



Lancashire Association of Local Councils
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LALC Finance & Management Committee

Minutes of the Finance & Management Committee meeting held virtually at 4.00 pm am on Monday, 7 May 2024

Committee members attending:

Cllr Phil Orme - Chairman
Cllr Darren Cranshaw
Cllr Iain Hamilton

Cllr Pat Hastings – Vice Chair
Cllr Keith Martin
Cllr Alan Neal
Cllr Gordon Smith

Officers: Debra Platt

1. Welcome and apologies

Apologies received from Cllr Jan Finch.

2. To approve the Minutes of the meeting held on 18 March 2024 circulated.

Agreed: Minutes were agreed.

3. Matters arising

AN had informed he had requested on the agenda for the NALC Smaller Councils Committee the subject of utilities standing charges.

4. Officer updates – paper on Chief Officer cover (paper)

The paper was discussed. This would be a trial appointment.

Agreed: The Committee agreed the proposed cover support.

5. Discuss any items for inclusion on forthcoming Executive Meeting agenda

Conference date is aimed at 7 September, to be confirmed.

GS asked could updates from items raised with LCC be circulated before the meeting.

GS Planning and Local Authority (LA) enforcement seems to be discretionary, conditions make an application acceptable but compliance and monitoring don't seem to happen. Discussed a questionnaire to Las how they apply, monitor and dispose of conditions.

Could we ask the County approach on School Places and s106 monies.

PO suggested GS write a questionnaire to LAs.

PO could this be a conference topic to go to the Exec.

IH informed NALCs new website will be online soon. Vacancy on website – links to policies on adverts, NALC accepted. Info packs advertising what NALC does to new

Action
GS

audiences and Councillors/officers, getting on committees or directly elected on to groups. Chris Borg emailed 7/5/24.

Could there be a conference session on NALC/LALC what each can do and how?

GS Energy Development in the area – to meet with head of Customer Engagement @ ENW and will report back afterwards.

Action
GS

KM is trying to get UU to attend a LA Scrutiny meeting and will follow up on this.

6. LCC SLA update

DP had presented a report to LCC on re-purposing the surplus funds. Require new proposals for a future bid to LCC.

7. Any items to be discussed for future agenda or actions

AN queried postal votes arriving at homes after the polling day and asked if other areas had experience this.

KM reported South Ribble postal votes had to be hand delivered last year.

IH asked about training, ie Financial training – Nimble does a number of courses eg. Understanding precepts, audit, intro etc.

PO raised concerns about new Cllrs expressing their personal views on social media and the need to stress it is their 'personal' view.

IH A proposition for Conference – how items are put forward to NALC.

Agreed: The Committee agreed to create a policy of how we, as LALC representatives, communicate with others eg. NALC sign off 'as LALC' representative.

KM raised, rule 56 of the Highways Act – P&TCs can petition on work to ask if it is the LAs responsibility (see attachment).

KM informed that if there is a defect on the road surface that a 'ramp' warning sign must be displayed. KM encourages others to complain about road surfaces or use the petitions system. Keep using the Love Clean Streets app, as it is noted how many times a defect is reported.

GS asked if the Exec Councillor for Highways can report/publish its Performance Management Statistics including fault reporting.

IH reported on the Sustainable Communities Act which is a mechanism to allow councils and group to directly submit to Government, to remove obstacles. This Act is not being used. It could be circulated to member councils. NALC is creating a Toolkit which will be available soon.

8. Future meeting are below, next F&M is 4pm on 19 August 2024

Chair closed the meeting.

Debra Platt
County Secretary
5.27pm

LALC calendar 2024

Executive Committee Saturdays 10am	Finance & Management meetings 4pm
Saturday 20 January 2024 Virtual	Monday 8 January 2024 Virtual
Dates to be confirmed for 2024	
	18 March 2024 Virtual
Saturday 13 April 2024 Virtual	Tuesday 7 May 2024 Virtual
Saturday TBC Conference & F2F	Monday 19 August 2024 Virtual
Saturday 7 September 2024 Virtual	Monday 28 October 2024 Virtual



Highways Act 1980

1980 CHAPTER 66

PART IV

MAINTENANCE OF HIGHWAYS

Enforcement of liability for maintenance

56 Proceedings for an order to repair highway.

- (1) A person (“the complainant”) who alleges that a way or bridge—
 - (a) is a highway maintainable at the public expense or a highway which a person is liable to maintain under a special enactment or by reason of tenure, enclosure or prescription, and
 - (b) is out of repair,may serve a notice on the highway authority or other person alleged to be liable to maintain the way or bridge (“the respondent”) requiring the respondent to state whether he admits that the way or bridge is a highway and that he is liable to maintain it.
- (2) If, within 1 month from the date of service on him of a notice under subsection (1) above, the respondent does not serve on the complainant a notice admitting both that the way or bridge in question is a highway and that the respondent is liable to maintain it, the complainant may apply to the Crown Court for an order requiring the respondent, if the court finds that the way or bridge is a highway which the respondent is liable to maintain and is out of repair, to put it in proper repair within such reasonable period as may be specified in the order.
- (3) The complainant for an order under subsection (2) above shall give notice in writing of the application to the appropriate officer of the Crown Court and the notice shall specify—
 - (a) the situation of the way or bridge to which the application relates,
 - (b) the name of the respondent,
 - (c) the part of the way or bridge which is alleged to be out of repair, and

Status: This version of this provision has been superseded.

