

Find us on  
[@LincsALC](#) & www.lalc.co.uk

*Do you have news to share?
[Get in touch](#) via our website.*

LALC will provide links but is not responsible for the content of external websites.

Contact us

 **Please contact the office on 01673 866596**

- For general enquiries including internal audit and advice, contact either Katrina – Line 1 (or mobile 07422 963475) or Andrew – Line 3 (or mobile 07549 019842). Flexible Monday - Friday
- For general enquiries including website management service, invoices, training booking enquiries, contact Lindsey – Line 2 on Monday, Tuesday, Friday
- For general enquiries including website/portal updates, e-news items, vacancies, contact Elaine – Line 4 on Fridays

Please note that there may be times when the LALC office is not manned, particularly if staff are out training or attending meetings. If you can't get hold of us by phone, please contact us via one of the methods below.



www.lalc.co.uk/contactus



enquiries@lalc.co.uk



Raise a new Enquiry on the portal (login required)

If any Clerks want to join the Clerks' eGroup, or any councillors want to join the Councillor eGroup, contact enquiries@lalc.co.uk.

This fortnightly newsletter is provided to member councils through the clerk and should be circulated to all councillors. This eNews can also be found on the [LALC website](http://www.lalc.co.uk) under News.

Training courses are available to book via the portal (login required)

The Training Bulletin is issued monthly, and courses are available to book via the portal. If there is any specific training which you feel would be valuable, and we don't currently offer it, please let us know and we will investigate. The Training Bulletin can be found on the LALC website www.lalc.co.uk/training-2-1.

Clerks – when booking training for your councillors, **please ensure that their email address is correct**. If not, they will not receive the booking confirmation or any joining instructions.

If you update your council email and are **already** booked on training, please let us know so that we can update your booking to ensure you receive the automatic reminders.

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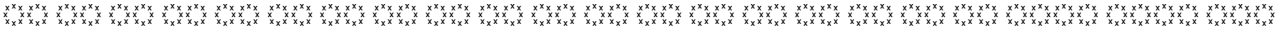
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Are you interested in becoming a LALC internal auditor?

We are looking for suitably experienced people to join the LALC Internal Audit team. Preference will be given to officers or councillors with relevant experience of local council accounts and admin procedures.

In the first instance, please register your interest at enquiries@lalc.co.uk.

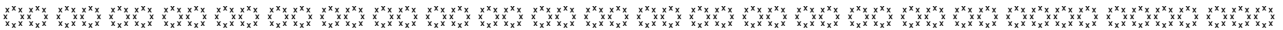


Looking for expressions of interest in the new LALC committees

LALC is looking to set up a number of committees who will investigate key topics in the sector:

- Climate change
- Recruitment of clerks and appropriate pay structure
- Engaging younger councillors

We are also open to suggestions for further topics/committees. If you are interested in being involved in one of these committees, please contact us at enquiries@lalc.co.uk, stating what you are interested in.



Clarification - Agenda items which are confidential and are debated and voted after the press and the public are excluded

As a result of a few enquiries received by LALC and items raised from recent internal audits we hope this clarifies how these items are handled.

There may be times when a confidential item needs to be discussed by a parish council when the council has an obligation to resolve to exclude the media and the public. This is likely to be at times when the items being debated and voting on may concern a member of staff, the consideration of the award of a contract because there may be matters of commercially sensitive information and due diligence or current contractors need to be notified by formal notice after the meeting, issues relating to a resident of constituents by name to deal with a complaint of service request, and legal and professional matters where the council needs to agree how to deal with a claim, legal case or dispute raised by someone.

Public Bodies (Admission to Meetings) Act 1960

1. Admission of public to meetings of local authorities and other bodies.

(1) Subject to subsection (2) below, any meeting of a body exercising public functions, being a body to which this Act applies, shall be open to the public.

(2) A body may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed, this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.

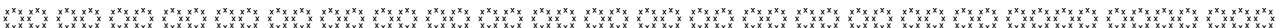
(3)A body may under subsection (2) above treat the need to receive or consider recommendations or advice from sources other than members, committees or sub-committees of the body as a special reason why publicity would be prejudicial to the public interest, without regard to the subject or purport of the recommendations or advice; but the making by this subsection of express provision for that case shall not be taken to restrict the generality of subsection (2) above in relation to other cases (including in particular cases where the report of a committee or sub-committee of the body is of a confidential nature).

