



TOLLESHUNT D'ARCY PARISH COUNCIL



Notice is hereby given that the meeting of Tolleshunt D'Arcy Parish Council will be held on Tuesday 25th June 2024 in the Village Hall, Tollesbury Road, Tolleshunt D'Arcy commencing at 7.30 pm, to which members of the Council are summoned for the transaction of the under-mentioned business.

M. Curtis

Michelle Curtis – Clerk to the Council

18th June 2024

Councillors: J Smith (Chairman), J Denney, R Evans, I Ewing, M Henderson,
W Middleton, G Munson

A G E N D A

1. **Apologies for Absence**
To receive apologies for absence.
2. **Declarations of Interest**
To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable Interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members. (Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting.)
3. **County and District Councillors**
To receive information from County and District Councillors
4. **Public Forum**
Public participation - Residents wishing to raise a matter in the public forum should inform the Parish Clerk of the topic by noon the previous working day. A maximum time of 15 minutes will be allowed.
5. **Parish Working Group**
To receive a verbal update from the Parish Working Group.
6. **Minutes**
To receive and approve the minutes of the Parish Council Meeting held on 28th May 2024.

7. Planning Applications

Applications are circulated to all Councillors with the agenda, for study ahead of the meeting. Planning documents are also available for everyone to view on the Maldon District Council website (www.maldon.gov.uk).

7.1 Application No: 24/00443/TCA PP-13100733

Proposal: T1 - Holly - Fell

Location: St Nicholas Cottage 15 Church Street Tolleshunt D'Arcy

7.2 To consider any other planning applications received from Maldon District Council

8. Planning Decisions

To note planning decisions made by Maldon District Council

HOUSE/MAL/24/00281 – 7 Kelvedeon Road - Approved

9. Finance

9.1 To receive and approve the Monthly Financial Report as at 31st May 2024.

9.2 To receive and approve payments

10. Internal Audit

10.1 To receive the Internal Auditor's Report

10.2 To carry out a review of the Effectiveness of Internal Audit

11. Financial Regulations

To adopt the new NALC Financial Regulations

12. Pavilion

To consider quotations to replace the front and back doors on the Pavilion

13. Recreation Ground

13.1 To consider quotations for a new path at the Recreation Ground

13.2 To receive the Annual Play Equipment Inspection Report

13.3 To discuss issues with the septic tank at the Pavilion

14. Police

To receive the Police Reports (confidential)

15. Community Engagement Officers

To receive the CET Report for May 2024

16. Dog Bin Relocation

To discuss relocation of the dog bin in Chapel Road

17. Car Park

To agree on the response to the landowners' email regarding the proposed car park closure.

18. Administration

18.1 To receive information from the Clerk – update on current and ongoing matters

18.2 To receive the EALC Legal Briefing including Legal Topic Notes (LTN22 – Disciplinary and Grievance Arrangements in Local Councils and LTN23 – Health and Safety)

19. Representative Reports

To receive a verbal update from Parish Council Representatives

19.1 Burial Ground – Cllr Henderson

19.2 Recreation Ground/Pavilion – Cllr Middleton

19.3 Public Rights of Way – Cllr Henderson

19.4 Road Safety/Highways – Cllr Denney

19.5 Village Hall Working Group – Cllr Evans

20. Community Matters

To receive information only or note future agenda items

21. Dates of the Next Meeting

Tuesday 30th July 2024 – Full Council Meeting – 7.30 pm

Chairman: John Smith - 07505 008891

Clerk: Michelle Curtis

Address: PO Box 13205, Maldon, Essex CM9 9FU

Tel: 07483 325853 **Email:** clerk@tolleshuntarcypc.org

Website: www.tolleshuntarcypc.org



Town and Country Planning Act 1990
Weekly List Of Decisions
Week Ending 07.06.24

HOUSE/MAL/24/00281 Tolleshunt D'Arcy

Addition of porch canopy and cladding to front elevation of dwelling.
7 Kelvedon Road Tolleshunt D'Arcy Maldon Essex
(UPRN - 100090560748)
Saunders Mitchell

APPROVE subject to the following conditions:-

1 **CONDITION**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2 **CONDITION**

The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.

