

ERNLLCA

East Riding and Northern Lincolnshire
Local Councils Association

28 March 2017

Dear Colleague,

Please note that the Executive Committee has resolved to run a trial during 2017. Attendance at the majority of district committee meetings is very low whereas the demand placed on the services such as the Desktop Advisory Service continues to grow. In order to make the optimum use of staff time, it has been agreed that the Executive Officer will not attend the April or October round of meetings. He will be present for the July meetings. Agendas and supporting papers will continue to be prepared and circulated by the ERNLLCA office and all necessary venue bookings and payments taken care of. This does mean that someone will have to take some notes at the meeting which can be forwarded to enquiries@ernllca.info where they will be put into minute format. This is a trial and member councils will be asked, after October, for their views on the success or otherwise of this venture.

The aim of the trial is to make the best use of Officer time.

As has ever been the case, councils are encouraged to send items to the ERNLLCA office for inclusion on the district committee agendas.

The next meeting of the **East Riding (North East) District Committee** will be held as follows:

Date: Tuesday 11 April 2017
Time: 7.30pm
Venue: Methodist Chapel Hall, Main Street, Hutton Cranswick

There is parking available.

All Councillors and Clerks are welcome to attend, although only two representatives per Council are invited to vote. The Clerk may be a voting delegate. Please be kind enough to forward the enclosed agenda papers to your Council's delegates and any other members who may wish to attend. Additional copies of the documentation can be downloaded from the ERNLLCA website.

Yours sincerely



Alan Barker
Executive Officer

AGENDA

- 1 Welcome, introductions and apologies
- 2 To consider the minutes of the meeting held on 11 October 2016
- 3 Matters arising from the minutes
- 4 Executive Committee report (attached)
- 5 Quick Brief – Committees
- 6 Item requested by the last meeting - Local Councils Award Scheme
- 7 Item requested by the last meeting - New Annual Return “sign off” requirements
- 8 Open Forum (time permitting and at the Chairman’s discretion)
- 9 Agenda items for future meetings
- 10 Agreed date of next meeting:
 - 11 July 2017

**EAST RIDING AND NORTHERN LINCOLNSHIRE
LOCAL COUNCILS ASSOCIATION**

EAST RIDING (NORTH EAST) DISTRICT COMMITTEE

**Minutes of the meeting held on 11 October 2016
at Flamborough WI Hall**

Present: Councillor N. Noble (Langtoft PC) in the chair
Councillor D. Morton

Clerks – P. King (Bridlington TC)

Apologies: Councillors T. Copper & J. Cooper (Driffield TC); L. Dealtry (Bridlington TC); K. McCloud (Beeford PC); and J. Swift (Barmston & Fraisthorpe PC)

Clerks – A. McCloud (Beeford PC) and R. Swift (Barmston & Fraisthorpe PC)

Officers: A. Barker, Executive Officer

E239 Welcome and apologies

Councillor Noble welcomed delegates to the meeting.

E240 Minutes of the meeting held 12 July 2016

RESOLVED: That the minutes be agreed and accepted as a true record.

E241 Matters arising

There were no matters arising

E242 Executive Committee report

The Chairman reported on the most recent at which Councillor Knowles, of Haxey Parish Council, was re-elected as Chairman and Councillor Cooper, of Driffield Town Council, was re-elected as Vice-Chairman. A range of other appointments were made various internal and external bodies.

ERNLLCA's representative to the National Association of Local Councils, Councillor Thurston, reported on the business being dealt with by NALC and highlighted the long-standing issue of defining "who are the members of NALC?". The matter will be resolved at the NALC Annual General Meeting.

The Chairman made reference to the creation of a trade union for Clerks and the fact that the Society of Local Council Clerks (SLCC) would now act only as a professional body with its trade union service becoming a separate body. The Executive Officer would report further on any implications for ERNLLCA and member councils.

The impact of the Transparency Fund for small councils on ERNLLCA's workload was reported on and the Executive Officer was instructed to write to NALC advising that ERNLLCA has no spare capacity to provide time to encourage non-member councils to access funding.

A raft of constitutional changes would be recommended to the membership at the 2016 Annual General Meeting.

The district committee discussed the disparities in size between parish councils in the East Riding.

