won many awards from my local council and voluntary organisations for my voluntary work which enabled me to study at university. The thought that local awards are no longer supported for young people is unjustified, and therefore I have set up YPAA. This will change the way we reward young people for their outstanding contributions to society.”

Nikesh Jani – Founder of YPAA

We would like to invite as many people to come and support YPAA. If you have a connection with a school, council or work with a community organisation which works with young people, please do get in touch! YPAA currently offers a number of different memberships for organisations. The best part is that you can take part in our annual award scheme for free!

For more information, please visit www.ypaa.org.uk

For an information pack please email: info@ypaa.org.uk

THE POWER TO RESUCITATE!

Northants CALC has received a rash of enquiries relating to the purchase and/or installation of defibrillators, which are obviously a modern phenomenon not catered for in local government legislation, so what is the appropriate power (assuming the council is not eligible for the General Power of Competence)?

There’s no specific power relating to defibrillators, so the best bet is Section 234 of the Public Health Act 1936, which provides that “*A local authority may provide life-saving appliances at such places, whether places used for bathing or not, as they think fit.*” The legislation was not written with defibrillators in mind but it certainly covers it.

COMMON PROBLEMS WHEN MANAGING FORMAL DISCIPLINARY ACTION

Article by Chris Moses

One of the greatest causes of stress for councils, and their staff, can be the need to conduct formal disciplinary action.

At some point most employers are called upon to address an issue of misconduct, poor performance or lack of capability. In doing so they must follow the guidelines and code of practice set out by ACAS for conducting disciplinary action, as closely as realistically possible.

The problem for many town and parish councils is that they don't have in-house HR or legal departments to guide them through the disciplinary process, and members often have to manage alone. Elected members are liable for ensuring that their employees are managed in a *'fair and reasonable'* manner, which includes ensuring that disciplinary action is conducted in accordance with ACAS guidelines.

Get it wrong and councils can be faced with claims for unfair or constructive dismissal, which could result in compensation of up to one year's pay, plus other costs being awarded at the council's expense.

To help guide councils through some of the pitfalls of taking disciplinary action, we have produced a list of common difficulties and mistakes we have encountered when approached by town and parish councils for help:

Poor investigation

Prior to any formal disciplinary action taking place, a council must conduct a fair and impartial assessment of what the employee is accused of doing. This should involve conducting an informal meeting with the employee to give them an opportunity to explain themselves.

The council should also gather evidence from any witnesses, and take time to consider, in as impartial a manner as possible, what has the employee actually done wrong in relation to their employment contract or job description. Quite often, we encounter allegations against employees, in particular against clerks, made by elected members who want action to be taken a.s.a.p.

Eagerness to pursue disciplinary action overrides the need for an impartial assessment of the alleged misconduct, and formal disciplinary action can be taken with very little supporting evidence other than what has been put forward by the councillor making the allegations.

A council should appoint a disciplinary panel to conduct the initial investigation, collect as much evidence as possible and report back to either a delegated committee or the full council for a decision to be taken on whether or not to proceed with any action.

Time management

Reasonable employers should address formal disciplinary action in an efficient and timely manner, which should be as soon as reasonably possible after the alleged misconduct has taken place.

Quite often disciplinary action can drag on for months, by which time the employee could claim they have been subjected to an unreasonable amount of stress caused by the protracted procedure. Sometimes councils can justify such a lengthy proceedings due to the amount of time an investigation has taken. For example finances may need to be independently audited by experts, to check for irregularities. Alternatively the employee who is accused of misconduct may be signed off sick, which can delay a hearing.

However, lack of available councillors can often delay events, and this could be seen as unreasonable. Problems getting a group of councillors together to conduct a disciplinary hearing should not take months to address, but often does, resulting in unreasonable, protracted and stressful disciplinarys.

Confidentiality

Council employees who are being disciplined have a right to expect privacy and for the matter not to be discussed outside of the council.

All disciplinary matters must be addressed in closed session and the councillors who are involved must be aware of their duty of confidentiality.

If the matter did leak out and members of the public became aware of a council employee being disciplined, the employee could rightly claim that they had lost trust and confidence in their employer. Consequently they could consider pursuing

a claim for constructive dismissal and resign from their post, as a result of indiscretion by elected members

Depending upon the nature of the breach of confidentiality, the employee may also be able to accuse the council of a breach of their statutory rights under the data protection legislation.

