

REPORT from the Clerk/RFO to Lydiard Millicent Parish Council (LMPC), highlighting Establishment Matters.

Rationale for Reports Generally

The clerk is employed by the council (under section 112 (1) of the Local Government Act 1972) to provide administrative support for the council's activities. The clerk's primary responsibility is to advise the council on whether its decisions are lawful and to recommend ways in which decisions can be implemented. To help with this, the clerk will need to research topics of concern, and provide unbiased information to help the council to make appropriate choices. The clerk also has a wide range of other responsibilities which are set out in a job description.

The clerk recognises the council is responsible for all decisions and that instruction is always taken from the council as a corporate body. The clerk is not answerable to any individual councillor - not even the Chairman. The Council must be confident that the clerk is, at all times, independent, objective and professional.

Purpose of this Report

This report is intended to bring the Council's attention to the need to re-evaluate staff requirements now that the Council is becoming more progressive and in readiness for consideration of any devolved services from the Unitary Authority. The larger parishes within Wiltshire have started to take over some services already, and it is anticipated that smaller parishes will be required to do the same if more than the legal service minimum (currently offered by Wiltshire Council) is preferred by residents.

This report is offered as a discussion paper as part of the budget process for 2019/20.

Background

The population of Lydiard Millicent is stable at 1,570; the fifth (out of 12) largest parish in the Royal Wootton Bassett & Cricklade Area of Wiltshire. For the last three years the parish portion of the Council Tax has increased noticeably, from £21,211 in 2015 to £51,010 in 2018.

The Parish Council has for many years been responsible for maintaining the Cemetery, Recreation Field – which includes a children's play area, the Jubilee Club House, various bus shelters, noticeboards, play equipment in Meadow Springs and more recently has bought a parcel of land next to the Parish Hall. It also supports residents in requesting Wiltshire Council maintain the local highways to a safe standard, and manages a grass cutting contract in order to keep a number of public spaces neat, and again more recently, further contracts to generally increase the tidiness of the parish. Until recently, any improvements or repairs required have been carried out on an informal voluntary basis, mainly by the Councillors. This has both benefitted and had a detrimental effect on this Community; the Parish Council Tax has stayed very low;

residents have come to expect that work around the parish is undertaken for no, or very little, payment.

Due to changes in the demographic of Councillors, many now also have full time employment commitments; it is not possible to sustain this same informal approach to parish maintenance and governance.

Legal Position of the Parish Council

In 1894 an Act of Parliament was passed to allow for a split between Church parishes and Civil parishes, parish councils were formed. The Council operates under Statute, with small parts of the 1894 Act still relevant today. Parish Councils can only act if permitted by legislation, the opposite to any individual, who can do anything until the law prohibits.

Subsequent Acts have given various additional powers and duties to Parish Councils, primarily the Local Government Act 1972, and latterly the Localism Act 2011; there are smaller provisions within a large amount of other Legislation that will allow a Parish Council to act. Parish Councils are an identity in themselves, made up of a specified number of elected members, one of which must act as chairman, and a Proper Officer. All lawful decisions of the Council must be traced back to an original Council Resolution.

Current LMPC Establishment

At present the Council employs one part time member of staff, who is contracted to work from home. Paid working hours for the current employee have risen from 39 hours per month in July 2015 to now being 14 hours per week (approx. 60 ½ per month). The number of hours worked has been generally double this amount during the last twelve months. At the Council meeting in August last year (min ref 102/17) a discussion was held about the number of hours needed to provide adequate administration and support for members. The Clerk has been keeping a diary of hours, and there is now enough data for the Finance & Admin Working Group to consider and make recommendations as documented at the August 2017 meeting.

The Council has, during the last three years, also arranged for a Parish Office to be opened twice a week. This gives residents more access to Parish Councillors, and to the Parish Clerk, very recently the Council has also purchased its own telephone. In addition to the one part time employee the Council has five regular volunteers working around the parish, as well as some Councillors.

The Proper Officer

The Council is obliged to employ someone who can advise the council, be objective and give impartial information to members so that appropriate decisions can be made. The appointment of such employees is permitted under s112(1) and s151 of the Local

Government Act (LGA) 1972. This employee is not entitled to vote on any decision the Council wishes to make; the employee must gather the required information, present it to the Council, and carry out the resultant decision. In addition, under LGA 1972 s101, a Council can discharge its functions to an officer of the council, (as well as a committee, sub committee or other authority) by setting a Scheme of Delegation. The Proper Officer is the Councils most senior member of paid staff and consequently has a duty to make members aware, and advise on all establishment issues.

LMPC Current Position

The Council has made a number of changes recently.

- Being more visible within the parish
- Undertaking projects to enhance the area
- Setting a reasonable budget
- Requesting a reasonable precept from Wiltshire Council
- Taking an active part in the community
- Making more use of the Parish Council facilities
- Members are now confident about their roles as Leaders within the Community.

Nationally, Parliament has effected how Local Government can behave:

- Placed limits on how much Principal Authorities can raise through taxation
- Cut the amount of money it pays to Principal Authorities
- Given citizens more power to influence their local environments
- Considered placing limits on rises in Parish Council taxation
- Confirmed there will be no limit imposed on Parish Council precept increases for the next two years (Dec 2020)

There are approximately 10,000 parishes in England, with 253 of them in Wiltshire. They range in size from very little, only 100 residents, through to the largest with over 80,000 residents. Every parish is governed by the same legislation.