REASON

To ensure that the development is carried out in accordance with the details as approved.

3 **CONDITION**

The materials used in the construction of the development hereby approved shall be as set out within the application form/ plans hereby approved.

REASON

In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.

POSITIVE AND PROACTIVE STATEMENT

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Officer: Charlie Mumford
Dated : 05/06/2024

Date: 05/06/2024

Tolleshunt Darcy Parish Council

Page 1

Time: 14:05

**Bank Reconciliation Statement as at 31/05/2024
for Cashbook 1 - Current Bank A/c**

User: MICHELLE

<u>Bank Statement Account Name (s)</u>	<u>Statement Date</u>	<u>Page</u>	<u>Balances</u>
Unity Trust Bank	31/05/2024		29,450.39
Unity Trust Instant Access Acc	31/05/2024		23,288.25
			<u>52,738.64</u>
<u>Unpresented Payments (Minus)</u>			<u>Amount</u>
28/05/2024 ONLINE	H M Revenue & Customs	277.20	
			<u>277.20</u>
			52,461.44
<u>Unpresented Receipts (Plus)</u>			
		0.00	
			<u>0.00</u>
			52,461.44
		Balance per Cash Book is :-	52,461.44
		Difference is :-	0.00

Signatory 1:

Name Signed Date

Signatory 2:

Name Signed Date

<u>Account</u>	<u>Opening Balance</u>	<u>Net Transfers</u>	<u>Closing Balance</u>
320 EMR Elections	71.75		71.75
321 EMR Parish Improvements	905.78	2,000.00	2,905.78
322 EMR Recreation Ground	1,800.65	8,986.15	10,786.80
323 Unallocated	169.57		169.57
324 EMR Burial Ground	1,303.83		1,303.83
325 EMR Maypole	515.00		515.00
326 EMR Speed Reduction	4,500.00		4,500.00
	<u>9,266.58</u>	<u>10,986.15</u>	<u>20,252.73</u>

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>100 Income</u>							
1076 Precept	24,766	24,763	(3)			100.0%	
1090 Interest Received	0	249	249			0.0%	
1990 Other Income	34	0	(34)			0.0%	
Income :- Receipts	<u>24,800</u>	<u>25,012</u>	<u>212</u>			<u>99.2%</u>	<u>0</u>
Net Receipts	<u>24,800</u>	<u>25,012</u>	<u>212</u>				
<u>110 Administration</u>							
██████████	██	██	██		██	██	
██████████	█	██	██		██	██	
██████████	██	██	██		██	██	
4070 Payroll Processing	82	80	(2)		(2)	102.5%	
4080 Training	0	300	300		300	0.0%	
4090 Bank Charges	6	108	102		102	5.6%	
4100 Audit Fees	0	400	400		400	0.0%	
4120 Subscriptions & Memberships	581	1,100	519		519	52.8%	
4130 Insurance	0	1,900	1,900		1,900	0.0%	
4160 Telephone & Broadband	30	173	143		143	17.2%	
4170 Website	0	350	350		350	0.0%	
4180 Office Equipment	0	50	50		50	0.0%	
4190 Office Allowance	52	312	260		260	16.7%	
4200 Grants & Donations Paid	0	500	500		500	0.0%	
4230 CPOs	0	1,100	1,100		1,100	0.0%	
4500 Hall Hire	500	500	0		0	100.0%	
4990 Sundries	35	200	165		165	17.5%	
Administration :- Indirect Payments	<u>2,671</u>	<u>15,897</u>	<u>13,226</u>	<u>0</u>	<u>13,226</u>	<u>16.8%</u>	<u>0</u>
Net Payments	<u>(2,671)</u>	<u>(15,897)</u>	<u>(13,226)</u>				
<u>130 Amenities</u>							
4300 Defibrillator	0	400	400		400	0.0%	
4310 Grass/Hedge/Tree cutting	632	3,400	2,768		2,768	18.6%	
Amenities :- Indirect Payments	<u>632</u>	<u>3,800</u>	<u>3,168</u>	<u>0</u>	<u>3,168</u>	<u>16.6%</u>	<u>0</u>
Net Payments	<u>(632)</u>	<u>(3,800)</u>	<u>(3,168)</u>				
<u>135 Burial Ground</u>							
1350 Burial Ground Income	0	2,000	2,000			0.0%	
Burial Ground :- Receipts	<u>0</u>	<u>2,000</u>	<u>2,000</u>			<u>0.0%</u>	<u>0</u>