RESOLVED: That the report is noted

E243 Quick Brief – Proposal to limit parish and town council precept increases

The Executive Officer referred back to the consultation circulated to all member councils regarding a Government proposal to apply referendum principles to parish and town councils precept increases exceeding 2%. The exceptions were explained and the stance both NALC and ERNLLCA has taken to oppose what is seen as unnecessary Government interference in local matters. The Executive Officer asked that councils send him any examples of where councils might be disadvantaged by the Government's proposals.

E244 ERNLLCA events

The district committee was briefed on the upcoming conference and evening training events.

E245 2016 Annual General Meeting

The meeting was viewed by those who had attended as a success. There was a high turnout and a good level of debate on the resolutions which were proposed although there were differing opinions about the number of resolutions any one council should propose.

E246 National Improvement Strategy

The Executive Officer explained the strategy being developed by NALC and the impact it might have on councils. Links were made to the Local Council Award Scheme and to local training delivered by ERNLLCA.

The district committee was of the view that a National Code of Conduct would help improve the delivery of the strategy.

E247 Open Forum

A: Bridlington Town Council

The Town Clerk explained that the town council has taken on the administration of the Remembrance Sunday commemorations and is working closely with the British Legion.

The Town Clerk also referred to the in-house training events delivered by ERNLLCA.

B: Flamborough Parish Council

Councillor Morton reported that a new Clerk would be taking over but that only nine places on the council were filled. In reference to the training held at Bridlington, he felt there was no appetite amongst Flamborough councillors to take advantage of training opportunities.

C: Langtoft Parish Council

Councillor Noble reported on the ongoing problem with the volume of heavy traffic on the main road. The Highway authority has stated that the road is too narrow for signage.

A successful bid to the Tesco Bags of Help scheme has seen a grant of £8000 awarded to help fund a MUGA.

E248 Agenda items for future meetings

Members suggested the Local Councils Award Scheme and the new Annual Return “sign off” requirements. The Chairman reminded everyone that if they would like an item to be included on the agenda, they should contact the ERNLLCA office.

E249 Dates of future meetings

RESOLVED: That the dates for the next meetings were agreed as –

- 11 April 2017
 - 11 July 2017
- with venues being secured across the district.

Signature	Date

QUICK BRIEF

Committees of Council

What can committees do?

A parish or town council committee can be useful in different ways. The most common are those of busier councils when there is no desire to call a number of full council meetings in a month, or to smaller councils for the convenience of being able to deal with business in the correct manner, once again without calling a meeting of the full council. For example, if a planning application arrives the day after the parish council meeting and the consultation period given by the local planning authority expires prior to the next meeting of the council, it is possible to set up a planning committee made up of three or more members with the delegated power to consider the application and resolve a decision on behalf of the council. It is important to remember that all decisions of the council must be made by those present and voting at a meeting of the council, this includes a meeting of a council committee.

What power is used?

This statutory power is given by virtue of the Local Government Act 1972, section 101, and by using this power it is possible to delegate functions to a committee.

Having established that a committee can legally be formed the next move is to govern the scope of that committee's remit. Section 102 of the 1972 Act makes clear that terms of reference for committees must be set. Do ensure that terms of reference are clearly recorded in written form, as it informs and clarifies for the members of the committee the extent to which they are authorised to act and it also keeps other councillors informed of that particular committee's remit.

It is important to use the correct terminology for committees: A Council appoints a committee and a committee appoints a sub-committee. It is the responsibility of the appointing body to set the terms of reference.

Restrictions and types of committees

There are very few restrictions on the types of issue that can be delegated to a committee, although a committee is not permitted to set the parish precept for a rate, nor borrow money.

There are differing types of committees. There can be advisory committees which do nothing more than fact find, gather information and make recommendations to council. It is permissible for non-councillors to belong to advisory committees as no decisions are being taken by this type of committee.

Other committees can have delegated authority to act on behalf of the Council, examples being a Personnel Committee or a Planning Committee.

If a council would like to include non-councillors on a committee, with voting rights, those persons will be governed by the Code of Conduct and must submit a Register of Interests for themselves, their spouse, their partner or person living as such.

Other powers relating to committee meetings?

All committee meetings should be convened under the same rules which apply to council meetings, i.e.

