



# NEWSLETTER

No.111 - November 2006

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## CHAIRMAN'S MESSAGE

Thank you to all our members who joined us at Middlewich for our Annual Meeting - a well attended event with 86 representatives from over 50 councils. At the meeting I reported on the further successes we are having with increasing numbers of town and parish councils attaining Quality status, slow but steady trends towards the establishment of new parish councils and the continuing engagement in regional matters where these impact on Town and Parish councils.

The meeting was asked to approve the 5 Year 2005-10 Strategic Plan with its accompanying financial consequences. It was stressed that this was a strategy and that the actions arising from it will be developed over the forthcoming year. In determining the plan I supported parishes who were keen to ensure that there were adequate resources to provide a reliable and speedy response to their queries. This has been achieved during the past year through 'project' funding which has meant we have had a full time presence at the office in Burleydam. By its nature this method of funding is insecure and was the reason we had to make a proposal for meeting its costs from increases in the affiliation fees which were presented to the meeting by the Finance Committee Chairman, Brian Kerr.

The active participation in Association affairs by Town and Parish councils through their Areas meetings is essential for ensuring that the Association through its Executive Committee undertakes its duties responsibly and fully reflecting the wishes of you, the membership.

**ROGER PARKIN**  
COUNTY CHAIRMAN

## STOP PRESS... STOP PRESS ... LOCAL GOVERNMENT WHITE PAPER *STRONG AND PROSPEROUS COMMUNITIES*

The long awaited paper is now with us. Below is set out the key points that have emerged from the earliest of readings of the document. We will be working with our members over the next few weeks on the opportunities that are afforded by the changes.

Our thanks to NALC for the following briefing and in particular the Senior Policy Officer – Michael Green.

### Key points:

- The process for creating parishes will be devolved to councils with a presumption in favour of creation.
- Communities in London will be given the same right to establish parishes as exists elsewhere, subject to considerations of community cohesion.
- The power of well-being will be extended to Quality Parish Councils.
- Government will remove the Secretary of State's powers on bye-laws, and establishing parish councils.
- The White Paper encourages "consultation of citizens and communities – about the shape of local services and policies using, for example, surveys, focus groups or neighbourhood and parish plans"
- Local charters for neighbourhoods to be promoted in all areas and the White Paper states these are "greatly enhanced where

there is a process of neighbourhood or parish planning in operation”

The White paper also includes references to:

- Charters will typically take the form of a voluntary agreement between a local authority and a local community. They can be developed through a parish council, residents’ association, or other neighbourhood.
- The White Paper includes a section on Community and parish councils, stating that “Parish councils are an established and valued form of neighbourhood democracy and management. They are not only important in rural areas but increasingly have a role to play in urban areas”. They propose to build on the existing parish structure, so as to improve its capacity to deliver better services and represent the community’s interests. Parish councils already have powers to provide a variety of local services important to their communities. These include keeping their area clean, providing attractive public spaces and dealing with anti-social behaviour. Local authorities can delegate additional functions and budgets to a parish council.
- Government intends to extend the power of well-being to all parish and town councils which satisfy criteria based on the Quality Parish scheme.
- At present parishes are created by Government and the Electoral Commission based on the recommendations of a review carried out by the local district or unitary council, or in response to a petition by local residents. They will simplify and speed up this process by devolving the power to create parishes to district and unitary authorities, allowing them to implement the recommendations of parish reviews and to respond to petitions from local communities. They will make it clear that there will be a presumption in favour of the setting up of parish councils so that local authorities will be expected to grant communities’ requests to set up new parish councils, except where there are good reasons not to, and that existing parish councils are not to be abolished against the wishes of local people.
- They will broaden local authorities’ review powers, so that in the course of a review they will also be able to consider whether other forms of community governance are more appropriate.
- Uniquely, communities in London are denied the option to form parishes, they intend to give them the same rights to have a parish council as the rest of the country. As with all other parts of the country, local authorities will need to consider the impact on community cohesion when deciding whether to create a parish in London.
- They will offer parishes a wider range of alternative names. They are currently restricted to using either “parish”, “town” or “city” council. They will extend the list of permissible names to include “community”, “village” or “neighbourhood” as well. This step will help reduce confusion, particularly in urban areas, about links to ecclesiastical parishes.
- The expectation is that local authorities will involve the voluntary, community and business sectors, parish councils, and other local public service providers in both the design and delivery of Sustainable Community Strategies and LAAs.
- They will exempt all parish councils from best value, applying the principle of proportionality.
- They will establish a new more locally-based conduct regime, with a streamlined

Standards Board having a refocused role as a light touch regulator.

- Other proposals on Councillors rights to comment on Licensing and Planning may be relevant.

If you would like to review the document for yourself then the link to Strong and prosperous communities - The Local Government White Paper - [www.communities.gov.uk/index.asp?id=1503999](http://www.communities.gov.uk/index.asp?id=1503999) will enable you to access a copy of the White Paper.

