



SECTION 3

ESTABLISHING YOUR NEW LOCAL
COUNCIL

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INTRODUCTION - to Section 3

The community governance review has decided that a new local council should be created in your area. What happens now? There may be a time gap between this decision and the election. This section outlines the role of the temporary council as well as the things you will need to consider at the first meeting of the new local council.

In this section you will also find useful contacts to ensure you get the best advice to equip you for the challenges you are likely to face. This section also adds some of the advice provided by the NALC and Brian Wilson & Associates (2011) guidance note on meeting the infrastructure challenges faced by many new parish councils.

INTERIM MEASURES: Creating a Shadow Council

Ok, so it has been decided through the community governance review that a new local council should be created for your local area. What happens now? In terms of your campaign, your journey does not end here. You will need to promote the election for councillors for your new council. Typically a successful campaign will have galvanised community spirit in the area, but don't let the wait until the next local authority election (which could be some time off) deter you. Maintain momentum by doing things – consider Neighbourhood Planning or fundraising for local projects for example. You may also wish to be involved in a “shadow local council”.

WHAT IS A SHADOW COUNCIL?

A shadow local council is a non-statutory council that may be created prior to the reorganisation order being made (see below). It may be a group of local residents or campaigners nominated by the local authority.

WHAT A SHADOW COUNCIL CAN DO;

A shadow council has no statutory powers but it can be a good means of laying the ground for the new local council. It can;

- find premises for the local council to meet
- consult residents about what they would like the local council to do
- create a website
- undertake activities for the community.

PREMISES

The shadow council can start by addressing some of the practicalities the new local council will have to face. Does the local area have somewhere the council can meet? You could investigate whether the council will be able to use a local meeting hall or perhaps a local school, after classes have finished. Finding an accessible local meeting place and budgeting for use of this space will enable the local council to start its business as quickly as possible.

BUDGET AND PRECEPT

You should consider drafting a budget for the local council. The budget may include the operations of the council, including insurance. Part of your local council's budget will be the tax levied from residents, called the precept. It is important that a realistic figure is set for the council's first precept because setting the precept too low could create significant issues for future years. It is important that you carefully consider what the council's needs will be in the first year after elections and then in subsequent years. You should consider what its operational costs will be, for example staffing and premises rental. You should also consider statutory costs (i.e. the obligations dictated by law), such as costs around the annual audit and insurance costs.

There is a good reason to get it right first time. If the initial precept is inadequate to cover costs the council may need to raise the precept the following year. If this is a significant rise this can create a great deal of negative publicity in the local area about the ‘tax burden’ on local people.

[View article on negative publicity](#)

CONSULT RESIDENTS

The shadow council can give the new local council a significant head start by conducting some consultation exercises with the local community. You may already have been in touch with many local residents through your campaigning work and now is the opportunity to show you were listening. What are local residents expecting the new council to deliver? How will the council show it is working for the community? These are questions you can answer in the pre-election phase. This information will then provide the foundation for work undertaken once the new local council is elected.

WEBSITE

Establishing a website for the local council can help to establish an online source of information for local residents. It will help promote the work of residents involved in the council, the forthcoming election and may help with any consultations. Establishing a website early on will help promote the local councils ‘brand’ across the community.

ACTIVITIES

Your shadow council may be able to get involved in local activities. Are there opportunities to volunteer to get something done in the local area? Sending along a few people to help out and promote the future role of the local council can help raise the profile of the kinds of work the local council will be involved in. This might be an opportunity for you to show your commitment to making a difference for local people.

THE REORGANISATION ORDER: Creating Your New Local Council

A reorganisation order gives effect to the decisions made as part of the community governance review and creates a new local council in the eyes of the law.

The reorganisation order creates the local council with all the legal powers of an elected parish council before elections are held. The local authority may decide to appoint temporary councillors to the new council for the pre-election period who will run the council until the elected councillors (who may or may not include temporary councillors) take over. It may also make provision for the transfer or management of things such as property or staff.

PLANNING THE DEVELOPMENT WORK

Plans to support the administrative, financial, governance, staffing, logistical and policy requirements of a new local council should start as soon as the re-organisation order confirming its creation is made. Specific considerations include establishing the role of the principal local authority: their specific responsibilities will vary depending upon the circumstances of the new council. For instance, whether the new council is being created in a parished or unparished area. It will be important to clarify these duties early in the process.

