

MANAGEMENT BOARD | AGENDA

26 January 2021 via zoom.

11:00 -12:00

Any member wishing to submit an apology for this meeting please contact NALC at committees@nalc.gov.uk or call on 020 7637 1865.

1. Apologies

2. Minutes of previous meeting - 17 November 2020 - To approve the minutes of the meeting of Management Board held on 17 November 2020 and to note any matters arising not covered elsewhere on the agenda. Appendix 2

3. Civility in the sector: NALC position on the LGA's national code of conduct. Appendix 3

4. SLCC - Management board will continue its deferred discussion of relations with SLCC as set out in the attached. Since those papers were sent out the CEOs of Nalc, Northamptonshire and Dorset met SLCC representatives to discuss the need of a possible joint civility in public life project and a note of that discussion is attached. Appendix 4 MB only

5. Relations between county associations and NALCs role/ability to intervene. Appendix 5 MB only

6. Date and time of next meeting

To note that the next meeting of the Management Board will be held on 6 April 2021 via zoom.

APPENDIX 2 DRAFT MINUTES | MANAGEMENT BOARD

17 November 2020

Present:

Cllr Keith Stevens, vice chairman finance; Cllr Mike Drew vice chairman member services; Cllr Peter Davey, chairman of finance and scrutiny committee, Cllr Derek Liddell, Cllr David Francis chairman policy committee; Cllr Paul Harvey, chairman of larger councils committee, Cllr Ken Browse, Cllr Bob Blezzard, Cllr Richard Parry and Cllr Mike Scott.

Also present:

Jonathan Owen, chief executive, Justin Griggs head of policy and communications, Charlotte Eisenhart head of member services and Steve Walker head of administration and finance.

Apologies received and announcements:

Apologies were received from Cllr Sue Baxter and vice-chairman Mike Drew was appointed chair.

The board noted the recent sad death of Cllr Gordon Thurston (ERNLCA) who had served the Association well over at least two decades. They expressed condolences to his family and held a minute's silence. They recorded with fondness his character, sense of humour and strong opinions.

Minutes of previous meeting 15 September:

The minutes of the Management Board held on 15th of September 2020 were approved.

- Internal management and finance issues
- Finance - Keith Stevens reported that there was little to add to the report to the recent AGM held on 27 October. An updated report was being prepared for Finance and Scrutiny Committee on 10 December.
- Operational efficiency
- 109 Great Russell Street

A report from the agents had been received setting out estimated current value and a range of options for next steps including marketing approaches, change of use and current market outlook.

Property prices were volatile at this time due to the pandemic and it was agreed, following discussion with external auditors that there was no need to adjust the valuation in last accounts. This would be kept under review in the new financial year.

The chief executive assured the management board that the building was regularly inspected by staff, cleaners and the cleansing service. The head of finance and administration was in contact with the insurers to advise them of its current inhabitation

Management board invited the chief executive with the assistance of Cllr Davey and Stevens to draw up a number of scenarios for the future of the building for consideration in the New Year.

Risk register:

The chief executive reported that the Finance and Scrutiny committee had identified three “red flags” in its consideration of this quarter’s corporate risk register.

Date sharing agreement:

One county association had declined to sign the data sharing agreement despite several requests to do so. Management Board was disappointed at this stance. However, given the relatively low risk of prosecution in this area it was agreed not to enforce this for now though staff should take care in what information they shared with the association.

National Assembly elections:

Secondly, next year is the elections to the association’s officeholder positions and committees and the chief executive flagged up concerns about succession planning and the need to increase diversity highlighted in the risk register.

There was extensive debate about this matter and it was agreed that it should be discussed further. Considerations included changing voting procedures, the use of remote or hybrid meetings may attract different candidates, potentially setting up interest groups or zoom meetings to promote participation. The issue should also be flagged up with National Assembly.

Commercial sponsorship:

The third issue on the risk register was the ability was uncertainty about attracting future commercial sponsorship which historically had been attracted by face-to-face events which were no longer possible at the current time. The head of policy and communications was considering how best to address this risk.

HR matters

It was noted that an employee assistance program was being sourced to support staff during the current pandemic.

Governance matters

The board considered a paper setting out possible criteria for appointing a president, vice president and the association's first patron. Management board broadly agreed the criteria stressing the importance of selecting the right candidate regardless of political party. Consideration should also be given to a long service award for assembly members with outstanding service. A number of names were identified as potential candidates for president which would be developed over the coming months.

Monitoring and managing performance and service delivery

NALC activity report

The latest report on NALC activity was received and members commented that it would be helpful if the report was publicised on the website.

