

POOR COMMUNICATION – THE REASON FOR MANY OF OUR PROBLEMS?



Issue 124
April 2006

Local Government is changing so fast the Association is having a tremendous job keeping members informed and advised. It is becoming a real problem trying to determine what to send round, at quite a cost given current postal charges, as this puts pressure on subscriptions. Furthermore many small councils have advised us they do not want inundating with all of the consultation papers (many having upwards of 100 pages), responses, surveys, etc.

We also know from our surveys that many councillors do not get to read these Circulars, and the other papers we send out, for various reasons. Extra copies are available for just the cost of photocopying paper and it is also available via e-mail.

Changes are coming.

Government intends publishing a white paper in June outlining its plans for the future of local government in England. It intends to ensure local people have a greater say in what goes on in their communities and have more power to determine what money is used for.

It may be that there will be more Unitary Authorities, but the position on whether or not counties and districts will be abolished in all areas is not clear. It now seems unlikely. David Miliband the Minister in charge of this exercise, recently visited Lincolnshire, one of the most difficult counties to attempt to reorganise due to its sparsity and rural nature. Unfortunately through no fault of ours, the principal authorities chose not to communicate with us prior to the meeting and there was disagreement between us about how the meeting was conducted, and the proposals put forward.

A separate insert sets out the current position.

We believe communication is so important that we have dedicated the front page in this issue to update everyone about what is available.

We would welcome your views with regard to how we can assist member councils further in the future.

The email addresses of the Association are:-

Richard.enderby@cclinco.co.uk - Trisha.carter@cclinco.co.uk and you can email us at any time. Although numbers have increased by over 500% we still try to deal with urgent matters straight away, and seek to reply to all emails within 5 working days.

Are you in one of our “e-groups?”

Some time ago we launched a password protected “e-group” which is free of charge to all clerks. Approximately 50% of councils are enrolled, and it allows the office to immediately send round government papers, other items of interest, and news bulletins from county and district councils. We are also putting our own County Committee minutes on this site.

Lincolnshire Association of Local Councils

County Circular

Clerks can also communicate with other clerks for support and assistance, and find out such things as which contractors provide a good/bad service and what different councils charge for their services – eg. burials.

This was followed by a similar e group being created for elected members, but surprisingly few have enrolled for this service to date. Checks have revealed that very few councillors know of the existence of this site.

The sites are being increasingly used by organisations such as the Police, NHS and Local Strategic Partnerships (LSPs) to advertise their area meetings.

We are now adding a third site for town councils, who will be playing a key role in future community development, and Quality Councils will be eligible to join this site.

We would stress that we are not moving towards a “Two tier” structure, but trying to give members the information and service they require to meet their needs.

Although these are password protected sites and cannot be accessed by others, joining any of these e groups is easy – just send your email address to the office – you can opt out again at any time without having to notify the office.

EMPLOYMENT - FAQs

Employment and salary issues are frequently raised with us at the office, so we hope that you may find the following pointers of assistance:

- The clerk is an employee of the council. If the council regards its clerk as self-employed, they can only be the Acting Clerk, and not the Proper Officer. In addition, this can have PAYE/NI and insurance implications for the council.
- Clerks are entitled to a job description and contract of employment and correct deductions must be made for tax and NI, if applicable. For smaller councils, an arrangement can often be made with HM Customs and Revenue whereby the clerk declares their earnings once a year and adjustments are made for tax, but this must be agreed with the local Tax Office, and confirmation received in writing.
- All relevant employment legislation is applicable to all council employees.
- The council should have established disciplinary and grievance procedures
- Recommended salary scales are provided each year by NALC/SLCC, but ultimately it is for each council to resolve how and what it pays its employees, and terms should be agreed between employer and employee whenever a clerk is recruited.
- Salary scales were calculated in the past according to parish electorate, but that led to an unfair system whereby a clerk in a very busy parish, administering a burial ground, village hall, green spaces, etc., would receive the same pay as a clerk in another parish without all these amenities, so a new system has been introduced to make sure pay is more closely related to workload.
- The council should evaluate the job they want the clerk to do – taking into account what additional tasks might be required, and set the salary scale for the job.
Eg. A small parish, with no additional tasks might set its rate at between Point 15 and Point 19.
A small parish, with additional responsibilities, might set its rate between Point 17 and 21.
- The recommended NALC/SLCC salary scales for clerks previously included an allowance for supervision of other council staff. This is no longer applicable, and should now be taken into consideration when calculating the overall salary scale for the position, as above.
- Finally, the council should establish how the clerk's performance and salary will be reviewed and build this into the contract of employment. Again, this is a matter of choice for the council. Most pay the annual cost of living increase. Some agree to a yearly spinal point increase, until the top of the pay band for the job is reached. Alternatively, some councils award increases subject to satisfactory appraisals and carry out a yearly check of the clerk's duties and performance against the required tasks before reviewing pay.

Salary Scales 2006/2007

1. The National Joint Council (NJC) for Local Government Services has reached agreement on rates of pay applicable from **1st APRIL 2006**. Consequently the National Association of Local Councils and Society of Local Council Clerks jointly recommend that the salary scales of all full and part-time clerks be adjusted in accordance with the new spinal column points (SCP).