Changes to legislation: Highways Act 1980, Section 56 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (d) the nature of the alleged disrepair;
and the complainant shall serve a copy of the notice on the respondent.
- (4) If, within 1 month from the date of service on him of a notice under subsection (1) above, the respondent serves on the complainant a notice admitting both that the way or bridge in question is a highway and that the respondent is liable to maintain it, the complainant may, within 6 months from the date of service on him of that notice, apply to a magistrates' court for an order requiring the respondent, if the court finds that the highway is out of repair, to put it in proper repair within such reasonable period as may be specified in the order.
- (5) A court in determining under this section whether a highway is out of repair shall not be required to view the highway unless it thinks fit, and any such view may be made by any 2 or more of the members of the court.
- (6) If at the expiration of the period specified in an order made under subsection (2) or (4) above a magistrates' court is satisfied that the highway to which the order relates has not been put in proper repair, then, unless the court thinks fit to extend the period, it shall by order authorise the complainant (if he has not the necessary power in that behalf) to carry out such works as may be necessary to put the highway in proper repair.
- (7) Any expenses which a complainant reasonably incurs in carrying out works authorised by an order under subsection (6) above are recoverable from the respondent summarily as a civil debt.
- (8) Where any expenses recoverable under subsection (7) above are recovered from the respondent, then, if the respondent would have been entitled to recover from some other person the whole or part of the expenses of repairing the highway in question if he had repaired it himself, he is entitled to recover from that other person the whole or the like part, as the case may be, of the expenses recovered from him.
- (9) Where an application is made under this section for an order requiring the respondent to put in proper repair a footpath or bridleway which, in either case, is a highway maintainable at the public expense and some other person is liable to maintain the footpath or bridleway under a special enactment or by reason of tenure, enclosure or prescription, that other person has a right to be heard by the court which hears the application, but only on the question whether the footpath or bridleway is in proper repair.

Status:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 79(15)(aa) inserted by [2023 asc 3 Sch. 13 para. 54\(b\)](#)
- s. 90B(1A) inserted by [2015 c. 20 Sch. 10 para. 15\(3\)](#)
- s. 90C(2)(2A) substituted for s. 90C(2) by [2015 c. 20 Sch. 10 para. 16\(3\)](#)
- s. 90FA inserted by [2015 c. 20 Sch. 10 para. 20](#)
- s. 118ZA(5)(a) words inserted by [2015 c. 20 s. 25\(3\)](#)
- s. 120(3ZA) inserted by [2000 c. 37 Sch. 6 para. 13\(6\)](#)
- s. 121E(1A)(1B) inserted by [2015 c. 20 s. 23\(5\)](#)
- s. 146(6) inserted by [2015 c. 20 s. 24\(6\)\(d\)](#)
- s. 147(1A) inserted by [2015 c. 20 s. 24\(3\)](#)
- s. 147(5A) inserted by [2015 c. 20 s. 24\(5\)](#)
- s. 203(2)(b)(ia) inserted by [S.I. 2023/908 reg. 6\(2\)\(b\)](#)
- s. 219(1)(a)(i)(ii) inserted by [S.I. 2023/908 reg. 6\(3\)](#)
- s. 220(1A) inserted by [S.I. 2023/908 reg. 6\(4\)\(b\)](#)
- s. 223(1A) inserted by [S.I. 2023/908 reg. 6\(5\)\(b\)](#)
- s. 223(5A) inserted by [S.I. 2023/908 reg. 6\(5\)\(d\)](#)
- s. 223(5B)-(6) s. 223(6) renumbered as s. 223(5B)(6) by [S.I. 2023/908 reg. 6\(5\)\(e\)](#)
- s. 322(5)(ab) inserted by [2004 c. 18 s. 64\(2\)](#)
- s. 325(2B) inserted by [2015 c. 20 Sch. 10 para. 21](#)
- Sch. 6 para. 1(3ZA) inserted by [2015 c. 20 Sch. 7 para. 8\(2\)\(b\)](#)
- Sch. 6 para. 2(2ZA)-(2ZE) inserted by [2015 c. 20 Sch. 7 para. 8\(3\)](#)
- Sch. 6 para. 2(4) inserted by [2015 c. 20 Sch. 7 para. 8\(4\)](#)
- Sch. 6 para. 2(5)(6) inserted by [2015 c. 20 Sch. 7 para. 8\(5\)](#)
- Sch. 6 para. 2ZZA inserted by [2015 c. 20 Sch. 7 para. 8\(6\)](#)
- Sch. 6 para. 4A(2) inserted by [2015 c. 20 Sch. 7 para. 8\(7\)\(c\)](#)
- Sch. 6 para. 5(ba) inserted by [2015 c. 20 Sch. 7 para. 8\(8\)](#)
- Sch. 6 para. 4A(1) words renumbered as Sch. 6 para. 4A(1) by [2015 c. 20 Sch. 7 para. 8\(7\)\(a\)](#)
- Sch. 6 para. 4A(1) words substituted by [2015 c. 20 Sch. 7 para. 8\(7\)\(b\)](#)
- Sch. 6 Pt. 1 para. 2B(4) inserted by [2015 c. 20 s. 25\(6\)](#)