

ERNLLCA

East Riding and Northern Lincolnshire
Local Councils Association

Newsletter November 2011

ERNLLCA OFFICE RE-LOCATION

Some of you may be aware that our landlord, Humber & Wolds Rural Community Council, has served notice on ERNLLCA to quit the office space we have occupied since 2007. We are required to vacate our office by 31st January 2012.

The decision has been taken to try and find suitable office accommodation within Barton and efforts are under way to secure premises. There are a number of advantages in remaining in Barton, not least of which is the fact that we can retain the same telephone number. There are also issues of cost to take into account in that an office move was not budgeted for, in the current financial year, and office rental prices within the Barton area are more likely to be within ERNLLCA's reach.

Negotiations are at an advanced stage and it is hoped an announcement can be made in the very near future as to where ERNLLCA will be located.

We will make every effort to minimise the disruption to services whilst the physical move takes place but member councils will be informed of any time period where the organisation cannot be contacted.

Last call to Government to re-think controversial planning proposals

As the consultation on the draft National Planning Policy Framework drew to a close, the presumption in favour of sustainable development continued to court controversy as it was claimed the document failed to fully explain what defines such a site. Opponents to the reforms suspect that, by ordering councils to assist developments to go ahead, Ministers risk encouraging development on sites that would have otherwise been protected.

The Town and Country Planners Association said, "A truly fit for purpose planning system must be explicitly democratic, reconciling tensions between national need for housing and economic recovery on the one hand and local aspirations on the other. A strong plan-led system should be the cornerstone of local decision-making". The Planning Officers Society welcomed "shorter and more focused" planning policy but warned the NPPF as currently drafted would "slow down and not speed up the planning system". Planning Minister, Greg Clark MP, said he would listen to the issues highlighted in the debate, as well as taking into consideration the evidence presented during the consultation period, which closed this week.

To date, the National Trust has been one of the most vociferous opponents, and has already asked its 3.1 million members to sign a petition against the planning reforms. Other pressure groups, such as the Campaign for Better Transport and the Campaign to Protect Rural England, have claimed the reforms will lead to congestion, urban sprawl and the digging up of greenbelt land and the countryside.

Mr Clark said, "Our reforms are intended to simplify the system, strengthen local participation and to help achieve sustainable development. "The planning system has always enshrined the principle that the economic, environmental and social dimensions of sustainable development should be considered in a balanced way – and it will continue to do so."

The Localism Act received Royal Assent on 15 November 2011

The key measures within the Act are highlighted as:

General Power of Competence: This power will give local councils the chance to deliver more for their communities based on residents' needs. Discussions will continue with Government and other stakeholders to agree suitable and appropriate eligibility criteria for the power reflecting existing training and qualifications and based on reductions in red tape.

Standards: The Act abolishes Standards for England, however local councils will still be required to draw up a code of conduct. Such a code of conduct must be consistent with a set of principles set out in the Act and based on the Nolan principles. Local councils will be able to revise their existing code of conduct or adopt a code of conduct to replace its existing code of conduct. As this is a matter of particular interest to local councils, further guidance will obviously follow in due course.

Predetermination: This measure is aimed at reducing the risk of pre-determination against councillors. The proposed provisions should increase the scope for local councillors to represent the views of their residents and to vote on these issues. Again, further guidance will obviously follow in due course.

Community right to challenge: Provides local councils with the right to express an interest in taking over the running of a local authority service and that a principal authority is obliged to consider and respond to this challenge.

Community right to bid: The Act requires that principal authorities maintain a list of assets of community value. When listed assets come up for sale or change of ownership, the Act gives local councils the time to develop a bid and raise the money to bid to buy the asset when it comes on the open market.

Neighbourhood Planning: Significant reforms to the planning system and a new enabling role for local councils in the development of Neighbourhood Plans and Neighbourhood Development Orders. There are measures contained in the Act to require prospective developers to consult communities before submitting applications for some developments.

Community right to build: The Act gives groups of local people the power to deliver the development that their local community wants. Community organisations, including local councils, will be able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate support, can go ahead without a separate planning application.

Community Infrastructure Levy: Provisions to allow funds from a community infrastructure levy to be transferred to an agency – specifically local councils where they exist – other than the local planning authority. Government is being pressed for regulations which properly support this measure and also allow for a meaningful proportion of funds going to local councils. Related infrastructure could then be supported regarding developments in these corresponding areas.