Scale	Points below Substantive range (c)	Substantive Benchmark range (b)	Points above substantive range (a)
LC1	(15-17)	(18-22)	(23-25)
15	£15,096	18 £16,137	23 £18,993
16	£15,459	19 £16,740	24 £19,614
17	£15,825	20 £17,352	25 £20,235
		21 £17,985	
		22 £18,450	
LC2	(26-29)	(30-34)	(35-38)
26	£20,895	30 £23,952	35 £27,492
27	£21,588	31 £24,708	36 £28,218
28	£22,293	32 £25,437	37 £29,010
29	£23,175	33 £26,187	38 £29,859
		34 £26,928	
LC3	(39-42)	(43-47)	(48-51)
39	£30,843	43 £34,137	48 £38,310
40	£31,653	44 £34,986	49 £39,132
41	£32,487	45 £35,772	50 £40,113
42	£33,315	46 £36,636	51 £41,112
		47 £37,476	
LC4	(52-55)	(56-60)	(61-64)
52	£42,144	56 £46,515	61 £54,048
53	£43,191	57 £47,676	62 £55,629
54	£44,145	58 £49,269	63 £57,234
55	£45,381	59 £50,850	64 £58,806
		60 £52,443	

PART-TIME CLERKS – HOURLY RATES

2. Salary scales and hourly pay rates for part-time clerks are calculated by **pro-rata** reference to the standard NJC working week for all local government staff of 37 hours. To calculate the hourly pay rate, divide the full-time annual salary by 52 weeks and by 37 hours (rounded to 3rd decimal place). **For part-time clerks in LC1 the hourly rates, payable from 1st April 2006 are:**

Scale LC1

SCP (Spinal Column Point) 15	£7.846p
SCP 16	£8.035p
SCP 17	£8.225p
SCP 18	£8.387p
SCP 19	£8.701p
SCP 20	£9.019p
SCP 21	£9.348p
SCP 22	£9.589p
SCP 23	£9.872p
SCP 24	£10.195p
SCP 25	£10.517p
SCP 26	£10.860p
SCP 27	£11.220p

CAR ALLOWANCES FOR LOCAL COUNCIL CLERKS

3. The National Joint Council for Local Government Services has reached agreement on the rates of car allowances payable from **1st April 2006**. As in previous years, in response to requests from authorities, the figures below also show the amounts of petrol element and VAT applicable to each Group.

	451-999cc	1000-1199cc	1200-1450cc
Essential Users			
Lump sum per annum	£690.00	£771.00	£990.00
per mile first 8,500	30.6p	32.9p	41.1p
per mile after 8,500	11.7p	11.8p	13.9p
Petrol element	7.974p	7.974p	8.924p
Amount of VAT per mile in petrol element	1.187p	1.187p	1.330p
Casual Users			
per mile first 8,500	38.7p	42.0p	52.7p
per mile after 8,500	11.7p	11.8p	13.9p
Petrol element	7.974p	7.974p	8.924p
Amount of VAT per mile	1.187p	1.187p	1.330p

These allowances are based on a price of **82.45p per litre (374.8p per gallon)** for unleaded petrol (based on actual pump prices in the first two weeks of January [as surveyed by the Automobile Association on behalf of the Society of Motor Manufacturers and Traders] in accordance with the jointly agreed formula for calculating the allowances each year).

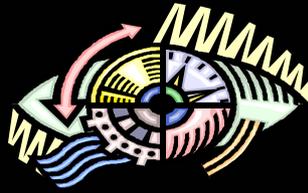
Alternatively, some councils may agree with their employees to pay the set rate also applicable to their councillors. Rates for members are set after taking into consideration the recommendations of the District Council Remuneration Panel. The council can accept these recommendations, or set an alternative rate, but this must all be done by resolution of the council. Once the rates are set, a notice must be displayed on a public notice board for a minimum of 14 days setting out the allowance rates, and detailing whether or not these were set in line with the local recommendations.

The Role of the Responsible Financial Officer..... is it you?

Each council must appoint an RFO by resolution and name them in the minutes. It is often the Clerk, but does not have to be, and it is preferable if someone else – a councillor perhaps – takes on this supervisory role, to provide another layer of accountability and to ensure a council's involvement in its financial affairs – it is, after all, the Council and not its employees that has overall responsibility for money matters.

A Responsible Financial Officer (RFO) must be appointed by each local council in accordance with the Local Government Act 1972 Section 151. The following is a comprehensive list of suggested duties which local councils may wish to consider adopting as part of a Job Description.

1. To prepare financial reports of the Council covering budget monitoring, fund balances, receipts and payments to date, payroll summary, payment of accounts and other relevant current matters.
2. To prepare draft estimates which, when approved, will form the annual budget for the year, and to report thereon as necessary.
3. To submit the precept to the District Council/Unitary Authority at the correct date and to provide any figures required for inclusion in the Council Tax Bill information as required by statute.
4. To bank regularly (daily if necessary) all money received by the Council.
5. To ensure that all money due to the Council is billed and collected promptly.
6. To identify the duties of all officers dealing with financial matters and to ensure, wherever possible, the segregation of duties of officers, thus facilitating as much internal control as possible. If officers are not appropriate for such internal controls then to involve members in the internal control systems wherever possible.
7. To manage the cash flow and to control investments and bank transfers.
8. To control payments made by cheque.
9. To take overall responsibility for the management of the payroll, ensuring prompt and proper payment of any deductions for Income Tax, National Insurance and pension fund or superannuation fund contributions.
10. To take overall responsibility for the prompt submission of VAT Return Forms or repayment claims.
11. To verify, analyse for accounts purposes, and to authorise suppliers' invoices for recommendation for payment.
12. To prepare Financial Statements for each financial year for councillors and the public.
13. To prepare the Accounts and the Annual Return for the Council each year and to submit them to Council for approval and to the Auditor when required.
14. To arrange for appropriate Internal Audit in accordance with Financial Regulations.
15. to manage the risks faced by the Council and to recommend such insurance as is required or is mandatory (Employer's Liability and Fiduciary Guarantee).



As I see it

and not necessarily the view of the Association

Just a minute.....'

Since our last edition there seems to have been an epidemic of parishioners calling the office claiming "My parish council's minutes are wrong, and I want them correcting" – or words to that effect. So I thought I would have a recap of some of the key points....

These days, good communication systems and keeping local residents informed are vital. People want to have an idea of what went on at the meeting, without having to wait until the minutes are released a month or even two months later.

Principal Authorities have the benefit of a committee clerk taking notes at a meeting, with other senior officers present too. Their clerk's notes can be checked by a range of full time legal, financial and technical professionals. The town or parish clerk is not only taking notes but is most likely assisting the meeting with a wide range of other things too.