VESTING AND ASSET TRANSFER

Vesting is essentially the legal transfer of assets (land, buildings, vehicles, etc.) to the new local council from another body (whether a principal local authority or another local council). The vesting document is where these transfers and powers are captured.

Specific considerations include:

- Agreeing what and how assets will transfer: clarity is needed about the buildings, land, monuments, vehicles, etc that will transfer; and about the terms of the transfer. This could include restrictions (covenants) and it is a chance to negotiate about these, e.g. access to land, resale terms.
- Ensuring the vesting document is comprehensive: in particular, that it details all transferring physical and people assets and clearly identifies the responsibilities of the new council with respect to them. This will avoid confusion further down the line. This may be a major task for a new larger local council.

STAFF TRANSFERS AND EMPLOYMENT

Staff transfers and employment is often a significant area of consideration for a newly set up local council. Specific considerations involve:

- Agreeing staffing levels: posts may be filled by people transferring from an existing local council or principal local authority, if an existing job is essentially moving into the new local council; in this case Transfer of Undertakings, Protection of Employment (TUPE) arrangements probably apply and will determine terms and conditions of employment.
- Open market recruitment: otherwise, local councils will need to plan for successful recruitment through the local or wider job markets.
- Adhering to employment law: this is an increasingly complex area. Advice is available from NALC in the '[Being a good employer: a guide for parish and town councillors](#)' publication.
- Hosting volunteers: local councils should consider whether there are suitable roles for volunteers and ensure management arrangements for them.
- Management and training: this covers identifying and meeting the training needs of employees and volunteers, as well as developing training policies. See also the linked guidance above.

EMPLOYING A CLERK

In order to get the most out of your time in the period before the elections, you may wish to employ a clerk, rather than wait until after the elections. An experienced clerk can help you establish some basic protocols, providing both advice and administrative support during this period. He or she may have to act as a project manager, personnel director, public relations officer or finance administrator. A clerk also has a number of statutory responsibilities. Legally councils can delegate decisions to clerks because they are trusted professional officers whose objectivity allows them to act for the council. The best councils will have a clerk and councillors who work as a team to provide a service for the community. A clerk can help you achieve as much as possible at this early, preparatory stage. In some cases, your county association of local councils may be able to help you find some administrative support at this stage. Information on how to employ a clerk, is available from the NTS guide for parish and town councillors “Being a good employer”.



ELECTIONS

As part of the reorganisation order, the date for the first council election will be set. It is important that enthusiasm for the new council is maintained, particularly in the run up to elections. Encourage people to stand for election, highlighting the difference that they can make.

Template posters are available as part of this resource to help promote upcoming elections. You should also consult the Electoral Commission website (see ‘useful contacts’) for the rules and regulations around elections and standing as a candidate.

Although the majority of councillors in local councils are independent of party politics, there is an ongoing debate about the role of political parties in this tier of government. If you are an independent candidate you might feel you are at a disadvantage compared to those candidates who have the support of a political party. This isn’t necessarily the case. As an independent, it is likely that your knowledge of the community, and your commitment to it, is recognised by your neighbours. A campaign by independent candidates in Frome gives an insight into the successful strategy used by one group of independent candidates.

WHAT HAPPENS NEXT?

Congratulations you have been elected to office! You will now need to organise your first meeting. This can be done in a variety of ways. If your council has already appointed a clerk, he or she will organise and minute your first meeting. If not, you may wish to contact your **County Association of Local Councils (CALC)** or even your local authority to find advice on how to find the administrative support you will require.

COUNCIL MEETINGS AND OPERATION

There are a range of important early tasks required to ensure effective support for council meetings, good governance and decision making structures. Specific considerations include:

- Defining the councillor roles and responsibilities: a useful resource is the **Good Councillor’s Guide**.
- Setting up standing orders which describe the rules for the operation

of the Council, including how often it will meet and how the public can be involved.

- Creating a register of members' interests, to avoid conflict of interest (perceived or otherwise).
- Overseeing the election of a chair and a deputy at the first council meeting.
- The formation of any sub-committees to manage business such as finance, communications, planning, etc.

FIRST MEETING

At the local council's first meeting, you will have to make some key administrative decisions. These will set out how you operate as a council, including how you will ensure you are accountable to the public, both financially and operationally.

