

# ERNLLCA

East Riding and Northern Lincolnshire  
Local Councils Association

3 April 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](mailto:enquiries@ernllca.info) where they will be put in 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 **North East Lincolnshire District Committee** will be held as follows:

**Date:** Thursday 20 April 2017  
**Time:** 7.30pm  
**Venue:** Stallingborough Village Hall

The hall is situated on Station Road opposite Holly Close. There is on-street 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 26 October 2016
- 3 Matters arising from the minutes
- 4 Executive Committee report (attached)
- 5 Quick Brief - Committees
- 6 Changes to the adoption of the Annual Return
- 7 Disclosable Pecuniary Interests
- 8 Open Forum (time permitting and at the Chairman's discretion)
- 9 Agenda items for future meetings
- 10 Agreed date of next meeting:
  - 19 July 2017

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

**NORTH EAST LINCOLNSHIRE DISTRICT COMMITTEE**

**Minutes of the meeting held on 27 October 2016  
at Healing Village Hall**

- Present:** Councillor F. Hasthorpe in the Chair  
Councillors H. Hall & J. Baron (Humberston PA); J. Bratton & M. Hodgkins (Barnoldby le Beck PC); and L. Connolly (Waltham PC)
- Apologies:** Councillors M. Archer (Waltham PC); G. Fox (Immingham TC); V. Turner, X. Turner & A. Poppleton (Bradley PC)
- Clerks – D. Weatherill (Laceby PC)
- Officers:** A. Barker, Executive Officer

**I380 Welcome**

The Chairman welcomed everyone to the meeting.

**I381 Minutes of the meeting held 21 July 2016**

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

**I382 Matters arising**

There were no matters arising

**I383 Executive Committee report**

The Executive Officer 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.

Reference was made 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. Clarification was sought as to advice issued by SLCC and the Executive Officer confirmed that the Society issues advice to its members, which are the Clerks, and not to 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.

**RESOLVED:** That the report is noted

#### **E384 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.

#### **E385 ERNLLCA events**

The district committee was briefed on the upcoming conference and evening training events. The Chairman stressed the value of attending such events.

#### **E386 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.

#### **E387 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. Concerns were expressed from committee members that an approach of this nature might put off more people standing as parish councillors.

#### **E388 Open Forum**

##### A: Barnoldby le Beck Parish Council

Members of the parish council raised the issue of Devo Deals, the creation of a "Greater Lincolnshire", the impact this will have on ERNLLCA and whether or not parish councils on the south bank should be members of the Lincolnshire Association. The Executive

Officer confirmed that the wishes of member councils would dictate any changes but that there would be some constitutional hurdles to be overcome.

B: Humberston Parish Council

Councillor Hall drew attention to the new village hall which was well underway. He referred to challenges experienced by the council with regard to the decisions of the Conservation Officer at NELC and the fact that no appeal seems to be possible.

**E389 Agenda items for future meetings**

Members asked that an explanation of Disclosable Pecuniary Interests be given at the next meeting.

**E3909 Dates of future meetings**

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

- 20 April 2017
- 20 July 2017

with venues being secured across the district.

Signature	Date

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

**Report title:** Executive Committee report

**Report prepared for:** North East Lincolnshire District Committee

**Agenda number:** 4

**Date:** 20 April 2017

**Status:** Open

**Report prepared by:** Alan Barker

**Recommendations:** That the report is received

The most recent meeting was held on 12 December 2017 at which the budget and membership fee level for 2017/2018 was set. The Executive Committee resolved that ERNLLCA membership fees should be increased by 2%. NALC had increased its membership fee by 1.97% and give the complex manner in which overall membership fees are calculated, some councils will experience a rise of under 2% and some over that figure.

It was also agreed that there would be no increase in the training fee for larger councils which stands at £37.50+VAT and is in line with that charged by other county associations. The fee of £15+VAT for small councils was considered to be quite low and will be increased to £18.75+VAT, making it half that of the full charge and therefore in line with our pricing structure for conference attendance.

The delegate fee for conferences will be held at £85+VAT and ten places will be reserved at £42.75+VAT each for small councils. NALC charges in excess of £200+VAT for a day conference and, more locally, the Yorkshire Local Councils Association charges £130. However the Executive Committee was of the opinion that these are unlikely to be acceptable levels of fee for our member councils.

The Executive Officer briefed the Committee on progress in helping eligible councils access Transparency Code funding. ERNLLCA has managed to secure, for councils, the second highest level of funding in the country but a disproportionate amount of time has to be allocated to this project. Funding has been secured to help pay for additional hours of office time for the last quarter of 2016/2017. The Committee was advised that the vast majority of eligible member councils had received funding but there remained a small group of member councils which seemed unwilling to access the funding which is available.

The vast majority of councils which had not applied for funding were non-member councils and the funding secured by ERNLLCA for itself will be used to target those councils.

It is highly unlikely that ERNLLCA will be able target non-member councils in 2017/2018 as it appears there will be no funding available to ERNLLCA to pay for additional staff time.