In town/parish council legislation there is no such thing as "Draft minutes" and even using the word "Minute" in this context has caused problems because people will assume the "Draft" can be taken as read, and that it will not alter. In reality there are often major alterations made at the next meeting. Therefore until they have been approved as the minutes, the notes taken by the clerk must be headed something like "**Notes taken by the clerk of the meeting of X Parish Council on Y date**" and it is alright to caveat the notes by adding something like "**These notes will be checked at the next meeting before the council amends/approves them as a correct record.**" This will allow the notes to be immediately circulated after meetings, put on a website, notice board, etc.

At the next meeting of the council the notes can be amended by a vote of councillors if necessary, before they are formally proposed, voted on, signed by the chairman and become the official minutes. The actual process whereby the notes are signed and accepted as the minutes requires a proper proposal by a councillor that the minutes be accepted as a true record and a vote of the council.

Members of the public have no part to play in this process, nor can they insist something is altered/added/omitted or whatever. This is a process that only members of the council participate in, and councillors are reminded they must make every effort to ensure minutes are correct in relation to any action taken at the previous meeting.

ONCE SIGNED, THEY BECOME A LEGAL RECORD AND MUST NOT BE ALTERED.

Each page must be numbered consecutively and signed or initialled by the chairman, with his full signature on the final page, together with the date on which they are signed. Each minute should also be numbered and correspond to a relevant agenda item - headings should therefore relate to the description given for the item on the agenda.

A good numbering system changes each year, so a council is not on minute number 16,701 or whatever, when someone points out there was an error between number 4522 and 4524 twenty seven years ago! A system such as the minute number and the year is common eg 5/2006, whereas some councils add the month eg 5/10/2006.

What should go in the minutes? This is very much what a council resolves in its Standing Orders. The law requires that generally only decisions reached are essential, together with any key information eg attendance, amendments, declarations of interest, etc.

How do we describe a decision? Usually an item is resolved, noted, deferred eg. A council **resolves** to purchase a new widget... generally speaking a little bit of background is added for the record, but it should be borne in mind they should be as clear and concise as necessary to adequately describe the business transacted.

How do we describe the process that leads to a decision? No decision can be reached without a vote, and to move to a vote a proposal has to be put – *It is not a legal requirement to require a seconder but it is recommended that this becomes essential by passing a Standing Order to*

Should we name councillors? – Very much a matter of choice by the council. It can be useful to have a record of who made proposals, etc, and I recommend that whilst names are not recorded during general discussion they are used for the propositions relating to the decision. Thus – the minute will be extended to read "It was proposed by Councillor Smith seconded by councillor Jones and resolved that...."

What about the voting record?– Whilst how the vote is recorded is again pretty much down to the council, too many times a proper vote is not taken at all with some remark being made such as "Well we all agree with that then – we'll move on" **Sloppy and wrong!**

Also remember you need to note the financial position for some minutes. Thus – achieving good practice, the minute could be extended to finally read: "It was proposed by Councillor Smith, seconded by Councillor Jones and **RESOLVED** by 4 votes to 2 with 1 abstention, that a new widget be purchased at a cost of £75.00 from A Bloggs Ltd."

DECLARATIONS OF INTEREST ARE NOW VERY IMPORTANT – The law requires that the minutes **must** record the nature of the interest **and** the reason. Thus a minute would read – "Councillor Smith declared a prejudicial interest because he lived next door to the site" **or** "Councillor Smith declared a personal interest because he was the parish council representative on the Village Hall Committee."

Remember it is the responsibility of the councillor and not the clerk to ensure declarations are properly recorded. Several recent disciplinary cases have shown that the minutes say one thing – voted as the true record – whereas a councillor at his hearing has said something very different claiming the minutes were wrong although he had voted for their acceptance!

Some other points:-

- Note the time the meeting starts and finishes
- Note whether apologies are accepted or not
- Record the time when any councillor arrives or leaves during the meeting
- Do not minute the public forum if the council has wisely resolved to have it before the council meeting commences
Note those present as well as councillors eg 3 members of the public and district councillors X and Y
- Remember to record the vote when the meeting does something unusual eg. stands adjourned, goes into closed session, suspends Standing Order s.

REMEMBER - PROFESSIONAL MINUTES OFTEN INDICATE A PROFESSIONAL COUNCIL

Richard Enderby

Are you considering a Parish Plan for your village.....?

Rural communities have been encouraged to have a greater say in their own future since the publication of the Rural White Paper, in 2000. A recognised way to achieve this is for communities to produce a Parish Plan.

A Parish Plan provides the necessary strategy for a community to identify their strengths, needs and where they want to be in the next five to ten years. The Community Council of Lincolnshire offers advice and grant funding towards the cost of producing a Parish Plan. Sarah Attrill, Rural Officer for Parish Planning in North and South Kesteven at the Community Council (CCL), says “ Producing a Parish Plan gives communities a robust and detailed strategy for the future. It provides evidence to support grant applications and offers a great opportunity to influence the Local Development Framework and other strategic plans for the area.”

If you think your parish could be interested in producing a Parish Plan, you can contact one of the Rural Officers for your area at CCL:-

East & West Lindsey

Sarah Moody: 01529 302466 email: sarah.moody@cclincs.com

North and South Kesteven

Sarah Attrill: 01529 302466 email: sarah.attrill@cclincs.com

South Holland & Boston Borough

Janet Clark: 01529 302466 email: janet.clark@cclincs.com

LALC's Democratic System

Although the County Committee and Area Committees of the Lincolnshire Association of Local Councils have been in existence for many years, it has become apparent over recent months that many councils are not aware of the democratic process within the Association and how member councils can become more involved.

Area Committees cover the whole county – the North Area Committee covers West Lindsey and part of East Lindsey, the South East Area Committee South Holland, Boston and part of East Lindsey, and the South West Area Committee North and South Kesteven.

Each Area Committee then appoints representatives to sit on the County Committee – the main decision-making body of the Association comprising 30 representatives of our member councils. There is also a small Executive Committee, comprising the President, Chairman, Vice-Chairman, Treasurer, and County Secretary, which deals with matters of an urgent nature. The Executive Committee has representation from all areas of the county.