- a. Three clear days notice of the meeting to be given by posting a notice in a conspicuous place in the parish giving the time, date and place of the meeting.
- b. Councillors to receive a signed summons to the meeting which also includes the business to be transacted shown on the agenda. This has to be delivered to the councillor's usual place of residence or by e-mail (but only if so resolved by the council) at least three clear days prior to the meeting.
- c. Members of the press and public should be invited to attend, although the committee has power to exclude if it is felt that the issue being discussed is prejudicial to the public interest. There is no right to a period of public participation at committee meetings unless the committee opts to do so.

Standing Orders apply to committee meetings and these will include wording to the effect that:

- a. Committees be appointed for one year and be elected at the Annual Meeting of the Council
- b. Every committee shall elect a Chairman and Vice-Chairman
- c. The quorum of a committee must be stipulated
- e. Any standing orders on rules of debate adopted by full council, shall apply to committee and sub-committee meetings.
- e. Voting in committee meetings shall be by show of hands
- f. Chairmen of committee and sub-committees shall in the case of equality of votes have a second or casting vote. (Local Government Act 1972, schedule 12, para 39(2) and 44).
- g. Minutes of committee and sub-committee meetings must be kept (LGA 1972, schedule 12, para 41 and 44).

Committees cannot exceed their brief. To do so is to act unlawfully and will invalidate any "decisions" which were made.

Local Council Award Scheme

The Scheme was launched in 2015 by the Improvement and Development Board (comprising NALC, SLCC, DCLG) as a replacement for the lapsed “Quality Status” scheme.

There are three levels of accreditation:

- Foundation
- Quality
- Gold

which is achieved by means of “peer review” (i.e. a panel of suitably qualified and experienced Councillors and Clerks).

There are substantial changes from “Quality Status”: It is now very much a “member-led” exercise and is no longer simply an “admin” exercise for the Clerk. Councillors have to take ownership and lead the application process. Assessment is undertaken both at distance at Foundation level and largely for quality level. Assessment at Gold is at distance, by interview employees and councillors during and site visits.

There is a level to suit all councils. The three areas over which councils will be assessed at every level:

- Governance standards
- Engagement with the community
- Officer and Member development

At Foundation level a council will have to have the following Governance requirements in place:

- Lawful policies to meet statutory requirements
- Up-to-date Standing Orders and Financial Regulations
- Published Code of Conduct and up-to-date Members Interests
- A Publication Scheme
- The last Annual Return (unqualified)
- Payments’ publication to reflect your council’s position
- Calendar of meetings
- Published minutes
- Agendas
- Published budget and precept
- Published Complaints Procedure

Councils will also have to provide proof that they have in place:

- A risk management scheme
- A register of land and other assets
- Contracts of employment for all staff exist

The following Community requirements will need to be in place?

- Council contact details and councillor information
- The Action Plan for the current year
- Evidence of the council publicising its activities
- Evidence of engagement with the planning process

As regards Officer and Member Development, a council will have to provide proof of?

- Lawfully enforceable disciplinary and grievance procedures
- Policy for training new staff and councillors
- A record of all training undertaken
- A Clerk attaining 12 CPD points in the last year

At Quality level a council will have the following Governance requirements in place:

- Everything at Foundation level
- Draft minutes of all meetings produced within four weeks
- Health and Safety Policy
- Equality Policy

Councils will also have to provide proof that they have in place:

- A scheme of delegation (if relevant)
- Insurance policies that minimise the risk to public money
- Record of how any complaints in the last year have been addressed

The following Community requirements will need to be in place:

- Everything at Foundation level
- Community Engagement Policy
- Councillor profiles
- Grant awarding policy
- Annual Parish Meeting records
- Evidence in the form of an action plan of responding to the Community Engagement Policy and future-planning for the community
- Evidence of promotion of the democratic process
- Two-thirds of the councillors stood for election
- Published annual report available within the parish

As regards Officer and Member Development, a council will have to provide proof of:

- Everything at Foundation level
- "Qualified" Clerk
- Clerk (and deputy) on nationally or locally agreed terms and conditions of employment
- Appraisal system for all staff
- Full training policy or staff and members

At Gold level a council will have the following Governance requirements in place

- Minimum of a three-year business plan for revenue and capital expenditure
- Value for Money approach
- Evidence of meeting bio-diversity and crime and disorder duties

Councils will also have to provide proof that they are free from destructive internal conflict

The following Community requirements will need to be in place:

