

# Marchwood Parish Council

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13<sup>th</sup> January 2015

Dear Councillor

A meeting of the Parish Council will be held in the Pine Room, Marchwood Village Hall, on Monday 19<sup>th</sup> January 2015 at 7.30pm, you are summoned to attend.

Yours sincerely

Clerk to the Council

## AGENDA

1. **Apologies for absence**
2. **Public participation** - may speak for up to three minutes.
3. **Declarations of Interest**
4. **Chairman's report**
5. **Minutes:** To confirm the minutes of the meeting held on 8<sup>th</sup> December 2014.
6. **Report from New Forest District Councillors**
7. **Report from Hampshire County Councillor**
8. **Reports of Representatives to Outside Bodies**
9. **Local Council Award Scheme:** details of the scheme replacing Quality Parish and Town Council Scheme – Appendix A.
10. **Department of Local Communities and Local Government:** Local Government Pension Scheme, Technical consultation on Local Government Pension Scheme rules. Consultation ends 30/01/15. Appendix B.
11. **Department of Local Communities and Local Government:** Parish Polls, Consultation on the Government's intention to modernise parish poll regulations. Consultation ends 30/01/15. Appendix C.
12. **The Parish Council Purchasing Group:** information on a new scheme, do you wish Marchwood to join? Appendix D.
13. **Exclusion of Press and Public**
14. **Recognition of long service by staff:** Report A.

Members of the public are welcome to attend meetings of the Parish Council. Copies of items referred to in the agenda are available from the Parish Council office on request.

December 2014

Dear Quality Council,

As you may be aware, the new Local Council Award Scheme will be launched on 6<sup>th</sup> January 2015 and will replace the Quality Parish and Town Council Scheme.

I am writing firstly to say thank you for taking part in the Quality Council Scheme and for being an example of the very best that town and parish councils can be. Secondly, I'd like to tell you a little about the Local Council Award Scheme and how you can be part in it, as I am very much hoping to see Quality Councils at the forefront of this new scheme.

The new Local Council Award Scheme will recognise and celebrate the successes of the very best councils, providing a framework to support all councils improve and develop to meet their full potential.

The scheme will offer the opportunity to show that your council meets a set of standards and practices set by the sector, assessed by your peers, and to put in place the conditions for continued improvement. You can access further information via your County Association, the *Our Work* pages of the NALC website or by contacting Charlotte Eisenhart who co-ordinates the scheme : at [Charlotte.Eisenhart@nalc.gov.uk](mailto:Charlotte.Eisenhart@nalc.gov.uk) or 0207 290 0319.

In recognition of the calibre of all existing Quality Councils and your patience and support over the transition period between the schemes, we want to make it as quick and easy as possible for you to be accredited by the new scheme. As one of the best councils in the sector, the new scheme's progress and success will be determined by your involvement.

**Your Quality Council Status will expire on 31 January 2015.** You can apply for an automatic transition to the Foundation level of the new Local Council Award Scheme - at no cost and without taking part in any accreditation process. Simply fill out the application form here <https://www.surveymonkey.com/s/lcawardscheme>. We recommend you do this as a first step and then consider working towards the next two award levels.

**Free Foundation award level:**

If you would not like a 'break' in your status between the old and new schemes you should complete the simple application form **before 31 January 2015** at: <https://www.surveymonkey.com/s/lcawardscheme>

Your free Foundation level accreditation will last until January 2016.

**Quality award level:**

Your council can apply for this any time during 2015 at half the normal fee.

**Quality Gold award level:**

Your council can apply for this any time during 2015 at 75% the normal fee.

The full criteria and guidance for the scheme will be made available at <http://www.nalc.gov.uk/our-work/local-council-award-scheme> on 6th January when the scheme launches. If you do have any questions please do not hesitate to contact your county association or check out the scheme page on the website.

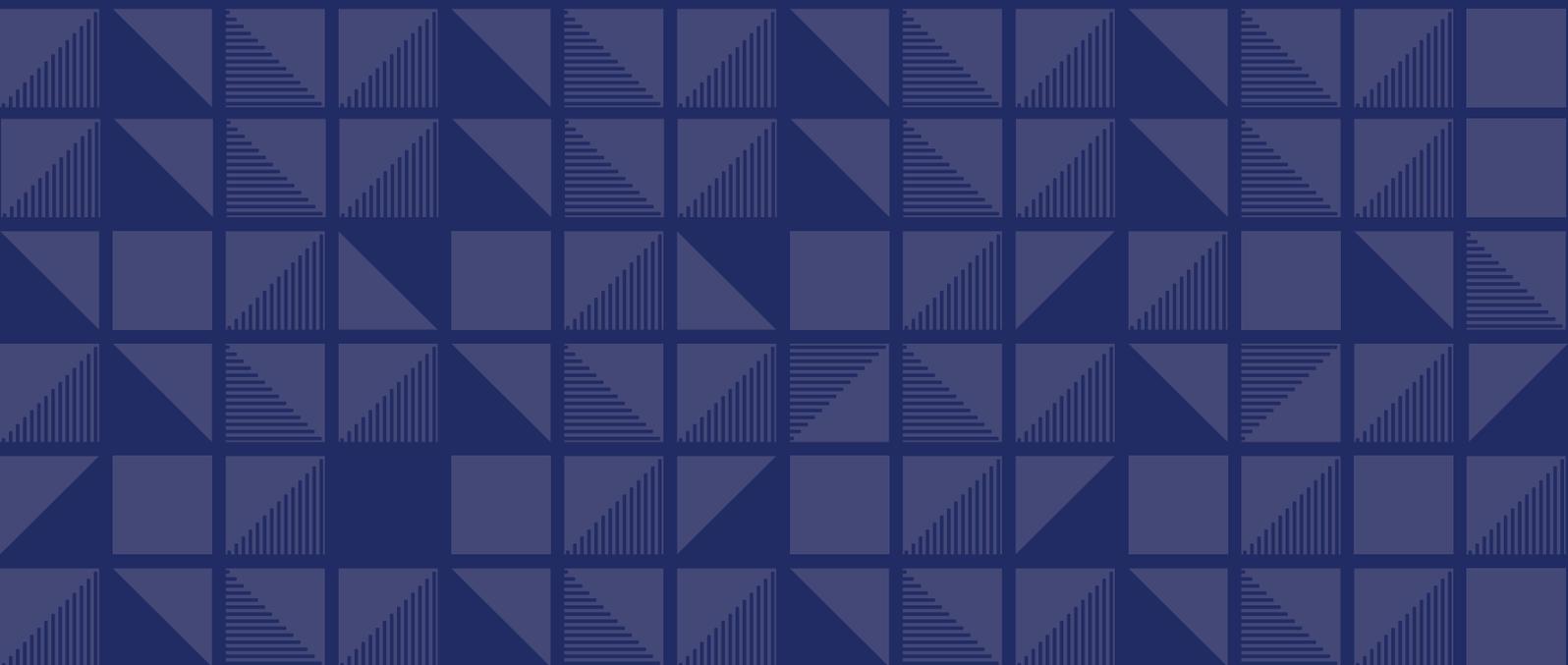
I very much look forward to your involvement in the Local Council Award Scheme and hope that it does achieve its goals of supporting you to meet your ambitions for your local community.

Kind regards,

Jonathan Owen

NALC Chief Executive

# A guide to the Local Council Award Scheme



Published by the National Association of Local Councils (NALC) on behalf of the Improvement and Development Board (IDB).

For further information on the Improvement and Development Board, please contact either:

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The Society of Local Council Clerks (SLCC)  
8 The Crescent  
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Somerset TA1 4EA  
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## THE LOCAL COUNCIL AWARD SCHEME EXISTS TO CELEBRATE THE SUCCESSES OF THE VERY BEST LOCAL COUNCILS, AND TO PROVIDE A FRAMEWORK TO SUPPORT ALL LOCAL COUNCILS TO MEET THEIR FULL POTENTIAL.

All local councils want to serve their local communities and make a real difference to the lives of the people that live there. The scheme offers councils the opportunity to show that they meet the standards set by the sector, assessed by their peers, and to put in place the conditions for continued improvement.

The Award Scheme has been designed to both provide the tools and encouragement to those councils at the beginning of their improvement journeys, as well as promoting and recognising councils that are at the cutting edge of the sector. It is only through the sector working together to share best practice, drive up standards and supporting those who are committed to improving their offer to their communities that individual councils and the sector as a whole will reach its full potential.

The scheme was created in 2014 and is managed on behalf of local councils by the Improvement and Development Board (IDB).

Councils can apply for an award at one of three levels:

**The Foundation Award** demonstrates that a council meets the minimum requirements for operating lawfully and according to standard practice.

**The Quality Award** demonstrates that a council achieves good practice in governance, community engagement and council improvement.

**The Quality Gold Award** demonstrates that a council is at the forefront of best practice and achieves excellence in governance, community leadership and council development.

The scheme sets out criteria to meet at each level covering selected aspects of the council's work. Councils can seek to progress through the tiers over time thereby raising standards. Councils of any size can aspire to an award appropriate for their budget and level of activity.

To support transparency, councils achieving an award at any level must use an online facility for publishing documents and information. In all instances the council confirms that the required documents, information and conditions are in place (whether published or not) by resolution in public at a full council meeting. For Quality Gold, councils also provide statements for submission to the panel demonstrating excellence in their activities. The panel may ask for additional information to check the accuracy of claims.

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### 06 AWARD CRITERIA

This section sets out in brief what is required for each award and then explains in more detail the evidence that the accreditation panel is looking for. Councils should find this additional guidance helpful in identifying what is required.

### 18 ACCREDITATION PROCESS

The Local Council Award Scheme is a form of peer review. Councils are reviewed by experienced peers through the work of an accreditation panel.

The aim of this accreditation process is to be as simple, efficient and flexible as possible. It also seeks to ensure that every council that wishes to take part in the scheme is able to, and is assessed in a reasonably consistent way.

This section outlines guidance for County Associations (CALCs) managing the process for accreditation. These are not strict rules, and CALCs can tailor this to local need in consultation with NALC.

### 21 FEES

There are two fees:

- A registration fee paid to the NALC
- An accreditation fee paid to the organisation responsible for administering the local or regional accreditation process.

### EVALUATION AND IMPROVEMENT

- 22 The aim of the evaluation and improvement process is to allow the sector to feel ownership of the scheme, and to see the scheme changing to meet the feedback and needs expressed by the sector. This section outlines the evaluation and improvement process that will allow the scheme to be dynamic and respond over time to changes in the sector, national policy and other relevant issues.

A COUNCIL CAN REGISTER TO TAKE PART IN THE LOCAL COUNCIL AWARD SCHEME BY VISITING [WWW.NALC.GOV.UK/OUR-WORK/LOCAL-COUNCIL-AWARD-SCHEME](http://WWW.NALC.GOV.UK/OUR-WORK/LOCAL-COUNCIL-AWARD-SCHEME)

THE STEP BY STEP PROCESS FOR APPLYING TO THE AWARD SCHEME CAN BE FOUND IN THE ACCREDITATION PROCESS SECTION ON PAGE 18.

TO ACHIEVE A FOUNDATION AWARD A COUNCIL DEMONSTRATES THAT IT HAS THE MINIMUM DOCUMENTATION AND INFORMATION IN PLACE FOR OPERATING LAWFULLY AND ACCORDING TO STANDARD PRACTICE. THE COUNCIL ALSO HAS POLICIES FOR TRAINING COUNCILLORS AND OFFICERS AND IS BUILDING A FOUNDATION FOR IMPROVEMENT AND DEVELOPMENT.