Area Committees and the County Committee meet quarterly – in March, June, September, and December. Meetings are held in the evenings and usually last between 1 – 2 hours.

Committee members are concerned to ensure that all member councils have the opportunity to raise matters of importance to them, and to participate more fully in local, regional and national matters.

All member councils can put items on the agenda of Area Committee meetings for discussion. It is particularly important in the current climate of reorganisation and changing legislation that we represent all members at all levels.

We are also represented on the East Midlands Federation of Local Councils by the Chairman of the Association and the County Secretary, and by the Vice-Chairman on the National Council of the National Association of Local Councils – which is the combined body of all the County Associations. The Chairman of the Association also represents us on the East Midlands Development Agency, and as Vice-Chairman, on the East Midlands Rural Affairs Forum.

It has been agreed that the next Area Committee Meetings on 1, 8 and 15 June should be held as Area Forums, in order that others can come along for the evening and find out how the system works, get to know their current local representatives, have a cup of tea or coffee and a chat, and hopefully get more involved in the decision-making process of the Association. If you would like to know more, please join us by completing the booking form enclosed with this Circular and coming along to meet your nearest Area Committee. We look forward to seeing you.



EVERY STREET MATTERS...

Every street scene in Lincolnshire, as part of the life and soul of communities, is important for creating a sense of well-being and social inclusion for all. To Lincolnshire County Council all streets in Lincolnshire matter.

This is a project being led by Sarah Grundy of the Built Environment Team, Planning and Conservation Group - Highways and Planning Directorate - Lincolnshire County Council. This document is intended to provide some background information about the project. There is a wide remit for this project and this, and the evident environmental problems within many of Lincolnshire's streets, means that all aspects of street scene design and maintenance, and the organisation's approach to that function, are covered.

Reasons for the project

It is now widely recognised that the attractiveness and distinctiveness of many of Lincolnshire's streets are being significantly eroded by a continuing build up of traffic signs, markings, street furniture and inappropriate surfacing materials. Often, as a result of poor design or maintenance decisions, such provision becomes excessive or intrusive, or items may be redundant and dilapidated. In this way, once attractive and cherished street scenes can become marred. Good quality holistic design, together with sensitive and appropriate maintenance, have therefore come to be seen as essential factors in restoring and maintaining local distinctiveness in the built environment, and in engendering a sense of pride in the public realm.

It is also recognised that improvements in the public realm can help build a sense of community and reduce crime, increase social inclusion and promote economic prosperity. If a street scene is seen to be well-designed and cared-for, using materials of an appropriately high quality, people will enjoy using it and regard it as a place in itself. This can attract new businesses, and help existing businesses. Good traffic management can promote walking and cycling, and thus promote healthier communities. Community involvement in the design of the street scene can boost the morale of communities and individuals, giving them a sense of ownership and pride in the place in which they live and work. All this requires an integrated approach to the design of the places where we live, work and play from all involved in street and public realm works.

Aims

To raise awareness of the importance of street scene as a vital part of the character of Lincolnshire towns and villages, and to encourage the continuing enhancement of the character of Lincolnshire's street scenes in town, village and countryside, in order to make Lincolnshire a pleasanter place to live, to work and to visit.

How is this to be achieved?

The project is still in its early stages. A documentation review is underway, and wide consultation is ongoing. The intention of this is to establish the existing and pending legislation, policies and procedures which are relevant, in a national, regional, and local context. Those to be consulted include Technical Services Partnership, Highways Divisions, other staff within Highways and Planning and other County Council Directorates and Lincolnshire Development. Conservation Officers.

English Heritage, voluntary and community sectors, business community. Lincolnshire Road Safety Partnership, disability groups, town centre managers, planners, artists and others. There will be public consultation via LCC Connects, County News, libraries, multi-use centres and others. Views will be sought from parish and town councils. The consultation will take the form of a questionnaire which will be circulated as widely as possible.

A seminar/workshop will be organised for all interested parties and experts to hear each other's views, with opportunities to discuss issues which are already being identified and others which may arise on the day. The seminar will be in April 2006. Following this period of consultation those issues which are particularly relevant to Lincolnshire should emerge, and a steering group will be set up to tackle them.

It is intended to produce best practice guidance including, for example, processes for: achieving a high standard of design, identifying local distinctiveness. funding, and groups or individuals to contact. Issues such as surfacing, street furniture design, street lighting. traffic management, trees and planting, boundary treatments, signs and road markings will also be covered. Parallel with this a document summarising the project and making recommendations will be produced. There will also be an update about the project for the public. It is envisaged that this guidance will be adopted within County Council and District policy.

Audit Update

Yes – it's that time of year again already!!!

Robert Nelson of Moore Stephens has asked if we could possibly include a few little pointers in this edition that will make the 2006 audits run as smoothly as possible, both for councils and auditors. Don't forget – if you have any audit problems, contact us here in the office and we will advise wherever possible.

This year Moore Stephens are initially calling all audits for 30th June 2006, because countrywide it was felt best to call audits earlier rather than later. This then allows time to contact any non-responding councils shortly after 30th June 2006 to start chasing for returns. Unfortunately, non-responding councils are a huge administrative issue for the auditors and involve them in many hours of additional work. However, please be assured that the firm is prepared to be flexible with the audit date and if a council cannot meet the deadline for any reason, they can contact Robert Nelson or Jacqui Cox to re-schedule.

On many occasions the auditors have to chase up bank reconciliations – these should be sent in with the Annual Return and must be in an acceptable format. If any council is unsure of what is required, please contact the office, as we have a model one we can supply.

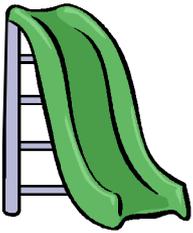
If a bank statement is enclosed agreeing with box 8 of the Statement of Accounts, a note should be added to the bank statement confirming there are no credits or unrepresented cheques outstanding on 31 March.