The council will resolve to go into a confidential session by approving to exclude the media and public under S1(2) Public Bodies (Admission to Meetings) Act 1960 so it can discuss the confidential matter.

The minutes of a meeting of a local council must be open for inspection by the public. That is in Local Government Act 1972, S.228. There is no scope for ‘confidential’ or secret minutes of local council meetings. They should also be available on the parish council website.

Details of the debate should not be minuted but the resolution must be minuted, such as, “*The Council discussed the Clerk’s report on the current dispute with a parishioner* “ or it may record the outcome as actions to be taken, such as, “*The Council resolved to implement option 3 in the confidential report about the parishioner’s dispute with the parish Council*’ or ‘*The Council delegated to the Clerk to inform the resident that their complaint had been upheld and the actions they requested will be implemented.*’ In the award of contracts the name of an organisation or business (even the self-employed is not confidential information so it is possible to state, ‘*It was resolved to award the grass-cutting contract to J. Smith for a fee of £200 per cut starting from March 2025*’.

The resolution must be published as part of the minutes and becomes part of the public record of proceedings.



COUNCIL NEWS JULY 2024

10 BIG Employment Mistakes Councils Make

Having worked with Town and Parish Councils since November 2003, we have seen the following happen on a regular basis. When they happen, the effects can have the potential to be crippling for a Council.

1. Access to the Laptop/Bank Details/Email Account/Keys

Councillors are unpaid volunteers who are elected to benefit the Community, not to manage the Council staff, that's the Clerk's job. But what happens when the Clerk is ill, unable to work, or in the worst cases, in dispute with the Council?

The Council may grind to a halt because members cannot access the finances, get hold of essential information, or manage their website or other IT. To avoid this, the Council needs to:

- Ensure all essential IT files and information are backed up onto an encrypted Cloud memory, and that the Chair has the passwords.
- Make sure that more than one name is on the bank details.
- Have more than one set of keys.

2. Individual Councillors acting as a line manager

The Local Government Act 1972 (S101) states that Functions of a Council are administered by the Council, its Committees or Officers. Not by individual Councillors. This was confirmed in the Court of Appeal in 1986 [*Hillingdon*].

As a consequence, no individual Councillor can act as a lone line manager. They cannot individually conduct management activities such as appraisals, discipline or grievance investigations, sickness reviews or any other. To do so would leave that Councillor exposed to allegations of acting unlawfully.

This doesn't mean that no one manages the Clerk. The Full Council does that. It can delegate the job to a Committee. In which case the Committee takes on management responsibility. It can further delegate this to a smaller Committee of 2/3 Members, who are available to provide day-to-day support for the Clerk.

3. Ineffective Terms of Reference

The HR Committee has a number of serious activities to conduct. Managing dismissals, disciplinary action, resolving grievances, addressing sickness, redundancies and appraisals. All have the potential of ending up at an Employment Tribunal if mismanaged, with serious cost implications for the Council.

One key question for a Tribunal, is whether the people who conducted the action were doing so lawfully and with appropriate authority.

As stated above, the Full Council or a Committee do the job. But in doing so the Council must ensure that the terms of reference are suitably detailed, clear and unambiguous.

If the Committee is responsible for conducting disciplinary action, the terms wouldn't be very helpful or protect the Council if they simply said, "oversee disciplinary action".

What the Committee needs are terms that set out its obligations to fully investigate, and conduct a Formal Disciplinary Hearing, in accordance with the Council's Formal Disciplinary procedures. The same requirement applies to all other HR functions.

4. Not having an IT Policy

Misuse of Social Media has mushroomed in recent years, and offensive comments on Facebook, Instagram, WhatsApp or other platforms are an endemic problem. What many of the authors of such material fail to realise is that they could be accused of criminal conduct under the Malicious Communications Act 1988 or the Communications Act 2003.

Councils need a policy for all members to sign, informing them that such conduct will not be tolerated, and what action will be taken should it happen, most sensible people will refrain.

Such a policy can also be valuable in defending a Council should an Employee who has been on the receiving end of unacceptable social media posts, try to claim Constructive Dismissal against the Council.