The council confirms by resolution at a full council meeting that it publishes online:

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
Its standing orders and financial regulations	Council contact details and councillor information in line with the Transparency Code	
Its Code of Conduct and a link to councillors' registers of interests	Its action plan for the current year	
Its publication scheme	Evidence of consulting the community	
Its last annual return	Publicity advertising council activities	
Transparent information about council payments	Evidence of participating in town and country planning	
A calendar of all meetings including the annual meeting of electors		
Minutes for at least one year of full council meetings and (if relevant) all committee and sub-committee meetings		
Current agendas		
The budget and precept information for the current or next financial year		
Its complaints procedure		

The council also confirms by resolution at a full council meeting that it has:

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
A risk management scheme		Disciplinary and grievance procedures
A register of assets		A policy for training new staff and councillors
Contracts for all members of staff		A record of all training undertaken by staff and councillors in the last year
		A clerk who has achieved 12 Continuing Professional Development (CPD) points in the last year

The council notifies the accreditation panel co-ordinator when the resolution has been agreed and provides a link to its website.

## WHAT IS THE ACCREDITATION PANEL LOOKING FOR?

The panel seeks assurance that a council acts lawfully and according to standard practice. Unless it is a matter of law, the panel is not making a judgement on the quality of the evidence at this level; it simply carries out spot-checks to confirm that the documentation and information is in place, up-to-date and complies with the guidance below. For those documents that are not posted up online, the panel will ask to see the evidence if it is considered necessary.

- All policies should comply with current legislation and guidance and note the date of the next review.
- Standing orders, financial regulations, the Code of Conduct, publication scheme and complaints procedure are public documents tailored to the specific council. Standing orders or financial regulations explain procedures for contracts and internal controls. All policies and procedures should demonstrate compliance with The Openness of Local Government Bodies Regulations 2014 including an open media policy which does not restrict engagement with the press. For councils with an annual turnover of less than £25,000 they also demonstrate compliance with the upcoming Transparency Code for Smaller Authorities once this comes into effect.
- The council does not need to publish the councillors' registers of interests on their own website provided that there is a working link to the complete register of all councillors' interests on the principal authority's website.
- The council's website should include the name of the clerk and contact details (address, phone, email) for the council as a corporate body.

It should also publish the names of councillors and councillors' responsibilities in compliance with the Local Government Transparency Code.

- The council posts up a scanned copy of the last annual return. The panel checks that the council has a limited assurance (unqualified) opinion from the external auditor; the opinion may contain recommendations for consideration as long as a qualified opinion is not given. The panel checks the arrangements for internal audit and internal controls. From 2017, councils with an annual turnover of less than £25,000 will not be required to complete an annual return. Panels check that these councils comply with the Transparency Code for Smaller Authorities once this comes into effect.
- Information on all payments must be transparent and in accordance with financial regulations and statutory proper practices. The panel will check the minutes of meetings, financial regulations, the annual return (if relevant) and compliance with the Local Government Transparency Code.
- The calendar (in any format) includes the Annual Meeting of the Council and the Annual Parish/Town Meeting and both meetings must be held during the correct statutory period. The calendar also shows that the council has at least four full council meetings a year.
- Similarly, the minutes for full council meetings over the last year include the Annual Meeting of the Council. If relevant, the council also posts up the minutes of its Finance Committee to demonstrate transparency according to statutory regulations and of its Planning Committee showing that procedures for reviewing planning

applications are correct. The panel checks that minutes and agendas demonstrate the lawful convening of meetings and decision-making and that all meetings allow the public to make representations to the council.

- The council can post up the current or next year's budget (or both). Budget documents would normally show columns comparing the year in question with the two previous years; they include information on income and expenditure (or receipts and payments) and show how the precept was calculated.

- The council must publish an action plan; as a minimum this is a one-page document listing the council's objectives for the current year. It is not a parish plan which is a plan for the future of the community; the council can extract objectives for action from the parish plan depending on its areas of responsibility.

- The panel seeks at least one piece of evidence from council publicity that it consults and actively serves its community. Publicity might include an annual report, web material or news bulletins. The information gives a flavour of any council activity such as lobbying principal authorities, giving grants to community groups, the provision of a service or helping with community events. For guidance, councils can refer to The Code of Recommended Practice on Local Authority Publicity. Similarly any form of consultation is suitable, including surveys, online polls, focus groups or public meetings.

- Council documents demonstrate that the

council participates in the planning system by, for example, commenting on planning applications or working on a neighbourhood plan. Decisions on planning matters must be made in properly convened meetings and, if required, by delegation to a committee. Some decisions may be delegated to an officer.

- Contracts, disciplinary/grievance procedures, a risk management policy and register of assets can be based on a model but tailored to the specific council. They are not published.

- A training policy for new staff and councillors can be a short statement of intent while a training record gives dates, titles and providers of development activities undertaken by named individuals in the last year, including, for example, updating events, online courses, CPD activity and qualifications. Councillors should note that they should undertake training on financial management for which they are all responsible. In particular, the clerk's training record includes evidence of CPD such as training, conference attendance, mentoring and studying for qualifications. CPD points are allocated according to a system published by the IDB.

TO ACHIEVE THE QUALITY AWARD A COUNCIL DEMONSTRATES THAT IT MEETS ALL REQUIREMENTS OF THE FOUNDATION AWARD AND HAS ADDITIONAL DOCUMENTATION AND INFORMATION IN PLACE FOR GOOD GOVERNANCE, EFFECTIVE COMMUNITY ENGAGEMENT AND COUNCIL IMPROVEMENT. A COUNCIL WITH A QUALITY AWARD ALSO MEETS THE ELIGIBILITY CRITERIA FOR THE GENERAL POWER OF COMPETENCE.

The council confirms by resolution at a full council meeting that it meets all requirements for the Foundation Award and that it also publishes on its website:

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
Draft minutes of all council and committee meetings within four weeks of the last meeting	A community engagement policy involving two-way communication between council and community	
A Health and Safety policy	Councillor profiles	
Its policy on equality	A grant awarding policy	
	Evidence showing how electors contribute to the Annual Parish or Town Meeting	
	An action plan and related budget responding to community engagement and setting out a timetable for action and review	
	Evidence of community engagement, council activities and the promotion of democratic processes in an annual report, online material and regular news bulletins	
	Evidence of helping the community plan for its future	

The council also confirms by resolution at a full council meeting that it has:

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
A scheme of delegation (where relevant)	At least two-thirds of its councillors who stood for election	A qualified clerk
Up-to-date insurance policies that mitigate risks to public money	A printed annual report that is distributed at locations across the community	A clerk (and deputy) employed according to nationally or locally agreed terms and conditions
Addressed complaints received in the last year		A formal appraisal process for all staff A training policy and record for all staff and councillors

The council notifies the accreditation panel's co-ordinator when the resolution has been agreed and provides a link to its website.

## WHAT IS THE ACCREDITATION PANEL LOOKING FOR?

The accreditation panel checks that the criteria for the Foundation Award are in place if the award was granted more than one year ago. It then considers the additional criteria for the Quality Award.

The panel assesses the quality of documents and information with a light touch, seeking reassurance that the council is acting lawfully and according to good (rather than best) practice. The panel carries out spot-checks to confirm that the documentation and information is in place and up-to-date and complies with the guidance below. For those documents that are not posted on the website, the panel will ask to see the evidence if it is considered necessary.

- All council policies should comply with current legislation and guidance and note the date of the next review.
- Draft minutes (marked Draft) of all council and committee meetings keep people up-to-date with decisions and action should be posted up as soon as possible after the meeting and within at least four weeks. The minutes will show that the council monitors its actions, internal controls and performance against the budget at least every three months.
- A community engagement policy demonstrates the council's commitment to hearing what people in the community think and communicating its own actions and decisions. The council also gives grants to community organisations and publishes a grant awarding policy.
- Councillor profiles normally contain a photo and reference to the ward represented (if relevant) but personal contact details are not required.
- The panel seeks evidence that the council has in place light touch policies for managing Health

and Safety, including its duty of care to staff and promoting equality in compliance with legislation. For example, evidence might include employment documents or statements on agendas.

- Evidence that electors can contribute to the Annual Parish or Town Meeting can come in any form; for example, it could be an invitation to attend and participate in discussions or a record of how community groups spoke about their use of grant funding over the last year.
- The action plan (or similar forward plan) summarises findings from community engagement and sets out aims and objectives that respond to community views. The action plan includes a timetable for actions to be completed with dates for reviewing the plan. The council's budget shows how the action plan is put into practice and manages risks to public money.
- The council is expected to produce an annual report, online material and regular news bulletins throughout the year. The annual report and news bulletins must be online even if they were also distributed in hard copy such as in printed newsletters or village magazines. If the council uses social media such as Facebook or Twitter, this will be evident from the council's website. The accreditation panel will read the materials looking for evidence of community engagement, council activities and promoting democratic processes. The panel expects to see that the council consults the community in at least three different ways (such as surveys, focus groups, online or street polls and community workshops) and engages with other organisations, including community groups and the principal authority(ies). It will look for at least three positive actions for the community in the last year.

■ The annual report should be distributed widely. It is accepted that it cannot always be distributed to all households, but copies can be left at prime locations in a community, including a library, doctors' surgeries, schools, pubs, shops or residential homes.

■ The panel seeks evidence from council documents and online information that it supports the community in planning for its future. This can include at least one contribution to creating, implementing or reviewing a parish or town plan, a design statement or a neighbourhood plan, holding community planning events, facilitating debate in the community about planning applications or registering community assets.

■ The panel also seeks evidence of promoting elections and the value of the democratic process; this might include explaining how the system works, advising people of election dates and promoting the value of being a councillor.

■ At the time of making the resolution, at least two-thirds of the seats on the council must be filled by councillors who stood for election at either the last ordinary elections or a by-election. This shows that the council represents the community through the democratic process. Councillors who stood for election, even if elected unopposed, do count, while councillors who were co-opted or appointed cannot count. If two thirds is not a whole number, then it must be rounded up to the next whole number using the table below.

Total council seats

5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

4 4 5 6 6 7 8 8 9 10 10 11 12 12 13 14

Two thirds

■ The panel may wish to check that a council

properly operates the delegation of decision-making to committees, sub-committees and officers (where relevant). Arrangements for delegation may be set out in standing orders or in a separate scheme of delegation.

■ The panel may wish to check that insurance policies have been reviewed and are up-to-date and that the council recognises insurance as a way of mitigating risks to public money.

■ The panel may also seek evidence that any formal complaints received by the council during the last year have been properly addressed. The panel does not seek to judge the appropriateness of the insurance policies themselves

■ A qualified clerk is defined in Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. The clerk (and deputy clerk) should be properly remunerated with a contract in accordance with terms and conditions set out in the national agreement or in a local government scheme.

■ The panel can ask to see the document setting out the formal appraisal process that must be in place for all staff. It checks that the council has a training budget and may ask to see a general training policy for staff and councillors with a detailed record of all training undertaken by staff and councillors in the last year. The panel seeks assurance that a training culture is embedded in the council. The clerk is expected to achieve at least 12 CPD points every year.

TO ACHIEVE A QUALITY GOLD AWARD A COUNCIL DEMONSTRATES THAT IT MEETS ALL REQUIREMENTS OF THE FOUNDATION AND QUALITY AWARDS, AND IS AT THE FOREFRONT OF BEST PRACTICE BY ACHIEVING AN EXCELLENT STANDARD IN COMMUNITY GOVERNANCE, COMMUNITY LEADERSHIP AND PERFORMANCE MANAGEMENT.