A note should be enclosed with the Annual Return if there are variances of more than 15% +/- on last year's figures in any of the boxes on the Statement of Accounts. Any differences should be explained and quantified i.e. full details of why there is a substantial change in income or expenditure should be given.

Moore Stephens will be writing to the Boston councils who received a parish grant from the District. Guidance from the Audit Commission indicates that box 2 of the Statement of Accounts should include only the precept. The parish grant must be shown in box 3 of the Statement of Accounts. The comparative figures should be amended to ensure that the income is appropriately classified.

Please provide full contact details, including telephone numbers and e-mail addresses wherever possible, as this allows the auditors to progress audits with the minimum of delay.

Did you know? RoSPA can provide.....



The National Playing Fields Association no longer has a play area inspection service. RoSPA is now inspecting all NPFA owned sites on its behalf, and can offer a similar service to town and parish councils.

With insurance companies becoming increasingly concerned about water areas and playing fields, RoSPA now offers to carry out inspection of these, in addition to play areas, at an economic charge.

In view of the fact that 28% of play areas have open water within walking distance for a small toddler, and the fact that over 40 children drown each year on inland water sources, such inspections are becoming increasingly important.

RoSPA also offers a limited number of slots for free – yes that's right free – half day training sessions for volunteers at parish council level (usually held on Saturdays). The sessions show volunteers what they need to do to undertake regular interim inspections of play areas, and provides them with a certificate of training. If anyone is interested, please contact the Play Safety Manager at the address below for further details.

David Yearley
RoSPA
Playground Management Ltd
Kingston Lisle Business Centre
Kingston Lisle
Wantage
Oxon OX12 9QX

Tel: 01367 820988/9
Fax: 01367 821013
E-mail: info@rospaplaysafety.co.uk
Website: www.rospa.com

Section 137 Expenditure – Limit for 2006/2007

Please note that the annual limit for town and parish council expenditure in accordance with the Local Government Act 1972, Section 137(4)(a) has increased to **£5.44** per person on the parish electoral role, for the financial year 1 April 2006 to 31 March 2007.

CAMPAIGN FOR 30 M.P.H LIMIT IN VILLAGES

Campaigners are calling for legislation to introduce a national 30mph speed limit for villages.

The Campaign for Rural England says a survey of English county councils showed that 70% did not set a 30mph limit as standard – only one highway authority knew precisely how many villages it had in its area.

Some villages, including more than 100 in Buckinghamshire, had a 60mph speed limit.

“Lower speed limits save lives” said CPRE's head of transport, Paul Hamblin.

For more information, please visit:

www.cpre.org.uk

Unfortunately, even where speed limits are correctly signposted, there is an increasing tendency to completely ignore them. Where this is the case, it is necessary to report it to the Divisional Police Office to hopefully arrange appropriate action, bearing in mind the manpower situation. We have been advised that the Road Safety Partnership is looking to buy more user-friendly mobile signs which councils may be able to use.

Church of England

Extract from Table of Parochial Fees From 1 January 2006

Funerals

	£
Burial in churchyard	193.00
Burial certificate, if required	12.00
Burial of cremated remains in churchyard	81.00
Monuments – from £17.00 to £138.00 depending on type and size required.	

Clean Neighbourhoods and Environment Bill - an outline of measures

The Act received royal Assent on 7 April 2005. Many of its provisions came in automatically in England and Wales on 7 June 2005 and most of the rest of the Act came into force on 6 April 2006. The 2005 Act (with amendments made to existing legislation – eg. Environmental protection Act 1990 and Anti-Social Behaviour Act 2003) gives parish/community councils the power to prosecute or give fixed penalty notices to people in respect of littering, graffiti, fly posting offences committed in their area. The Act also provides for parish/community councils to implement a regime for controlling dogs in their area by use of dog control orders. Offences include failure to remove dog foul, not keeping a dog on a lead and excluding dogs from certain areas.

DEFRA has produced a comprehensive Guide to how the Act will affect our sector specifically. Although the Guide is lengthy, it has been written in a user-friendly format. DEFRA, in the interest of economy and conservation of environmental resources, is not automatically sending copies to each parish/community council because they anticipate some will not be intending to utilize the new powers. Each council needs to assess if there is a need to adopt the new powers in their area by consultation with the district councils and also ensure that the whole council and local electorate support adopt of the new powers. It may be that a council may not wish to utilize the new powers if existing byelaws suffice, or if there are insufficient human or financial resources to implement the system. The expenditure involved in enforcing prosecutions or payment of penalty notices may, in many councils, exceed the income generated from successful prosecutions and payment of fines. These factors will need to be weighed up against demand for the powers within the area and the benefits to be gained from effective enforcements.

All councils who plan to adopt the new statutory powers need to appoint or designate officers in respect of the enforcement work. These officers will need to have attended a Government approved training course.

Details of these approved courses will shortly be posted on the DEFRA website at: www.defra.gov.uk/environment/localenv/legislation/cnea. A copy of the Guide can also be downloaded from this site, but please be aware it runs to well over 100 pages. A free hard copy of the Guide can be obtained from DEFRA Publications, Admail 6000, London SW1A 2XX – ref. PB11577a – tel:08459 556000.

The Act in brief:

Crime and Disorder

Ensures that local Crime and Disorder Reduction Partnerships will take anti-social behaviour affecting the local environment into account in developing crime and disorder reduction strategies
Gives local authorities new, more effective powers to deal with alleyways affected by anti-social behaviour

Fixed Penalty Notices (Fines)

Makes greater use of fixed penalties as an alternative to prosecution, in most cases giving local authorities the flexibility to set their own rates
Gives parish councils the power to issue fixed penalties for litter, graffiti, fly posting and dog offences

Nuisance and Abandoned Vehicles

Gives local authorities the power to remove abandoned cars from the streets immediately
Creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business

Litter

Makes it an offence to drop litter anywhere, including private land and rivers, ponds and lakes.

Gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land.

Strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices).

Enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter.

Confirms that cigarette butts and discarded chewing gum are litter

Graffiti and fly-posting

Extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting.

Improves local authority powers to tackle the sale of spray paints to children.

Strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution.

Enables local authorities to recover the costs of removing illegal posters.

Waste

Amends provisions for dealing with fly-tipping by:

- removing the defence of acting under employer's instructions
- Increasing the penalties
- enabling local authorities and the Environment Agency to recover their investigation and clear-up costs
- extending provisions on clear up to the landowner in the absence of the occupier

Gives local authorities and the Environment Agency the power to issue fixed penalty notices (and, in the case of local authorities, to keep the receipts from such penalties) to:

- businesses that fail to produce waste transfer notes
- waste carriers that fail to produce their registration details or evidence they do not need to be registered
- those leaving waste out on the streets (local authority only)

Introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal and enables courts to require forfeiture of such vehicles

Introduces a new provision covering the waste duty of care and the registration of waste carriers

Introduces a new requirement for site waste management plans for construction and demolition projects

Repeals the divestment provisions for waste disposal functions to provide greater flexibility for local authorities to deliver waste management services in the most sustainable way

Reforms the recycling credits scheme to provide increased local flexibility to incentivise more sustainable waste management

Dogs

Replaces dog byelaws with a new, simplified system which will enable local authorities and parish councils to deal with fouling by dogs, ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person

Gives local authorities, rather than police, sole responsibility for stray dogs

Noise

Reduces nuisance caused by noise by giving local authorities power to:

- deal with burglar alarms
- impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels
- operate greater flexibility in dealing with noise nuisance

Architecture and the Built Environment

Establishes the Commission for Architecture and the Built Environment (CABE) on a statutory basis

Miscellaneous

Enables local authorities to recover the costs of dealing with abandoned shopping trolleys from their owners

Extends the list of statutory nuisances to include light pollution and nuisance for insects

Improves the contaminated land appeals process

LOCAL AREA ASSEMBLIES – WHAT ARE THEY?

An SKDC initiative

By Paul Morrison

South Kesteven District Council (SKDC) has established a network of consultative forums called Local Area Assemblies (LAAs) in its area. There are six of these – Grantham, Stamford, Bourne, the Deepings, Rural North and Rural South. In a nutshell, the LAAs are all about consultation.

Their purpose is to act as a forum where the three tiers of local government – namely the parish, district and county councils – can meet in order to discuss topics of common concern in their area. Any member can place an item on the agenda, and some parish councils have been proactive in raising topics for discussion, such as rural bus services and crime and disorder in rural areas. Other topics have included parish plans, water courses and who owns a RUPP?

Each parish council within SKDC has therefore been allotted an LAA, but these are not set in stone – Uffington, for example, began as a member of the Deepings LAA and following discussions with the parish council, it is now a member of Stamford LAA. A full list of parishes and LAA membership can be found on the SKDC website, www.southkesteven.gov.uk, under local democracy/local area assemblies.

Meetings are held in public, generally starting at 7.00pm. There is a public open forum at the start of each meeting which can take up to an hour. Members of the public are able to raise any topic of local concern, and to ask questions. Attendance by members of the public has been varied, with the rural assemblies often (but not always) attracting a low turnout. In an effort to generate interest, posters are produced which are sent to the parish councils in the area, with the hope that these are displayed somewhere in the village, for example on notice boards. When a LAA meeting is being held in a particular village hall additional leaflets are produced and myself or one of my SKDC team will visit the village a week or so before the meeting in an attempt to raise local awareness by leafleting houses. Meeting dates are publicised in the local press and the SKDC website.

Experience has shown that where there is a topic or real local concern on the agenda members of the public will turn out in numbers, and this is where parish councils can help by identifying what the real local issues are.

In addition to the three tiers of local government, other groups may also be members of the Assembly. Tenants Compacts are members as of right and other interests, such as local businesses and church representatives, have joined as co-opted members. The Council is particularly keen to recruit hard to reach groups such as ethnic minorities. Youth groups are represented on some LAAs. Any suggestions for co-opted members would be welcomed. Each Assembly is chaired by a meeting of the SKDC Cabinet but it is intended that the LAAs will develop their own agendas over time and as meetings progress.

The LAAs were set up in 2004 and following nearly two years of operation SKDC is reviewing the way they work to see if they can be improved in any way. Further details will appear in a future edition of the CALC newsletter. If you have any comments on the way the LAAs have operated to date, or if you have any questions please contact Paul Morrison at the SKDC offices in Grantham, 01476 406512 or p.morrison@southkesteven.gov.uk

INCREASES IN STATUTORY SICK PAY AND STATUTORY MATERNITY PAY

The Minister for Pensions Reform has announced the following increases to statutory benefits from April 2006.

Category	Current Rate (per week)	New Rate (per week)
Statutory Maternity, Paternity and Adoption Pay	£106.00	£108.85
Statutory Sick Pay	£ 68.20	£ 70.05
Earnings threshold to qualify for payment	£ 82.00	£ 84.00

Claiming Rights of Way for the Future



The Open Spaces Society, Britain's oldest national conservation body, has launched a 20-year plan for claiming public paths for the official map (the definitive map of public rights of way) and thereby saving them for the future.

On 1 January 2026, the official map of public rights of way (the definitive map) is scheduled to be closed to claims for public footpaths and bridleways which existed before 1949 but that have not been recorded on it. These pre-1949 public paths will then be formally extinguished and at that point the rule once a highway, always a highway is in effect revoked. At present, it is possible to claim for inclusion on the map routes which have been used by the public, without being stopped, without asking permission and without being secretive, for 20 years. After 1 January 2026 it may not be possible to submit claims for routes until a further 20 years' use has accrued, ie on 1 January 2046. And any landowner, during that time, can simply block that process.

Although January 2026 is 20 years away, it is not too soon to be gathering the evidence and submitting claims now. Recording a route on the definitive map offers it protection, from being built on for instance. Therefore it is important to be identifying now any routes which the public has used for 20 years and which are not on the definitive map.