In the NALC book 'Local Councils Explained', a set of model standing orders, or rules, has been developed. These standing orders provide a good basis for you to make sure your council operates effective organisational and administrative procedures that are in accordance with the law.

[Purchase Local Councils Explained](#)

[Download the Good Councillors Guide](#) (this is a short booklet that outlines the responsibilities of all councillors and provides an overview of what you should expect)

OFFICE AND ADMINISTRATION

A new council will face various practical, administrative and logistical issues in its early phase. Specific issues include:

- Accommodation: finding suitable office space for the council and venues for council meetings or other events.
- Telecoms: installing telephone and IT hardware, software and networks.
- Insurance: required insurance could include buildings and contents, public liability and employer's liability.
- Health and safety: for employees, members and the public who have

access to council offices and services. Undertaking risk assessments and putting in place appropriate policies will be important.

- Contingency planning and business continuity: it is good practice to identify the main risks to the Council's operation and to plan for operation if they were to come about. This could include severe weather, building damage, IT failure and the departure of the clerk.

FINANCE AND AUDIT

An important and potentially complex aspect of new local council set up is finance and audit. Financial compliance and audit requirements will need wide ranging actions:

- Setting up a bank account(s) for the council.
- Establishing a payroll for employees and an expenses system for members.
- Financial delegations for councillors and the clerk (and possibly other staff).
- Audit arrangements: there are both internal and external auditing requirements.

[View full guidance on the governance and accountability requirements of local councils](#)

MEMBERSHIP OF YOUR LOCAL COUNTY ASSOCIATION OF LOCAL COUNCILS AND NALC

You should give careful consideration to joining your CALC and NALC (one subscription covers membership to both). Membership of your CALC will more easily give you access to the network of local councils in your area.

Through membership you will have access to a number of services that will assist you in the performance of your duties and help your local council to develop:

- legal advice
- training
- publications, briefings and information

- financial advice
- technical advice
- policy advice
- administrative advice and materials
- conferences and events.

More broadly, both your local county association and NALC lobby at both local and central government level on your behalf to influence matters directly related to local councils.

NALC is a democratic national representative body for local councils. Each county association of local councils appoints one representative from its member councils to sit on the National Council and a number of further committees ensure that views from across the country are voiced at a national level.

MEMBERSHIP OF THE SOCIETY OF LOCAL COUNCIL CLERKS

When you have appointed a clerk to your new local council they may wish to consider membership of the Society of Local Council Clerks (SLCC). It is the professional membership body for local council clerks.

TRAINING

Increasingly, training is being seen as vital to the development of the local council tier of local government not only for clerks but also, for councillors (members). It is important that a local council recognises the value of well-trained clerks and councillors.

The National Training Strategy for parish and town Councils was first conceived in a rural white paper in 2000. Its purpose is to offer training to councils in order for them to make the most of their role and carry out their duties more easily. The strategy has now been in place for several years, which has led to significant advancement for local councils nationally.

The body responsible for training in your area is a county training partnership (CTP). A CTP consists of a number of key organisations including your local county association of local councils, the local SLCC branch, and potentially representatives from the rural community council (RCC), relevant principal

authorities, educational bodies and private trainers engaged in the area. In most cases, the lead body of the partnership is the county association of local councils, although in some cases this is the rural community council. Some partnerships have joined together to form regional training partnerships (RTPs). The partnership will arrange training events and courses for clerks, councillors and other officers. Contact with the training partnership lead officer is encouraged in order to discuss your training needs and find out what support and resources you might be able to access.

There is a variety of training available to both clerks and councillors across the country. This includes topics as diverse as chairmanship, freedom of information, accounts and audit and new councillor training, to name just a few. This is just illustrative of the kinds of training sessions that take place but there are a variety of sessions available on a number of topics. A significant amount of people from within the local council tier have also completed certificates, diplomas and degrees in Local Policy with the University of Gloucestershire. This degree course has now become an Honours Degree in Community Engagement and Governance. It provides a higher education qualification for clerks and other officers, which can be studied by councillors too.

Certificate in Local Council Administration (CiLCA) is the accredited certificate for the local council tier, designed to test basic levels of competence for the role of local council clerk. The syllabus has been designed to cover all aspects of the clerk's role and candidates are required to compile a portfolio of evidence to show they fully understand their job. The certificate for clerks is a vital criterion for a council gaining Local Council Award Scheme Status. A qualified clerk is a vital cog in ensuring that a local council is driven forward. As an employer, the local council should appreciate the value in funding training for staff to ensure that they gain the right skills and operate effectively. We would recommend that all councils have a training budget for clerks and councillors.

