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Acronyms used in this report

AGAR	Annual Governance and Accountability Return
CLCA	Certificate in Local Council Administration
ESALC	East Sussex Association of Local Councils
FSCS	Financial Services Compensation Scheme
GPC	General Power of Competence
ICO	Information Commissioner's Office
LGA	Local Government Association
NALC	National Association of Local Councils
RFO	Responsible Financial Officer
SLCC	Society of Local Council Clerks

A. BACKGROUND AND INITIAL BRIEF

Following the appointment of a new Clerk, and concerns raised by the Clerk after completing initial training for the role, contact was made with the East Sussex Association of Local Councils (ESALC) to request an overview of the processes and procedures of Hooe Parish Council. The concerns included apparent disregard for the council's adopted Standing Orders, councillors acting without authority, the apparent deletion of emails from the Clerk's email trail and questions regarding the council's plans for a new/improved Village Hall. Similar concerns had also been raised by Cllr David Constable, a newly appointed councillor. There was no suggestion of any financial impropriety.

Trevor Leggo (CEO, ESALC) recommended Mulberry & Co as an organisation with the knowledge and experience to complete such a review, and I spoke with the Clerk in December 2021 to outline the services Mulberry & Co offer. The appointment of Mulberry & Co was confirmed by the council at a meeting held on 10 January 2022, and a schedule of meetings with the Clerk, councillors, former Chairman and former Clerk were initiated to begin to investigate the concerns raised.

At the time of Mulberry & Co's initial involvement, the Clerk was Jane Warrenner, and the council had its full compliment of seven councillors – Cllrs Pam Doodles (Chairman), Chris Bloor, David Constable, Ross Clifton, Gary Durman, Peter Hayward and Robert Pilbeam.

The first meeting took place on Thursday 20 January with the Clerk, who provided me with paper and electronic copies of documents for review which supported her view that the council was not operating in accordance with its agreed policies and procedures. We discussed these issues at length and agreed that my next meeting be with the Chairman. This was arranged for Friday 28 January and was scheduled to be followed by a meeting with Cllr David Constable.

Cllr Doodles postponed the meeting due to take place on 28 January, rescheduling to Wednesday 2 February, but I met with Cllr Constable as agreed. We discussed in detail his concerns, and his views closely mirrored those expressed by the Clerk.

On Monday 31 January, I received an email confirming that Cllrs Doodles, Bloor, Durman and Pilbeam had resigned over the weekend, leaving only Cllrs Constable, Clifton and Hayward in post. I spoke with the Clerk, and it was agreed that meeting with any of the councillors who had resigned would not be necessary, although I did have a telephone conversation with Cllr Doodles on Wednesday 2 February, as per our scheduled meeting.

Cllr Doodles indicated that there was an acceptance that the council may not have been following all the procedures and rules correctly, and that there was a willingness to change. However, following a meeting held in the previous week, the four councillors who resigned felt they were unable to work productively with the Clerk.

A further meeting was arranged with the Clerk and Cllr Constable, which took place on Monday 7 February, where it was agreed that my time would be better invested in supporting the council with an appropriate structure for the future rather than continuing to investigate alleged previous failings of the council. We discussed matters further, including explaining the process for the advertisement of the councillor vacancies and the procedure to follow whether an election is called or not.

Therefore, although evidence provided to me suggests the council failed to follow its own rules and procedures, without further investigation I am unable to comment further on the validity of these claims.

The remainder of this report sets out the background to the successful operation of a Parish Council, including recommendations on appropriate structures, policies and procedures to support the council in achieving its aims and objectives.

B. PARISH COUNCIL POWERS AND DUTIES

A Parish Council is a corporate body, a legal entity separate from that of its members (councillors). Its decisions are the responsibility of the whole body. The council can only act within the powers conferred on it by statute, and any action outside of these statutory powers (*ultra vires*) can be challenged through the courts.

Most of the council's powers are set out in the Local Government Act 1972, the Local Government Finance Act 1992 and the Local Government Act 2003. These cover the normal administrative functions the council may carry out, the ability to raise a precept and the power to borrow money.