As part of its risk management review, The Executive Committee resolved to extend its public liability exposure to £5,000,000 following an observation from its auditor. It was furthered agreed that ERNLLCA should put in place its own professional indemnity insurance and not rely on the cover provided by NALC.

The Grievance and Disciplinary training evenings, delivered in the late autumn, were both a success and a failure. The topic was chosen because of a clear and demonstrable need, evidenced by enquiries raised with the Desktop Advisory Service. One venue was booked in North East Lincolnshire, that being Grimsby which is central for all councils. Two venues were booked in North Lincolnshire and five in the East Riding. The Burringham venue was cancelled because there was no take-up. Only three had booked into Wilberfoss and had to be cancelled. Attendances were as follows:

Grimsby	20 booked in (2 did not attend)
Barton upon Humber	7 booked in
Elloughton cum Brough	8 booked in
Goole	9 booked in
Driffield	3 booked in
Hedon	15 booked in (2 did not attend)

The feedback from the six events was very positive but helping councils to resolve employment problems remains the single biggest area of enquiry to the Desktop Advisory Service, accounting for 17% of the total number of enquiries made of ERNLLCA.

Sixty-three delegates attended the annual conference on 18 November 2016. The conference proved to be the most difficult staff had ever managed. The last-minute withdrawal of a speaker and a near last-minute re-arrangement of another session resulted in more time than ever before being allocated to the preparation of the day. That, coupled with the mystery of Clerks assuring ERNLLCA they had sent in booking forms but those strangely never actually being received, added to the pressure! Feedback, generally, was very good. There were some pockets of negativity around specific speakers and topics but these were in a minority. The Executive Committee was baffled by a number of pieces of feedback which centred on how useful it would be if councillors could meet informally and discuss issues of common interest, share practice and learn more about the work of ERNLLCA. Perhaps some form of district committee meetings could be created!!! The executive Committee questioned whether responses of this nature infer that the majority of councillors are told about the district committee meetings.

Reports were received from ERNLLCA's delegate to the National Association of Local Councils and from the delegates who attended the Annual General Meeting which was held in Birmingham.

## **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.

## 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.

## Disclosable Pecuniary Interests

A request was made at the last meeting of the committee that a briefing is delivered on Disclosable Pecuniary Interests (DPI's).

Section 30 (3) of the Localism Act of 2011 empowered the Secretary of State to issue regulations in respect of DPI's. These take the form of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are listing as being:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the authority of which the member is a member) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.</p> <p>“Relevant period” means the period of 12 months ending with the day on which the member of an authority gives a notification to the monitoring officer for the purposes of section 30(1) of the 2011 Act.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between (i) the member, (ii) the member's spouse or civil partner, (iii) a person with whom the member is living as husband and wife, or (iv) a person with whom the member is living as if they were civil partners, (or a body in which any of these persons has a beneficial interest) and the member's authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> <p>“Body in which any of these persons has a beneficial interest” means a firm in they are a partner or a body corporate of which they are a director, or in the securities of which they have a beneficial interest.</p>
Land	Any beneficial interest in land which is within the area of the member's authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the member's authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member of an authority's knowledge)— (a) the landlord is the member's authority; and (b) the tenant is a body in which the member and the member's partner as referred to in respect of s.30 (3) of the 2011 Act and the contract section above has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the member's authority; and  (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member or the member's partner as referred to in s.30 (3) of the 2011 Act has a beneficial interest exceeds one hundredth of the total issued share capital of that class.  "Securities" is defined in the Schedule to the 2012 Regulations as shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

DPI's, like all interests, apply:

- A. at meetings of the councils and its committees or sub-committees;
- B. when a councillor is acting as a representative of the council;
- C. in discharging their functions as a councillor;
- D. at briefing meetings with officers; and
- E. at site meetings

Councils are reminded that failure to register a "disclosable pecuniary interest" in accordance with s.30 of the 2011 Act is a criminal offence

The Localism Act provides that if a member or co-opted member of a parish council is aware that he/she has a disclosable pecuniary interest on a matter being considered at a meeting, he/she is barred from participating in any discussion or voting on it. On the advice of ERNLLCA, parish and town councils within North East Lincolnshire adopted the Code of Conduct of the principal authority. That Code states "you must withdraw from the chamber whilst the matter is being discussed and voted on". Participation in the discussion or voting on a matter in which he/she has a disclosable pecuniary interest is a criminal offence.

It is possible for dispensations to be granted in the appropriate circumstances. It is ERNLLCA's advice that the granting of dispensations is a Proper Officer function and a parish or town councillor may be granted a dispensation by the Clerk if, having had regard to all relevant circumstances, he or she considers that:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
- (b) without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote; or
- (c) granting the dispensation is in the interests of persons living in the Council's area;  
or
- (d) it is otherwise appropriate to grant a dispensation.

It is advisable that an application for a dispensation should be made in writing and ERNLLCA has provided a pro forma for that purpose.

Disclosable Pecuniary Interests are set by the Secretary of State and ERNLLCA is not aware of Monitoring Officers having discretionary powers to amend those listing within the regulations.