You may be considering getting a path recorded because of some questioning of its public use; perhaps there is a new landowner. Or you may wish to preserve and enhance the path network. In either case, looking at the current definitive map with its accompanying statement (at most libraries and council offices) is a first step. As well as actual routes between other paths or roads, look out for short lengths of path at parish or community boundaries and where the paths join roads. In 2026 even an unrecorded length of path just a few feet long could allow the landholder to stop up the path for ever. Also, don't assume that a green lane, even a tarmac one, is safe from the 2026 chop. And it is not just country paths and green lanes - another poorly recorded category of public path is the village or urban alleyway. These need to be on the definitive map by 2026 too.

How to claim a path

Check with the surveying authority (county, unitary, metropolitan borough or London borough council) that the path is not already accepted by it as a public highway. (Note that inner London boroughs are not required to have a definitive map of rights of way.) If it is, the authority may be able to assist in asserting your rights, possibly without the path needing to be claimed for the definitive map. For example, it may have proof of some event such as a legal diversion onto the route, or if it doesn't have conclusive evidence, it may nevertheless have enough to persuade the landowner to enter into a creation agreement so as to avoid years of uncertainty. If the authority cannot assist, or process it itself, you need to gather evidence of use over 20 years or more. There is an alternative, or complementary, way of getting paths recorded and that is by unearthing historical evidence, but this information sheet does not cover that.

Gathering evidence

You need to obtain at least half a dozen witnesses who have used the path during the 20-year period. The 20-year period must run back from the date when the public right to use the path is brought into question. This usually means when someone with an interest in the land informed people that they must not use it, for example by erecting a 'private' notice or locking a gate across the path. If there has been no physical deterrent, the date when you apply for the path to be added to the map can be treated as the date when the way was brought into question.

You should then collect evidence for at least the 20-year period you have identified. Not every witness needs to have used the way for the whole period, but between them the whole period must be covered. If your witnesses are elderly, or are unlikely or unwilling to attend a public inquiry, it is advisable for them to make a statutory declaration so that their evidence will carry more weight at the inquiry.

Claims must not be made for ways where access is already prohibited (eg motorways, railway lines). The use must be without interruption and without permission.

It is important to be clear and reasonably consistent as to the route claimed. Some application forms ask for a sketch map, but many people fill these in inadvertently on routes that differ from what they use. It is recommended that a little research is done in places where the path, perhaps a cross-field path, doesn't follow a well-defined way. Many counties have air photographs that can indicate old crossing-points of long-gone hedges. Then if the route ties in with the modern route it can be shown on the map, but make it clear that people should verify it or modify it to where they walk or ride.

Applying for the path to be added to the definitive map

In applying for the path to be added to the map, you are asking the surveying authority to make a modification order under section 53 of the Wildlife and Country-side Act 1981. The surveying authority is under a duty to keep the definitive map and statement under continuous review. It must amend them if evidence comes to light that a path should be recorded as a public right of way.

You should ask the surveying authority to send you the information for claiming a path and the necessary forms to complete. There is no charge for applying for a modification order. You need to submit the following:

An application form and map drawn to a scale of at least 1:25000, which you send to the surveying authority together with the witness forms.

A notice which must be sent to every landowner or occupier affected by the application. You may not know who they are, but you can undertake a search with the Land Registry, see www.landreg.gov.uk. If this does not provide the information, the authority has the power to say that the notice can be placed on the land.

A certificate of service of notice which has to be sent to the surveying authority, to say that the notice of application has been sent to all who own or occupy the land affected¹ or that you have placed the notice as above.

It is essential to submit all these- sending the witness forms alone does not constitute a valid application.

What happens next?

The highway authority will analyse your claim and in due course should decide whether to proceed with it. It must make an order if it is satisfied that the way is 'reasonably alleged to subsist', not at this stage that it is definitely, or even probably, a public highway.

If it decides to proceed, it will make a modification order, which will be advertised in the press and sent to prescribed organisations which include the Open Spaces Society. If there are no objections within the stated period the authority normally confirms the order itself and the path is added to the map. If there are objectors, the order is submitted to the Planning Inspectorate for determination, usually by a public inquiry. If an inquiry is held, you may need to call some or all of your witnesses to give evidence.

Many authorities have a large backlog of claims so this could take some time. If the authority has not made a decision on your application within 12 months of receiving the certificate referred to above, you can apply to the Secretary of State for Environment, via the Government Office North East, Defra National Rights of Way Casework Team, Environment Group, Citygate, Gallow Gate, Newcastle upon Tyne NE1 4WH to direct the authority to make the order. If the Secretary of State decides not to make a direction, you can apply again for a direction if the authority continues to fail to make a decision. Also, if your application is rejected, you can appeal to the Secretary of State via the Government Office North East within 28 days of receiving the notice of decision. If the Secretary of State allows your appeal she will direct the authority to make the order.

The following websites may be of assistance for further information:
www.oss.org.uk and www.unrecordedways.org.uk



DIRECT DEBITS AND INTERNET BANKING – CAN WE DO IT?

We are frequently asked in the office whether a council can use such methods as a means of payment, given the clear requirement under legislation for two members' signatures to authorise all transactions.

We have sought advice on this matter from the Financial Advisor to NALC, and reproduce below his advice, for your information.

Direct Debits can comply with the statutory requirements - two members must sign the form. There needs to be a form of internal control that manages the risk of an improper or unlawful payment - so Financial Regulations should insist on a regular report to the Council/Finance Committee and every payment under Direct Debit (particularly the variable ones!) must be clearly minuted. It is also recommended that the authority should be renewed at least every 4 years, and that the system is only used for utilities or similar suppliers.

The Local Government Act 1972 s.150(5) requires that two members of the council shall sign the "cheque or order for payment".

Electronic payments can be accommodated, but with difficulty. A list of payments by BACS can be authorised by the signature of two members (who will be understood to have looked at every payment and checked the details such as account numbers, etc), thus giving the RFO the go ahead to use the password to authorise the bank payment.