The council confirms by resolution at a full council meeting that it meets all requirements for the Foundation and Quality Awards and also publishes on its website:

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
A business plan covering a financial forecast for at least three years linked to revenue and capital plans for the council and its community	An annual report, online material and at least four news bulletins a year with evidence of: <ul style="list-style-type: none"> <li>— engaging with diverse groups in the community using a variety of methods</li> <li>— community engagement leading to positive outcomes for the community</li> <li>— a broad range of council activities, including innovative projects</li> <li>— co-operating constructively with other organisations</li> </ul>	

The council also confirms by resolution at a full council meeting, that it has prepared statements (of no more than one page each) to be presented to the accreditation panel showing how it

GOVERNANCE	COMMUNITY	DEVELOPMENT
Criteria demonstrating good governance in managing the business and finances of a council	Criteria representing a council's role in the community and how it engages with the community	Criteria representing council improvement through the management and development of staff and councillors
Ensures that the council delivers value for money	Provides leadership in planning for the future of the community	Manages the performance of the council as a corporate body
Delivers best practice in meeting its duties in relation to bio-diversity and crime & disorder		Manages the performance of each individual staff member to achieve its business plan

The council notifies the accreditation panel when the resolution has been agreed and provides a link to the online site.

## WHAT IS THE ACCREDITATION PANEL LOOKING FOR?

The accreditation panel checks that criteria for the Foundation and Quality Awards are in place if an award was assessed more than one year ago. It then considers the additional criteria for Quality Gold.

The panel assesses the quality of documents and information in some depth. It seeks reassurance that the council is acting lawfully and aspires to excellence. Complying with the guidance below, the panel carries out spot-checks to confirm that up-to-date documentation and information for Quality Gold is in place. The panel may ask for further information or talk to councillors and staff. The panel will be interested to note whether the council already has a reputation for being at the forefront of best practice. Councils seeking the Quality Gold Award should be aware that the panel is a peer group applying their own standards of excellence to the criteria explained below.

- In confirming excellence, the panel ensures that the council operates within the law as explained in standard works of reference, demonstrates transparent, efficient and effective decision-making and governance and exercises sound financial management.
- The panel also seeks reassurance that the council is not experiencing destructive internal conflict or that nothing has occurred to bring the council into disrepute.
- The council works to a forward plan (or business plan) created for at least three years even if this takes the council beyond the next election. This plan explicitly responds to community

engagement. It sets out the council's aims and objectives for both the council and the community and shows how they will be achieved including financial forecasts for both revenue and capital for the duration of the plan.

- The annual report, web material and news bulletins publicise the work and achievements of the council and contain substantial evidence that the council takes the lead in actively representing and serving all parts of its local community. The council therefore addresses the diversity of its community, including, for example, different age groups, service users, physical locations, housing types, language, employment status and skills.
- These sources of information also show that the council seeks out and responds to views and ideas expressed by its community. The council uses a variety of ways (at least four) of consulting and involving local people to understand their views. There should be evidence that the council identifies local needs and views through community engagement that are then addressed in constructive council action. These sources also show that the council promotes local democracy.
- The panel seeks at least four positive outcomes achieved for the community in the last six months and a broad range of council activities. The council is innovative; this is the case if the council undertakes actions that are still relatively unusual for a local council of its size in that county. The panel also checks that the council is co-operating with other organisations, including community groups, its principal authority(ies) and other agencies to provide an effective service to the community. Co-operation includes but is not

limited to partnerships.

■ The statement on ensuring value for money explains how the council reviews the quality and costs of its activities to confirm that the costs are appropriate. This could include, for example, the cost of the clerk's role in serving the council, the purchase of computer equipment or a grass cutting contract.

■ The statement on duties related to biodiversity and crime & disorder demonstrates knowledge of the law and includes ways of reminding councillors of these duties and examples of how they are implemented.

■ The statement on leadership in planning for the future shows how the council engages with a range of activities that influence the planning system and facilitate community-led planning. Activities may include, for example, identifying and representing community views on planning applications and local plans, working on parish or town plans, or holding community-led planning activities such as Planning for Real<sup>®</sup> or community conferences. The statement should include the council's approach to neighbourhood planning.

■ Finally, the statement on performance management explains the process by which the performance of the council as a corporate body is constantly improved and shows how the performance, skills and knowledge of each individual in the council is managed to help the council achieve its objectives on behalf of the community. This includes confirming that each member of staff has their own professional development plan and that the majority of

councillors participate in a member development programme. It is important to show evidence that the council is a good employer.

## A GUIDE TO THE ACCREDITATION PROCESS

The Local Council Award Scheme is a form of peer review. Councils are reviewed by experienced peers through the work of an accreditation panel.

The aim of this accreditation process is to be as simple, efficient and flexible as possible. It also seeks to ensure that every council that wishes to take part in the scheme is able to, and is assessed in a reasonably consistent way.

### REGISTRATION

- The council registers its intention to apply for a specified award online at [www.nalc.gov.uk](http://www.nalc.gov.uk).

The contact at NALC for this stage is the Improvement and Development Manager, Charlotte Eisenhart, who can also be contacted at [charlotte.eisenhart@nalc.gov.uk](mailto:charlotte.eisenhart@nalc.gov.uk) or 020 7290 0319.

- The council pays a registration fee to NALC to cover the costs of managing the national scheme, including: administration, national online resources, quality assurance and review processes.

- NALC provides the applicant with a template application form and the contact details of the co-ordinator of the appropriate accreditation panel.

- NALC provides the co-ordinator with information of the council's application.

- When a council is ready to make its application to the accreditation panel, its clerk notifies the co-ordinator that the council has passed a resolution confirming that all the documentation and information is in place for a specified award and provides a link to its website or

online facility.

- The council pays the accreditation fee which covers the costs administering the local service.

- The local panel co-ordinator keeps a record of all applications and monitors their progress.

### ONLINE CONNECTIVITY

The Award Scheme requires councils to publish certain information and documents online. In exceptional circumstances a council may not be able to put documents online because of poor digital connectivity in the local area. In this case, the council applies to the panel co-ordinator for permission to submit evidence for an award in an alternative format. The co-ordinator must be confident that poor digital connectivity is the problem rather than an unwillingness to use an online service for publicising council documents.

### THE ACCREDITATION PANEL

The accreditation panel is set up by a CALC or a regional group of CALCs. The aim of any panel arrangement is to facilitate training, promote consistency and help manage the workload. Where an individual CALC is unable to support the scheme, a council will be able to submit their application to an appropriate neighbouring or regional panel.

CALCs may adapt the accreditation process to fit local need. They are able to discuss this with the Improvement and Development Manager at NALC, for support and guidance.

The panel co-ordinator manages a pool of up to

ten potential panel members, in the expectation that between three and five members are required to review each application. The panel includes experienced councillors and clerks as well as someone independent of the sector with an understanding of local government.

Panel membership should be reviewed by the regional co-ordinator every two years.

At the beginning of the accreditation process a panel is drawn together from the pool of potential members. The panel could choose a lead panellist or chair if needed to facilitate decision making.

All panel members are expected to use email or an online service to read a council's documents and also act in the spirit of a Code of Conduct; for example, they do not assess an award for their own or a neighbouring council.

The accreditation panel determines how often an accreditation process occurs, or an appropriate trigger for this to take place. For example, a panel may decide to convene every two months or may wait until the receipt of ten applications (as long as this is no later than two months after an application has been received). Panels should note that all costs of administering the panels must be met from application fees. So, to minimise costs, the panel can convene and conduct its business remotely rather than face-to-face. The resources provided by NALC will support this way of working.

The regional panels have discretion over the detail of how they organise the accreditation process.

In consultation with the panel co-ordinators,

NALC will provide regularly updated guidance and support for accreditation panels.

#### THE ACCREDITATION PROCESS

The emphasis of the scheme is on encouraging and supporting the improvement of councils. The aim of the panel is therefore to help councils to achieve awards and panels are urged to be constructive.

The panel checks that the criteria for the relevant award have been met in published and/or requested information. Most documents and information will be posted on a website. Where it is not appropriate for a document or information to be on a website, the panel is permitted to ask to see electronic versions.

As all information and documents are available online or in electronic format, the panel's work can be done without meeting. Each member of the panel completes a form showing their responses to the co-ordinator. The co-ordinator reviews the completed forms from the panel which decides whether additional information or documents are required.

Panel members do not need to examine every document in detail but are advised to carry out spot-checks enabling them to make recommendations.

For Quality Gold, the panel may wish to discuss the council's activities with councillors, or staff or visit the parish but the cost of doing so must be covered by the fee.

### THE OUTCOME

When the panel is satisfied that it has seen sufficient information, the findings are presented in a report agreed by the panel. The panel makes one of three recommendations to the council:

- The Award is achieved.
- The Award is achieved but the council is advised to make some small changes.
- The Award is not achieved until specified improvements have been made and submitted to the panel for checking.

If a council has applied for a higher award but has not achieved all the criteria, the panel can award a lower award if appropriate.

The aim of the scheme is to be supportive and help councils achieve the status they have applied for and so it is expected that achieving a lower (or no) award would be an exceptional circumstance. The panel should let the council know as soon as possible if it appears that they have omitted necessary evidence or it appears likely that they will not achieve the award, and the council should be given some time to respond to that feedback.

The co-ordinator informs the council of the outcome within two months of being notified of the application. They also inform NALC of the outcome and successful councils are included in the published list. NALC issues a certificate and provides resources to help the council celebrate and promote their achievement which is sent to the co-ordinator.

Councils and accreditation panels will be contacted by NALC for feedback on the process and the benefits of receiving the awards.

A council may appeal to the IDB (with an additional fee) if it feels that the panel's decision is unjustified. The IDB will appoint two representatives to review the appeal and the IDB's decision is final.

### UPGRADING ACCREDITATION, RE-ACCREDITATION AND REMOVAL OF ACCREDITATION

Accreditation lasts for four years.

#### Applying for a higher award

- If a council wishes to apply for a higher award, it makes a fresh registration and application.
- A council can make a fresh application for a higher award at any time. If this is within one year of the previously successful accreditation, the panel does not need to revisit evidence that was previously approved.

#### Re-accreditation

- The council may seek re-accreditation at the same level after four years. If it does not achieve a new accreditation or re-accreditation within three months of the four-year end-date, it loses its award.

#### Removal of accreditation

- The council is expected to maintain its reputation by meeting the criteria throughout the four years.
- Although some circumstances may change, the council will not lose its award unless a significant event such as an audit, employment tribunal, court case or police investigation demonstrates the council's poor performance. In this case, a

panel co-ordinator asks the IDB to appoint two representatives to review the situation. The IDB assesses the severity of the case before deciding whether to impose a sanction which may include the removal of all awards or returning the council to a lower award.

■ The council can appeal to the IDB if the decision to remove an award is taken in which case two different IDB representatives review the case and their decision is final.

## FEES

There are two fees:

- A registration fee paid to the National Association of Local Councils
- An accreditation fee paid to the organisation responsible for administering the local or regional accreditation process.

The registration fee paid to NALC is £50 paid by all councils for each level regardless of size.<sup>1</sup>

The accreditation fee<sup>2</sup> varies according to:

- the award applied for
- the income of the council<sup>3</sup>
- the council's accreditation history.