Additionally, the Localism Act 2011 empowers eligible councils to adopt the General Power of Competence (GPC). A council which has adopted the GPC has the power to do anything that generally individuals over the age of 18 can do and opens new opportunities for councils to become involved in commercial activities. To be eligible to adopt the GPC, a council must have a Certificate in Local Council Administration (CiLCA) qualified Clerk and two-thirds of the councillors must have been elected (contested or uncontested) rather than co-opted.

For councils without the GPC, there are a wide range of powers (*things that can be done*) but very few duties (*things that must be done*). A list of powers and duties is included as appendix a of this report.

C. ROLES AND RESPONSIBILITIES

From my initial investigations prior to the change of emphasis, an emerging clarity was a lack of understanding of the different roles within the council. An effective council works together to achieve shared aims and objectives, with individuals understanding and respecting the differing roles within the team.

In general terms, councillors agree strategy and policy and the clerk deals with administrative matters.

Particularly in smaller parishes, where typically the clerk works part-time, councillors may be more involved in day to day matters for expedience, but it should be remembered that decisions cannot be delegated to any individual councillor, including the Chairman.

Below is a precis of the primary functions each role should fulfil:

What is the role of the clerk?

The role of the clerk is to ensure that the council conducts its business properly and to provide independent, objective and professional advice and support. They are under a statutory duty to carry out all the functions, and to serve or issue all the notifications required by the law of a local authority's Proper Officer.

The clerk is an employee of the council. They are not an elected officer and can only make decisions which the council delegates to them. Typically, these responsibilities are set out in the clerk's contract of employment and include most day-to-day administrative functions or are contained within an adopted Scheme of Delegation.

Most clerks also act as the Section 151 officer, commonly known as the Responsible Financial Officer (RFO) in a parish council. This role brings additional fiduciary responsibilities and duties in relation to the accurate and timely submission of the Annual Governance and Accountability Report (AGAR) for external audit.

What is the role of the Chairman?

The Chairman is elected by the other councillors and is typically elected for a period of a year. The appointment of the Chairman is the first item on the agenda at the annual council meeting each May.

The Chairman will often represent the council at community events and is responsible for chairing the meetings of the council, ensuring good order, and using their casting vote in the event of a tie on any matter requiring a council decision. Beyond this, the Chairman has no other authority and cannot act independently on behalf of the council.

What is the role of a councillor?

The main role of a councillor is to represent the views of all residents within the parish and to listen to, and understand, the views and needs of different groups in the community. There is a responsibility to be well-informed, especially about diverse local views. Councillors cannot assume that they represent the interests of electors without consulting them.

Councillors are elected representatives (they are neither volunteers nor employees) and serve for a 4-year term unless co-opted or elected in a by-election, when they serve until the next scheduled election. They must apply the law and comply with the Members' Code of Conduct and other adopted policies of the council. Councillors are required to act in an ethical way and to declare an interest when necessary.

Councillors contribute to the work of the council by suggesting ideas, influencing policy and strategy, engaging in constructive debate and by responding to the needs and views of the community. Councillors comment on proposals to ensure the best outcome and vote to enable the council to make decisions.

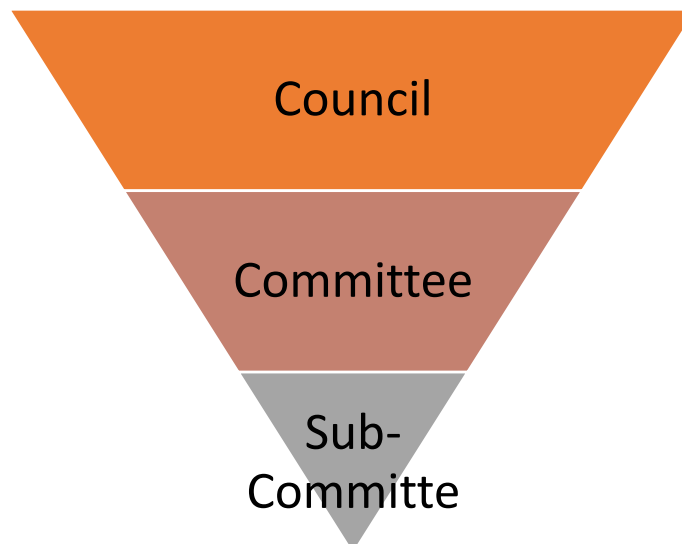
Individual councillors cannot make decisions on behalf of the council, but they can actively lead and engage with local projects.