5. Not having an Officer/Councillor Communications Protocol

We encounter numerous incidents of Councillors believing that they can take matters into their own hands when communicating with Council staff. This of course isn't true. Councillors need to use the Council's management structure to communicate with staff. If they want to get a message to the workforce, the correct course of action would normally be through the Chair, who conveys it to the Clerk, and they will communicate with their workforce in their capacity of line manager.

Councillors can communicate with the Clerk to discuss Council business. What they cannot do is instruct them how to do their job or do so with other officers/staff.

6. Breaching Councillor's statutory rights

Complaints about the conduct of Councillors towards Employees are not uncommon. Such complaints usually result in Formal Grievance complaints against one or more Elected Members. In response Councils typically invoke their Grievance process, including getting the Councillor to account for their conduct.

However, if the allegations concern the Councillor's Integrity, Honesty, Selflessness or other standards set out in the Localism Act 2011 (s28), the accused Councillor has a statutory right not to have their conduct addressed by their peers on the Council, but for the issue to be independently investigated by the Monitoring Officer. This was confirmed by the Supreme Court in *Ledbury 2018 (para 103)*.

7. No Health and Safety training

Should a Council be given notice that an Employee is contemplating a legal claim for injuries they have suffered at work, the Council will have to prove that training was provided to ensure the Employees were doing their work safely. This covers all activities including office jobs involving manual handling of heavy boxes, use of electrical equipment, working at heights or use of step ladders. This is usually in the form of a training record that the Employee has signed to confirm authenticity. Without such proof the Council would struggle to defend the claim.

It's not just about defending claims in Court either. As a responsible Employer a Council would want evidence that its workforce is working safely.

8. Not checking an Employee's entitlement to work in the UK

All Employers, Councils included, have a statutory obligation to keep evidence that all their Employees have the right to work in the UK. Failure to do so can result in a hefty fine. There are numerous documents that a Council can use to conduct these checks, and details can be found at [Check if a document allows someone to work in the UK - GOV.UK \(www.gov.uk\)](#)

Most Councils rely on a photocopy of the Employee's Passport, Birth Certificate or Settled Status details.

This obligation applies to all staff, existing as well as new recruits.

9. Not getting References

Certain Council staff have a lot of responsibility. Clerks, RFO's, Deputy Clerks are responsible for the Council's finances, dealing with the public and managing its assets. All recruitment involves taking a risk with someone you don't know. When the stakes are high, any diligent Council is going to ask for references as a condition of recruitment. Also, certain Insurers will not cover a Council if something goes wrong, such as criminal activity by the recruit, if no references were taken before employing them.

10. Out of date Contracts and Handbooks

Employment Contracts are dynamic and changing all the time. There have been a number of important changes since April of this year. New obligations regarding Sexual Harassment and Fixed Term workers such as Locums come into effect in September and October.

Following the Election the Government is now resulting in a significant number of proposals such as abolishing 'exploitative' zero hours contracts and not contacting Employees outside of working hours. Contracts need to be kept up to date with these developments, to ensure that they are fit for purpose and can be relied on to defend the Council should something go wrong with the employment relationship.

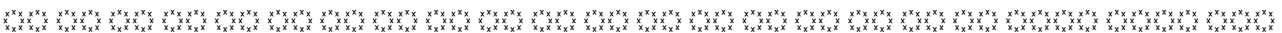
Statutory Pay Rates from April 2024

Shared Parental Pay (ShPP)	
Statutory rate of £184.03 or 90% of employee’s weekly earnings if lower.	
Maternity Pay (SMP)	
6 weeks at 90% of average weekly earnings. Then statutory rate of £184.03 or 90% of employee’s weekly earnings if lower.	
Adoption Pay (SAP)	
6 weeks at 90% of average weekly earnings. Then statutory rate of £184.03 or 90% of employee’s weekly earnings if lower.	
Paternity Pay (SPP)	
Statutory rate of £184.03 or 90% of employee’s weekly earnings if lower.	
Parental Bereavement Pay (SPBP)	
Statutory rate of £184.03 or 90% of employee’s weekly earnings if lower.	
Statutory Sick Pay (SSP)	
£116.75 pw for 28 weeks subject to earnings (average £123 per week)	
Minimum Wage from April 2023	
Workers aged 21 and over (National Living Wage)	£11.44/hour
Workers aged 18–20	£8.60/hour
Workers aged 16-17	£6.40/hour
Apprentices under 19, or over 19 and in first year	£6.40/hour

PROFILE

Chris Moses LL.M Chartered FCIPD is Managing Director of Personnel Advice & Solutions Ltd. He is a Chartered Fellow of the Chartered Institute of Personnel and Development, and has a Master’s Degree in Employment Law. 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
www.personneladviceandsolutions.co.uk



Access to Worknest Health & Safety advice



As mentioned in the eNews at the end of May, LALC has entered into a partnership with Worknest (www.worknest.com), giving our members access to health and safety advice.