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4360 Water	7	90	83		83	7.7%	
4370 Maintenance	0	50	50		50	0.0%	
Burial Ground :- Indirect Payments	7	140	133	0	133	5.0%	0
Net Receipts over Payments	(7)	1,860	1,867				
140 Pavilion							
1550 Pavilion Rental Income	1,200	7,200	6,000			16.7%	
1560 Utilities Contribution	968	0	(968)			0.0%	
Pavilion :- Receipts	2,168	7,200	5,032			30.1%	0
4360 Water	0	240	240		240	0.0%	
4370 Maintenance	575	1,000	425		425	57.5%	
4400 Electricity	535	600	65		65	89.1%	
Pavilion :- Indirect Payments	1,110	1,840	730	0	730	60.3%	0
Net Receipts over Payments	1,059	5,360	4,301				
145 Rec Ground							
1450 Pitch Fees	0	250	250			0.0%	
Rec Ground :- Receipts	0	250	250			0.0%	0
4370 Maintenance	0	500	500		500	0.0%	
4550 Play Equipment	0	1,200	1,200		1,200	0.0%	
Rec Ground :- Indirect Payments	0	1,700	1,700	0	1,700	0.0%	0
Net Receipts over Payments	0	(1,450)	(1,450)				
155 Streetlighting							
4370 Maintenance	0	100	100		100	0.0%	
Streetlighting :- Indirect Payments	0	100	100	0	100	0.0%	0
Net Payments	0	(100)	(100)				
160 Projects							
4610 Parish Improvements	0	2,000	2,000		2,000	0.0%	
4620 Rec Ground	0	8,985	8,985		8,985	0.0%	
Projects :- Indirect Payments	0	10,985	10,985	0	10,985	0.0%	0
Net Payments	0	(10,985)	(10,985)				

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>999 VAT Data</u>							
515 VAT on Payments	94	0	(94)		(94)	0.0%	
VAT Data :- Indirect Payments	<u>94</u>	<u>0</u>	<u>(94)</u>	<u>0</u>	<u>(94)</u>		<u>0</u>
Net Payments	<u>(94)</u>	<u>0</u>	<u>94</u>				
Grand Totals:- Receipts	26,969	34,462	7,493			78.3%	
Payments	4,514	34,462	29,948	0	29,948	13.1%	
Net Receipts over Payments	<u>22,455</u>	<u>0</u>	<u>(22,455)</u>				
Movement to/(from) Gen Reserve	<u>22,455</u>						

Parish/Town Council	Month	Total Number of Hours
Tolleshunt D'Arcy	May	2
Number of Tru Cam Patrols	Hours Spent on Tru Cam	Number of Offenders
4	2	27

Officer	Parish	Date	Start	Finish	Total	Speed Enforcement Patrol (TRUCAM)	Drivers caught speeding	Comments/Any other duties
SC/AR	Tolleshunt D'Arcy	02/05/2024	15:40	16:25	00:45	M021	14	
AR/SA	Tolleshunt D'Arcy	09/05/2024	16:30	17:00	00:30	T496	3	
AR/LB	Tolleshunt D'Arcy	13/05/2024	16:45	17:30	00:45	M018	10	
					2:00:00		27	



Legal e-Bulletin

June 2024

Contents

Community Safety- Venue Hire Guidance for Local Authorities	2
Model Bio-diversity Policy	3
Information from NALC	
- <i>Pre-election period guidance (including LGA)</i>	4
- <i>New Model Financial Regulations</i>	6
Legal Topic Notes (LTNs)	7
- <i>LTN22: Disciplinary and Greivance Arrangements in Local Councils</i>	
- <i>LTN23: Health and Safety</i>	
Questions from the Sector	7-8
- <i>Annual Parish Meeting: Venue no longer available</i>	
- <i>The use of pseudonyms by domestic abuse survivors</i>	
- <i>To be named Mayor or Chair?</i>	

Community Safety- Venue Hire Guidance for Local Authorities

The Community Safety Lead at Essex County Council has provided guidance on reducing permissive environments and ensuring that facilities are not exploited by radicalisers as part of the Prevent Duty. As part of this, County/District Councils are required to have a venue hire policy in place and guidance for staff on making "due diligence" checks on hirers.