The Parish Council needs a wide range of skills and experience to work as a team. Councillors from different backgrounds better represent the whole community and possess different enthusiasms, skills, attitudes and interests.

D. COUNCIL STRUCTURE

Different council's will adopt different structures to suit the size of the council, the complexity of its operations and its staffing structure. Larger council's structures are likely to be complex than smaller councils, but all will follow the same basic principles.

The inverted pyramid below shows the levels at which decisions are made within Parish Councils.



At the top of the pyramid is the whole council. The council can make decisions on any matter, and there are a number of decisions which can only be made by the whole council (these are listed in paragraphs 1.13 and 1.14 of the council's adopted Financial Regulations).

The council can appoint committees to deal with specific areas of the council's business, i.e., Planning Committee, Finance Committee, Recreation Committee, etc. Committees should be set up with a defined number of councillors and given Terms of Reference making it clear the area of responsibility assigned to each committee.

Committees may be given decision making powers (apart from any matter reserved for the whole council) or may be appointed as advisory only. This should be explicitly defined in a Scheme of Delegation. Decisions made by a committee, which are within its Terms of Reference and Scheme of Delegation are decisions of the council.

Committees report to the council, and even where decision making powers are in place, may on occasion refer a recommendation to council for a final decision if it was appropriate to do so.

Committees may appoint sub-committees to deal with specific matters, i.e., a Recreation Committee may decide to appoint an Allotment sub-committee to deal with allotment matters. A sub-committee should be set up with a defined number of councillors and given Terms of Reference making it clear the area of responsibility assigned to it. A sub-committee may be given decision making powers (apart from any matter reserved for the whole council) or may be appointed as advisory only, and this should be recorded in the Scheme of Delegation. A sub-committee reports to the committee that appointed it – not to council.

Council, committees and sub-committees may delegate any matter to the Clerk to deal with, either as agreed in the Scheme of Delegation or by recording the specific delegated responsibility in the minutes of the meeting where it was agreed.

Council, committee and sub-committee meetings should run in accordance with the council's adopted Standing Orders. An agenda must be published, giving the required three clear working days' notice of the meeting, and members of the public have a right to attend. Minutes of the meetings should be made available as soon as practicable after the meeting to keep members of the public informed regarding the decisions of the council.

Council, committees and sub-committees may appoint Working Groups to deal with any matter within their Terms of Reference. Working Groups should be established to deal with a specific matter and are often referred to as *Task and Finish Groups*. The nature of the task should be set out in the Terms of Reference for the Working Group and should make it clear when the function of the Working Group comes to an end. If there is no defined end date for a Working Group, consideration should be given as to whether it would be better formed as a committee or sub-committee instead.

Working Groups are advisory only and may not be delegated any decision-making powers. They exist to research and investigate matters and form recommendations which are made back to the council, committee or sub-committee which appointed it. Working Group meetings are less formal and do not have to follow the statutory rules of meetings.

E. POLICIES AND PROCEDURES

Councils adopt policies and procedures to regulate the way the council runs and to provide clear guidance as to how to deal with matters when they arise. Councils determine which policies they need, and these are often greater in larger councils with responsibility for a wider range of functions, but there are core policies which every council should have in place.

A common fault we identify during internal audits relates to where council policies contradict each other, and great care should be taken to ensure consistency across in particular the council's adopted Standing Orders, Financial Regulations and Scheme of Delegation.

Standing Orders

Standing Orders are the written rules of a local council. They are essential to regulate the proceedings of a meeting and may also be used to confirm or refer to various internal organisational and administrative arrangements.

The National Association of Local Councils (NALC) provide a model template for Standing Orders, which is updated regularly, and whenever a statutory or regulatory changes take effect. Councils are encouraged to use the model version, and tailor them to suit the size and complexity of the council's operations.