	SMALL	MEDIUM	LARGE
Foundation Standard	£50	£50	£50
Quality Standard	£60	£80	£100
Quality Gold	£100	£150	£200

The IDB will review fee levels annually.

The fee is reduced by 20% if the council sought accreditation at a lower level within the previous 12 months as the checking process covering criteria for the previous standard requires less work.

<sup>1</sup> All figures quoted are excluding VAT.

<sup>2</sup> The figures quoted are the discounted rates for members of NALC. Both the registration fee and accreditation fee are reduced by 50% for member councils. Non-member councils must pay the full fee ie double the figures quoted in this grid.

<sup>3</sup> Small councils have an annual income of <£25,000. Medium councils have an annual income of £25,000 to £250,000. Larger councils have an income of >£250,000

## EVALUATION AND IMPROVEMENT

The aim of the evaluation and improvement process is to allow councils to feel ownership of the scheme, and to see the scheme changing to meet the feedback and needs expressed by the sector. It should also allow the scheme to be dynamic and able to respond over time to changes in the sector, national policy and other relevant issues.

### QUALITY ASSURANCE

Twice a year, representatives of the IDB will check at random a small sample of awards by carrying out spot checks of documents and information posted on a council's website.

The findings will not affect a council's award but will be used to improve the training for accreditation panels and to inform regular reviews of the scheme.

### EVALUATION

At the end of each accreditation process the council and the panel will be sent a short evaluation questionnaire. This will aim to gather feedback on the process, the criteria, the resources provided by NALC and how they could be improved.

One year after accreditation the council will be contacted again. The council will be encouraged to apply for the next level of award, to make use of the fee discount. The council will also be asked to describe the benefits they have felt from being accredited by the scheme and their feedback on the scheme as a whole.

### IMPROVEMENT

The feedback collected will be used to inform improvements to the scheme. The whole scheme, including the content and accreditation process, will be reviewed every six months.

These reviews will alternate between:

- A light touch approach only making urgent required changes where these are considered critical to the scheme.
- A wider ranging review aiming to best address collected feedback from all parties.
- The IDB will oversee all changes to the scheme.







Department for  
Communities and  
Local Government

# Local Government Pension Scheme

Technical consultation on Local Government Pension  
Scheme rules



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Department for Communities and Local Government  
Fry Building  
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# The Consultation Process and how to Respond

## Scope of the consultation

<b>Topic of this consultation:</b>	<p>The Local Government Pension Scheme (Amendment) Regulations 2015</p> <p>Since the new Local Government Pension Scheme started on 1 April 2014 there have been calls for various clarifications. These draft regulations provide some of those clarifications and will therefore improve efficiency. These changes will not affect operation of the scheme or the benefits payable.</p> <p>The consultation also:</p> <ol style="list-style-type: none"> <li>1. requests suggestions on how to better protect local taxpayers where there is a risk they will have to foot the bill for employers who leave the scheme</li> <li>2. asks what steps should be taken to ensure that members who are making additional voluntary contributions but change employer can continue with their existing voluntary contribution contracts</li> <li>3. asks what measures should be taken to ensure previous public sector pension benefits are calculated using member's correct salary figures.</li> </ol>
<b>Scope of this consultation:</b>	<p>This consultation seeks responses from interested parties on amendments to the Local Government Pension Scheme Regulations 2013 (SI 2013/2356) and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI2014/525) which came into force on 1 April 2014.</p>
<b>Geographical scope:</b>	<p>England and Wales.</p>
<b>Impact Assessment:</b>	<p>These Regulations have no new impact on business or the voluntary sector as they are amending Regulations to improve administration of the scheme and to implement other government policies.</p>

## Basic Information

<b>To:</b>	<p>Consultations are available to members of the public via the gov.uk website, but as a matter of routine the Secretary of State</p>
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will consult the people in the following list:

- County Councils (England and Wales)
- District Councils (England)
- County Borough Councils (Wales)
- London Borough Councils
- Mayor of London
- Greater London Assembly and functional bodies
- Council of the Isles of Scilly
- Environment Agency
- London Pension Fund Authority
- South Yorkshire Pension Fund Authority
- National Assembly for Wales
- Welsh Government
- Secretary of State for Justice
- City of London Corporation
- South Yorkshire Integrated Transport Authority
- West Midlands Integrated Transport Authority
- Fire and Rescue Authorities in England and Wales
- Police and Crime Commissioners England and Wales
- Government Actuary's Department
- Association of Local Authority Medical Advisers
- Local Government Association
- Association of Local Authority Chief Executives
- Society of Local Authority Chief Executives
- Chartered Institute of Public Finance and Accounting
- Association of Colleges
- Association of Consulting Actuaries
- Institute and Faculty of Actuaries
- The Law Society
- Association of District Treasurers
- Society of County Treasurers
- Society of Welsh Treasurers
- Society of Metropolitan Treasurers
- Society of London Treasurers
- National Association of Pension Funds
- Society of Local Council Clerks
- TaxPayers' Alliance
- Trades Union Congress
- GMB
- UNISON
- Unite
- Union of Construction, Allied Trades and Technicians
- Public Sector People Managers' Association
- NAPO
- Confederation of British Industry
- Business Services Association
- National Housing Federation
- Scottish Public Pensions Agency
- Northern Ireland Local Government Officers'

	<p>Superannuation Committee</p> <ul style="list-style-type: none"> <li>• Department of the Environment (Northern Ireland)</li> </ul>
<b>Body/bodies responsible for the consultation:</b>	The Department for Communities and Local Government
<b>Duration:</b>	This is a 8 week consultation which will conclude on 30 January
<b>Enquiries:</b>	<p>For enquiries, and to respond to this consultation, please e-mail</p> <p>Robert.ellis@communities.gsi.gov.uk</p>
<b>How to respond:</b>	<p>When responding, please ensure you include the words Local Government Pension Scheme Amendment Regulations.</p> <p>Alternatively you can write to:</p> <p>Robert Ellis  Department for Communities and Local Government  Workforce Pay &amp; Pensions  2<sup>nd</sup> Floor  Fry Building  2 Marsham Street  London  SW1P 4DF</p> <p>For more information, please see  <a href="https://www.gov.uk/government/organisations/department-for-communities-and-local-government">https://www.gov.uk/government/organisations/department-for-communities-and-local-government</a></p>
<b>Additional ways to become involved:</b>	<p>Any enquiries about these proposals can be raised directly with Robert Ellis at</p> <p>Robert Ellis  Department for Communities and Local Government  Workforce Pay &amp; Pensions  2<sup>nd</sup> Floor  Fry Building  2 Marsham Street  London  SW1P 4DF</p>
<b>After the consultation:</b>	The government's response will be published along side the amending regulations
<b>Compatibility with the Consultation Principles:</b>	This consultation complies with the Cabinet Office's consultation principles.

## Background

<b>Getting to this stage:</b>	Following the implementation of the reforms of the Local Government Pension Scheme from 1 April 2014, we have been working with scheme administrators to identify areas in the regulations that require clarification. These amending regulations are the product of that work and reflect other policy developments, particularly in relation to the Same Sex Marriage Act 2014.
<b>Previous engagement:</b>	There is regular engagement with the Local Government Association and trades unions, as well as scheme administrators and employers, to identify amendments needed.

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your Information Technology system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact;

Department for Communities and Local Government Consultation Co-ordinator,  
Department for Communities and Local Government, Fry Building, 2 Marsham Street,  
London SW1P 4DF.

# Chapter 1

## Introduction

### **The Local Government Pension Scheme**

1. As part of the Government's reforms of public sector pensions provision, the Local Government Pension Scheme 2013 Regulations (SI 2013/2356] and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (SI 2014/525) came into force on 1 April 2014.
2. As employers and pension administrators have now had day to day experience of applying the Scheme regulations, they have identified some areas in which clarification in the regulations is needed, as well as some drafting improvements. The intention of these draft regulations is to make the necessary revisions and address other policy developments that will need to be reflected in the Scheme, for example, implications for a survivor of a same sex marriage under the Marriage (Same Sex Couples) Act 2013.
3. Your comments are invited on the set of draft regulations at **Annex A**
4. **The closing date for responses on the draft regulations at Annex A, and the related questions in Chapter 3 is 30 January 2015.**

# Chapter 2

## Local Government Pension Scheme (Amendment) Regulations 2015

1. The Regulations are being made under the powers conferred by sections 1 and 3 of, and Schedule 3 to, the Public Service Pensions Act 2013. Under Section 3(5) of the 2013 Act, the Regulations require the consent of Treasury before being made. Draft regulations 2 to 29 amend the Local Government Pension Scheme Regulations 2013, and draft regulations 30 and 33 amend the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
2. In addition to the specific amendments covered in more detail below, some amendments have been made to update cross references to other regulations, and improve drafting.

### **Active Membership**

3. Draft regulation 3 clarifies that a person applying to be a scheme member joins the scheme on the first day of the payment period following the application to join.
4. Draft regulation 4 clarifies that a survivor or child's pension is payable if the member dies in service before completing 2 years of membership.

### **Temporary Reduction in Contributions**

5. Draft regulation 5 clarifies that a member's election to pay reduced contributions is cancelled if they receive no pay when on child related leave, as well as the result of sickness or injury.

### **Employer Contributions During Absences**

6. To assist members make appropriate additional contributions, draft Regulation 6 requires that an employer provides a member with details of additional pension contributions and additional voluntary contributions to be paid by the member if they go on reserve forces service leave.

### **Additional Pension Contributions**

7. To aid scheme members and employers in situations where a member has taken several very short periods of unpaid leave, and would otherwise have to make elections within 30 days of return from leave each time, draft regulation 7 gives employers the discretion to extend the period in which members can elect to make additional pension contributions for longer than 30 days following a return to work from a period of absence.

### **Additional Voluntary Contributions**

8. Draft regulation 8 updates a reference to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996, which have been replaced by the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013.

### **Assumed Pensionable Pay**

9. As well as updating some cross references, draft regulation 10 ensures that members are not disadvantaged by the use of a calculation of assumed pensionable pay that takes into account periods when pay was reduced due to absences when they were not in receipt of pensionable pay.

### **Disallowing Automatic Aggregation for Members Who Have Opted Out**

10. Draft regulation 11 makes it clear that when a member who has opted out of the scheme rejoins the scheme, then their periods of membership are not aggregated.

### **Role of the Independent Registered Medical Practitioner**

11. Draft Regulation 12 deals with the independence of a registered medical practitioner following a recent ruling by the Deputy Pensions Ombudsman who determined that where an administering authority and a Scheme employer had made use of two independent registered medical practitioners from the same occupational health provider, this could not be considered as “independent” when assessing a Scheme member for ill health retirement. The Department is not of that view and a clarificatory amendment is proposed.

### **Death Grants: active members**

12. Draft regulation 13 clarifies that where a member has different categories of membership at the time of their death then instead of receiving multiple death grants they receive one death grant, using the calculation that gives the greater amount. This is because the death grant calculation under Regulation 40 is calculated using the member’s annual assumed pensionable pay rather than benefits that the member has accrued or a pension that is in payment.

### **Death and Survivor benefits**

13. To be consistent with protections relating to an ill health retirement, draft regulations 14 and 15 provide that, where prior to the member’s death, the member was working part time, no account shall be taken of a reduction in pensionable pay, caused by the reduction in service, for the calculation of death and survivor benefits but only if in the opinion of an Independent Registered Medical Practitioner, the condition that caused that reduction in service contributed to the death of the member.
14. Draft regulation 16 and 17 provides that a survivor benefit calculation should exclude any amount of pension commuted into a lump sum by the deceased member.
15. Draft regulations 18 to 22 update references to other documents and make minor drafting improvements.

