

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PARISH COUNCILS' LIAISON COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 20 JUNE 2013
title: MATTERS BROUGHT FORWARD BY PARISH COUNCILS
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: BILL ALKER – COMMUNITY DEVELOPMENT OFFICER

1 PURPOSE

- 1.1 This is an attempt by the Borough Council to provide a response to issues raised by Parish Councils to enable a fuller debate at Committee.

2 BACKGROUND

- 2.1 Parish Council Liaison Committee has had a standing item on its agenda relating to matters brought forward by individual Parish Councils.
- 2.2 The Borough council has always encouraged parishes to submit items for discussion, so that they can have their say on specific issues of concern.
- 2.3 To this end as we have four items in the agenda for 20 June, it was felt appropriate to list the questions and the response from officers. These are as follows:

a) Chatburn Parish Council - Questions

What this is about is the general lack of help now being given to Parish Councils, an example is we asked for help in transferring a lease into a licence and were told in no uncertain terms we don't do this despite the lease in question being drafted by the councils legal dept, also we asked to have a bench sited on our playing field and were given a price which was almost the cost of the bench itself, surely we are meant to be working together not trying to make a profit from Parish's. Hope this gives you some idea of what we are complaining about.

Officer response: Members of the Council's legal department do their best to assist Parish clerks with general queries, and standards matters.

We have produced website pages aimed specifically at answering the type of queries which Parish clerks regularly asked the department in an effort to save time for Borough Council officers whilst still providing support for Parish Clerks:

http://www.ribblevalley.gov.uk/info/200219/county_town_and_parish_councils/1052/information_on_parish_councils/2

The Council's legal officers are employed, and paid for, by the Borough Council and have professional duties towards the Borough Council.

Whilst legal officers may, in the past, have assisted Parish Councils with legal work, in the current climate given limited legal resources and large workloads, this is no longer practicable.

Moreover, as:

- (i) there is a real risk of a professional conflict of interest where Borough Council solicitors provide legal advice to Parish councils; and
- (ii) the Council's solicitors are not registered with the SRA to carry out this work, nor are they insured to do so,

there are policy reasons why such work should not be carried out.

Parish Councils can and should seek legal advice from regulated professionals when necessary, where the Parish Clerks are not themselves qualified to carry out the work or provide advice. There are numerous local solicitors firms which could provide legal advice to clerks, on lease/licence, and on other legal queries.

Officer response: The Engineering Section was asked by CPC for a quote for the re-siting of a bench on Chatburn Playing Field. The price quoted is the cost of labour and materials. The Parish Council are free of course to look elsewhere for this work to be carried out.

b) Ribchester - Question

The background to Ian Sayer's query is that the parish is considering a request from a couple of local organisations to form a volunteer group to carry out minor 'tidy up' works within the village. While the volunteers would provide the labour the parish would be asked to provide organisational and financial support. The idea is a sound one and could provide the village with some much needed minor improvements such as fence painting, weeding etc.

The major issue that we have to consider is insurance, both of the volunteers and the general public, where the sticking point has hitherto been the age at which the cover cuts off.

However, following your call I have done a little further research and the problem is not as daunting as we first thought.

The parish is insured with Allianz Insurance plc through AON Local Council Insurance. For the current financial year AON has made a number of improvements to the cover, chief among which is a change in the cover provided for volunteers.

Our policy provides:

Public liability cover of £10 million.

Personal Accident cover for Members, employees of the council and voluntary workers. who at the commencement of the period of insurance are between the ages of 15 and 85 [the major change]. However there is a caveat in that the scale of compensation is reduced for those between the ages of 76 and 85.

As I assume that it was the age problem that Ian had in mind you might feel that the change in policy cover is as good as it is likely to get.

Officer response:

INSURANCE FOR VOLUNTEERS

All volunteer-involving organisations should have an insurance policy that covers volunteers.

The organisation should be covered either under Employers Liability or Public Liability insurance in the event of volunteers being injured due to the organisation's negligence.

Public Liability insurance should cover both the organisation and the volunteer in the event of a third party being injured through the actions of a volunteer.

As an organisation, it would be good practice to follow these pointers to ensure that you have the appropriate insurance in place to cover your volunteers:

- ensure that your policies explicitly mention volunteers because they may not be automatically included in your insurance cover
- check with your insurer if there are upper and lower age limits for volunteers before recruiting younger or older volunteers
- make sure your insurance company is aware of the types of activities that the volunteers will be doing, because if the tasks are high risk then the insurance policies will need to be adapted to accommodate these risks
- produce a written risk assessment for each of the roles that volunteers will be performing, because this will help your insurer to tailor your policy to suit your needs.

Some insurers may be unwilling to insure volunteers under a certain age or over a certain age.