Member services

The board recalled that last year the finance and scrutiny committee had recommended adopting a pilot scheme to offer discounted membership fees for two associations to attract non-member councils into membership. Feedback from one of the pilots was that this had proven to be successful. The board therefore agreed to extend the scheme to any association which wished to access it and to review the schemes operation annually.

Legal services

The board considered a paper prepared by the Federation of East Midlands Associations of Local Councils (FEMALC) which had also been considered by the county officers forum. It set out for discussion a number of areas for development in order to provide an "ideal" legal service. This included a helpline for county associations, knowledge hub, an enquiry service, an accounts and audit service, training and development support, lobbying support, and a commercial arm to support individual council's legal needs.

Accompanying this paper was an update from the legal team which the solicitor and head of legal services presented setting out its current staffing complement which had reduced in recent years and its level of output of briefings and written documents including a recent initiative to provide regular informal briefings to county officers, which had been well received. The team had also undertaken a number of training events over the last couple of years with county associations and participated in NALC's corporate induction for new county officers. The focus

in the last nine months had been on providing information to county associations on the rapidly changing situation resulting from coronavirus pandemic. The board also noted the current turnaround times for legal advice which on average in the last six months had been between four and six days.

In discussion the board noted the reduction in staffing and emphasised its earlier stance that a key role for the team was equipping county associations to provide support to councils through legal topic notes and other briefings.

The board welcomed the greater detail on the turnaround time for individual queries and invited the head of member services to consider how this could be better communicated.

There was a general recognition that the service had improved in recent years and had provided excellent support during the pandemic. There were areas that would continue to be developed and looked at (subject to resource constraints) including many on the list from FEMALC and management board would be kept informed of developments.

Resolved: that the reports be noted and the board receive further updates on the work of the legal team as part of the regular feedback from the Head of Member services.

External affairs confidential items

- a) JPAG. The board noted the minutes of the meeting held on the September and the rolling list of proposed changes to the practitioners guide. The board was surprised that the minutes were confidential and invited JPAG to consider making them publicly available.
- b) SAAA. The board received its latest annual report, minutes from its meeting on and the latest position on AGARR returns. A number of members noted concerns in some county associations at the responsiveness of contractors external audit contractors.
- c) SLCC. This item was deferred to a special meeting due to time constraints

APPENDIX 3 | MANAGEMENT BOARD

Civility in the sector: NALC position on the LGA's national code of conduct.

Management board will be aware of representations made to the committee on standards in public life enquiry to which NALC called for a number of measures including stronger sanctions.

A number of recommendations were made in the report to the Prime Minister which are still being considered. One of the recommendations was that the LGA be tasked with producing a single code of conduct for local government.

NALC has been fully involved in those discussions including a number of county officers. A draft code was produced by the LGA which NALC commented on including through policy committee and a number of those suggestions were included in the [final edition](#) published on the 23rd of December 2020.

The LGA have commissioned a number of support measures to back up the implementation of the code, which will be rolled out over the coming year. NALC has proposed areas this support offer should cover.

The new code will be considered by a number of national bodies including lawyers in local government and county officers will be discussing it shortly. Some principal authorities are already beginning the process of rolling the code out.

NALC supported the concept of a single national code, ideally based on its own version, but the new code appears to meet most of our aspirations.

Accordingly it is recommended that guided by any views expressed by county officers, National Assembly be invited to commend the code to county associations and local councils and for NALC to cease the production of its own code.

Links to key documents:

LGA code: <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>

NALC news story: <https://www.nalc.gov.uk/news/entry/1500-nalc-calls-on-government-to-introduce-sanctions-to-support-the-proposed-code-of-conduct>

APPENDIX 4 | MANAGEMENT BOARD

Joint Discussion regarding Standards and Behaviour

- NALC are acutely aware of the issues and are keen to address. Principle decision to be made whether NALC/CALCs/SLCC do this together. Acknowledged that we have tried before but with limited success/delivery of outcomes.
- A mutual statement/declaration on this would be helpful as would something to publicly restate all parties' support for mutual membership (following some comments at SLCC's conference).
- Important to be clear about what we want to do/achieve.
- It would be good to get clarity over whether the issue has increased in intensity and/or frequency.
- Generally agreed that a joint approach would be more effective than separate and some good ideas proposed. Need to distil into deliverable actions and project management will be very important.
- The issue causes nothing good for local councils and, wherever it sits (in terms of perpetrator/victim) it invariably means the council gets little or nothing done for its community.
- Clerks need help to realise they are part of solution.
- It is time to commit real resource to finding ways and means to tackle the issue. Proposed a FTE for at least two year.
- Aim to focus on the positives - mindful of the ongoing need to attract recruits to the sector.
- Communications will be important - find positive messages and celebrate the incremental gains (levers).
- JO & RS to work on arranging a joint leadership meeting. Need to prep to sound out organizational support for:
 1. Joint approach
 2. Commitment to funding resource

Summary

1. Agreed that joint approach is likely to be the most effective
2. There must be dedicated resource
3. Should encompass wider issues of standards and behavior (not just bullying)
4. Should be action-orientated with supporting communications (rather than grand statements with limited action!)
5. Should consider drawing in key stakeholders (Monitoring Officers, LGA, MHCLG, HR specialists etc.)