Within the NALC model Standing Orders are items in bold type. These directly reflect the current statutory and regulatory requirements and should not be altered. Elsewhere, each council can decide to adopt, amend or exclude any item not in bold type, providing that it does not directly contradict a known statutory requirement.

I note that the council's adopted Standing Orders are based on the current NALC model and are therefore fit for purpose.

Financial Regulations

Financial Regulations are similar to Standing Orders but control the way the council manages its financial responsibilities.

NALC produces a model template, which councils are encouraged to follow, although unlike Standing Orders there is no bold type to reflect statutory responsibilities. It is important for councils using the model version to ensure they 'fill in the blanks' with figures appropriate to the financial size of their own council, and guidance on this can be provide during the internal audit.

The model Financial Regulations refer to the Accounts and Audit Regulations which councils must follow to ensure compliance with the requirements of internal and external auditors. The RFO should also ensure they are familiar with the content of 'Governance and Accountability for Local Councils – a Practitioners' Guide' which is updated and reissued annually. A link to the March 2021 version is available [here](#)

I note that the council's adopted Financial Regulations are based on the current NALC model and are therefore fit for purpose. However, there are some inconsistencies within the completed 'blanks', namely relating to the financial limits in paragraphs 1.14, 4.1 and 5.7. Also, I suggest that the financial limits within paragraph 11.1(h) are higher than might be expected for a council of this financial size.

Members' Code of Conduct

The Members' Code of Conduct is an agreement for each councillor to conduct themselves in a manner consistent with the widely known Nolan Principles, namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Councillors must agree to abide by the code of conduct on becoming a councillor, and if found to be in breach of the code, can be reported to the District Council Monitoring Officer. The Monitoring Officer has the power to investigate the complaint and can recommend a councillor seek training and/or apologise for the actions which led to the complaint.

Prior to 2012, the Monitoring Officer had the power to suspend or remove a councillor from office, and a joint committee involving NALC, the Local Government Association (LGA) and the Society for Local Council Clerks (SLCC) are working to reintroduce sanctioning powers to Monitoring Officers following a perceived fall in standards of councillor behaviour in recent years.

The council has adopted the Members' Code of Conduct used by Wealden District Council, and this is appropriate for use.

Terms of Reference

Terms of Reference are put in place to make clear the areas which fall under the jurisdiction of any committee, sub-committee or working group the council may set up.

The level of detail in Terms of Reference may vary from council to council, but it should be clear whether the committee, sub-committee or working group has a clear mandate to deal with identified matters.

Scheme of Delegation

A Scheme of Delegation defines the delegated powers given to the Clerk, and any committee or sub-committee the council may set up. This should include reference to decision-making powers and any delegated spending authority given.

As mentioned previously, the Scheme of Delegation should be consistent with any financial limits contained in the council's adopted Standing Orders and Financial Regulations.

Other policies

Which other policies councils adopt will depend on their size and complexity, but again there are several which are key to allowing a council to operate in a consistent and controlled manner.

All councils have employees and therefore the list below of employment related policies would be appropriate for all councils. Based on the electronic information provided to me by the Clerk at our meeting on 20 January, those highlighted do not appear to be in place currently.

Adverse Weather Policy	Equal Opportunities Statement	Protecting Vulnerable Persons Policy
Bullying and Harassment (Dignity at Work) Policy	Grievance Policy	Recruitment Policy
Confidential Reporting (Whistleblowing) Policy	Health and Safety Policy	Redundancy Policy
Disciplinary Policy	Lone Working Policy	Risk Management Policy
Email and Internet Usage Policy	Member / Officer Relations Protocol	Sickness and Absence Policy
Employee Code of Conduct	Pay Policy	Statement on Employee Management
Employee Expenses Policy	Pensions Discretion Policy	Training and Development Policy
Environmental Policy	Performance Management Policy	

Additionally, the following policies are commonly adopted by councils, again with those highlighted which are not included on the electronic information provided to me.