### **Adjustment of accounts following forfeiture etc.**

16. Draft regulation 23 clarifies that the amount that is removed from the members pension account is to be calculated by an actuary and paid to the relevant scheme employer.

### **Changes of administering authority**

17. Draft regulation 24 completes the list of categories of members for whom a change in administering authority triggers a transfer value payment.

### **Schedule 1**

18. Draft Regulation 25 removes the definition of the Housing Ombudsman Service that is not required.

### **Schedules 2 and 3**

19. Draft regulations 26 to 29 provide clarification about the inclusion of combined authorities in the scheme and the appropriate administering authority for combined, metropolitan and unitary authorities, and employers in the scheme that are located in the geographical areas covered by those local authorities. **Administering and local authorities are asked to confirm that references appear on the schedules in the legally correct form or provide the correct reference if they are not.**
20. Draft regulation 31 extends the additional membership to be counted for a survivor benefits calculation.

### **Employer contributions and no active contributing members (Draft Regulation 32)**

21. It is vital that employers who leave the Scheme do not exit leaving unmet pension liabilities. This is why revised regulations require exit payments from all Scheme employers but allow some flexibility to anticipate an exit, so that liabilities can be managed down to the point of departure.
22. Representations have been made to the Department, as a consequence of the new regulatory 'exit' regime, saying that there are Scheme employers with no active contributing members, but have outstanding liabilities in a particular fund. These employers have been paying amounts towards outstanding liabilities but there is ambiguity as to whether the call for contributions is permissible under the revised regulatory framework as a rates and adjustment certificate is linked to active membership of the employer. It was not the intention that administering authorities would be prevented from calling for amounts to cover outstanding liabilities and draft Regulation 32 allows an administering authority to call for unmet liabilities from a participating, or former participating, employer who has no active contributing members in a Fund. The employer had to have participated in the Scheme before 1 April 2014 when the 2014 scheme came into force. Contributions can be called for until all liabilities in the Fund are met.

23. Comments are invited on whether greater flexibility should be introduced around exit payments that may be liable when an employer leaves the scheme. For example, it may be the case that an employer is liable to make an exit payment under Regulation 64, when they have no active members in the scheme, but there is a likelihood that the employer will gain some active members within a short period of time. Should there be a period in which discretion could be allowed to defer the point at which an employer becomes liable for an exit payment? If so, what should this period be? Are there any other issues where the regulations could be improved where there are no active contributing members?
24. To better manage the instances when exit payments might be called for, views are sought on whether companies that are wholly owned by employers that are listed in Part 1 of Schedule 2 employer, should also be listed in Part 1 of Schedule 2, and therefore lose the ability to designate which employees have access to the scheme.

# Chapter 3

## Issues Not Covered by the Draft Regulations

### **Transfer of rights accrued in Additional Voluntary Contribution (AVC) arrangements.**

25. A proposal for regulatory change has been made that would prevent a Scheme member from transferring an Additional Voluntary Contribution arrangement *unless* they are also transferring main pension benefits. In the course of the development of the Local Government Pension Scheme (Offender Management) Regulations 2014, it became apparent that when a scheme member transfers employment, either voluntarily or compulsorily, and that results in a change in administering authority, the member may be required to end Additional Voluntary Contribution arrangements made through their exporting administering authority and have the option to enter into a contract with an Additional Voluntary Contribution provider with whom the importing administering authority has entered into arrangements. This could have the effect of disadvantaging a member by compelling them to end Additional Voluntary Contribution arrangements.
26. Respondents are asked to comment on the merits of making an amendment that requires an administering authority to facilitate the unbroken continuation of a transferring member's Additional Voluntary Contribution contract, by entering into arrangements with the member's original Additional Voluntary Contribution provider when the member moves employment voluntarily or compulsorily, or whether the proposed regulatory change in paragraph 24 should be adopted.

### **Ongoing Final Salary Link For Deferred Pensions**

27. Schedule 7 to the Public Service Pensions Act 2013 provides that scheme members who have a deferred pension under the 2008 or earlier Scheme regulations, return to work having had less than a 5 year break in service with any public service pension scheme employment, and who opt not to aggregate their deferred benefits with their period of active membership, may have their deferred benefits calculated using the members final salary on retirement, rather than the final salary at the time that the deferred benefits were awarded. This will require the administrator of the deferred benefits to be aware of information pertaining to the subsequent period of service. Administrators are asked to give details of how these flows of information can be managed, and if any regulation is needed to support that e.g. should there be a regulatory reporting process when new employment starts and how should it operate?

### **For Information Only - Marriage (Same Sex Couples) Act 2013 – implementation Order – change in gender**

28. Phase 2 of the implementation of the Marriage (Same Sex Couples) Act 2013, will mean that a marriage will be able to continue in the event that either spouse changes legal gender, provided both spouses agree. Scheme survivor benefits for married same sex couples are in some historic circumstances, less generous than they are for opposite sex couples. The Marriage (Same Sex Couples) Act 2013 (Consequential

Provisions) Order (No. 2) 2014 (scheduled for the Autumn), will contain an amendment to the Local Government Pension Scheme Regulations 1997 to make it clear that in any provision made by the regulations that concerns the wife or widow, or husband or widower, of a marriage which subsisted before a certificate under the Gender Recognition Act 2004 and continued until the death of the member, no account will be taken of the change in gender for the calculation of survivor benefits

## 2015 No. 0000

### PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

#### The Local Government Pension Scheme (Amendment) Regulations 2015

<i>Made</i>	- - - -	2015
<i>Laid before Parliament</i>		2015
<i>Coming into force</i>	- -	2015

These Regulations are made in exercise of the powers conferred by sections 1 and 3 of, and Schedule 3 to, the Public Service Pensions Act 2013(a).

In accordance with section 21 of that Act, the Secretary of State has consulted the representatives of such persons as appeared to the Secretary of State to be likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

The Secretary of State makes the following Regulations:

#### **Citation, commencement and extent**

1.—(1) — These Regulations may be cited as the Local Government Pension Scheme (Amendment) Regulations 2015.

(2) These Regulations come in to force on [ ] but have effect from 1st April 2014.

(3) These Regulations extend to England and Wales.

#### **Amendment of the Local Government Pension Scheme Regulations 2013**

2. The Local Government Pension Scheme Regulations 2013(b) are amended in accordance with regulations 3 to 29.

3. For regulation 3(4)(b) (active membership) substitute—

“(b) on the first day of the payment period following an application to become a member, or”

---

(a) 2013 c. 25  
(b) SI. 2013/2356

**4.** In regulation 3(7) (active membership), omit the word “or” at the end of sub-paragraph (g) and after sub-paragraph (h) insert—

“or,

(i) the member dies.”.

**5.** In regulation 10(5) (temporary reduction in contributions) for “sickness or injury” substitute “sickness, injury, ordinary maternity, paternity or ordinary adoption leave”.

**6.** In regulation 15 (employer contributions during absences)—

(a) for paragraph (3)(a)(ii) substitute—

“(ii) details of the amount of any additional pension contributions to be paid by the member under regulation 16 (additional pension contributions) or regulation 17 (additional voluntary contributions) during reserve forces service leave”;

(b) in sub-paragraph (3)(b) omit the words “less any pensionable pay being paid to the member during the absence”.

**7.** In regulation 16 (additional pension contributions), at the end of paragraph (16) insert “or such longer period as the Scheme employer may allow”.

**8.** In regulation 17 (additional voluntary contributions) for paragraph (6) substitute—

“(6) For the purposes of regulation 17 of the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations 2013(a) the retirement date used for the purposes of Part 2 of Schedule 6 to those Regulations is, where no acceptable date has been specified for that purpose by the member, normal pension age or, if the member has already attained normal pension age, age 75.”;

**9.** In regulation 19(2) (exclusion of rights to return of contributions) for “paragraph (1)(e)” substitute “paragraph (1)(b)”.

**10.** In regulation 21 (assumed pensionable pay)—

(a) in paragraph (2)(b) after “child-related leave” insert “other than any part of that leave period where the pensionable pay received is greater than the assumed pensionable pay that the member would otherwise have been treated as receiving for that part of the leave period”;

(b) in paragraph (4) for “The annual rate of assumed pensionable pay” substitute “Subject to paragraph (4A), the annual rate of assumed pensionable pay”;

(c) in paragraph (4)(a)(i) and (4)(b)(i) for “regulations 39(2)(a) (calculation of ill-health pension amounts) and 40(3) (death grants: active members)” substitute “regulations 39(1)(a) (calculation of ill health pension amounts), 40(3) (death grants: active members), 41(4)(b) (survivor benefits: partners of active members), 42(4)(b), 42(5)(b), 42(9)(b) and 42(10)(b) (survivor benefits: children of active members)”;

(d) after paragraph (4) insert—

“(4A) If the pensionable pay the member received in the periods specified in paragraph (4)(a)(i) or (4)(b)(i) was reduced as a result of absence due to a trade dispute or absence with permission from the member’s Scheme employer, such reduction is to be ignored for the purposes of calculating the member’s assumed pensionable pay.”.

**11.** In regulation 22(8) (pension accounts) after the words “active member” where they first appear, insert “(other than where a member becomes entitled to deferred benefits as a consequence of a notice served under regulation 5(2) (ending active membership))” .

**12.** In regulation 36 (role of the IRMP) after paragraph (2) insert—

“(2A) For the purposes of paragraph (2) an IRMP is not to be treated as having advised, given an opinion on or otherwise been involved in a particular case merely because another practitioner from the same occupational health provider has advised, given an opinion on or otherwise been involved in that case.”.

**13.** In regulation 40 (death grants: active members)—

(a) in paragraph (3) at the end insert “,but where in the opinion of an IRMP the member was at the date of death in part time service wholly or partly as a result of the condition that caused or contributed to the member’s death, no account shall be taken of any reduction in pensionable pay due to such reduction in service as is attributable to that condition”;

(b) after paragraph (4) insert—

“(5) In the case of an active member who is also a deferred member, pensioner member or deferred pensioner member of the Scheme, no death grant is payable under regulations 43 (death grants: deferred members) or 46 (death grants: pensioner members) unless the amount that would be payable under those regulations would be higher than the amount payable under this regulation, in which case the amount payable is that higher amount.”.

**14.** In regulation 41 (survivor benefits: partners of active members) in paragraph (4)(b), at the end, insert “,but where in the opinion of an IRMP the member was at the date of death in part time service wholly or partly as a result of the condition that caused or contributed to the member’s death, no account shall be taken of any reduction in pensionable pay due to such reduction in service as is attributable to that condition”.

**15.** In regulation 42 (survivor benefits: children of active members) in paragraphs (4)(b), (5)(b), (9)(b) and (10)(b) at the end insert “,but where in the opinion of an IRMP the member was at the date of death in part time service wholly or partly as a result of the condition that caused or contributed to the member’s death, no account shall be taken of any reduction in pensionable pay due to such reduction in service as is attributable to that condition”.

**16.** In regulation 44(8) (survivor benefits: partners of deferred members and deferred pensioner members) at the end insert “with the modification that for the purposes of paragraphs (4) and (5) the amount of pension the member would have been entitled to draw assumed that there had been no commutation under regulation 33 (election for lump sum instead of pension)”.