The benefits of a trained clerk are: being up to date and confident when it comes to advising the council, this will help it realise its potential. Training for clerks is a sound investment: it can help a council to save money by minimising auditing costs, avoiding mistakes and keeping up-to-date, and can help a council to find new sources of funding. Being trained will also help a clerk further their career, adding to their skills base and possibly even allowing part-time clerks to take on clerking for more than one local council.

CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD)

Launched in 2007 the National Training Strategy CPD scheme offers anyone the opportunity to assess their skills prior to setting an annual development plan based around their needs. They then record a range of learning activities to meet the needs initially identified. CPD points are self-awarded following completion of activities and/or attendance at training events. The CPD scheme is the vehicle by which members of the Institute of Local Council Management can progress through the ranks of membership which are, Student followed by Associate, Member, Principal and Fellow. A copy of the CPD booklet including the skills audit, development plan and record can be downloaded from both the NALC and SLCC websites.

COMMUNICATIONS

Raising the profile of new local councils with a range of partners will be a crucial after the new council has been created. Aspects to consider are:

- Communicating with residents: important both in raising the profile of the new council and in avoiding confusion with the principal local authority. Tools include website development, circulating newsletters, features in local papers and corporate branding, plus face-to-face contact and being present at local events.
- Communicating with neighbouring local (parish and town) councils: this can be to discuss common concerns, to learn from each others' experiences and to consider joint services or working arrangements.
- Communicating with principal local authorities and other tiers of local government: through formal neighbourhood and area committees and other decision making and spending fora. This can help to develop the new council's policy and strategic role. It can also help develop a mutual understanding of roles and responsibilities.

MOVING FORWARD

Local parish and town councils typically find that the set up phase lasts two-years or more after the re-organisation order has been issued. Once they begin to emerge from this intense period, many are keen to turn their attention to future ambitions. These might include:

- Developing strategies and plans that provide a structure and milestones for longer term council objectives;
- Becoming members of the CALC, NALC and Society of Local Council Clerks (if they have not already done so);
- Applying for Local Council Award Scheme Status, to instill good working practices and develop the role of the council in the community;
- Adopting community led planning to engage with local residents and find out about their priorities for the area, leading to a Parish or Town Action Plan;
- Increasing the range of service or assets where the local council and its community take on responsibility for management or delivery.

Evidence shows that a well supported and carefully managed set up phase provides a sound platform for new local parish and town councils to fulfil their longer term aspirations for the local community.

USEFUL CONTACTS

These contacts can provide you with more information about the role of local councils and local councillors, provide examples of the work they do or give more general information about local government and local representation.

National Association of Local Councils (NALC)

www.nalc.gov.uk

NALC represents the interests of local (parish and town) councils in England. NALC lobbies government and provides support and advice to member councils in partnership with a network of County Associations of Local Councils.

Department for Communities and Local Government (DCLG)

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

DCLG sets policy on local government. Its vision is to create great places where people want to live, work and raise a family.

Society of Local Council Clerks (SSLC)

www.slcc.co.uk

SLCC is the professional body for local council clerks.

Local Government Association (LGA)

www.local.gov.uk

LGA is the membership body for the principal authority tier of local government, acting as their voice and advocates on its behalf. On behalf of its membership its aim is to deliver a shared vision of an independent and confident local government sector.

Local Government Information Unit (LGIU)

www.lgiu.org.uk

LGIU is an independent think-tank and resource for local government.

British Youth Council

www.byc.org.uk

The British Youth Council is an organisation of young people for young people. It runs training workshops, creates volunteering opportunities and builds inspiring campaigns that give everyone aged 25 and under, a chance to make a positive contribution to society, both in the UK and other countries. They also link up with networks of local youth councils across the UK to share ideas, skills and information.

Action with Communities in Rural England (ACRE)

www.acre.org.uk

ACRE is the national umbrella body for the Rural Community Action Network (RCAN), which operates at national, regional and local level in support of rural communities across the country. Members of the Rural Community Action Network have a long history of supporting communities to find solutions to their own needs.