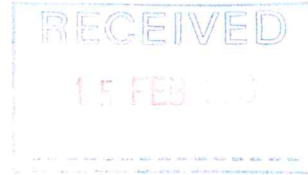


February 2016

David Collins
Cwmbran Community Council
The Council House
Ventnor Road
Cwmbran
Gwent
NP44 3JY



Dear David

Protecting Your Society's Future: Your vote counts!

I am writing to all SLCC members to explain important proposed changes to your Society's legal status which the National Executive Council (NEC) believes are essential to protect our long term future. I am also urging you to take part in a ballot of the whole membership on this subject.

A small part of the services provided to members (providing employment advice to members and supporting them at internal hearings and from time to time negotiating national terms and conditions with the National Association of Local Councils and One Voice Wales) are defined as "trade union activities". This means that the Society must be included as a scheduled trade union under the Trade Union Act, even though these services comprise only about 5% of our total service provision. Counsel's Opinion has confirmed that it remains lawful for councils to pay their clerk's subs to SLCC, but the NEC shares our external auditor's concern that in the current climate some councils may decide or be persuaded not to pay "trade union" fees from council funds. As over 90% of members' fees are currently paid by their councils, this could have a serious impact upon your Society's financial security.

To guard against this happening, it is proposed to create a new legally independent trade union, to be known as The Association of Local Council Clerks (ALCC), which would in future be responsible for offering employment advice and support. The SLCC would then become a solely professional body unconstrained by trade union law. A more detailed explanation of the proposal can be found on the home page of your Society's website www.slcc.co.uk. The NEC is satisfied that in practical terms the changes will have no impact upon the employment support and advice you can expect from your membership. Your branch's NEC representative will be happy to discuss the changes with you.

The Society's current trade union status also means that its Chief Executive must be subject to election by the whole membership every five years. This requirement has proved to be a major barrier to potential candidates, both within and beyond our sector, applying for the current vacant position. If the changes are agreed, the Chief Executive can be recruited, employed and managed according to normal employment practices. These changes can only be confirmed at a General Meeting of the Society; but the NEC first wishes to give every member an opportunity to vote on the outline proposal and be able to express any concerns they may have about this issue and related matters. I would therefore urge you to take part in the ballot and survey which is available at www.surveymonkey.co.uk/r/K522ND3. The ballot closes on **18th March 2016** – your vote really does count – please make sure you exercise it.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard W. W. W.".

Interim Chief Executive

PROTECTING YOUR SOCIETY'S FUTURE

A Briefing paper for NEC Members explaining why constitutional changes are considered to be essential

At the NEC meeting held on 28th January 2016 it was agreed to proceed with the process to secure the constitutional changes set out in this paper. ALL NEC representatives were asked to actively campaign for the changes within their branches and this paper and the accompanying powerpoint presentation are intended to help you in that task.