**17.** In regulation 45(14) (survivor benefits: children of deferred members) at the end insert “with the modification that for the purposes of paragraphs (5), (9) and (10) the amount of pension the member would have been entitled to draw assumed that there had been no commutation under regulation 33 (election for lump sum instead of pension)”.

**18.** In regulation 58 (funding strategy statement) for paragraph (4)(a) substitute—

“(a) the guidance set out in the document published in October 2012 by CIPFA, the Chartered Institute of Public Finance and Accountancy and called “Preparing and Maintaining a Funding Strategy Statement in the Local Government Pension Scheme 2012(a); and”.

**19.** In regulation 62(6)(b) (actuarial valuations of pension funds) for the word “common” substitute “primary”.

**20.** In regulation 69(4) (payment by Scheme employers to administering authorities) omit the words “, and at such intervals (not exceeding 12 months)”.

**21.** In regulation 83 (payments for persons incapable of managing their affairs) in the first line omit the words “other than an eligible child”.

**22.** In regulation 89 (annual benefit statements) omit paragraph (5).

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(a) ISBN No 9781845083359; copies may be obtained from CIPFA at 3 Robert Street, London WC2N 6RL.

**23.** In regulation 94(1) (adjustment of account following forfeiture etc) at the end insert “and pay the relevant Scheme employer an amount determined by an actuary as representing the capital value of those benefits”.

**24.** In regulation 103 (changes of administering authority) in paragraph (1) omit the word “and” at the end of sub-paragraph (b) and at the end insert—

“; and

(d) in a case where a member has the option of not aggregating a past period of membership with the current period of membership, the member has not exercised the option of retaining separate benefits”.

**25.** In Schedule 1 (interpretation)—

(a) omit the definition of “Housing Ombudsman Service”(a);

(b) after the entry for “joint liability amount” insert—

“”local authority” means a county council, a county borough council, a district council, a London borough council, the Common Council of the City of London and the Council of the Isles of Scilly.”;

(c) For “SVAVC” substitute “SCAVC”.

**26.** In Part 1 of Schedule 2 (Scheme employers) for paragraphs 24(b) and 25(c) substitute—

“**24.** A combined authority established by an order under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009(d)”.

**27.** In Part 2 of Schedule 2 (Scheme employers) in paragraph 6, for “paragraphs 6 to 23 of Part 1 of this Schedule” substitute “paragraphs 6 to 24 of part 1 of this Schedule”.

**28.** In Part 1 of Schedule 3 (pension funds)—

(a) in paragraph (g) after “Chester” insert “Borough”;

(b) in paragraph (j) after “Tyneside” insert “Borough”;

(c) in paragraph (k) after “Tameside” insert “Metropolitan”;

(d) in paragraph (m) after “Wirral” insert “Metropolitan”;

(e) for paragraph (t) for “Cardiff Council” substitute “County Council of the City and County of Cardiff”;

(f) in paragraph (u) after “Swansea” insert “Council”;

(g) for paragraph 1(z)(e) for “the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined authority Order 2014” substitute “West Midlands Integrated Transport Authority.”.

**29.** In the table after paragraph 4 of Part 2 of Schedule 3 (pension funds)—

(a) in the second entry, in the left column, for “of an administering authority” substitute “of a local authority”;

(b) in the second entry, in the right column, for “That administering authority” substitute “Where that local authority is an administering authority, that administering authority and where that local authority is not an administering authority, the administering authority which is the appropriate administering authority for that local authority.”;

(c) in the fifth entry, in the in the right column, for “The administering authority within whose local government area the relevant Academy is located” substitute “Where the

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(a) The definition of Housing Ombudsman Service was inserted by S.I. 2014/44.

(b) Paragraph 24 was inserted by SI 2014/1012.

(c) Paragraph 25 was inserted by S.I. 2014/863.

(d) 2009 c.20.

(e) Paragraph 1(z) was inserted by S.I. 2014/863.

local authority within whose local government area the relevant workplace is located is an administering authority, that administering authority and where the local authority within whose local government area the relevant workplace is located is not an administering authority, the administering authority which is the appropriate administering authority for that local authority.”;

(d) in the sixth entry, in the right column, for “passenger transport authority” substitute “passenger transport executive”; and

(e) at the end insert the following entries—

<i>Member</i>	<i>Appropriate administering authority</i>
An employee of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(a).	South Yorkshire Pension Authority
An employee of the West Yorkshire Combined Authority established by the West Yorkshire Combined Authority Order 2014(b)	City of Bradford Metropolitan District Council
An employee of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014(c)	Wirral Metropolitan Borough Council
An employee of the Greater Manchester Combined Authority established by the Greater Manchester Combined Authority Order 2011(d)	Tameside Metropolitan Borough Council
An employee of the following local authorities: Oldham Metropolitan Borough Council Rochdale Metropolitan Borough Council Stockport Metropolitan Borough Council Manchester City Council Salford City Council Wigan Metropolitan Borough Council Bolton Metropolitan Borough Council Bury Metropolitan Borough Council Trafford Metropolitan Borough Council	Tameside Metropolitan Borough Council
An employee of the following local authorities: Blackburn with Darwen Borough Council Blackpool Council	Lancashire County Council
An employee of the following local authorities: Sefton Council Liverpool City Council Knowsley Metropolitan Borough Council St Helens Metropolitan Borough Council	Wirral Metropolitan Borough Council
An employee of City of York Council	North Yorkshire County Council
An employee of the following local authorities: Barnsley Metropolitan Borough Council Doncaster Metropolitan Borough Council Sheffield Metropolitan District Council	South Yorkshire Pension Fund Authority

(a) S.I. 2014/863.

(b) S.I. 2014/864.

(c) S.I. 2014/865.

(d) S.I. 2011/908.

Rotherham Metropolitan Borough Council  
 An employee of the following local authorities: City of Bradford Metropolitan District Council  
 Leeds City Council  
 Calderdale Council  
 Kirklees Council  
 City of Wakefield City Council  
 An employee of the following local authorities: East Riding of Yorkshire Council  
 Kingston Upon Hull City Council  
 North Lincolnshire Council  
 North East Lincolnshire Council  
 An employee of the following local authorities: South Tyneside Borough Council  
 Council of the Borough of North Tyneside  
 Newcastle City Council  
 Sunderland City Council  
 Gateshead Council  
 An employee of Darlington Borough Council Durham County Council  
 An employee of the following local authorities: Middlesbrough Borough Council  
 Hartlepool Borough Council  
 Stockton-on-Tees Borough Council  
 Redcar and Cleveland Borough Council  
 An employee of the following local authorities: Cheshire West and Chester Borough Council  
 Cheshire East Council  
 Halton Borough Council  
 Warrington Borough Council  
 An employee of Stoke-on-Trent City Council Staffordshire County Council  
 An employee of the following local authorities: Wolverhampton City Council  
 Birmingham City Council  
 Walsall Borough Council  
 Sandwell Metropolitan Borough Council  
 Coventry City Council  
 Solihull Metropolitan Borough Council  
 Dudley Metropolitan Borough Council  
 An employee of Telford and Wrekin Council Shropshire Council  
 An employee of County of Herefordshire Worcestershire County Council  
 District Council  
 An employee of Derby City Council Derbyshire County Council  
 An employee of the following local authorities Leicestershire County Council  
 Leicester City Council  
 Rutland County Council District Council  
 An employee of Nottingham City Council Nottinghamshire County Council  
 An employee of the following local authorities: Bedford Borough Council  
 Central Bedfordshire Council  
 Luton Borough Council  
 An employee of Peterborough City Council Cambridgeshire County Council  
 An employee of the following local authorities: Royal Borough of Windsor and Maidenhead  
 West Berkshire District Council  
 Reading Borough Council  
 Wokingham District Council  
 Slough Borough Council  
 Bracknell Forest Borough Council  
 An employee of the following local authorities: Essex County Council  
 Southend-on-Sea Borough Council  
 Thurrock Council

Brighton & Hove City Council	East Sussex County Council
An employee of Medway Council	Kent County Council
An employee of Milton Keynes Council	Buckinghamshire County Council
An employee of the following local authorities:	Dorset County Council
Bournemouth Borough Council	
Council of the Borough and County of the Town of Poole	
An employee of Swindon Borough Council	Wiltshire Council
An employee of the following local authorities:	Hampshire County Council
Portsmouth City Council	
Southampton City Council	
An employee of the following local authorities:	Bath and North East Somerset Council
Bristol City Council	
South Gloucestershire Council	
North Somerset Council	
An employee of the following local authorities:	Devon County Council
Plymouth City Council	
Council of the Borough of Torbay	
An employee of the following local authorities:	Carmarthenshire County Council
Pembrokeshire County Council	
Ceredigion County Council	
An employee of Vale of Glamorgan Council	County Council of the City and County of Cardiff
An employee of Neath Port Talbot Borough Council	City and County of Swansea Council
An employee of the following local authorities:	Flintshire County Council
Wrexham County Borough Council	
Denbighshire County Council	
An employee of the following local authorities:	Gwynedd Council
Conwy County Borough Council	
Isle of Anglesey County Council	
An employee of the following local authorities:	Rhondda Cynon Taf County Borough Council
Bridgend County Borough Council	
Merthyr Tydfil County Borough Council	
An employee of the following local authorities:	Torfaen County Borough Council
Monmouthshire County Council	
Newport City Council	
Caerphilly County Borough Council	
Blaenau Gwent County Borough Council	

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**Amendment to the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014**

**30.** The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014(a) are amended in accordance with regulations 31 to 33.

**31.** In regulation 17 (survivor benefits) for paragraph (13) substitute—

“(13) Membership for the purposes of paragraphs (10) and (12) includes any relevant additional membership that would have counted as membership for the purpose of

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(a) S.I. 2014/525

regulations 42 and 42A of the 1997 Regulations (reduction of some surviving spouses' and civil partners' pensions) and any membership purchased under regulation 14A(a) of the Benefits Regulations (elections to pay additional contributions: survivor benefits)

32. After regulation 25 (pension increases under the Pensions (Increase) Acts) insert—

**“Employer contributions for historic liabilities**

25A.—(1) This regulation applies to an employer who—

- (a) was a Scheme employer in the 2014 Scheme or its equivalent under any of the Earlier Schemes;
- (b) was not an admission body;
- (c) does not employ any active members contributing to a fund;
- (d) has outstanding liabilities to a fund in relation to any person entitled to benefits under the 2014 Scheme or any of the Earlier Schemes; and
- (e) has not paid an exit payment under regulation 64 of the 2013 Regulations (special circumstances where revised actuarial valuations and certificates must be obtained) or an equivalent payment under any of the Earlier Regulations.

(2) Where this regulation applies, an administering authority may require the employer to pay such contributions as an actuary certifies should be paid to meet the outstanding liabilities.

(3) Payments under paragraph (2) must be over such period of time as the administering authority considers reasonable.”.

33. In Schedule 2—

- (a) in paragraph 2(1) for “paragraph 1(3)(b), 1(4) or 9(2)” substitute “paragraph 1(4), 9(2) or, except where paragraph 1(1)(d) applies, paragraph 1(3)(b)”; and
- (b) after paragraph 2(1) insert—

“(1A) A member’s Scheme employer may determine to waive the reduction referred to in paragraph 1(3)(b) where paragraph 1(1)(d) applies in relation to that paragraph.”.