Poor paperwork

To comply with ACAS guidelines, any employer wishing to conduct a formal hearing must send a letter of invitation to the employee, giving them a minimum two working days prior notice of the hearing.

The letter should inform the employee of their right to be accompanied by either a colleague or trade union (SLCC) representative, and must provide details of all the evidence which the council plans to use in the hearing.

A council cannot introduce new evidence against the employee, either during a hearing or less than two days prior to it, as there will be insufficient time for it to be properly considered.

If the allegation against the employee is one of gross misconduct, the letter of invitation must warn them that the outcome could be dismissal.

Being accompanied

Employees are entitled to be accompanied by either another employee of the council, or a trade union/SLCC representative.

They are not entitled to be accompanied by a friend, family member, their solicitor or a member of the council whose motives for wanting to do so may not be in the best interests of the employee.

If the employee wishes to postpone the hearing to enable them to arrange for someone to accompany them, the council must make reasonable efforts to accommodate this request. To ignore it and conduct the hearing on the original date, with or without the employee being present, would breach the employee's statutory rights.

However the rearranged hearing must take place within five working days of the original date. Employees and their representatives cannot keep putting the date back, and exceed the five working day time limit.

Who does what?

In our experience, individual councillors can occasionally get the bit between their teeth and take a lead role in pursuing formal disciplinary action. This seems to happen particularly when the employee in question is the clerk.

No one individual member can assume, or be seen to assume, line management authority over the employee who is facing disciplinary action. Councils who conduct disciplinary action that is apparently managed and orchestrated by a single elected member, put themselves at risk of claims for unfair / constructive dismissal as a result of their unfair procedures

On the other hand, councils who have structures in place to address disciplinary proceedings, such as having a pre-nominated disciplinary panel of councillors, are often more effective, experience less stress and put themselves at less risk of legal action. Ideally named members of the council should be aware that they can be called upon to form a panel. Of course, those panel members need to ensure that they are impartial, and have not been involved in either making the allegations against the employee, (or in the case of an appeal panel, they have been kept out of the disciplinary process.)

Councils should always seek advice and guidance **before** starting on any disciplinary action, to avoid potentially costly problems later on, as a result of getting bogged down in what is a legal minefield.

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

While every care has been taken in compiling these notes, personnel advice and solutions ltd cannot be held responsible for any errors or omissions. These notes are intended to provide general information. Guidance for specific legal problems should be sought separately.

COMMUNITY ASSETS AND SERVICES GRANTS

A Community Assets & Services Grant could help your council to deliver a local service or save a local building to benefit the community.

Are you thinking of running a local service or taking over the management of a local building or land of community value? There are a range of grants available to help you with the process of taking over a service or an asset.



The Social Investment Business Group (SIB Group) is made up of the charity, Adventure Capital Fund, and its social enterprise, The Social Investment Business. It is one of the UK's largest social investors and has made over 1,300 investments in civil society organisations ranging from under £5,000 to almost £7 million. Councils can apply for these grants at any point during the year although capital grants are only available till 26 June 2014.

- **Pre-feasibility grants:** Up to £10,000 to help you through the early stages.
- **Feasibility grants:** Up to £100,000 to help you prepare to take over the asset or service.
- **Capital grants:** Grants between £100,000 and £500,000 to buy or refurbish a community asset. Applications open till noon on Thursday 26 June 2014.

Interested organisations should first contact the Community Rights Advice Service or call 0845 345 4564 to find out which grant is most suitable.

Visit <http://www.sibgroup.org.uk/communityrights/guidance/> for further information.

STRIKE A LIGHT

The Highway Electrical Association (www.highwayelectrical.org.uk) publishes a *Guide to Public Lighting Asset Owner Obligations and Liabilities*, which is aimed mainly at parish councils who own or control street lighting.

The guide sets out, in general terms, the main obligations and duties under law or associated guidance to enable public lighting asset owners to meet their obligations and responsibilities.

The guide states that *“Those who own or have control over public lighting assets in areas where the public have access, have a number of general and specific obligations and responsibilities, set out variously under both legislation and industry best practice. These can be summed up as a general duty of care to those who “use” the equipment.*

“Regular electrical inspection and testing (typically with an initial period (i.e. after new installation) of six to eight years should be carried out and records kept. Structural inspection and testing would also normally be required”.

Councils with street lighting are advised to talk to their maintenance contractor about inspection frequency and record keeping.