Although Parish councils are not specifically mandated by the Prevent Duty, it is considered best practice to implement similar measures. The Community Safety Lead at Essex County Council has shared guidance on venue and speaker hire to support member councils.

The Prevent Duty, as outlined in Section 26 of the Counter Terrorism and Security Act 2015, places several requirements on local authorities to prevent individuals from becoming terrorists or supporting terrorism. This includes staff training, partnership working, and communications. One of these requirements is focused on reducing permissive environments, including venue hire, use of external speakers, and IT policies.

This guidance outlines the expected measures that local authorities must have in place to ensure their facilities are not exploited by radicalised individuals.



[DOWNLOAD](#)



Model Bio-diversity Policy

Under the 2021 Environment Act, public authorities (including town and parish councils) who operate in England must consider what they can do to conserve and enhance biodiversity in England.

Government guidance published on 17th May 2023 clarifies that, as a public authority, town and parish councils must:

- Consider what they can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on their consideration.
- Act to deliver their policies and achieve their objectives.

To comply with the guidance, town and parish councils could as a minimum:

- Have biodiversity as an agenda item for a meeting before the end of 2023.
- Note what action in respect of biodiversity is already taking place locally.
- Agree what further steps to take at this stage.

[Model Biodiversity Policy Oct 2023](#)



Pre-election Period Guidance for Parish and Town Councils

[Briefing Note L01-24: CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY \(ENGLAND\) / PUBLICITY DURING THE PRE-ELECTION PERIOD](#)



NALC Press release-

<https://www.nalc.gov.uk/news/entry/2916-prime-minister-calls-general-election-for-4-july-2024>

Key paragraph from that news story on pre-election period:

The pre-election period for local authorities will start from the publication of a notice of election. The Local Government Association's pre-election guidance should be read in conjunction with advice from the relevant returning officer. Pre-election period restrictions apply to all local authorities, including local (parish and town) councils. The pre-election period describes the period immediately before elections or referendums when specific restrictions on communications activity are in place.

LGA pre-election guidance

[The Local Government Association's Pre-Election Guidance](#) is a superb resource. In particular the section titled 'What this means in practice' is a helpful summary of what councils can/cannot do. There is also a separate FAQs page which has further helpful information and particularly around what individual Councillors can/cannot do. This can be accessed here- [Frequently asked questions | Local Government Association](#)

Queries on specific meetings or activities

This is a standard reply NALC has given to a question on approving at a Parish Council extraordinary meeting the Neighbourhood Plan for submission to the Borough Council. The key is business as usual. The point of the pre-election publicity period is for councils to avoid doing anything that could influence voters or promote specific people or political parties. The council need to consider whether there is anything in the proposed meeting or activity that would do that and can go ahead if not.

Continued...

Pre-election Period Guidance for Parish and Town Councils

What if a council is still unsure if it can proceed with an activity or has other concerns e.g., related to the conduct of individual Councillors?

Advice should be sought from the Returning Officer or Monitoring Officer at the Principal Council

When does the pre-election period start?

The pre-election period start date is not set in law but is considered to start when 'notice of election is given'. According to the timetable published by the Electoral Commission this would be no later than 4th June at 4pm. This is subject to when your local Returning Officer publishes notice of election, and there is the possibility they publish it sooner including sometime on Monday 3rd June. Local councils should be guided by their principal authority elections team or Monitoring Officers in relation to these dates. Whatever date applies, the pre-election period is imminent and so pragmatic advice to a local council would be to suggest they start now to review their planned activities and public communications to consider if it could be seen to be attempting to influence the outcome of the elections.