The arrangement was formally launched at the LALC Summer Conference this week, when Worknest delivered an informative and interesting workshop.

Worknest have set up a dedicated number and email for LALC members to use:

0330 9120181 – take Option 1 for Health & Safety Advice

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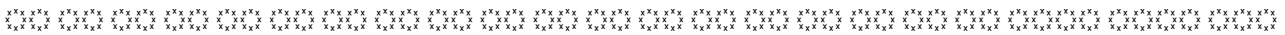
LALC will provide links but is not responsible for the content of external websites.

lalchs@worknest.com

Alternatively, members can raise an enquiry with LALC in the usual way and we can consult with Worknest on your behalf.

Details are currently being discussed with Worknest to ensure that our member councils can access their website for information such as templates and standard letters. Member councils will also have access to health and safety webinars, and we will be liaising to see what H&S training Worknest can offer. (Please let LALC know if there is specific H&S training you would like to see).

More details will be released in the coming weeks.



LALC Summer Conference

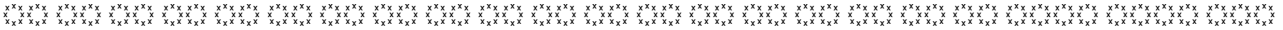
Thanks to everyone who attended the LALC Summer Conference at Belton Woods Hotel & Spa & Golf Resort this week. There was a great atmosphere, informative sessions, lots of trade stands (and freebies!), interesting questions asked of the Q&A panel - and lots of positive feedback from attendees.



Q&A Panel at the LALC Summer Conference

If you haven't yet completed your feedback, please do – we continually strive to improve and can't do that without your input.

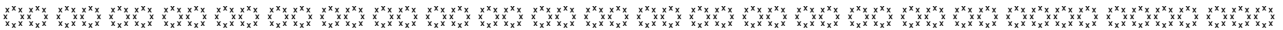
The various presentations will be made available to attendees soon.



Government to Consult on Revised National Planning Policy Framework

The government confirms it intends to consult on a revised National Planning Policy Framework (NPPF) later this month. The NPPF sets out the government's planning policies for England and how these should be applied.

Meanwhile, the government has announced immediate changes to the current NPPF aimed at "removing the de facto ban on onshore wind in England". These changes remove the requirements that a site for an onshore wind turbine must be identified as suitable within a local or neighbourhood plan, as well as demonstrating that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.



Lincolnshire County Council Orchard Project



LincWoods is Lincolnshire County Council's tree planting project. We are looking to work with landowners, farmers, businesses, parish councils, schools and communities of Lincolnshire to support the planting of new woodlands, orchards, hedgerows and individual trees. We can offer free help and advice on species, protection, management, funding and grant options available on a site-specific basis. We are in partnership with Forestry Commission and the Woodland Trust, aiming to deliver as much appropriate planting as possible.

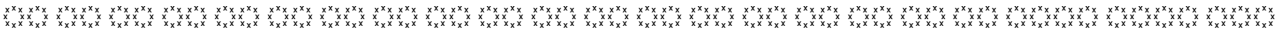
Together, we can benefit wildlife and local landscape and help to tackle climate change by planting the right trees, in the right places, for the right reasons.

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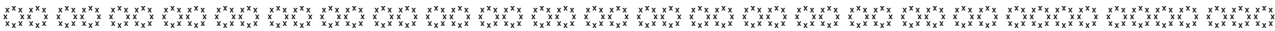
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compensation rules. The English Devolution Bill includes new powers to metro majors, combined authorities, and a strengthened community ‘right to buy’ community assets. The Terrorism (Protection of Premises) Bill – also known as Martyn’s Law – will require those responsible for certain premises and events to take steps to mitigate the impact of a terrorist attack and reduce harm in the event of a terrorist attack occurring, the measures required vary according to the capacity of the premises or event. NALC’s president, Baroness Scott of Needham Market, gave her usual excellent speech during the King’s Speech debate on energy, environment, and housing. She congratulated the new government and ministers and highlighted she is looking to working with them on a “fruitful relationship going forward”. Baroness Scott highlighted the role of local (parish and town) councils in using neighbourhood plans to deliver more housing. She stressed that areas without local councils were “missing out” and called for an extension and expansion of “this hyperlocal level of governance”.