LEADER 2015-2020: OPPORTUNITIES FOR FUNDING SUPPORT

Update from the North Northamptonshire Rural Action Partnership

Between 2009 and 2013 the North Northamptonshire Rural Action Partnership (NNRAP) was in receipt of European funding through the LEADER initiative. This funding stream was specifically focused on supporting rural businesses to develop and diversify their business base. The programme allocated £1.2m of European Funds to a number of businesses that were then able to develop. Under the Agricultural Diversification measure the programme supported barn and building conversions to enterprises that included the creation of tea rooms, self-catering accommodation, soft furnishings showroom and production facilities and equestrian establishments.



NNRAP is in the process of bidding for a further tranche of European Funds for the LEADER initiative in North Northamptonshire and activity may be widened to include parts of West Northamptonshire too. The vision for North Northamptonshire over the next 5 years is: *“To protect, enhance and promote the rich, cultural and diverse heritage within the Rockingham Forest and Nene Valley by supporting activities that achieve a diverse and sustainable rural economy whilst empowering local communities to have a sense of ownership across the Area.”*

Should the bid be successful, in order to develop a robust programme of activity we would welcome your thoughts on where priority should lie. We would be very grateful if you could complete the survey www.surveymonkey.com/s/VYVJ2Q9 by Monday 23 June 2014.

For examples of what NNRAP has already funded please visit <http://northnorthantsleader.org.uk>, and for further information on LEADER funding generally please visit: <http://rdpenetwork.defra.gov.uk/funding-sources/future-programme-information>

THE DREADED VAT

A council should keep its accounts in such a way as to be able to identify the VAT element in every transaction and should obtain a VAT invoice for all taxable supplies received. Where a purchase has to be made in the name of the Parish Clerk (such as anti-virus software downloaded from the internet) the invoice details may be the Parish Clerk's c/o the Parish Council citing the council's address. This along with supporting evidence available from minutes showing approval should be sufficient for HMRC to accept it as a VAT invoice to the parish council.

Parish councils are able to reclaim VAT incurred on “non-business activities” and may be able to claim some VAT on business activities.

Parish councils that are not registered for VAT must apply in writing for a refund to: Banking/GABS, HM Revenue and Customs, 7th Floor SW, Alexander House, 21 Victoria Avenue, Southend-on-Sea, SS99 1AU.

The claim is made on Form VAT 126 (<http://www.hmrc.gov.uk/forms/vat126.pdf>) HMRC may require production of tax invoices before paying a claim. VAT already

repaid can also be subject a claim for repayment by HMRC if, after investigation, the repayment to the Council was incorrect.

The claim must relate to a period of at least one calendar month (or at least 12 months if it is for less than £100) ending on the last day of a calendar month and be made within 3 years after the end of the month in which the supply, acquisition or importation was received.

VAT is a complex subject and general guidance is available through Northants CALC. The correct channel when a parish council has a specific query is to contact the Written Enquiries Team, 4th Floor, Alexander House, Southend, Essex SS99 1BD.

HE'S A FREEMAN

Mr Cecil Bottomley of Roade in South Northamptonshire has been made an Honorary Freeman of the Parish.

Using section 249(5) of the Local Government Act 1972 as amended by the Local Democracy, Economic Development and Construction Act 2009, Roade Parish Council conferred the honour on Mr Bottomley at a meeting in May 2014.

The legislation provides that "*A local council may admit as honorary freemen or honorary freewoman persons of distinction and those who have rendered eminent service to the place or area. This must be done at a meeting specially convened for the purpose and requires a two thirds majority of those voting.*" Such honorary freedom does not carry any special rights other than a mark of recognition.

Cecil was a founder trustee of the Village Hall & Playing Field Charity, Chairman for many years and active member for 46 years until his retirement in 2014. He was a District Councillor at South Northants and latterly a Parish Councillor since 1994 where he also spent a number of years as Chairman.

The council presented Mr Bottomley with a scroll from Clerks and Councils Direct (<http://www.clerksandcouncilsdirect.co.uk/content.asp?id=6>).

Cecil and his wife Pam, who sadly passed away in April, were stalwarts of the parish council for many, many years and Pam was a member of the County Committee from 1984 – 1989.

A CAUTIONARY TALE

Whilst there might be a temptation, especially at this time of year, for parish councils to get involved in tidying up the village or town by cutting back overgrown trees and bushes and mowing unsightly grass verges it's worth pausing to ask a couple of questions first:

- 1) Is the land the parish council's responsibility (freehold or leasehold)?
- 2) If not, does the council have the landowner's permission, even where that landowner might be another local authority?