## A PROBLEM SHARED IS A PROBLEM HALVED ...

You might be surprised at the number of times the same questions are answered by the County Office Team – let's face it – it should not really be too surprising as we are all working in the same field. We thought it might be helpful if we picked out some of the topical questions and answered them through the pages of this newsletter. DO PLEASE let us have some feedback on this idea – let us know if you think it is a good idea and if you find it useful – or perhaps you don't – either way ... let us know.

We will kick off in this edition with a query regarding casual vacancies:

***“We are facing elections in May 2007 and we have just realised that one of our Councillors will be facing ‘eviction’ under the ‘six month rule’.***

### ***What should we do?”***

There are two issues that we need to consider here – one is ‘What is the six month rule’ and are there any special issues with regard to filling the vacancy given that it will be less than six months

until the next formal elections?

If a member fails – throughout six consecutive months (note – that may be different than six consecutive parish/town council meetings) to attend any meetings of the council or of its committees or sub-committees of which s/he is a member, s/he ceases automatically to be a member of the council (*Local Government Act 1972 s85(1)*) unless the reason is approved by the Council. This means, of course, that reasons for absence need to be given and the Council needs to formally approve the reason for absence. It is not, however, necessary for the Council to approve reasons for absence at every meeting although it is good practice for each Councillor to give reasons if absent. The period of absence begins with the last meeting attended (*LGA 1972 s85(1)*).

When it comes to casual vacancies (those arising during the 4 year period between elections) there is a formal procedure that needs to be adopted. The electoral registration department of your Borough Council must be advised within a reasonable time. The vacancy then needs to be advertised in the usual manner (i.e. on the Council noticeboards etc) (*LGA 1972 s87(2)(b)*). If a poll is claimed by ten electors within fourteen days of the notification (not counting Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday and any day of public thanksgiving or mourning!) and it cannot be claimed within six months of the day when the councillor whose office is declared vacant would ordinarily have retired. If no poll is claimed the council fills the vacancy by co-option as soon as practicable. **If the vacancy has less than six months to run** the Council may co-opt but is not bound to do so (*Local Elections (Parishes and Communities) Rules 1986/2215 r8(3)*).

When it comes to voting on casual vacancies there are one or two points to consider – the first is can this be considered as Part B? The use of Part B is particularly limited to items such as confidential staffing matters; on-going legal proceedings by or against the Council and tendering for example – not wishing to speak your mind in front of members of the public is not a

legitimate use of Part B! Secondly a successful candidate must have an absolute majority vote of those present and voting (*LGA 1972 Sch 12 para 39*). If there is more than one vacancy and the number of candidates equals the number of vacancies they may all be filled by a single resolution. If, however, the number of candidates is greater than the number of vacancies each vacancy must be filled by a separate vote or series of votes. If there is one vacancy and one candidate the Council is not obliged to vote for that candidate – the majority rule still applies!

If you need to discuss your individual circumstances with regards to casual vacancies, contact Jackie Weaver at the County Office (contact details at bottom of page).

**JACKIE WEAVER**  
**CHIEF OFFICER - CHALC**

## **NATIONAL MINIMUM WAGE**

The National Minimum Wage has increased again from 1 October 2006 as follows:

- The main rate for workers aged 22 and over will increase from £5.05 an hour to £5.35.
- The development rate for 18-21 year olds will increase from £4.25 an hour to £4.45.
- The development rate for 16-17 year olds will increase from £3.00 an hour to £3.30.

For most of our Councils this information may seem unnecessary as the current base rate for payment of Clerks salaries (SCP15) is £7.846 per hour but we must remember that the hourly rate is only part of the equation. If the number of hours required to complete the work allocated creeps up you could find a situation where the amount paid per annum divided by the number of hours required to be worked results in the hourly rate actually dropping below the £5.35 limit. Look out for this and if you are in any doubt as to how your Council fares,

contact the County Office for confidential, personal advice.

Further information can be found on the DTI website at the following link <http://www.dti.gov.uk/employment/pay/national-minimum-wage/index.html> or by calling the National Minimum Wage Helpline on 0845 6000 678.



## **VACANCIES:**

The following Councils have vacancies for Clerks. If you are interested in applying (or if you know someone who might be) then get in touch using the individual contact details below:

### **HUXLEY PARISH COUNCIL**

Applications are invited for the above post from persons capable of taking full responsibility for the administrative, financial and other aspects of Council business - including attendance at evening Council meetings (usually 6 per year). Computer literacy and internet connection preferred and liaison with chairman essential.

The salary is based on 1.5 hours per week @ £7.856 per hour.

Telephone 01829 781112 or e-mail [huntic@krian.freeserve.co.uk](mailto:huntic@krian.freeserve.co.uk) for further details.

### **DELAMERE PARISH COUNCIL**

Number of hours per week: Varies! Average 3. SCP 15 (review pending!)

Any additional information: Meetings on third Monday (evening) of each month except August.

Contact details: Jenny Harrison, tel: 01829 752 221 email: [jennyharrison@btinternet.com](mailto:jennyharrison@btinternet.com)  
Replies as soon as possible - it is hoped to interview candidates on November 20<sup>th</sup>.

### **WINSFORD TOWN COUNCIL**

*Details of this vacancy are enclosed with the mailing of this newsletter – if you would like an additional copy please contact the office (details below)*

