Broad Chalke Parish Council

11 December 2019

Questions and Queries for WALC

**We have limited budget that is under pressure from all kinds of statutory requirements, what are the benefits of being a member of WALC and the additional costs this places on the Council?**

Membership of WALC is there to help councils

Some of the things I know that members of WALC welcome, include:

Over 80 legal topic notes on a wealth of subjects

10 newsletters sent out each year as well as ad-hoc information relating to legislation, initiatives, best practice and events for local councils

Training for local councils – this is subsidised for members or sometimes only open to members

Templates for policy documents, standing orders and financial regulations – saving councils time and therefore money.

Advice service: We provide advice on all matters relating to local councils, member councils can get in touch with any questions

Because membership of WALC also means membership of NALC – the National Association of Local Councils, we can use the NALC legal team on behalf of our member councils. This means that if the council has a query of a more complex, legal nature, we can send the query to the legal team for a solicitor’s interpretation.

This also gives us membership of NALC’s National Assembly which gives a local voice at a national level

We provide information, interpretation and guidance on new and existing legislation as well as a wide variety of topics relevant to local councils and have a variety of templates and models which councils can adapt to their individual needs. There are also a number of toolkits, booklets and other publications aimed at local councils, some of which are free.

The booklets such as the employer’s guide, the good councillor’s guide, the guide to transparency and finance and the guide to neighbourhood planning are all subsidised for member councils.

Builds relationships with Wiltshire Council

WALC has an Executive Committee which is made up of members across Wiltshire and Swindon. This committee discusses and debates issues relating to local councils of a national and local nature, taking action in the form of representation, responding to consultations, and lobbying where necessary. As well as by taking on new initiatives to promote and support the work that WALC does.

The WALC Executive Committee feeds into NALC with a representative on the NALC national assembly (which is made up of representatives from county associations of local councils across the country). This means that local views and thoughts can inform national decision-making, giving our local councils a local voice at a national level.

Membership of NALC supports the furtherance of the parish sector, making sure that the needs and wants of local councils are heard at Government level, through the Ministry of Housing, communities and local government, the department for digital, culture, media and sport and the local government association. Being a member supports NALC’s representation of 9,000 local councils and 80,000 local councillors across England and supports the work NALC does in protecting their rights and interests.

NALC was instrumental in lobbying government to remove the requirement for local councils to appoint a Data Protection Officer from the new General Data Protection Regulations. As a result of NALC’s lobbying, an amendment was to the GDPR was tabled and the obligation removed. Saving costs for local councils

**Councilors are volunteers why do we have all this bureaucracy to deal with?**

Whilst councillors give their time freely, they are not classed as volunteers. This is because you have to go through a democratic process in order to become a councillor (you can’t just turn up and offer to help out).

Councillors are classed as elected members. Either the election or the co-option of councillors is written in the law and councillors are subject to the law.

Parish councils are local authorities spending public money. Broad Chalke Parish Council has an electorate of c500 but parish councils range in size of an electorate of around 100 to around 40,000 (in the area that WALC covers alone) and they are all bound by the same legislation, regardless of the fact that the budgets of these councils range from a few hundred pounds a year, to over a million pounds a year.

The law is in place to protect you as councillors. And having the law to follow is much easier than making it up as you go along. It also means that if at any time, a member of the public questions the procedures or actions of a council, if you are following the law, you have that back up.

**We are now being ‘summoned’ to Council meetings and have to explain our apologies if we can’t attend a meeting. Why is this?**

Section 2 of schedule 12 of the Local Government Act 1972, which is the Act of Parliament probably most relevant for parish councils says:

*“A summons to attend the meeting, specifying the business proposed to be transacted… shall be sent to every member of the council by an appropriate method.”*

Taking in the next question as well: **Absences on 6 consecutive meetings leads to being struck off as a councilor. Why when we are all volunteers?**

Section 85 of the Local Government Act 1972 says that “if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend a meeting of the authority, shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.”

*\*HM Forces in war situation.*

**We have for years ‘paid’ our Clerk a stipend. We are now advised that, if the Clerk role is not undertaken voluntarily, then a Contract of Employment and payment through PAYE and monthly payroll is required, with holiday pay and sick pay. For 5 hours a week this just seems unnecessary when the previous system worked very well for both parties.**

The role of clerk as “proper officer of the council” is outlined in the law. Because of this, HMRC has directed that this is an employed post. The post cannot be self-employed.

Whilst a stipend may have worked well for both parties in the past, the role of clerk is a professional role and there is nothing to say that it will work well for both parties going forward.

**We have recently updated our Standing Orders, Financial Regulations and are currently reviewing Code of Conduct. What other policy documents are seen as the essential requirements for the proper administration and accountability of the Council?**

The list of documents and policies a council could have is virtually endless, and some of them are dependent on the work that the council carries out. However, I think there are 10 documents a council should have and should tackle first. You are already have the first three. The others are: Complaints’ Policy

Grievance Procedures

Disciplinary Procedures

Register of Assets

Risk Assessment/Register

Privacy Notices

Publication Scheme – this is required by law

**We have had a volunteer join the council, why can’t this person just become a 10th councilor for the PC?**

The number of councillors for a council is set by a community governance review based on the size of the parish and number of electors. If a parish changes considerably in size, it may be necessary for the number of councillors to be changed through the next Community Governance Review

**What is the difference between a Council meeting and a meeting of councilors?**

A council meeting must be held in public, have an agenda and three clear days’ notice. A meeting of councillors may not make decisions. Under what circumstances might a meeting of councillors be necessary?

**The Clerk has recommended that councilors have a specific area of responsibility. We usually get things done by ‘mucking in’ when the need arises rather being overly formal on responsibilities and feel this is how the PC works best. What would your advice be?**

Up to the council and how it would work best for them.

Katie agreed to look into a couple of areas raised by the meeting:

1. WALC undertaking a payroll service
2. Whether it was possible for the Chairman to be a not paid Clerk and Proper Officer and to pay a self employed secretary.