1. Most of the services the SLCC provides to its members can be categorised as professional development and support. But a small part of the services provided to members can be categorised as "trade union activities". These "trade union activities" are principally (a) providing employment advice to members in dispute with their councils and supporting them at internal hearings; and (b) from time to time working with the National Association of Local Councils and One Voice Wales to agree the model contract of employment or other national terms and conditions. These services comprise only about 5% of our total service provision. But, because we provide them at all, the Certification Officer includes the SLCC on the schedule to the List of Trade Unions as a body which the Certification Officer considers to be a trade union and the SLCC must comply with the legislation on trade unions.
2. The Society's external auditor has highlighted the potential risk to Society income if councils (who currently pay the subscriptions of over 90% of members) were persuaded they should not be contributing towards a "trade union", despite us having obtained Counsel's Opinion confirming that it remains clearly lawful for councils to pay their clerk's subs to a professional body which is also a scheduled trade union.
3. It should be emphasised that the Society is not affiliated to the TUC, does not have any political affiliations and takes no part in the annual pay bargaining for local government employees.
4. The perceived risk has undoubtedly increased in recent times when the general mood towards trade unions is not positive (see debates in Hansard re the current Trade Union Bill going through Parliament).
5. Proposals to address this risk by creating a separate (trade union) body responsible for delivering employment advice services to support clerks who are in dispute with their employer councils have been under consideration for the past eighteen months.
6. One consequence of being a trade union is that the Society's Chief Executive must be elected by ballot of the whole membership every 5 years. However, the recent search for a new Chief Executive of the SLCC has indicated that the need to submit to an election is the major barrier to potential candidates, both from within and beyond the Society, putting their name forward for this post.
7. NEC has therefore concluded it must resolve the separation of trade union activities into a new, independent body before re-advertising for a Chief Executive for the Society, who would then be able to be employed and subsequently managed and supported under normal employment procedures with security of contract.
8. The current broad proposals for creating a separate trade union, to be known, perhaps, as the Association of Local Councils Clerks, will, in the opinion of the Head of Advisory Services and the National Employment Advisor, ensure the seamless delivery of employment advice and support to members who opt in to membership of both the new trade union body and the Society. At the same time the SLCC will focus on being solely a professional body. This will achieve the objective of ensuring that SLCC cannot in the future be accused of being a trade union.

9. These proposals are:

- a) Create a new separate legal entity called, perhaps, Association of Local Council Clerks (ALCC), to deal with (a) employment advice and support for members in dispute with their employer councils; and (b) terms and conditions negotiations with national bodies. Then the ongoing Society of Local Council Clerks will no longer be constrained by trade union legislation.
- b) SLCC members be able to opt in to ALCC membership on payment of a nominal personal fee. The current SLCC subscription, which in the majority of cases is paid by the employing council, would be reduced by an equivalent amount. Non SLCC members could also join ALCC but at an economic rate.
- c) ALCC to be governed by a separate, but smaller, governance board or panel directly elected on a regional basis, plus a directly elected but unpaid chief officer, probably called "General Secretary" (to avoid confusion with the SLCC's Chief Executive who would be directly appointed by the Society's NEC and subject to a normal secure contract of employment).
- d) Any deficit in ALCC's anticipated budget, of approximately £60,000, not met by members' voluntary personal subscriptions to be funded by way of a grant from SLCC derived from sponsorship or other commercial income, so avoiding any suggestion that public money is used to fund union activities.
- e) SLCC officers to be seconded to serve ALCC under a service level agreement ensuring that there is a seamless provision of employment advice to members and no change in the status of our employees.

10. Under current procedures a change in SLCC's constitution can only be effected in a General Meeting where a quorum of 75 members is required and where any change must achieve a two thirds majority.

11. It is therefore proposed to convene an Extraordinary General Meeting (EGM) for the afternoon of the Leadership in Action Conference at 1.30 pm on Friday 10th June 2016 at the Holiday Inn, Stratford upon Avon which is the next convenient national event when numbers of members will be present. There is no charge for attending the EGM, but to assist as many members as possible to attend this very important meeting they can enjoy the same buffet lunch as delegates for just £20 +VAT, provided this is booked in advance.

12. If the necessary motion to change the constitution is passed on 10th June, the process for advertising widely and recruiting a new Chief Executive can begin almost immediately. The selection process could be completed by early September and a new appointee could start his/her duties by Christmas.

13. Although the final decision has to be made in a general meeting, SLCC wants to ensure that all members will have the chance to register their opinion on the proposed change. Accordingly all members will be invited shortly to take part in a ballot to indicate whether they support the plans both in principle and in detail. Members will also be asked to indicate reasons if they cannot support the proposals and also their views upon other related governance issues.

14. The results of this ballot will be reported to the National Executive Council on 13th April and the EGM will only proceed if there is a clear majority of members in favour of the changes and if the changes satisfy the Certification Officer who maintains the list of trade unions.

All branches are encouraged to convene an early meeting to enable local members to discuss these proposals and to ensure their NEC representative is fully aware of local members' views prior to the 13th April meeting.

Richard Walden
Interim Chief Executive
10th February 2016