However, using one-password accounts for all payments without the two-member authority is unlawful. Financial Regulations should state the controls required and internal audit must verify the system every year. There is a duty to prevent and detect fraud - so again, a clear and comprehensive system of control is required.

PAYE/NI payments vary, so there is a need for careful control. Note that the annual PAYE Bonus is given for electronic filing, not electronic payment – it can therefore be preferable to make these payments in the usual manner, using the yellow payments book, either at the local Post Office or by post.

HM Revenue & Customs now accept that payments for such things as annual anti-virus software renewal are sometimes made by the clerk's credit card and then subsequently reimbursed by the council. They will allow the VAT refund where there is a clear audit trail, including a minute, authorising the particular transaction, but not a series of transactions under a general heading. Their major concern in such cases is the lack of a tax invoice addressed to the Council.

The Tree Council - Walk in the Woods 2006

NEWS RELEASE from The Tree Council –
Enjoy the Trees on Your Doorstep

Spring, flowers, bird song and fresh green leaves make woods, parks and tree-lined streets particularly beautifully in May. So it's a great time to get out and enjoy trees and woods throughout the UK – and help celebrate the 10th Anniversary of The Tree Council's Walk in the Woods. This festival starts on May Bank Holiday Weekend and continues to the end of the month, including Spring Bank Holiday.

At least 50,000 people are expected to take part in events planned by Tree Council member organisations, its volunteer Tree Wardens and other supporters. Events include teddy bears' picnics, bat and badger watches, bluebell walks, dawn chorus events, learning games and story telling, art and craft activities, treasure hunts, tree trains around towns, and woodland open days.

"We very much hope that everyone will be inspired to get out among the trees in their local ground" said Tree Council director-General, Pauline Buchanan Black. "Our goal is to make trees matter to everyone and we want to help more people of all ages appreciate the trees and woods in areas they regard as 'their' ground – where they live, work, learn or enjoy themselves. A visit to a local wood or park can be good for your health. Trees not only offer attractive settings, but just being around them is known to be good for physical and mental wellbeing. This means that when people get out to enjoy trees, they can benefit their health in an affordable, environmentally friendly way."

To take part in the Tree Council's Walk in the Woods, simply visit a local wood or park with public access, or contact the Tree Council (website: www.treecouncil.org.uk, infoline: 020 7940 8180, 10am – 4pm, Monday to Friday) for details of events being held throughout the country.

2006 AGM and Conference

This year's AGM and Conference will again be held at Horncastle College, who have looked after us so well in recent years. It will take place on Saturday 28 October 2006, 10am - 4pm.

The format of the morning's events remains the same – commencing with the AGM of the Association, followed by a keynote speaker addressing the delegates on a topical issue.

However, in response to suggestions put forward, the County Committee has agreed to amend the afternoon format this year on a trial basis, in order to allow members to engage more actively in debate, and avoid the necessity of breaking up into smaller workshops within the relatively small timescale available.

This year there will be two speakers in the Main Hall addressing delegates in favour of two motions put forward for debate on correlated matters of interest to our membership. Alternative views will also be put forward. The forum will then be opened up for public discussion, much in the same way as "Question Time" on BBC TV.

It is hoped that the AGM, having heard all the facts, will then take part in a vote for and against the motions under debate.

A booking form for the event is enclosed with this Circular – please make a note of the date in your diary now, and we look forward to seeing you at Horncastle on the 28th October!

Training, training, training.....

It's spring – well officially, anyway – even if as we write this Circular, the weather would have us believe otherwise! And with spring comes the next round of LALC training events – details are given below of the early summer programme. More details of other events for the autumn/winter programme will be issued in the summer edition of the Circular – in the meantime, please notify the office of any specific training requirements you might have identified and we will try to accommodate everyone where possible. In addition, it is always helpful if locations are suggested too – with such a large county, we do try and spread the training events about, but any ideas are always welcomed. In addition to our training schedule, we will also be involved in IT training in conjunction with district councils – separate details of this will be circulated at a later date once plans are finalised.

Booking forms for the following events are included with this Circular. We are very happy to note that attendance at all training events has increased considerably with the introduction last year of a one-off payment for the Annual Training Scheme. Feedback from member councils has been very positive and many have already again signed up for April 2006 – March 2007.

North Area Forum	Glentham Village Hall	Wednesday	31 May 2006	7.15 - 9.00
Councillors' Training Evening	Osgodby Village Hall	Tuesday	06 June 2006	7.00 - 9.00
South East Area Forum	Kirton Town Hall	Thursday	08 June 2006	7.15 - 9.00
Employment Seminar	Roughton Village Hall	Wednesday	14 June 2006	10.00 - 3.00
South West Area Forum	Kirkby Underwood Village Hall	Thursday	15 June 2006	7.15 - 9.00
Finance Course	Billingborough Village Hall	Wednesday	05 July 2006	7.00 - 9.00
CiLCA Training	East Kirkby Village Hall	Wednesday	13 September 2006	7.00 - 9.00
CiLCA Training	East Kirkby Village Hall	Wednesday	20 September 2006	7.00 - 9.00
Finance Course	East Barkwith Village Hall	Wednesday	04 October 2006	7.00 - 9.00
Chairmanship Training	Legbourne Village Hall	Tuesday	10 October 2006	7.00 - 9.00
Chairmanship Training	Swineshead Village Hall	Tuesday	17 October 2006	7.00 - 9.00
Clerks' Training Day	Pointon Village Hall	Wednesday	01 November 2006	10.00 - 4.00

This is a publication by the Lincolnshire Association of Local Councils for its members within the County and the views expressed are not necessarily those of the association.

This Circular is designed for circulation amongst Councillors and the Clerk. Unless you have a copy each, please read it and pass it on, making sure it is returned to the Clerk for reference.

We can provide additional copies of each County Circular for your Council, for an annual photocopying charge of £2.00 per set of 4 issues per year.

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