New NALC Model Financial Regulations 2024

NALC has released its latest edition of Model Financial Regulations for Parish and Town Councils, which is designed to help councils navigate financial management in an efficient and transparent manner. The revised regulations include a user-friendly introduction, flexibility to adapt to individual council needs, and essential procedures and financial guidelines.

The updated Model Financial Regulations are available for download from the NALC website at <https://www.nalc.gov.uk/member-login> or below.

Due to the significant revisions and updates, NALC recommends treating the new regulations as a new document rather than a revision of the previous version. Therefore, no guidance document is attached.

[NALC Model Financial Regulations 2024](#)



Legal Topic Notes

NALC reissued Legal Topic Notes (LTN) on disciplinary and grievance arrangements in local councils (LTN 22) and health and safety (LTN 23). The new versions have updated and refreshed the content, and the notes contain links to practical expert guidance.

[LTN 22 | DISCIPLINARY AND GRIEVANCE ARRANGEMENTS IN LOCAL COUNCILS](#)



[LTN 23 | HEALTH AND SAFETY](#)



Questions from the Sector

- **Annual Parish Meeting – venue no longer available**

NALC were asked about a scenario where the parish council in question had advertised the meeting venue for the annual parish meeting only to then be told by the venue that they had double-booked. The clerk could not find another suitable venue for the time and date but could secure a venue for the following week.

Paragraph 15 of Schedule 12 to the Local Government Act 1972 specifies the notice requirements for parish meetings, notably subsections (2) and (4). Our view was that as with parish council meetings, when notice has been given, the meeting would go ahead. However, in this case it would not be possible. The law does not provide for the scenario of a meeting that cannot be held in the advertised venue. We suggested a common-sense approach for the meeting to take place the week after, which could be achieved, and for the new date to be widely advertised and the current meeting date change to be similarly advertised. We suggested that the chair, other councillors, or council staff be present at the venue at the start time of the originally advertised meeting should members of the public still turn up because they did not realise the meeting couldn't go ahead.

Questions from the Sector

- **The use of pseudonyms by domestic abuse survivors**

NALC were asked about the use of pseudonyms by domestic abuse survivors needing to maintain anonymity with respect to voter registration and standing for election. NALC wanted to highlight this Government guidance on anonymous voter registration. In terms of standing for election, there is a reason domestic abuse survivors will not use their real names. Pseudonyms are commonly used for various reasons and some witnesses of crimes are given new identities. We suggested checking with the Monitoring Officer/ elections team as the experts on matters elections.

- **Mayor or chair?**

NALC have been asked if a Town Council chair can decide to style themselves as mayor. The council in question has been a Town Council for some time. The style “mayor” has not been used. The current chair, if re-elected, has indicated they might like to call themselves “mayor”. Our view is that they can do so. Section 245 (6) of the Local Government Act 1972 says that the council of a parish which is not grouped with any other parish may resolve that the parish shall have the status of a town and thereupon the council of the parish shall bear the name of the council of the town and the chair and vice-chair of the council shall be respectively entitled to the style of town mayor and deputy town mayor.



The Essex Association of Local Councils (EALC) is committed to supporting its member councils and invites queries and concerns. If you have any questions or issues regarding any of the topics included in this e-Bulletin, please may you get in touch with Ann, Head of Member Enquiries at legal@ealc.gov.uk.

Please may we remind you that the EALC aims to respond to enquiries within 7 working days. To ensure a quick and accurate response, it's essential to provide all relevant details in written form. This includes: a summary of the issue, a chronology of events, copies of important documents, your position within the council, and confirmation that you have the council's authorisation to make the request if you are not the Clerk. Additionally, for queries requiring assistance from the National Association of Local Councils (NALC), please be aware that there is a 15-day response time.



The Essex Association of Local Councils
42B High Street, Great Dunmow, Essex CM6 1AH
01371 879722 | www.ealc.gov.uk



28 MAY 2024

LTN 22 | DISCIPLINARY AND GRIEVANCE ARRANGEMENTS IN LOCAL COUNCILS

This LTN contains a summary of grievance and disciplinary issues of particular relevance to local councils. It contains links to external sources for more detailed guidance on grievance and disciplinary arrangements.