Communication Policy	Document Retention Scheme	Press and Social Media Policy
Community Infrastructure Levy Policy	Freedom of Information Policy and Publication Scheme	Recording of Public Meetings Protocol
Complaints Procedure	Grant Awarding Policy	Representatives on Outside Bodies Policy
Co-Option Policy	Investment Policy	Statement of Internal Controls
Data Protection Policy	Noticeboard Policy	Website Publication Policy

Mulberry & Co can provide further support, if required, by delivering an Employee Handbook (containing all the required employee related policies) and templates for any other policy the council wishes to adopt.

F. AGENDAS, MINUTES AND MEETINGS

Meetings are the primary mechanism for councils to make decisions, and an effectively organised, managed and minuted meeting can support a council to move actions forward and progress matters in an expedient manner.

Agendas

One of the initial concerns raised which led to Mulberry & Co's involvement related to the alleged failure to properly publish an agenda.

There are statutory requirements for the publication of an agenda for any council, committee or sub-committee. These are contained within the Local Government Act 1972, s.243 and state:

At least three clear days before a meeting of the local council (excluding the days of issue and meeting, Sundays, the days of the Christmas, Easter and bank holiday breaks and days appointed for public thanksgiving or mourning) a notice of the time and place of the meeting must be affixed in some conspicuous place in the locality.

This statutory requirement is included in the NALC model Standing Orders, which the council has used as the basis for their own adopted version. A conspicuous place includes the council's website, any noticeboards in the area and any other social media platform where the information is normally made available.

Councillors have a duty to attend any council meeting, and any committee and/or sub-committee meeting of which they are a member, unless they have a reasonable excuse for being unable to attend. As such, councillors are *summoned* (rather than invited) to attend, while a public notice may simply invite members of the public to attend, as they are under no duty to do so.

The decision as to the content of the agenda is one for the Clerk to determine. While it is normal practice for the Clerk to discuss with the Chairman of the meeting items for inclusion, the final decision rests with the Clerk. The agenda must be ordinarily signed by the council's Proper Officer* (i.e., the Clerk) and specify the business to be transacted in such a way that it is clear to both the councillors and any member of the public attending the meeting what matters are to be discussed, and what decisions are required.

** If a meeting is called by the Chairman or other councillors in accordance with Standing Orders, those calling the meeting must sign the agenda.*

It is increasingly common for background papers to be sent to councillors along with the agenda, providing more detail on the items for discussion. This can lead to councillors being better informed on matters and ensure that time at the meeting is spent debating the decision rather than questioning the background to an item.

Where non-confidential background papers supporting agenda items are made available to councillors, they must be made available to the public, ordinarily by publishing on the council website. The publication of non-confidential background papers is a requirement of the Information Commissioner's Office (ICO). Page 3 of this link provides more detail.

ico.org.uk/minutesandagendas.pdf

A council cannot lawfully decide any matter which is not specified on the agenda, and therefore the use of '*any other business*' or '*matters arising*' is discouraged due to the vague nature of the agenda item. It is common for councils to include on the agenda '*items for information*' where information is provided but no decision is required.

The style and content of agendas varies widely among councils, and Clerks will often look at what other local councils include for guidance and adapt this to suit the size of their own council and their own particular style of writing. For continuity purposes, Clerks are encouraged to settle on a format which then becomes familiar to all those in attendance at meetings.

Minutes

There is a statutory requirement for a council to keep minutes of council, committee and sub-committee meetings (*Local Government Act 1972, Schedule 12, para. 41(1).*)

The Clerk is responsible for taking the minutes unless alternate arrangements have been made. The minutes are intended to be a formal record of official acts and decisions, rather than a verbatim transcript of the meeting, and for that reason they should be as short as is consistent with clarity and accuracy.

The minutes must include a record of the councillors present at the meeting, apologies for absence, any declarations of interest made on agenda items and a clear record of the decisions made. Where appropriate to do so, a short explanation as to how/why the decision was made may be useful for future reference, although if supporting documents for agendas are retained, the minutes may simply refer to these.

As with the agendas, there are a wide range of differing types and styles of minutes produced by councils. Consistency again is key, and I would encourage the Clerk to adopt a format which makes the required information as easy as possible to see within the minutes.