MANAGEMENT BOARD | APPENDIX 5.3. SLCC

Confidential Item

Sue and I thought it would be helpful to brief you on discussions at the recent SLCC conference where a number of clerks expressed concerns about lack of action on the code of conduct and standards issues in general. Other issues were raised too and a note in response to those that I sent to the SLCC is attached at appendix 1.

Another issue raised was terms and conditions, the green book and model contract. Attached at appendix 2 is an outline of an approach to this which Management Board is asked to agree for wider discussion with county officers.

It would also appear sensible to convene a leadership meeting between SLCC and NALC to discuss these and other issues

Appendix 1

Response to issues raised at SLCC conference

A number of issues were raised in the question and answers section of Sue Baxter's and Jonathan Owen's presentations to the Society of Local Council Clerks (SLCC) virtual training conference. The National Association of Local Councils (NALC) offers the following general comments in response to those.

Devolution and local government reorganisation

These two developments provide a real opportunity for the local (parish and town) council sector to gain in influence and reputation.

Many local councils are already assuming some discretionary roles previously performed by principal councils and this looks likely to continue. The government had indicated its intention to publish a devolution and recovery white paper in the autumn and there is strong evidence to suggest that the role of communities including local councils will increase.

It is therefore important that the sector builds capacity and capability through enhanced training and development, robust processes and good governance and demonstrating its democratic legitimacy through contested elections and a more diverse workforce and council base.

Three county areas have been invited to submit proposals for local government reorganisation and there will be an opportunity to press for an enhanced role for local councils in that context.

Where new unitary councils have been established there is a tendency to see more local councils created too. The County Council's Network has published proposals for unitary county government with an enhanced role for local councils, other reports including by the District Councils Network also comment on the role of local councils.

You can read more about some of NALC's work on devolution [here](#) and our approach to devolution in our recent submissions to the comprehensive spending review [here](#).

NALC is also facilitating networking and information exchanges between county associations through its weekly calls with county officers and other meetings.

County Associations

NALC works very closely with the 43 county associations of local councils across England providing them with resources and support to help councils, councillors and clerks.

Like the sector itself, county associations vary and are rightly proud of their sovereignty and independence. NALC is increasingly encouraging them to work together at a regional level and to consider sharing resources which should help address some of the issues raised in the question and answer session.

It is important that SLCC members recognise the importance of having strong support for the national and county associations and to encourage their councils to become active members.

NALC's view is that the sector is best supported by strong national and county bodies working together with a strong SLCC, which is why it recommends membership of both bodies.

Standards

NALC's position on standards was set out in its [evidence](#) to the Committee on Standards in Public Life (COSIPL) and we continue to call on the government to implement the recommendations made in its report as soon as possible.

Central to this is the introduction of sanctions and NALC supported this strongly in its input to the Local Government Association's (LGA) work on the development of a new national code of conduct, read more [here](#).

It is important to recognise there is much in the COSIPL report which goes beyond the sanctions issue such as recommendations and best practice suggestions which it would be sensible for the sector to take forward. This includes supporting networks for clerks and better training. NALC was disappointed that the report did not recommend mandatory training for councillors but we will continue to stress the importance of training for councillors and provide support to county associations and councils to add value to their existing training through a suite of good councillor guides and other resources including an online training course which is currently being piloted.

We have taken a number of other steps to encourage better standards such as: through our election work to encourage more people to become councillors and enhance diversity in the sector through the Diversity Commission; work with SLCC on a good governance checklist, the re-issue and updating of our grievance policy for local councils, commissioning additional HR support from HRSP, working with the LGA on a new code of conduct; updating and reissuing the good councillors guide stressing councillors' important role as employers and their responsibility to behave appropriately.

Terms and conditions

NALC has not been a member of the National Joint Council (NJC) employers' side for many years. Local councils which employ staff on Green Book terms can purchase it themselves directly from the LGA. It is important to note this is a copyright document with restrictions on sharing more widely. We continue to update the annual salary scales in line with the recommendations of the NJC with a slight variation to scales as agreed with SLCC. A few job evaluation panels are held with SLCC every year for clerks. This is an area that will need joint review over the coming year including looking at template job description, up-to-date contracts and benchmarked hours of work and pay for new clerks. This would be for new clerks. Existing contracts remain unchanged unless there is agreement between the employer and employee.