For councils, like all employers considering new or revised arrangements, the most important guidance is contained in the ACAS Code of Practice on Disciplinary and Grievance Procedures (www.acas.org.uk/index.aspx?articleid=2174). A failure to follow the ACAS Code is not unlawful. But if employees take their case to an employment tribunal, the tribunal is legally required to take the ACAS Code into account when considering relevant cases.

Councils should also look at the guide that accompanies the ACAS Code: "Discipline and Grievances at Work" (www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf).

Legal advice

Councils that consider that they have legal issues arising from their grievance and disciplinary arrangements can request advice through the NALC legal scheme. See the members' section of NALC's website (www.nalc.gov.uk).

Drafting policies

Drafting policies may often require HR input. NALC does not draft policies for individual councils. They may need to instruct their own HR advisers. Grievance and disciplinary policy templates drafted by WorkNest (www.worknest.com) can be found on the NALC website. WorkNest provides HR support to organisations, including local councils. There are other organisations that can provide HR support to councils. For example, ACAS are HR experts and a good source of advice for employers in the public sector (www.acas.org.uk/index.aspx?articleid=1461). It has produced some helpful template letters (www.acas.org.uk/templates) for use in the grievance and disciplinary process that councils can adapt to their own circumstances.

Hearing disciplinary and grievance matters

Committees and sub-committees

Disciplinary and grievance arrangements can be set up by full council or its staffing committee. Decisions on disciplinary matters, grievances or appeals can be delegated to a sub-committee. Arrangements should be confirmed by written terms of reference

For more information on committee/sub-committee structures, see LTN 1: Councils' powers to discharge their functions.

Councillors with direct involvement in a disciplinary or grievance matter should not be appointed to a grievance panel, disciplinary panel or an appeal panel. An appeal panel should not contain any councillor who made the original decision on the grievance or disciplinary panel (www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf).

Membership of panels

Disciplinary, grievance or appeal panels should have three members because:

- One councillor cannot make a decision on behalf of the council.
- Two-member panels allow the chair to secure their desired outcome by exercising the casting vote in the event of a tie.
- More than three members will probably be unwieldy. It may also make it more difficult to find members with no direct involvement and it will reduce the pool of potential appeal panel members.

The Ledbury decision

The High Court case of R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin) clarified how councils must deal with an employee complaint about the conduct of a councillor. Employees cannot use the formal stages of the council's grievance procedure if the complaint can be made under the council's code of conduct procedure. If it is not possible to resolve the complaint informally (e.g. by mediation - www.acas.org.uk/mediation), an employee's complaint can only be dealt with by the principal authority's monitoring officer. For example, a formal complaint by an employee that a councillor interfered in their management could only be pursued as a code of conduct complaint to the principal authority's monitoring officer, not as an employee grievance.

For more information on Ledbury, see Legal Briefing L08-18 (June 2018), and for more information on the code of conduct, see LTN 80: Members' conduct and the registration and disclosure of their interests [England].

Council's duty of care to its staff

The council's duty of care requires that it takes all steps that are reasonably possible to ensure employees' health, safety and wellbeing. This duty does not disappear if an employee makes a complaint to the principal authority's monitoring officer. A council should always consider whether there is the action that it should take consistent with its ongoing duty of care that does not involve its formal grievance procedure (www.acas.org.uk/employment-contracts-and-the-law/employer-and-employee-duties).

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28 MAY 2024

LTN 23 | HEALTH AND SAFETY

The law, mainly the Health and Safety at Work Act 1974, imposes many duties on organisations, their employees and others to ensure health and safety in the workplace. This LTN sets out the main issues for councils. It also has links to external sources of information, the most important being the Health and Safety Executive (HSE) (www.hse.gov.uk).