Meetings

Council, committee and sub-committee meetings are open to the public but are not public meetings. Members of the public have a statutory right to attend, but no right to speak unless invited to do so by the council.

Many councils now include a public session on agendas, and the format of this is defined within the council's adopted Standing Orders. Carefully wording the item can remove any impression given that it is a 'free for all' and the wording below may be appropriate terminology to use:

Members of the public may ask a question, make representation, or give evidence in respect of the business on the agenda for a maximum per item of 3 minutes.

The Chairman of the meeting must ensure this part of the meeting is carefully managed, balancing the desire for residents to be able to air their views over agenda items, while ensuring that everyone wishing to speak has the opportunity to do so.

The Parish Assembly/Parish Meeting, which by statute must take place between 1 March and 1 June, is a public meeting where all residents of the parish have the right to attend and ask any question, although the council is not obliged to give an answer, and in many cases, is best advised to commit to providing a response via the Clerk once further investigation has taken place.

The council may also call a public meeting at any point during the year if there is a subject which the council feels would benefit from wider consultation with residents.

G. COMMUNITY ENGAGEMENT, TRANSPARENCY AND BUSINESS PLANNING

One of the most obvious issues for the council at present is the lack of a council website, which is commonly the primary source of information for residents wanting to know what is going on in their community. Providing a website, completed with relevant and up to date information is essential in the modern local authority sector, and I urge the council to address this requirement as a matter of urgency.

There is also the requirements of the [Local Government Transparency Code 2015](#) to consider, which while currently guidance is likely to become a legal requirement in the near future. This details information local authorities must make freely available to their residents on their website and is intended to provide greater transparency to the sector.

There is a Facebook page titled Hooe (nr Battle, East Sussex) community group, although I note this is closed group which you are required to join and is therefore not a source of information for all residents. There is also a twitter page titled hooeupdate, although the last tweet appears to have been posted on 2 March 2021 and the account reads as though it is in fact that of the District Councillor, rather than the Parish Council.

Community engagement is a vital element of successful councils, and in a small community such as Hooe, can often be very successful as a larger proportion of the community are likely to be engaged. Through such engagement, the council can determine what direction its parishioners wants the council to take, and through this can agree a business plan to share with residents to show the councils aspirations and planned timescales for achievement.

With concerns raised regarding the future of the Village Hall and whether a mandate exists from residents to undertake a large financial commitment to build a new hall, the council has an opportunity to ask residents what they want, ensuring that the financial consequence of any decision is clearly explained.

Trevor Leggo (CEO, ESALC) has completed many visioning exercises with councils, where he has supported the development of ideas and refined these to help councils produce a business plan. I am in no doubt he would be very happy to help if the council wish to progress this further.

H. FINANCIAL MANAGEMENT

Mulberry & Co have been appointed as the council's internal auditor and will complete the year-end financial audit in the period between April and June 2022.

As stated in the opening section, there have been no concerns raised regarding any financial impropriety, and my investigations and discussions with the Clerk and Cllr Constable have not alerted me to any significant concerns.

Previous internal audit reports for the council have been brief, and on an exception reporting basis. While this may have given assurance to the council to sign the AGAR, the greater detail which will be provided during this year's internal audit will support the council in making improvements where any areas are identified.

The electronic information provided to me by the Clerk shows that the accounting records are maintained on an Excel spreadsheet. These appear to be clear and concise, and there are records of transactions and bank reconciliations. Excel is adequate for a council of this size but has its limitations and is open to changes without clear audit trails being established. While mindful of the cost, the council may wish to consider an accounting package at some stage to provide full transparency in its financial management.

During my first meeting with Cllr Constable, we discussed the budget and precept for the council, and how this compared to other councils. It should be noted that every council is unique, providing appropriate services to a differing range of residents. As such, a council's primary objective should be to ensure its residents are getting value for money for their council tax contribution whatever that amount may be.

For the information of all councillors, the last six year's history of Hooe Parish Council's precept and band D equivalent is detailed below, compared to the national average for England.