Jonathan Owen 21/10/20

Appendix 2

It is suggested that we consult county associations on a set of principles to advise councils on contracts for new clerks and other staff. These would be the subject of further discussion with SLCC and ALCC.

1. That every council must draw up a contract of employment for its clerk and other staff meeting requirements of HR legislation. A template contract for use with all staff is available from NALC. [A draft has been prepared by HRSP in line with an earlier version prepared for Assembly].
2. It is for each council to determine the precise terms and conditions of employment and to agree those with staff at appointment. Any future variations will need to be the subject of discussion with the staff affected.
3. The employment relationship between clerks and councillors is an important one and vital to the success of the council. You can find out more about the role of the councillor as an employer in the good councillors guide to employment.
4. Clerks must be remunerated for the hours they actually work and NALC recommends the following minimum hours for councils.....
5. It is for councils to determine remuneration however it is recommended that clerks are appointed to the pay-scales agreed nationally by the NJC for local government. This provides a comparison against which appointments can be made and provide some reassurance that it is in line with national expectation of government and employers more generally. These will be made available annually by NALC.
6. Advice on how to arrive at an appropriate remuneration point has been agreed with SLCC and ALCC taking into account the size, financial resources and ambition of the council. [This will build on the existing evaluation framework].
7. It is also recommended that annual pay increases are awarded in line with the recommendations of the NJC for local government and NALC will issue those each year, using the same calculations for part-time workers.
8. If councils choose to use the national pay scales, they are recommended to appoint to either a single PayPoint on the NJC scale or to a range of three. Progression should be approved through the annual appraisal process and there should be no automatic progression beyond the point set in the contract.

9. It is recommended that councils apply the annual leave entitlement set out by the NJC for local government currently...
10. It is for councils to determine the sick pay arrangements for staff. The minimum entitlement is... Many councils however apply the NJC recommended sickness payments of...
11. Pension arrangements should be determined after seeking professional advice and in the light of the financial circumstances of the council. The minimum provision is. Some councils will offer access to the local government pension scheme, especially if they are recruiting from existing local government staff, but this can be costly for some councils.
12. These proposals apply only to the appointment of new staff. Any changes to existing terms and conditions require full consultation with affected staff and may trigger a redundancy situation

APPENDIX 5 | MANAGEMENT BOARD

Relations between county associations and NALCs role/ability to intervene

As the board will be aware there are two important principles underlying our operations- CALCs are independent bodies and councils can only access NALC through membership of their “home” county.

Our strategic plan sets a priority around improving the capacity and consistency of county associations and encouraging joint work and support and regional groupings (which are working well).

Sometimes these two aspirations can be in tension and from time to time issues arise in some areas which place some of these principles in the spotlight!

Members will be aware of the ongoing tensions between Hampshire and the Isle of Wight where councils not in membership of IWALC have been able to access support services from Hampshire.

A number of discussions have taken place about how to resolve this (and indeed I will be attending a seminar in early February to look at how to attract non-members back into membership). However recent developments have seen this position move beyond service support as the Isle of Wight Council has invited the Hampshire Association to appoint non-member Isle of Wight councils on to their scrutiny committee.

In Surrey and East and West Sussex there is a proposal to terminate the current joint arrangements between the three associations which has led to some concerns: about the impact of this change on smaller associations and their ability to provide services themselves, about the process that is being followed and the impact on relations with other partnerships and stakeholders including a police and crime commissioner. NALC has received letters and representations from a number of people and councils with an expectation that it has some role in determining or influencing these discussions. An issue raised, mirroring the IoW position is a question whether councils unhappy with any final decision would be able to join another county association and access NALC support accordingly.

There are clearly a range of views on these matters, and two sides to every story. To-date NALC has sought to resolve through dialogue and encouraging discussion between the various parties to resolve matters sensibly.

NALC has no real powers to intervene except potentially to use the constitutional provision that county associations must share the aims and principles of the national body and if they do not then NALC can appoint an alternative association where this is not the case.

Setting aside the specific cases referred to, the Board may wish to consider whether there is a need to develop a role for NALC in overseeing or addressing similar matters that may arise in the future. This could include requiring county associations to have a clear constitutional statement around membership of councils outside their areas, introducing provisions for NALC (or one of its committees or a special group) to have a role in these local issues, as potentially they impact upon our collective reputation: as critical friend or an informal appeals process. Making provision for “disgruntled” councils to access NALC services as associate members via another county association.

If there is any support for this a debate at Assembly would be a sensible first step.

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