Health and safety: the general duty

An employer's duty is to provide a healthy and safe place of work:

- A safe system of work
- Safe equipment
- Carrying out risk assessments to minimise risk factors
- Providing relevant instruction, training and management of staff
- Providing staff welfare facilities

Useful links:

- www.hse.gov.uk/legislation/hswa.htm
- www.britsafe.org/training-and-learning/informational-resources/the-health-and-safety-at-work-act-explained
- www.acas.org.uk/keeping-everyone-safe-at-work
- www.worknest.com/blog/health-safety-work-etc-act-1974

Employee duties

Employees must take reasonable care of themselves and others who may be affected by their actions and comply with their employers' arrangements for managing health and safety.

Useful links:

- www.hse.gov.uk/slips/workers.htm
- www.worknest.com/blog/employees-health-safety-duties
- www.hse.gov.uk/home-working/worker/index.htm

Consulting employees

Employers must consult with employees on health and safety matters either directly or through representatives.

Useful links:

- www.hse.gov.uk/pubns/indg232.htm
- www.acas.org.uk/consulting-employees/when-consultation-is-legally-required

Homeworkers

Local councils have the same responsibilities to home workers to ensure their health, safety and welfare.

Useful links:

- www.hse.gov.uk/home-working/index.htm
- www.acas.org.uk/health-safety-and-wellbeing-when-working-from-home
- www.worknest.com/blog/help-my-staff-want-to-work-from-home

Duties to non-employees

Councils must ensure that the health and safety of non-employees (e.g. councillors, members of the public, contractors and visitors) are not put at risk.

Useful links:

- www.hse-network.com/who-is-responsible-for-contractor-health-and-safety
- www.worknest.com/blog/contractors-and-volunteers-are-you-overlooking-the-health-and-safety-of-non-employees

Health and safety policies

All organisations with five or more employees must have a written health and safety policy which they must share with staff. NALC recommends that all councils should have a written health and safety policy, irrespective of size.

Useful links:

- www.hse.gov.uk/simple-health-safety/policy/index.htm
- www.worknest.com/consultations/health-and-safety

- www.worknest.com/blog/health-safety-policy-include-2

Drafting policies may often require specialist input. NALC does not draft policies for individual councils. They may need to instruct their own advisers. WorkNest (www.worknest.com/about-us/about-hrsp) provides policy templates on the NALC website, including a health and safety policy. They provide support to organisations, including local councils. There are other organisations that can provide support to councils. For example, ACAS is a good source of advice for employers in the public sector (www.acas.org.uk/index.aspx?articleid=1461).

Risk assessments

Councils must protect their employees and others from harm. They must:

- Identify hazards
- Assess risk
- Eliminate hazards or if this is not possible
- Control the risk

Useful link:

- www.hse.gov.uk/simple-health-safety/risk

Safety equipment

Safety equipment, known as personal protective equipment (PPE), can reduce the risk of injury caused by:

- Inhalation (e.g. masks)
- Falling materials (e.g. helmets)
- Excessive noise (e.g. earplugs)
- Extremes of temperature (e.g. gloves and other outerwear)

Useful link:

- www.hse.gov.uk/ppe/index.htm

Instruction, training and management

Everybody needs to know how to work safely. It requires identifying for example, the particular training needs of new recruits (including councillors), young employees and people changing jobs or duties.

Useful link:

- www.hse.gov.uk/simple-health-safety/training/index.htm

Staff welfare

Staff are generally entitled to welfare facilities at work (e.g. washing, toilet, rest, changing, and eating and drinking facilities).

Useful link:

- www.hse.gov.uk/pubns/indg293.PDF

Displaying posters

Health and safety posters must be displayed where they can be seen easily.

Useful link:

- www.hse.gov.uk/simple-health-safety/display.htm

Health and safety enforcement

HSE or local authority Inspectors enforce health and safety law.

Useful link:

- www.hse.gov.uk/lau/enforcement.htm

Insurance

Local councils are required by law to insure against liability for injury or disease to employees arising out of their employment. It is also essential that councils have public liability insurance that is adequate and up-to-date.

Useful links:

- www.hse.gov.uk/pubns/hse40.htm
- <https://www.clearcouncils.co.uk/wp-content/uploads/2021/07/Insurance-and-Accounting-for-Councils.pdf>