Year	Precept	Tax Base	Band D	England Ave.
2016/17	£19,815	209.8	£94.45	£57.40
2017/18	£23,255	208.4	£111.59	£61.03
2018/19	£24,319	208.0	£116.92	£64.04
2019/20	£24,802	208.5	£118.95	£67.18
2020/21	£15,500	203.7	£76.09	£69.89
2021/22	£30,010	208.1	£144.21	£71.86

Other financial points I noted from my review of the electronic documents provided to me relate to the balances held by the council. The December 2021 bank reconciliation shows a total amount of circa £165,000 held by the council. I noted that most of the funds are held on two accounts with Barclays Bank. Parish councils are covered by the Financial Services Compensation Scheme (FSCS) *provided that the council has an annual budget of up to €500,000*. It would therefore be prudent to ensure no more than the protected amount of £85,000 is held with any single financial institution.

The other point to note is the high balance held. General guidance recommends that a council retains between 3 to 12 months net revenue expenditure as a general reserve. This is more easily understood by equating it to approximately half the precept.

The financial information for December 2021 includes reference to reserves for both six-month running cost of £7,000 and general reserves of circa £67,500, while other monies are allocated to earmarked reserves. The six-month running cost and general reserve are effectively for the same purpose and equates to over two and a half times the precept.

I encourage the council to review the reserves held before the financial year-end, as it will be required to provide an explanation to the external auditor as the total level of reserves is more than twice the precept.

I. CONCLUSION AND FURTHER ACTIONS

When a council employs a new Clerk, this is often an opportunity to review the way in which the council operates. A Clerk from outside the sector can often be a refreshing set of new eyes, questioning procedures and processes which have existed for lengthy periods and seeking more efficient ways to operate.

At the same time, as a new Clerk gains experience and knowledge, this can highlight where the council has strayed away from following statutory rules and procedures, and the Clerk will be keen to ensure the correct procedures are followed.

Only through gaining experience in the role will a Clerk be able to determine where following the rules exactly is a must, and where they are intended to provide guidance and are to be sensibly applied without restricting the council from achieving its objectives.

Some of the foundations for an effective council have been put in place by the Clerk already, including the adoption of the current NALC model versions of Standing Orders and Financial Regulations.

With a pending change of four of the councillors, there exists an opportunity for the council to take stock of where they are and what they are aiming to achieve. A strong team of councillors, with a clear focus on the objectives the council are aiming for, provides the chance for the council to flourish in the coming years. With support and guidance from a Clerk gaining knowledge and experience all the time, there can be a bright future ahead for Hoe Parish Council.

As outlined in my report, further help and support is available through Mulberry & Co, including provision of policy templates, and one to one training with the Clerk or a bespoke training session for the council as a whole once the vacancies have been filled.

I would also be very happy to follow up on this report, and perhaps attending a council meeting in the summer of 2022 to see how things have progressed and how the councillors, clerk and residents are interacting would be a useful exercise.

About the author

This review was conducted by Andy Beams of Mulberry & Co. Andy has over 30 years' experience in the financial sector, specialising in the local government sector since 2010. During this time, Andy has worked as a Clerk/RFO at council so f various sizes, and now works predominately as an internal auditor and local authority trainer for Mulberry & Co, as well as providing locum Clerk/RFO services and mentoring and support for new Clerks across the south-east of England.

Appendix a – Powers and duties of a Parish Council (*this list is not exhaustive*)

Function	Powers & duties	Statutory Provisions
Allotments	Power to provide allotments. Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so.	Small Holdings & Allotments Act 1908, s.23
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs.	Local Government Act 2003, Schedule 1, para.2
Burial grounds, cemeteries and crematoria	Power to acquire and maintain. Power to provide. Power to contribute towards the expenses of cemeteries.	Open Spaces Act 1906, Sections 9 and 10 Local Government Act 1972, s.214 Local Government Act 1972, s.214 (6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: Places of public recreation Cycle Parks Public swimming baths Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s.164 Road Traffic Regulation Act Public Health Act 1936, s.223 Open Spaces Act 1905, s.15 Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities. Power to act as charity trustees	Charities Act 2011, s.298-303 Local Government Act 1972, s.139 (1)
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Power to maintain	Local Government Act 1972, s.215
Commons and common pastures	Power in relation to inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings & Allotments Act 1908, s.34
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives. Power to acquire, provide and furnish buildings for public meetings and assemblies	Local Government Act 1972 (Miscellaneous Provisions) Act 1976, s.19 Local Government Act 1972, s.133
Conference facilities	Power to provide and encourage use of facilities	Local Government Act 1972, s.144
Crime Prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s.31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health.	Public Health Act 1936, s.260