For example, a parish council (not in Northamptonshire) was fined for the unauthorised pruning of eight protected trees. The council pleaded guilty to carrying out work on beech and ash trees without the permission of the district council. It was fined £200 and order to pay £100 costs.

Increasing the precept in order to cover a council's court costs is unlikely to endear it to the community!

Most highway verges are part of the highway and therefore the responsibility of the county council. The grass and any trees on the land are likely to be the responsibility of the person that owns the land. Private land is normally the responsibility of whoever owns it.

Parish councils should always think carefully before engaging in a spot of guerrilla maintenance!

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.

Training Opportunities June to July 2014

Off to a Flying Start

Wed, 25 Jun 2014 6:30pm

The basic starter course for all new councillors.

Briefing for New Chairmen

Mon, 30 Jun 2014 7:00pm

The essential briefing for councillors who have been newly elected as Chairman of the Council or Vice Chairman of the Council at the Annual Meeting 2014.

S106 and Community Infrastructure Levy (CIL)

Mon, 07 Jul 2014 6:30pm

Section 106 and Community Infrastructure Levy – a practical session for Parish/Town Councillors covering the existing Section 106 agreements regime and providing an introduction to the emerging replacement system of the Community Infrastructure Levy.

Playground management and Inspection

Wed, 16 Jul 2014 6:30pm

An introduction to playground management, duties and responsibilities, followed by a "walk & talk" of a nearby playground looking at various aspects of playground inspections and maintenance issues.

Planning Nuts & Bolts

Tue, 22 Jul 2014 10:00am

An introductory training session for Parish/Town Councillors and Clerks covering the basic principles of planning including policy, applications, appeals and enforcement.

For information on any of these courses please see

www.northantscalc.gov.uk/events.html or for further information contact Anne Kirkland, Training Manager, on 01327 831482 or akirkland@northantscalc.gov.uk.

All courses must be accompanied by a course booking form, which can be downloaded from 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.

SITUATIONS VACANT

Helmdon Parish Council

Helmdon Parish Council has an immediate vacancy for a Clerk/Responsible Finance Officer. Salary scale LC1, SCP 18 – 22, £9.01 - £10.30 per hour 8 hours per week, flexible, working from home. Working with the chairman and other councillors you will join a team whose job is to represent the interests of the community. You will be a professional officer employed by the council to provide administrative assistance and professional advice. You will support the council before, during and after meetings, preparing councillors for their decision making role and putting their decisions into practice. Please apply in writing enclosing your curriculum vitae to:- Cllr. Peter Burns, Chairman, Helmdon Parish Council, Peters Farm, Helmdon, Northamptonshire, NN13 5QH to arrive by 5:00 p.m. on 19 June 2014. Interviews will be held on the evening of 25 June 2014. For more information please visit www.helmdon.com/parishcouncil.

Weston by Welland Parish Council

Weston by Welland Parish Council has a vacancy for a Parish Clerk/Responsible Financial Officer. The Clerk will be responsible for the administration of the council's affairs and finances. The post will require 3 hours per week, based mainly at home plus attendance at a number of Council meetings (at present 4 main meetings a year). Weston by Welland is a small village in the Borough of Kettering with an electorate of just over 135. This may be an ideal position for a parish clerk nearby to add to their employment. If you are interested, or want further information, please contact the Parish Clerk, Weston by Welland Parish Council, c/o 1 Stanway Close Market Harborough Leics.. LE16 8BT or email clerk@westonbywelland.co.uk.

Turweston Parish Council (Buckinghamshire, near Brackley)

Turweston Parish Council is a small parish council of 5 councillors. The job offers an opportunity for someone with excellent administration skills, seeking an interesting post. The post requires a flexible approach and is home based working approximately 4-4.1/2 per week. Salary pro rata on Local Government Scale + home based allowance. For further information please call David Richards on 01280 700038 or 07775 703125 or email clerkturwestonpc@hotmail.com

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.

NORTHANTS CALC CONTACTS

Danny Moody	Chief Executive dmoody@northantscalc.gov.uk
Anne Kirkland	Training Manager akirkland@northantscalc.gov.uk
Linda Bain	Administration Manager lbain@northantscalc.gov.uk
General	info@northantscalc.gov.uk
Member Enquiry Service	mes@northantscalc.gov.uk

Address:

Northamptonshire County Association of Local Councils
6 Litchborough Business Park
Northampton Road
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Telephone: 01327 831482



www.northantscalc.gov.uk

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