

Cheshire County Council, as Highways Authority, is in the process of developing a policy and procedure for dealing with Alley Gating on routes which are recorded as Public Rights of Way on the definitive map or adopted highway on the List of Streets.

The consultation period for this 'officially' closes on the 16th November 2007 but the County Council have indicated that they would be willing to take comments until December 2007.

The policy document is some 35 pages long but can be accessed at:

www.cheshire.gov.uk/roads/HighwaysServices/all_ey_gating.htm

If you experience any difficulties with this or would prefer a paper copy or would like further information on any aspect of the policy please contact Mr Paul Parry, Development Control Officer, Engineering Service

Phone: 01244 973607
Email: paul.parry@cheshire.gov.uk
Fax: 01244 603608

CONGLETON TOWN GAIN INTEGRATED MANAGEMENT STANDARD

Congleton Town Council have recently been accredited under the advance standard of an integrated management system called ADEPT, being one of only two local councils to use the system so far and the first to gain the Adept plus level. Town Clerk Ian Fynn says " Using this framework has really honed up the way we manage the council's business and has ensured quality, engagement of our staff, safety and the environment are integrated into our everyday work."

Adept was developed by South East Cheshire Enterprise Ltd.(SECE), originally for small and medium businesses which wanted the benefits available from an effective quality management system, but were not yet ready to take on the more formal systems such as ISO 9002 or Investors in People. Perhaps put off by the perceived bureaucracy and paperwork required or the demand on limited resources.

A version aimed specifically at local councils has now been developed, which it intended will

complement the aims of the Quality Parish Councils Initiative, but focussing on business rather than governance issues.

ADEPT is a practical approach to an Integrated Management System which ensures that Quality, Safety and the Environment are central to how an organisation is operated and to encourage and assist continuous improvement. It was not designed to compete with other quality initiatives or standards such as ISO 14001 (Environmental Management) and OHSAS 18001 (Health & Safety), but to incorporate many of their key principles. It is intended to help develop a quality culture within organisations.

ADEPT provides a basic framework which local councils can tailor to their own needs. It enables councils to use in-house skills to assess your own state of business efficiency, to identify and manage the business risks and to identify priority actions which will lead to continuous improvement.

It allows councils to progress to two standards, ADEPT and ADEPT Plus, at a pace which suits them. ADEPT will guide councils through a process of re-evaluating their strengths and weaknesses and deciding what improvements are required. There are three key components to the process:

- Developing Procedures
- Assessing Business Risks
- Self Assessment of the organisations capabilities under 9 management topics

Anyone interested can get further information from: South East Cheshire Enterprise Ltd., Sandbach Enterprise Centre, Sandbach, CW11 1DG. Tel 01270 752120 e-mail: info@sece.co.uk

ENCLOSURES

If you would like additional copies of any of the enclosures, contact Susan Harding at the County Office

Rural Parish Council Insurance Scheme

Details of insurance cover available from Community Consultation Limited

2007-8 Pay Settlement

Recommendations made jointly by the National Association and the Society of Local Council Clerks based on an agreement by the National Joint Council for Local Government Services.

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A PARISH CLERK AND THE VAT MAN ...

As many of you will know it is the duty of every Parish Council to reclaim tax that has been deducted from interest received and to reclaim any VAT that has been paid

As Clerk to 3 Parish Councils I had had no problem over a number of years in making a claim for repayment of tax paid on the interest for one of them. I have had problems however with reclaiming tax paid on interest on behalf of another Council through a different tax office.

This year, however, the tax officer was adamant that the claim would not be processed until I had completed a Corporation Tax Return. Despite reminding the officer dealing with the claim that I had had this discussion in previous years she insisted that the CTR had to be completed.

I obtained the CTR form, CT600, and read the guidance notes. These notes stated quite clearly that a Company was not a *local authority or a local authority association*. Armed with this information I telephoned the tax office and was once again told I was wrong and CT600 would have to be completed. Within a day or so the letter and papers that I had sent in to make the claim were returned. There was a clear indication that, until the CTR had been completed, the claim would not be met.