Entertainment and the arts	Power to provide entertainment and support of the arts.	Local Government Act 1972, s.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences under dog control orders.	Clean Neighbourhoods & Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general power of competence.	Localism Act 2011, s.1-8
Gifts	Power to accept.	Local Government Act 1972, s.139
Highways	<p>Power to repair and maintain footpaths and bridleways.</p> <p>Power to light roads and public places.</p> <p>Power to provide parking places for vehicles, bicycles and motorcycles.</p> <p>Power to enter into agreement as to dedication and widening.</p> <p>Power to provide roadside seats and shelters.</p> <p>Power to consent to a local highway authority stopping maintenance of a highway or stopping up/diverting a highway.</p> <p>Power to complain to district council about the protection of rights of way and roadside waste.</p> <p>Power to provide certain traffic signs and other notices.</p> <p>Power to plant trees and shrubs and to maintain roadside verges.</p>	<p>Highways Act 1980, s.43, 50</p> <p>Parish Councils Act 1957, s.3: Highways Act 1980, s.301</p> <p>Road Traffic Regulation Act 1984, s.57, 63</p> <p>Highways Act 1980, s.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, s.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Honorary titles	Power to admit to be honorary freemen/freewomen of the council's area persons if distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s.249
Investments	Power to participate in schemes of collective investment.	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of.</p> <p>Power to accept gifts of land.</p>	Local Government Act 1972, s.124, 126, 127
Litter	Power to provide bins	Litter Act 1983, s.5, 6
Lotteries	Power to promote	Gambling Act 2005, s.252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a marketplace and market building.	Food Act 1984, s.50
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms.	Public Health Act 1936, s.198
Neighbourhood Planning	Power to act as lead body for a neighbourhood development plan or a neighbourhood development order.	Localism Act 2011, Schedule 9; Town & Country Planning Act 1990, s. 61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s.38A

Newsletter	Power to provide information in relation to matters affecting local government.	Local Government Act 1972, s.142
Nuisances	Power to deal with offensive ditches.	Public Health Act 1936, s.260
Open Spaces	Power to acquire and maintain land for public recreation. Power to acquire and maintain land for open spaces.	Public Health Act 1875, s.164 Open Spaces Act 1906, s.9, 10
Parish property and documents	Power to receive and retain. Duty to deposit certain published works in specific deposit libraries.	Local Government Act 1972, s.226 Legal Deposit Libraries Act 2003, s.1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies.	Local Government Act 1972, s.133
Public conveniences	Power to provide.	Public Health Act 1936, s.87
Recreation	Power to provide a wide range of recreational facilities. Power to provide boating pools.	Local Government (Miscellaneous Provisions) Act 1976, s.19 Public Health Act 1961, s.54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority.	Localism Act 2011, s.81-86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale.	Localism Act 2011, s.87-108
Tourism	Power to encourage tourism to the council's area.	Local Government Act 1972, s.144
Town and county planning	Right to be notified of planning applications if right has been requested.	Town & Country Planning Act 1990, Schedule 1, para.8
Traffic calming	Power to contribute financially to traffic calming schemes.	Local Government & Rating Act 1997, s.30
Transport	Power to spend money on community transport schemes.	Local Government & Rating Act 1997, s.26-29
War memorials	Power to maintain, repair, protect and adapt war memorials.	War Memorials (Local Authorities' Power) Act 1923, s.1
Water	Power to utilise wells, springs or streams for obtaining water.	Public Health Act 1936, s.125
Websites	Power for councils to have their own websites.	Local Government Act 1972, s.142