We consent to the making of these Regulations

Date *Names*  
Two of the Lords Commissioners of Her Majesty’s Treasury

Signed by authority of the Secretary of State for Communities and Local Government

Date *Name*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

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(a) Regulation 14A was inserted by S.I. 2009/3150.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Local Government Pension Scheme Regulations 2013 (“the 2013 Regulations”) and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (“the Transitional Regulations”). Both sets of regulations came substantively into effect on 1st April 2014 and the amendments in these Regulations take effect from that date. Section 3(3)(b) of the Public Service Pensions Act 2013 provides that scheme regulations may make retrospective provision.

Regulations 3 to 6 make minor amendments relating to membership and contributions.

Regulation 8 amends regulation 17 of the 2013 Regulations to reflect an updating of separate regulations referred to.

Regulation 9 corrects a cross reference.

Regulation 10 amends regulation 21 of the 2013 Regulations so that members on child-related leave who receive pay which is greater than their assumed pensionable pay accrue benefits on that higher level of pay.

Regulation 11 clarifies that a person who has opted out of membership and then re-joins the Scheme in the same employment does not have discretion to keep separate pension accounts.

Regulation 12 clarifies that an independent registered medical practitioner is not to be considered to have acted in a case merely because a different member of the same practice has acted in that case.

Regulation 13 amends provisions in the 2013 Regulations relating to death grants payable to persons who have separate categories of membership in addition to active membership. That regulation and regulations 14 and 15 also ensure that benefits payable to survivors are not reduced in cases where members spent some period working reduced hours as a result of the condition from which they died.

Regulations 16 and 17 amend provisions in the 2013 Regulations relating to survivor pensions payable where the deceased was a deferred pensioner member.

Regulation 18 updates the reference to a document produced by CIPFA.

Regulation 19 replaces a reference to “a common rate” with a reference to “a primary rate”.

Regulations 20 to 24 make minor amendments relating to administration of the Scheme.

Regulation 25 amends Schedule 1 to the 2013 Regulations by removing one unnecessary entry, correcting another and inserting a definition of “local authority”.

Regulations 26 to 29 make amendments relating to Scheme employers and appropriate administering authorities to clarify which is the appropriate administering authority for employees of all Scheme employers.

Regulations 30 to 33 amend the Transitional Regulations.

Regulation 31 extends the additional membership counted for the purposes of calculating survivor pensions to cover membership covered by all types of voluntary contributions.

Regulation 32 clarifies that employers with historic liabilities to funds should pay contributions to meet those liabilities even if they are not currently employing any active members contributing to a particular fund.

Regulation 33 enables a Scheme employer to waive, on any ground, actuarial reductions in cases where members retire before satisfying the “rule of 85”.

No impact statement has been produced for this instrument as no impact on business or the voluntary sector is foreseen.



Department for  
Communities and  
Local Government

## Parish Polls

Consultation on the Government's intentions to modernise  
parish poll regulations



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This consultation document and the consultation process have been planned to adhere to the Government Code of Practice on consultation.

An impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

# Background and purpose

## Topic

This is a consultation on the modernisation of parish polls, with the aim of bringing the process up to date and ensuring that parish polls continue to provide a legitimate method for local communities to have a voice on issues that directly relate to parish matters.

## Scope of Consultation

This document sets out our proposals and seeks the views of the public, local authorities and the parish sector on questions regarding:

**Section one:** The trigger – the number or proportion of electors required to demand a poll.

**Section two:** The voting arrangements for parish polls.

**Section three:** The questions on which a poll can be held.

**Section four:** Consequential related matters.

## Geographical Scope

This consultation relates to England only.

## Basic Information

### Who are we consulting?

This consultation paper invites comments from:

- Members of the public who live and/or work in parished areas.
- Parish council members.
- Parish council clerks and other employees.
- Parish meeting chairmen.
- Representatives of parish bodies.
- Principal local authorities and their officials especially those who have a role if a parish poll is called.

### How to respond

Your response must be received by 30 January 2015.

Email responses should be sent to: [parishgovernance@communities.gsi.gov.uk](mailto:parishgovernance@communities.gsi.gov.uk)  
or by post to Hannah Brook, 2<sup>nd</sup> Floor, Fry Building NE, 2 Marsham Street, London, SW1P 4DF.

For further information regarding this consultation or to request a hard copy please contact Hannah Brook by email: [hannah.brook@communities.gsi.gov.uk](mailto:hannah.brook@communities.gsi.gov.uk) or phone: 0303 444 1858.

We would encourage people to give a direct answer to the questions asked, but please feel free to comment on the other intentions expressed in this document. A government response outlining the findings as a result of this consultation will be published online in February 2015.

## Confidentiality and data protection

Any responses to this consultation may be made public. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# Background information

## What is a parish poll?

A parish poll is a democratic tool which allows for a ballot of local government electors in the parish to be called on any question arising at a parish meeting. Accordingly a parish poll should only be held on a question which it is appropriate for a parish to consider. Although non-binding, meaning that the results of the poll do not have to be followed, they provide an indication of support for, or opposition to, specific parish matters which helps to guide parish council decision-making.

## What is a parish meeting?

There are two types of parish meetings; statutory parish meetings and extraordinary parish meetings. In parishes which are too small to have a parish council there must be two statutory parish meetings a year. For parishes with a parish council, one parish meeting a year must be held in addition to the meetings of the parish council. In all parishes extraordinary parish meetings can be convened throughout the year, by a parish chairman, by two parish councillors or, importantly for the calling of parish polls, by six or more local government electors.

Parish meetings are public gatherings where local electors can raise any matter affecting parish business; local electors also have the ability to vote on any question put before the meeting. In parishes without a parish council the parish meeting also forms the decision making body; whereas for parishes with a parish council, the elected members of the council are the decision making body— decisions and votes can only be taken by council members. Whilst the public have a right to attend, public participation is governed by the council's standing orders.

## What procedures have been used in the past?

The legislation that governs parish polls is found in Section 150 of and Schedule 12 to the *Local Government Act 1972*<sup>1</sup> and *The Parish and Community Meeting (Polls) Rules 1987*<sup>2</sup>. Amongst other things, that legislation states that:

- If a poll consequent on a parish meeting is required to be taken, the chairman of the meeting shall notify the principal council in which the parish is situated of the fact and that council shall appoint an officer of the council to be returning officer and shall run the poll.
- Polling is to take place between the hours of 4 in the afternoon and 9 at night on the day fixed by the returning officer, which shall not be earlier than the fourteenth day or later than the twenty-fifth day after the day on which the poll was demanded.

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1972/70/contents>

<sup>2</sup> [www.legislation.gov.uk/uksi/1987/1/made](http://www.legislation.gov.uk/uksi/1987/1/made)

- The expense of a parish meeting, including the cost of any poll consequent on a parish meeting, shall be paid for by the parish council.
- A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is less<sup>3</sup>.

There is no provision for polling cards, postal or proxy votes, and although often provided, there is no requirement for adjustments for the disabled.

### **What issues have been identified?**

Parish polls are a high cost consultation method; a survey of 150 parishes found that polls cost in the region of £5,000 - £8,000<sup>4</sup>. It is therefore important that they are properly run, are relevant to the parish residents, and form a real way to ascertain views and aid decision making. A number of problems have been identified with the system.

**The trigger:** the number of electors needed for a poll to be taken was very low. There is evidence that this low threshold has resulted in the poll process being inappropriately exploited. In one case a poll was called by 11 residents, the minority of those present at the meeting, and resulted in a poll turnout of 13%.

**The voting arrangements:** There are no provisions for proxy or postal votes and voting can only take place between the hours of 4-9pm. These procedures are out of date and may result in reduced participation.

**The questions on which a poll can be held:** Individuals have abused the current wide definition to call for polls on matters which are unrelated to the local area or the functions of a parish.

In response to representations on the above matters, provisions were added to the *Local Audit and Accountability Act 2014* to modernise parish polls. Section 42 of the Act allows the Secretary of State to make new regulations about polls consequent on parish meetings, including:

- the questions arising at a meeting on which a poll may be demanded;
- the circumstances in which a poll may or must be taken (including provision as to the number of local government electors who must demand a poll for a poll to be taken); and
- the conduct of a poll.

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<sup>3</sup> This requirement was removed by section 42(2) of the Local Audit and Accountability Act 2014.

<sup>4</sup> Figures from 2012 Society of Local Council Clerks survey.

The Act also removes the current trigger requirements and allows for the creation of new regulations covering the poll process, which may cover the application of existing electoral legislation to parish polls (such as procedures for postal voting).

## **Intentions for Regulations**

As set out by Ministers to Parliament, the Government intends to issue new regulations to modernise the parish poll process whilst maintaining the essence of this important democratic tool and preserving the mechanism of calling a poll at a parish meeting. The new regulations will replace The Parish and Community Meeting (Polls) Rules 1987.

In modernising parish polls the Government is minded to:

- increase the trigger for the number of electors needed to call a poll, to limit vexatious, unnecessary and otherwise inappropriate use;
- update the voting arrangements to improve access and modernise the polling procedure to bring mechanisms in line with other local government polls; and
- more closely define the question on which a parish poll can be held to ensure questions posed are on appropriate local issues.

## **Previous Engagement**

The enabling provisions in the Local Audit and Accountability Act 2014 were debated in Parliament. We have also discussed the policy with the National Association of Local Councils, the Society of Local Council Clerks and certain other interested parties prior to this consultation.

# Section One - The trigger

- 1.1 Under the Local Government Act 1972 a poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting.
- 1.2 The previous trigger requirement in operation stated that no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is less. In a parish meeting with only six people in attendance, a poll could be called by as little as two people. This trigger was particularly minimal when compared to the average parish size of 150-70,000 people. This led to a number of instances where polls have been called by individuals exploiting the trigger threshold to vexatiously or inappropriately pursue particular personal agendas which are not shared by a majority of other local people. As mentioned in one case, 11 people called for a poll resulting in a turnout of 13% of voters. In another parish of over 25,000 electors, 10 people out of the 100 present at a parish meeting, called for a parish poll which resulted in a turnout of 4%. As all costs of the poll are met by the parish and normally paid from precepts, such abuse can have large financial consequences for parish councils and tax payers.
- 1.3 The Government proposes to create a new trigger which increases the numbers of electors needed to call for a parish poll, in order to ensure that polls are not inappropriately pursued by small groups of people but rather held on matters of genuine local concern. We also propose that the trigger preserves the mechanism of calling a poll at a parish meeting,
- 1.4 The Government proposes to make regulations about the circumstances in which a poll may be taken. In these regulations, the Government proposes the following provision:  
***No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than –***  
***1) 10% of local government electors for the community, or***  
***2) 60 electors (if 10% of electors exceeds 60)***
- 1.5 This trigger would mean that a parish poll is triggered when the majority of electors present at the meeting demand a poll, and the electors demanding the poll also constitute 10 percent of the electors for the parish. Using this trigger we estimate that the smallest number of people needed to trigger a poll would be 15.
- 1.6 This option provides a higher trigger threshold than the previous trigger in use and offers a solution which is representative to parish size. We intend to have

a requirement for a maximum limit, as even a very small percentage of the larger parish populations could create administrative difficulties in organising meetings and the counting of hands/verification. A similar form of trigger is currently used to trigger community polls in Wales.

1.7 When formulating the trigger, a number of factors were taken into consideration, including the number of people who could be reasonably expected to physically fit into a room which is available for a parish meeting; the number of votes by show of hands that could be practically counted at a meeting; and the number of people who could be verified against the electoral register as local government electors to satisfy that the trigger has been reached.