I sought advice and from one source I obtained a page from the Company Tax Manual. This said that there was no form which had to be completed by local authorities, the claim to be made on headed notepaper showing the amount of tax to be reclaimed and a statement to say that the information provided was correct.

Again I telephoned the tax office and after a long discussion was asked what evidence did I have that a Parish Council was a Local Authority. I said that Parish Councils were established under the 1894 LGA. This seemed to take the Tax Officer by surprise and eventually she said she would have to seek advice from "upstairs".

Within a short time I received a telephone call from the person "upstairs" and he said he was sorry to tell me that I was right and he and his colleagues were wrong. He said that if I would return the papers they had returned he would see that the claim was processed. The cheque has now been received.

I understand that the interest on a Parish Council account should not be subject to a tax deduction but should be paid gross. The Parish Council accounts are with a Building Society who is insisting that because the Parish Council is not a charity it has no option but to deduct the tax. This is another battle that it seems that I have to fight.

Frank Walton

OUR LOCAL HERO ...

Join with us in congratulating Jonathan Williams – Clerk to Middlewich Town Council for winning the **Community Award** given to either an individual or group who have given their time to benefit others.

Jonathan was given this award by Congleton Borough Council for his work on projects such as the Roman Festival, the Norman Festival, the Waterside Trail and the canal project.

Those of you who know Jonathan will already be aware of the efforts he puts in and the encouragement he freely gives to others. **Well done Jonathan!**

And one for the girl ...

CHALC'S RURAL WOMAN OF THE YEAR!

This year's winner of the ChALC award at the World Rural Women's Day award evening was **Sybil Crossman** from Plumley with Toft Parish Council.

Sybil was nominated by her Parish Council for her work on, and on behalf of, the Parish Council, but those of you who know her will know that her efforts don't stop at the parish boundary. Through the parish council and her involvement with the Cheshire Community Council she has been active in many rural issues and events throughout Cheshire. **Well done Sybil!**

ALLEY GATING AND GATING ORDERS CONSULTATION - CLEAN NEIGHBOURHOOD AND ENVIRONMENT ACT 2005

The above act inserted new sections into the Highways Act 1980 which gives the County Council powers to make 'Gating Orders' to close public paths where adjacent properties are experiencing criminal activity or anti-social behaviour as a direct result of misuse of the route.

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QUALITY COUNCIL SCHEME UPDATE

Following a meeting of the National Stakeholders for the Quality Parish and Town Council Scheme a number of proposals have been put forward that will go out to consultation in November with a view to introducing any changes on 1 April next year. Please note these are only proposals at this stage.

- Electoral Mandate – 67% for both accreditation and reaccreditation
- Electoral Mandate – Evidence needs to be provided showing that councils have acted proactively to promote elections/democratic issues.
- Communications (mandatory) – Councils should have an email address and website
- Communications (discretionary) – An extension to the list to provide more variety
- Code of Conduct – To include adoption of section 12:2
- Additional criteria – contract of employment for all staff
- Additional criteria – A training strategy for both staff and members
- Additional criteria – A communications strategy

Dave Mahon - NALC Councils Development

SPEED LIMIT REVIEW PANEL UPDATE

The County Council's Speed Limit Review Panel has been in somewhat of a hiatus in recent months. The County Council has been working in some detail on the mechanism to commission the overall speed limit review which is now out to tender with consultants and they expect to make an appointment before Christmas. The process of review will commence early in the new year, and they would expect proposed new speed limits to begin to emerge within a couple of months.

The latest priority list is now available and copies of this can be requested direct from the County Council or from Susan Harding at the County Office.

The list is available by e-mail for convenience and ease of sorting when you are looking for roads which affect your parish.

CHESHIRE RURAL AFFORDABLE HOUSING PROJECT

A new initiative has been put in place across rural Cheshire to tackle the challenging task of providing affordable housing. Two specialist Rural Housing Enablers have been appointed to assist in the delivery of affordable housing.