Looking to the Future for LMPC

There are very few duties that a Parish Council must carry out, main duties include:

- Elect a chairman
- Hold an Annual Meeting
- Hold three further meetings throughout the year
- Consider a request from residents for provision of Allotments
- RFO tasks of accounting for public money
- Comply with current legislation when undertaking any powers.

The above is a starting point for all parish councils; this is considered the councils core work. It is entirely a matter for each individual Council to consider how much more work it wishes to carry out. Once a decision is made to act out further powers, a

Council must be mindful of the legislation, and be alert to adhering to necessary regulations.

At this time LMPC is using powers to carry out the following:

- Manage a Cemetery – set fees, keep registers
- Manage a building – ensure a general state of repair
- Occupy two areas of Open Space – Recreation Field and Community Field
- Maintain two childrens' play areas
- Maintain a number of Bus Shelters and Noticeboards throughout the parish
- Arrange for a contractor to carry out regular grass cutting at various locations around the parish
- Arrange for separate contractors to carry out general maintenance work throughout the parish
- Carry out Highways projects under a delegated authority
- Comment on consultations and planning applications affecting the parish
- Enabling the community to carry out a Neighbourhood Plan.

All of the above requires administration including, arranging and recording safety inspections, overseeing insurance renewals, arranging for general maintenance to be carried out, monitoring of contractors, and liaison with other bodies.

LMPC has now reached the point where discussions should take place to assimilate a plan for moving forwards.

Working Hours

A national survey carried out by the Society of Local Council Clerks analysed working hours of part-time and full-time clerks. Their conclusion was that a part-time clerk servicing one meeting per month would need between 26 and 30 hours per month to manage the councils core administration (the basic duties, with no added powers taken on by the council); it suggests extra time be allocated for managing a cemetery (approx. 3 hours per burial). The SLCC recommended hours do not include any of the activities listed above (with the exception of burials); an amount of time should also be allocated to this work. As stated earlier in the report the clerk has been working between 20 and 30 hours each week, or between 86 and 130 hours per month.

Number of Employees

Currently only one employee manages this workload. There is no capacity built into this model for annual leave or time off in case of sickness. Employing a second part time administrator would relieve some of the burden on the current employee. This second person would not need to be a paid employee, a councillor or local resident could volunteer for the position.

There are five volunteers working around the parish carrying out general maintenance, the recruiting of a part time groundsman may help with this work and be more reactive than the current structure of using contractors on a monthly basis.

Council structure and control

If members wish to progress, they will need to become more tuned to the wider, strategic viewpoints. The Council should move to making policy decisions, agreeing

proper procedure and practise, allowing projects to progress in a timelier manner than they do presently. This approach would allow members to have more structure and therefore more time to debate how best to represent their parish. Working Groups would still be needed, although as a tool for suggestion and recommendation rather than the administrative tool of some groups.

What should members take into consideration first?

It would be impossible to make detailed decisions immediately, and would be very unwise for members to consider. The first questions to be answered are:

- Where do members feel the Council should be in five years time
- How would residents wish to see their parish council develop
- Should there be a parish office for residents and partner organisations to contact the council
- Is the most important consideration not increasing Council Tax

Recommendations

It is recommended that the Council:

1. Consider the broad way forward for LMPC.
 - a. Is there an expectation the role of the Parish Council will grow?
 - b. Will residents be satisfied with a service that gives the legal minimum?
 - c. Are there volunteers that can be relied upon to carry out some of the Councils administration and/or maintenance?
2. Consider in principle, the impact on budgets and Council Tax rates
 - a. It is possible that if Council Tax is reduced at this time, and the government introduces a cap on increases in the future, growth will not be easily obtainable
 - b. This report is to be used by members as part of the budget process for 2019/20
3. Assess the workload of the Council, members should satisfy themselves that there is the amount of work highlighted above

In Conclusion

Whilst there are three recommendations above, it is unrealistic to expect reasonable answers immediately. In order to progress in a strong and robust way decisions must be taken in a measured way, after careful consideration and debate.

Councillors should consider referring this report to the Finance & Admin Working Group in order for them to assist the clerk in preparing a more detailed report on staffing levels. Indicate to the clerk/RFO whether the Council will consider, in principle, additional staffing; for inclusion in the draft budget.

It should be remembered that, as with any additional work, it can be increased slowly. Firm foundations can be laid in the beginning to allow for stable end results. The clerk asks the Council to consider and agree these following specific details in readiness for the Finance & Admin WG to analyse further.

1. The clerks hours be increased to a maximum of 20 hours per week.
2. The Council employs an additional member of office staff from April 2019, working approximately 10 hours per week.
3. Steps are taken to employ a part time grounds maintenance person, to be in place by April 2020.
4. If the Council is uneasy at making these three decisions, an alternative option would be to commission an independent review. The review will analyse the work carried out by the council, the work expected of the clerk and compile a report giving justification of the resources needed to administer the organisation efficiently and appropriately. Both sides are expected to honour the findings of the review. Resource levels can move in either direction, there are cases when the independent reviewer has found the clerk is working too many hours for the role and on other occasions, and more frequently, reviewers have recommended an increase in working hours and rate of pay.
5. The clerk requests either firm assertions at 1 – 3 above, or an instruction to arrange for an independent review of the councils level of work.

DEBORAH BOURNE
Parish Clerk/RFO
28 October 2018