My view is that if insurers will not provide the cover, then volunteers who fall under/over those age restrictions should not be used. Whilst it may be possible to have the volunteer or the guardian of the volunteer,

sign some form of disclaimer that should they be injured they would indemnify the organisation, this could not be done with regards to Public Liability in respect of injuries to a third party through the actions of the volunteer.

c) Bolton-by-Bowland, Gisburn Forest & Sawley - Question

The Parish Council at its Meetings earlier this year agreed to continue its support for encouraging Ribble Valley Borough Council to enable Training for its constituent Local Councils.

Perhaps Training is the wrong word as no Parish/Town Councillor will readily identify for such a need.

Might I suggest an update on Local issues, especially Planning, along the lines of a half day conference/seminar.

This would be held in-house in the RV Council Chamber say kicking off at 10.00am on a day, say a Thursday, say in September, open to all Parish and Town Councillors .

As well as Planning other topics covered could be the Countryside and Highways with the possibility of County Council Officers participating. Some years ago the Parish Champion Albert Atkinson gave the Borough a wodge of money for Training but nothing materialised so maybe, just maybe Lunch could be provided too.

Local Councils are feeling left out at the moment with the momentum from County Hall having waned and Parish Councils' Liaison Committee having lost its edge ~ even a cancelled Meeting earlier this year for lack of business.

Opportunities to engage have also dissipated with annual Mayoral invitations to the Council Chamber now a thing of the past.

I ask fellow Committee representatives to consider this issue and hopefully come along and vote accordingly.

Officer response: This issue arose out of an approach from Bruce Dowles, Clerk to Bolton-by-Bowland to CC Albert Atkinson who was Parish Councils Champion for LCC at the time. It was first reported to PCLC at their meeting on 27/9/07. Albert had agreed to pay for a parish councillor training event in the Ribble Valley. (£800)

The next minute on this is in January 2008 where committee agreed that the training should focus on Planning.

We then move to November 2008 when John Macholc did a presentation to PCLC on recent changes in the planning system and planning consultation procedures.

In January 2009 PCLC again discussed the fact that we still had £800 in our accounts which, for a variety of reasons, had not been used. It was felt that, as John Macholc had recently done his presentation to PCLC and there had been a recently produced planning manual which it was felt more than fitted the bill as far as planning training was concerned. It was therefore agreed to offer the £800 back to CC Atkinson with thanks and an explanation as to why the money hadn't been spent.

It was reported to the June 2009 meeting that CC Atkinson did not want the money back as he felt it would not be used for the benefit of RV parishes. It was also reported that two initiatives namely:-

- 1) provision of salt bins in Read and Simonstone and
- 2) supporting a luncheon club at Rimington

Committee decided to rescind their original decision to hand the £800 back to LCC and to retain that funding for parish councillor training on a first come, first served basis. (See also my report to PCLC on this matter)

The suggestion about a Parish Reception and/or some form of training will be looked at favourably. It may be that we combine the two elements training and reception into a Parish Council's Forum. We will look at the possibilities and come back with some ideas.

d) Simonstone - Question

This is a problem that newer councillors have where variations occur after the approved planning conditions were agreed. Members have misgivings about these variations. An explanation is requested to help members get a better understanding of how the system works. This would help prevent a recent incomplete application being forwarded for consideration. It was only when it had been studied by members that they realized there were insufficient details included in the application for them to make valued comments on.

They feel that they have insufficient understanding as to why original applications are forwarded for consideration when they don't contain correct information, which had they known about before they considered it their observations may have been different to those they had expressed. This may have altered the final decision taken by the Planning committee.

One where there is insufficient information in the application and the approval is given is based defective information. Which brings to whole process into disrepute. And leads, in such cases a suspicion that the omission may be deliberate which can put pressure on the planning officer to waive through such variations though.

Hence the need for a better understanding by Parish Councillors how the system works.

Officer response: The DC Protocol as amended most recently in February 2013 is relevant. the NPPF certainly advocated that the LPAs need to work with developers to overcome objections as well as the need for speedier decisions which has been reinforced in various ministerial statements and

recent legislation. However the DCP states in relation to negotiation and amendments:

" If any amendments are made the Council will not usually re-notify neighbours or PC if there is a perceived improvement but will determine the applications having regard to the previously expressed concern. However, due consideration will be given to the effect of changes in any subsequent report."

It is also clear that in many cases both statutory consultees which include PC are often re-notified if there are substantial changes.

I have a recent request from Bolton By Bowland PC who would like to meet with me to discuss the process which I am hoping to arrange in my office and would be willing to make a similar arrangement for their new members.

3 CONCLUSION

- 3.1 Members are asked to consider and discuss each item raised, together with the response provided.

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MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Emails from various Parish Clerks.

For further information please ask for Bill Alker, extension 4412.

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