Funded by DEFRA, Bob Vass is to manage the project in east Cheshire and Phil Addison is to manage the project in west Cheshire. Their role is to raise awareness and promote affordable housing in rural areas.

How do they undertake this? They work with Parish Councils, local communities, housing associations, local planning authorities and others explaining what affordable housing means and helping to deliver it to the satisfaction of all concerned.

The dramatic rise in house prices has led not only to first time buyers but also people on modest incomes being priced out of the market in rural areas. Yet these are just the people who often work in key service areas or contribute greatly to the local community. We do not want people with an established connection to a Parish to be forced to move away from the community in which they have lived and contributed.

Affordable housing is property that is provided for people that meet specific criteria whom, despite a wish to remain in an area, can't afford to buy or rent a property in their local area because of high property prices or high rental prices.

The type of housing that might be made available includes shared ownership properties and reduced cost rental properties. Agreements are put in place to ensure properties remain affordable in the future.

Bob Vass

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Phil Addison

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NEWSLETTER

No.117 - November 2007

CHAIRMAN'S MESSAGE

Firstly, may I say thank you to all town and parish councils who sent representatives along to our Annual Meeting in Middlewich last month. May I also take this opportunity to pay tribute to the professional way our President, the Rt Rev Alan Chesters, chaired the meeting and to our staff, Jackie Weaver, Chalky White and Susan Harding for their efforts in ensuring that the evening ran smoothly.

We had an excellent attendance with over 100 delegates from 59 Councils. I hope you enjoyed the debate on Local Government Reorganisation, and copies of the minutes of the meeting are available from the County Office if you would like to see them ... in advance of next year! We must now await the decision of the Government.

Many of you will now have heard whether your local post office is to be closed. Since the closure of a post office may also affect the viability of the village shop you may wish to make representations during the consultation period. Unfortunately the number of closures is likely to be fixed so a reprieve for one post office will result in a closure elsewhere. We will be advising parishes by e-mail of the details when we have received them from Postwatch.

I should remind any town and parish councils who did not adopt the new Code of Conduct by 20 September that the mandatory provisions automatically applied to them from 1 October. Nevertheless those parish councils still do need to resolve formally to adopt the Code and advise the local Monitoring Officer. Some District/Borough Councils are still awaiting notification of adoption so that they can publish details which is a legal obligation at no cost to town and parish councils. You should check with your District council if you are unsure. Members are of course welcome to contact the County Office if they have any queries regarding the operation of the Code.

ROGER PARKIN - County Chairman

PAY SETTLEMENT... at last!

The long awaited pay settlement for Clerks has now been received. It amounts to a 2.49% increase on last year and should be backdated to the 1st April 2007.

A copy of the detail of the settlement is included with this Newsletter although further copies may be requested from the County Office if required.

INCREASE IN STATUTORY HOLIDAY ENTITLEMENT

Section 13 of the Work and Families Act 2006 (WFA 2006) gave the Government the power to produce regulations concerning the amount of annual leave for workers. On 11 January 2007 the Department of Trade and Industry announced the Government's proposal to increase workers' holiday entitlement from 20 to 28 days. This will in effect change the entitlement to 20 days exclusive of bank holidays rather than the present situation where the entitlement is inclusive. In short it is intended to prevent those employers who currently include the eight bank holidays as part of an employee's 20-day annual leave entitlement under the Working Time Regulations 1998.

Employers who already grant 28 or more days paid holiday (including bank holidays), or the part-time equivalent, will not be required to increase their employee's entitlement. As our sector does not in general include bank holidays as part of the employee's 20-day annual leave entitlement, the change is on face value likely to have very little impact.

Statutory annual leave entitlement will be increased in two stages, rising from 20 to 24 days on 1 October 2007, and from 24 to 28 days on 1 October 2008.

Ian Mark, NALC Senior Legal Executive

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