

1. Roles and Responsibilities

Lorraine Montacute has unfortunately resigned from her post as Clerk and RFO.

A process is underway to recruit a new clerk.

I am in possession of the PC laptop, all the passwords and access to the online banking facility. In the interim I am undertaking the required activities of an RFO.

2. PC Laptop

The PC laptop was slow and unresponsive, and has been overhauled:

- All Windows updates applied – there was an 18 months backlog
- All laptop updates from HP applied
- Office 365 purchased (as approved by the PC) – so the PC is now licenced.
- All PC files are now backed up on OneDrive
- Microsoft Outlook set up to manage the PC Gmail email account

All in all, the laptop now runs much smoother and faster – and all updates should now be automatically applied.

3. PC Files

There is a serious lack of historical information on the laptop. Apparently, clerks prior to Jamie Colston used their own computers. In itself this is not an issue – IF files were maintained on the laptop.

The files that are on the laptop are not well organised – which is being kind. Lorraine was bringing a semblance of order to the chaos – but there remains quite a way to go.

I have started to set up a file system within the OneDrive environment. This will not only bring some structure to the information storage, but also open up all the information within the filing system to all members of the Parish Council.

However, this does mask a serious issue – a fair amount of key historical information is not stored within the PC filing system and is currently not available to councillors or, more importantly, the Clerk and the RFO.

It is little wonder that previous Clerk's have struggled with laying their hands on information, which is a situation that Lorraine was trying to sort out.

The use of OneDrive will open up files to be able to be shared across all councillors, so key information such as contracts, contact details, reference information and financial information will be available to all from the same central source.

4. Planning Working Group

The purpose of putting in place a planning working group is to utilise skills and knowledge within the community that does not exist within Parish Council to improve the information

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available to the Parish Council when deciding how to respond to the local planning authority when considering planning matters.

Engaging and consulting with the community can only improve the quality of Parish Council decisions and enable the Parish Council to better support the community.

This approach is wholly in line with initiatives that fall within the general term 'Localism'.

Previously the Terms of Reference for the planning working group has been agreed by the Parish Council to be put in place, subject to the approach being legal.

Nick Stevens has provided a note that is his legal advice, which he wishes to be published with the agenda.

I have provided both the Terms of Reference and Nick's note to ALCA (Avon Local Council Association) that is the body that represents Parish and Town Councils across the area, and I requested a legal review.

I had previously requested that ALCA review the ToR, and they responded with:

"I have reviewed the attached Terms of Reference for a Planning Working Group and can congratulate you on being so thorough and comprehensive.

A Working Group, without delegated responsibilities from the Parish Council, can take any form the council wishes it to and does not need to fit the usual statutory requirements of the main Parish Council, as it cannot make any decisions, only recommendations. Forming a PWG, to enable a small parish council deal with the complexities of Planning, draw in additional expertise and further engage with the community in this way should be commended."

ALCA are supportive of this approach and were surprised the legal paper, which did not change their view. They passed both papers on to the NALC (National Association of Local Councils), and I received the following response:

"I have had a call from the NALC solicitor this morning and it's fair to say her reaction was pretty much the same as mine.

She has advised that she is confident that FPC is doing nothing wrong and that my advice is sound, but the crux of the matter is that this is a challenge by an individual.

It comes down to - if this individual thinks that FPC is doing something wrong (which he has articulated) then this goes on the next council agenda. Then, if the council is worried that he has a point (hopefully they won't) then a resolution can be passed for the council to request NALC legal advice.

The NALC solicitor is not prepared to go to the time and trouble of what would be an academic exercise to satisfy the unfounded concerns of an individual, as all the NALC Advice is already set out in its Legal Topic Notes. for more information."

ALCA also stated:

"For more information, particularly for the other members of the council as it's an easier read, I would recommend Chapter 6 of Local Councils Explained."

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Further, I have also received the following from ALCA:

"I took the opportunity, at a regular meeting, to run the issue at Freshford PC past Maria Lucas, Head of Legal Services at BNES Council. She was in complete agreement with me and the NALC solicitor, that FPC would be doing absolutely nothing wrong in setting up a Planning Working Group and engaging the public, she also felt that they should be congratulated for doing so."

So, to summarise:

- There is no delegation of powers involved
- The PC can decide what structure it wants for the Working Party
- The legal challenge is stated as 'unfounded'
- ALCA commends the PC on taking this approach
- The head of BANES legal services congratulates the PC on taking this approach

Request

That the PC resolves that the Planning Working Group is implemented in full.