Reform of council housing finance: Under the Act, rent raised from social housing can now be kept by principal authorities to be used locally to maintain social housing.

Other Measures: The proposed reforms to parish poll legislation have not been enacted. These were part of a wider package of measures regarding referendums and were removed from the Bill prior to Royal Assent. However the National Association will continue to press for reforms to the current rules.

Different parts of the Act will come into force at different times. As explained above, the Government still needs to determine specific rules and regulations on how the community rights will work. These rights are expected to come into effect in April 2012.

The National Association will continue to work with the Government and the Department for Communities and Local Government on the development of regulations and on implementation of the Act. Further Briefings will also be issued in due course.

A copy of the Act is available at:-

http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf

Unfair dismissal qualifying period

The Coalition Government has announced that the qualifying period for the right to claim unfair dismissal will be increased from one to two years on 6 April 2012.

The Government's view is that a two year qualifying period combined with other measures should reduce unfair dismissal claims by about 3,000 each year. The other measures will be contained in the Government's response to the consultation on its proposals for bringing greater flexibility into the labour market - 'Resolving Workplace Disputes'. The consultation document can be viewed at:

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/r/11-511-resolving-workplace-disputes-consultation.pdf>

Small councils and PAYE systems

In February 2011, HM Revenue & Customs (HMRC) issued guidance 'Parish Council and Community Council Clerks PAYE Implementation' which confirmed that office holders such as Proper officers (Clerks) and Responsible Finance Officers are taxed under PAYE and that Councils must register as an employer with HMRC and operate PAYE for tax and NIC purposes.

On October 13th 2011, HM Revenue & Customs issued the following Press Release: "HMRC are aware that a small number of Parish Councils registered for PAYE in response to the guidance before 6 April 2011, without realising that this would mean they would have to submit a P35 Employer Annual Return for 2010-11. This has caused some parishes to have incurred a liability to penalties for non-return of a 2010-11 P35 when in fact no 2010-11 P35 is due. HMRC is sympathetic to parishes' situation and has briefed a team to handle this issue so that parishes are not disadvantaged in any way.

If parishes receive a penalty notice for non-submission of a P35 as a result of the circumstances outlined above, they should contact Ian McDonald as below to ensure that the penalty is cancelled.

Ian McDonald, BP4009, Chillingham House, Benton Park View, NEWCASTLE-UPON-TYNE, NE98 1ZZ

Any council affected by a Penalty for non-completion of a 2010-11 Form P35 Annual Return for PAYE should contact Ian McDonald as set out above.

Government scraps plans for local referendums

The Government has dropped provisions in the Localism Bill that would have enabled small local groups to call referendums.

Speaking as the House of Lords debated the Bill, Local Government Minister, Baroness Hanham, said she had "listened to the concerns and anxieties that were raised...about the expense" and decided "local referendums do not need to have a place within this Bill". The clauses would have allowed just 5% of voters in an electoral ward to trigger a non-binding local referendum on any subject.

Hanham's climb down followed objections from all the main parties. Liberal Democrat, Lord Greaves said holding such advisory referendums "would be very expensive in relation to its value. They could distort the outcome of local elections if they ran in tandem with them, or cause extra costs if held separately", he added. He also warned that they would be "open to abuse by extreme groups", and that councils would find it hard to refuse to hold "large numbers of referendums on all kinds of things".

Labour's Lord Beecham, a former Chair of the Local Government Association, said the Bill would have allowed small minorities to "engender petitions on any subject under the sun, at any time and at any cost".

The withdrawal of the proposal does not affect referendums on the creation of elected mayors or on planning policies, which are dealt with elsewhere in the Bill.

Shaw's And NALC join forces to offer substantial discounts to local councils

From 1 December 2011, Shaw & Sons Limited will be offering considerable discounts to Association member councils with special enhancements to member councils who have achieved Quality Status.

Shaw's are suppliers of specialist products and services designed for local council use, helping to save busy clerks both time and money. Amongst these is a wide range of off-the-shelf forms, records and registers for day-to-day administration, as well as bespoke services such as the binding of loose council minutes and the supply of freedom scrolls and heraldic artefacts.