New NALC website

Testing has been taking place on the new NALC website, which is scheduled for launch on 7th October.



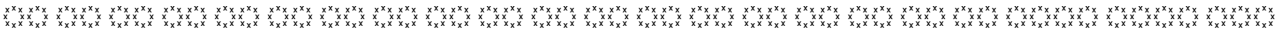
NALC Blog - Get ready for White Ribbon Day!

Now’s the time to start your White Ribbon Day plans! The theme for this year’s White Ribbon Day has been revealed: ‘It starts with men’.

Allyship is at the heart of White Ribbons prevention work to end violence against women and girls, so this year’s theme is vital to stress the role men can play to eradicate gender-based violence from our society once and for all. **White Ribbon Day takes place on 25 November** every year, coinciding with the International Day for the Elimination of Violence against Women.

White Ribbon (www.whiteribbon.org.uk) is a global movement dedicated to ending male violence against women and promoting gender equality.

Read the blog: <https://tinyurl.com/mtcm2tuu>



IT CrowdStrike outage

Following the recent IT CrowdStrike outage businesses and consumers are being warned to lookout for scams using this as a vehicle: <https://www.bbc.co.uk/news/articles/cq5xy12pnyyo>

Nobody is immune from fraud. The criminals behind it target people online and in their homes, often emotionally manipulating their victims before they steal money or personal data. By staying vigilant and always taking a moment to stop, think and check whenever we’re approached, we can help to protect ourselves and

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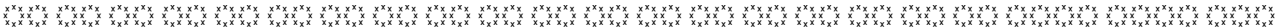
each other from fraud. The more you know, the better prepared you'll be to spot a fraud attempt if it happens to you or someone you know.

If you've seen something that doesn't feel right, STOP!

- don't click on any links
- don't give out any personal or bank details
- break contact if needed
- tell family and friends to make them aware

How to report fraud

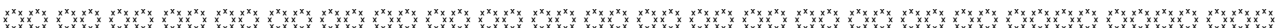
- Report to ActionFraud: <https://www.actionfraud.police.uk/> or 0300 123 2040
- Tell your bank if you have lost money or believe someone may have access to your account – use a known bank email or phone number (see back of your bank card) or call 159.



Boston Borough Council – new webchat service

A new webchat service has been launched by Boston Borough Council, alongside the rest of the South & East Lincolnshire Councils Partnership, providing residents with direct access to the customer contact team without having to pick up the phone. The service can be accessed through the 'We're online' speech bubble on the council's website and is available across the same hours as the phone lines. Most tasks and queries carried out by the customer contact team can be completed using this method.

Find out more: <https://tinyurl.com/4whw878p>

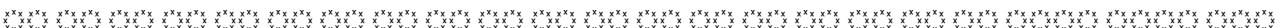


How are you Lincolnshire?



School Summer Holidays Are Here! Stuck for something to do to entertain the kids over the break? H.A.Y. Lincolnshire has you covered! They have plenty of activities listed to help keep your little ones entertained. Visit their website for more details and make this summer fun-filled and exciting:

<https://haylincolnshire.co.uk/activities/>



New LCC survey: How can we tackle anti-social behaviour?

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1 in 4

people experience problems with sadness, stress, worry and anxiety.
You are not alone.

Lincolnshire Talking Therapies provide a **FREE** and confidential talking therapy service for anyone aged 16 or over.

These talking therapies include :

- Guided self-help
- Courses
- Cognitive Behavioural Therapy (CBT)
- Computerised CBT
- Counselling for depression
- Interpersonal therapy
- Eye Movement Desensitization and Reprocessing (EMDR)



To refer yourself to Lincolnshire Talking Therapies quickly and easily please:

Visit www.lincolnshiretalkingtherapies.nhs.uk

Or call 0303 123 4000



for anxiety and depression

Service provided by Lincolnshire Partnership NHS Foundation Trust