- Annual Report published
- At least four news bulletins a year
- Other on-line material
- All showing –
 - Engagement with diverse groups by a variety of means
 - Community Engagement leading to positive outcomes for the community
 - A broad range of council activities

➤ Constructive co-operation with other organisations

A council will also have to provide proof of evidence that the council provides local leadership in planning for the future of the community

As regards Officer and Member Development, a council will have to provide proof of:

- Nothing over and above that required by the Quality standard
- Evidence of the Council using performance management measures
- Performance management of each member of staff against the Council's Business Plan

All of the information above, **for all levels**, has to be accessible on the council's website

Costs:

£50 registration fee to NALC whatever the level

Accreditation fees:

	Small	Medium	Large
Foundation	£50	£50	£50
Quality	£60	£80	£100
Gold	£100	£150	£200

All fees are doubled for non-member councils

The classification of councils is:

- Small council – annual income less than £25,000
- Medium council – annual income of £25,000 to 250,000
- Large council – annual income of over £250,000

The Accreditation process

- Submit application to NALC, which informs ERNLLCA
- A group of Panel members appointed to carry out the assessment
- Most of the work carried out by electronic analysis
- Panel members may ask questions through the Executive Officer, there will be no direct contact with councils other than interviews or site visits for the highest levels.
- Certificate issued on achieving the award
- Charter mark issued
- Independent appeal process available
- Accreditation lasts for four years (three-month transition period)
- Standards must be maintained – accreditation can be withdrawn

Can member councils obtain guidance on their application from ERNLLCA?

General advice will always be provided through the Desktop Advisory Service. If a member council wishes a pre-assessment review of their application, it may be possible to carry this out but will always be subject to staff availability. There would have to be a charge for such a service and officers would not be available to attend evening meetings to address any issues within an application.

To cover such circumstances, the Executive Committee has agreed the following:

- Foundation – a charge of £30 and a per hour charge for additional support, at the judgement of the Executive Officer, plus VAT;
- Quality – a per hour charge of £22 plus VAT;
- Gold – a per hour charge of £22 plus; any mileage costs that may be incurred in visiting the council (to include a charge of one hour to cover the time spent on an average journey in the ERNLLCA area); plus VAT.

Changes to the adoption of the Annual Return

The following letter has been sent to all member councils.

“You will recall that last year I alerted you to upcoming changes to the adoption of the Annual Return. These changes apply to all parish and town councils, irrespective of any exemption from submitting the Annual Return to the External Auditor, and were also explained at district committee meetings held during 2016. Additionally an explanatory presentation was given at ERNLLCA’s conference last November.

In summary, councillors must now go through a more thoughtful process when satisfying themselves that the council’s governance arrangements for the control of finances have been all that they should be. You will note that I have used the term “councillors” and not “council”. That is very deliberate because the changes place responsibility on councillors themselves to make a series of joint assertions about governance standards.

These changes arise from the Local Audit and Accountability Act 2014 and are compulsory as part of the approval of the Annual Return for 2016/2017 onwards.

At the meeting at which the Annual Return is approved, councillors must first go through a series of assertions. These have been developed by the Joint Practitioners Advisory Group (known as JPAG) which is the body responsible for issuing proper practices for financial management in relation to parish and town councils. The membership of that body includes (amongst others) the Department of Communities and Local Government; the Chartered Institute of Public Finance and Accountancy and the National Association of Local Councils.

To help member councils engage with the assertions which have to be made, ERNLLCA has devised the enclosed checklist. The assertions are simply a more detailed break-down of those which have previously been part of Annual Return but now require a more considered approach by councillors. Where it is not possible to answer “Yes” to an assertion, a council should add to the pro forma a summary of what steps it will take to make improvements. The document should then be held by the council and is open to inspection by any member of the public. Your Internal Auditor will be aware of this change and may wish to inspect the document.

ERNLLCA appreciates that this places an extra burden on councillors’ shoulders and that is why we have tried to help by designing this document. Whilst councillors must make the assertions, it is council which will resolve the adoption of the document. Where there is dissent about any assertion, councillors can use existing rights to challenge any decision.

Please note that this document has been designed by ERNLLCA for use by member councils only. Clerks who may also be employed by councils not in membership are prohibited from using this document for those councils as its use is only indemnified for member councils”.

Copies of the “Assertions” pro-forma can be accessed from the ERNLLCA website.