Since the company was established in 1750, Shaw's have been committed to serving local council needs. They are pleased to be offering a 15% discount to all Quality Status member councils – and a 10% discount to all other member councils – against all stock forms, records and registers.

For a limited time only, Shaw's will extend the discount to apply to all bespoke products and services for local councils. Please note that this offer will end on 31st May 2012.

Every parish, town and community council has account facilities with Shaw's. Orders may simply be placed by calling: 01322 621100 or emailing sales@shaws.co.uk. Membership of the Association – and whether the council has achieved Quality Status – must be proven at the time of ordering to qualify for the discount.

For more information, please contact Kelly Young, Marketing Manager, on 01322 621114 or kelly.young@shaws.co.uk. Further information about Shaw & Sons Limited can be found on their website, www.shaws.co.uk.

Local Authority Cemetery and Crematoria Memorials & VAT

A change in VAT category is to take effect from 1st April 2012. Following a review of the special legal regime (Local Authorities Cemeteries Order 1977) the supply of memorials by local authorities in their cemeteries (previously outside the scope of VAT) is to be taxable at the standard rate, and therefore will also count towards the registration threshold.

Standard rated supplies of memorials for a charge means the supply, erection and inscription of headstones (1/4/12 onwards); the supply of a memorial within a garden of remembrance; and the supply of a memorial bench.

Flood defence funding slashed as risks rise

A “huge funding gap” is emerging in England's flood protection work, Public Accounts Committee has warned. Speaking today as the National Audit Office (NAO) issued a report, [Flood risk management in England](#), it stated “The annual cost of flood damage is £1.1bn and one in six properties in England face this threat, but they are being put at risk through reduced funding and a lack of technical expertise.” The NAO said some 5.2 million homes were potentially at risk.

It is claimed that DEFRA spent £664m on flood defences in 2010/11 and it needed to increase this by £20m each year to 2035 to cope with anticipated threats. Instead, funding had been cut by £100m this year. Local authorities spent a further £101m from formula grant on flood works, but private sector sources contributed only £3m last year.

County and unitary councils were handed responsibility for managing local flood risks after the severe inundations of 2007 exposed weaknesses caused by previously overlapping roles between agencies. Other public bodies, including the Environment Agency, are under a duty to co-operate with them.

The NAO noted: “If central government funding does not increase after 2014/15, maintaining and improving current levels of flood defence will increasingly depend on significant additional funding being secured locally”. It said the prospect of this happening was “unknown” and that the local authorities it consulted “voiced considerable concern about securing sufficient local funds, especially in the current economic climate”.

David Rooke, Acting Director of Flood and Coastal Risk Management at the Environment Agency, said: “We will continue to make improvements to enhance the effectiveness and value for money of our services to the public at risk of flooding.”

DISTRICT COMMITTEE MEETINGS

Below is the schedule for the next round of District Committee meetings.

DISTRICT	DATE	TIME	VENUE
East Riding - North East	Tuesday, 10 January 2012	7.30pm	Cass Hall, Driffield
East Riding - Central	Wednesday, 11 January 2012	7.00pm	Town Hall, South Cave
North Lincolnshire	Thursday, 12 January 2012	7.30pm	Pittwood House, Scunthorpe
East Riding - Holderness	Tuesday, 17 January 2012	7.30pm	To be arranged
East Riding–West	Wednesday, 18 January 2012	7.30pm	Pocklington Town Council
North East Lincolnshire	Thursday, 26 January 2012	7.00pm	Grimsby Town Hall



Minute Taking for Clerks

ERNLLCA is to provide training sessions in the early part of 2012 for Clerks on effective minute taking. Clerks have been contacted in order to gauge interest and already there has been a substantial positive response. It is planned that the sessions will be delivered in locations which are central to those who have expressed a wish to attend.

The sessions will cover the statutory requirements, listening skills, précis writing, good practice styles and presentation.

Membership Fee Levels for 2012-13

The ERNLLCA Executive Committee will meet on Saturday, 26 November 2011 and at that meeting it will set its budget for 2012-13. Once that has been agreed it will be possible to calculate the level of membership fee to be levied next year. It is expected that we will be able to advise you of that figure during the first week in December.

OFFICE CLOSURE



Please note the ERNLLCA office will be closed on Thursday 8th and Friday 9th December 2012.