1.8 In addition to changing the trigger, the Government proposes to remove the ability for the person presiding at the meeting, alone, to call a poll. The Government considers that this should be replaced by a provision which allows for a poll to be called on an appropriate issue if the majority of the members (councillors) of a parish council agree, in order to make the process more democratic. These measures will help to stop vexatious use and ensure that tax payers' money is used appropriately.

## Question:

**Q1.** The proposal is to provide in regulations that:

No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than –

- 1) 10% of local government electors for the community, or
- 2) 60 electors (if 10% of electors exceeds 60)

**What are your views on the proposed trigger?**

## Section Two - The voting arrangements

- 2.1 The polling rules are found in *The Parish and Community Meeting (Polls) Rules 1987*<sup>5</sup>. The Rules state that voting can only take place between the hours of 4 p.m. - 9 p.m. There is no provision for polling cards, postal or proxy votes, and although often provided, there is no requirement for adjustments for the disabled. Once a poll has been called it must be held within 14-25 days.
- 2.2 It is the Government's view that these polling procedures operate as barriers to participation and are in need of modernisation. The Government believes that polls of genuine local concern warrant modern polling procedures which are transparent and accessible.
- 2.3 Parish polls are carried out on behalf of the parish by their principal council<sup>6</sup>. All costs incurred by the principal council in carrying out a parish poll are met by the parish concerned. Parishes will normally pay for the poll from their precept, so costs are funded directly from tax payers' money.
- 2.4 Additional voting arrangements are likely to increase the cost of a poll, for example, extending voting hours will require polling stations to be rented for longer periods of time, with polling clerks paid to cover the extra hours. However, increasing the trigger and guaranteeing that the subject matter on which a poll can be called is relevant will ensure that polls are only triggered on matters of genuine local concern and therefore are more likely to represent value for money.
- 2.5 When considering the proposal below, please bear in mind the non-binding nature of parish polls which differentiates them from some other local referendums.

### Proposal:

#### **In the proposed regulations about the conduct of a poll the Government intends to provide:**

- that a poll must be open from 7 a.m. to 10 p.m.;
- that the same facilities for disabled people as used in other polls/referendums must be provided (*e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters*);
- that the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council;

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<sup>5</sup> <http://www.legislation.gov.uk/ukxi/1987/1/made>

<sup>6</sup> A principal council is the district, unitary or borough council to whom local residents in the parish pay their council tax.

- that at the discretion of the principle council's Returning Officer, a parish poll may be combined, if timing permits, with another poll. In this situation a parish poll must be conducted according to the rules of the other poll.

2.6 This approach would modernise arrangements and increase accessibility.

Other arrangements that may be included in a poll include postal, proxy voting, polling cards and any other statutory conduct measures consequent on a local government referendum.

2.7 Postal and proxy voting would potentially increase flexibility and access to polls, allowing those who are unable to vote in person to do so. However, due to the time needed to administer them, if these arrangements were selected as an appropriate procedure for any poll, we intend to allow for the period of time between calling and holding that poll to be extended from 14-25 days to 22-35 days. Given the expense of providing for postal and proxy voting, the proposed regulations would specify that any decision to use postal and proxy voting must be agreed by the parish council.

2.8 If polling cards were selected, they would need to be sent to the residents of all local electors and would help in advertising the forthcoming poll. However, providing polling cards would increase costs and they are not required for parish council elections. The proposed regulations would therefore not make polling cards mandatory for parish polls, but instead give discretion to the Returning Officer of the principal authority to judge whether it would be appropriate. Due to the time needed to produce the polling cards and deliver them, if this method were chosen we intend to allow for an increase in the period between calling and holding a poll.

2.9 If timings permitted, combining a parish poll with other polls (for example local elections) could reduce costs as the costs of polling stations and staff, for example, would be shared with other councils.

## Question:

**Q2.** The proposal is to provide in regulations:

- that a poll must be open from 7 a.m. to 10 p.m.;
- that the same facilities for disabled people as used in other polls/referendums must be provided (*e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters*);
- that the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council;
- that at the discretion of the principle council's Returning Officer, a parish poll may be combined, if timing permits, with another poll. In this situation a parish poll must be conducted according to the rules of the other poll.

**What are your views on the Government's proposal to modernise voting arrangements?**

## Section Three - The questions on which a poll can be held

- 3.1 Currently a parish poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting. The question for the poll is decided at the meeting. Accordingly, a parish poll should only be held on a question which it is appropriate for a parish to consider. However, individuals have misused the current wide definition to call for polls on matters which were unrelated to the local area or the functions of a parish. For example, polls have been called on national policy issues which a parish council cannot change. This has resulted in inappropriate polls at substantial cost to local tax payers.
- 3.2 Once a poll has been demanded at a parish meeting the chairman of the meeting notifies their principal council. Following a number of parish polls on national political issues, guidance was issued recommending that parish chairmen advise their principal council if they do not feel the topic of the poll is a parish affair, and suggesting that the Returning Officer of the principal council could then refuse to hold a poll on this question.
- 3.3 It is necessary to ensure that polls are called on topics that were discussed at the meeting, affect those who live and work in the parish and relate to parish functions. Placing previous guidance into legislation and adding defining criteria aims to guarantee the electors' voices are protected but prevent tax payers' money from being wasted.
- 3.4 In the proposed regulations about the questions arising at a meeting on which a poll can be demanded, the Government intends to provide that:  
***A poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/meeting's functions and meets the following criteria:***  
***1. The subject matter was discussed at the parish meeting;***  
***2. the subject matter directly affects those who live and/or work in the parish; and***  
***3. the parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.***
- 3.5 To further prevent inappropriate polls being called, the Government intends to allow the Monitoring Officer of a principal council to have discretion to reject a poll which they feel does not meet the legal criteria. The Monitoring Officer's proposed role would not be to monitor citizens' democratic rights, but to solely judge whether the subject matter on the poll is within the range of subject matters for which the legislation provides.
- 3.6 It is suggested that the discretion to make this decision goes to the Monitoring Officer, rather than the Returning Officer as it is the Monitoring Officer's

responsibility to oversee a principal council's compliance with its legislative obligations.

- 3.7 If it was deemed by the Monitoring Officer that a poll did not meet the legislative requirements, it is proposed that they should inform the parish meeting/council, along with the listed poll requesters of their decision and reasoning.

## Question:

**Q3.** The proposal is to provide in regulations that:

A poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/meetings functions and meets the following criteria:

1. The subject matter was discussed at the parish meeting.
2. The subject matter directly affects those who live and/ or work in the parish; and
3. the parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.

**Do you consider that the proposed criteria sufficiently tighten the subject matter so that a poll can only be held on a parish issue?**

## Section Four - Consequential related matters

4.1 Following discussions with representatives from interested parties we have identified other areas which could be updated to strengthen polling procedures and improve people's knowledge of and access to parish polls.

### **A) Calculating the number of electors on the electoral register**

4.2 The date for calculating the number of electors in parishes differs from other local authority areas. We therefore intend to change and standardise the date for calculating the number of electors on the electoral register to 1 December. This will bring the calculation time in line with other legislation.

### **B) Multiple polls**

4.3 A further concern was where multiple polls on the same question have been called in succession, as people were unhappy with the result or the council's actions. In line with other legislation<sup>7</sup> on referendums we intend to prevent this outcome. We suggest that only one poll can be called on the same subject in a 12 month period. This will prevent inappropriate use while recognising that situations may change over time which warrants holding a poll on a similar topic.

### **C) Announcement of the result**

4.4 Following the conclusion of the parish poll and the count of the votes cast, the Returning Officer from the parish's principal council, who is in charge of the poll, must announce the results. So that the outcome is made available to as many residents as possible, we propose that principal councils should place the results on their website (many do so in any event) and also on parish and town council websites, where these are available.

### **D) Poll cost estimates**

4.5 Another issue is that it is difficult for parishes to know how much a poll will cost, and to plan for this expenditure. Conducting a poll without knowledge of the cost implications for the parish and its taxpayers is not conducive to the efficient management of resources. We therefore intend to issue guidance to Returning Officers encouraging them to provide a parish with an estimate of costs, once a poll has been called and election arrangements agreed.

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<sup>7</sup> Local Government Act 2000: <http://www.legislation.gov.uk/ukpga/2000/22/contents>

## **E) Informing voters**

4.6 Lastly, once a poll has been called a parish council enters a period of heightened sensitivity limiting what information the authority can communicate regarding the poll. Councillors themselves and the local campaigners can publish and disseminate material on the questions. While taxpayers' money should not be spent on campaigning by the council, feedback has indicated that allowing a short, factual, balanced statement to be issued by the parish council could be helpful in creating more informed voters. It would be necessary for the principal council's Monitoring Officer to approve such a statement.

### **Question:**

**Q4. What are your views on the proposals to:**

**A: Change the calculation date for the number of electors on the electoral register to 1 December - bringing calculation time in line with other legislation.**

**B: Provide that only one poll can be called on the same subject in a 12 month period.**

**C: Provide that principal councils should place the results on their website and also on parish and town council websites, where these are available.**

**D: Issue guidance and encourage Returning Officers to provide a parish with an estimate of costs once a poll has been called and election arrangements agreed.**

**E: Provide that after a poll has been called, the parish council should be able to publish a short, factual, balanced and objective statement about the question of the poll.**

# List of Questions:

## **Q1. What are your views on the proposed trigger?**

The proposal is to provide in regulations that:

*No poll shall be taken unless the poll is demanded by the majority of local government electors present at the meeting and the electors demanding a poll constitute not less than –*

- 1) 10% of local government electors for the community, or*
- 2) 60 electors (if 10% of electors exceeds 60)*

## **Q2. What are your views on the Government's proposal to modernise voting arrangements?**

The proposal is to provide in regulations:

- that a poll must be open from 7 a.m. to 10 p.m.;
- that the same facilities for disabled people as used in other polls/referendums must be provided (*e.g. allow documents to be translated into braille and provided in audio format, and the use of ramps at polling stations to make them accessible for disabled voters*);
- that the poll may be conducted in accordance with such rules as applicable to the conduct of other polls as the Returning Officer considers appropriate, subject to the inclusion of postal and proxy voting for the poll being with the agreement of the parish council;
- that at the discretion of the principle council's Returning Officer, a parish poll may be combined, if timing permits, with another poll. In this situation a parish poll must be conducted according to the rules of the other poll.

## **Q3. Do you consider that the proposed criteria sufficiently tighten the subject matter so that a poll can only be held on a parish issue?**

The proposal is to provide in regulations that:

A poll can be called on any question arising at a meeting which concerns affairs which relate to a parish council/meetings functions and meets the following criteria:

1. The subject matter was discussed at the parish meeting.
2. The subject matter directly affects those who live and/ or work in the parish; and
3. the parish council/meeting has the capacity to make a decision on the subject matter including any decision as a statutory consultee, but not including a decision simply to agree a declaratory statement on the matter.

## **Q4. What are your views on the proposals to:**

**A:** Change the calculation date for the number of electors on the electoral register to 1 December - bringing calculation time in line with other legislation.

**B:** Provide that only one poll can be called on the same subject in a 12 month period.

**C:** Provide that principal councils should place the results on their website and also on parish and town council websites, where these are available.

**D:** Issue guidance and encourage Returning Officers to provide a parish with an estimate of costs once a poll has been called and election arrangements agreed.

**E:** Provide that after a poll has been called, the parish council should be able to publish a short, factual, balanced and objective statement about the question of the poll.