

Stephen Rickitt

From: Northumberland Association of Local Councils <info@northumberlandalc.uk>
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To: Stephen Rickitt
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Northumberland Association
of Local Councils

NALC Enews

8 January 2019

2019

Best wishes for the forth-coming year. I will not try to make any predictions given 2018!
In the run-up to the break, a number of announcements were made by Whitehall.

The High Street Report

This MHCLG report summarises the findings and recommendations of the High Streets Expert Panel.

https://www.gov.uk/government/publications/the-high-street-report?utm_source=43e6e68a-a69c-41ef-8f42-8adc11c4e030&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate

Running Free - Public Parks

The response to an earlier consultation was published at

<https://www.gov.uk/government/consultations/running-free-consultation-on-preserving-the-free-use-of-public->

[parks?utm_source=3958bd3f-db5c-4637-9037-78c9c0576b75&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate](https://www.gov.uk/parks?utm_source=3958bd3f-db5c-4637-9037-78c9c0576b75&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

Street Trees

DEFRA want to know what you think about proposals to introduce new measures for the process of felling street trees. These measures will make it clearer who is responsible for decisions and what process they should follow. We're also asking for views on strengthening the Forestry Commission's power to deal with illegal tree felling.

We've proposed four measures, which include:

- introducing 2 new duties on local authorities, a duty to:
 - consult on the felling of street trees
 - report on tree felling and replanting
- creating best practice guidance to support local authorities in drawing up a Tree and Woodland Strategy
- giving the Forestry Commission more powers to deal with illegal tree felling and strengthen protection of wooded landscapes

The consultation closes at 11.45 pm on 28 February 2019 and is available via

<https://www.gov.uk/government/consultations/tree-and-woodlands-introducing-measures-for-felling-street-trees>

Single Use Carrier Bags

Another DEFRA consultation suggests extending the charge to all shops. The consultation closes at 11.45 pm on 22 February 2019 and is available via

<https://www.gov.uk/government/consultations/single-use-carrier-bags-extending-and-increasing-the-charge>

Resources and Waste Strategy

DEFRA announced a major new government strategy on Tuesday 18 December 2018.

The move will overhaul England's waste system, putting a legal onus on those responsible for producing damaging waste to take greater responsibility and foot the bill.

Details are via

<https://www.gov.uk/government/news/gove-launches-landmark-blueprint-for-resources-and-waste>

Planning Conditions

In *Howell v Waveney District Council* (2018) EWHC 3388 (Admin) Sir Ross Cranston said that a planning condition should be interpreted in the light of what a reasonable reader would understand it to mean in the light of the words "natural and ordinary" meaning and in the context of any other conditions and of the planning consent as a whole. Unlawful operations could not constitute the commencement of a development. The Court had to determine, first, whether a planning condition had been breached. The second stage was to consider

whether it was a “condition precedent” in the sense that it required something to be done before development commenced. Development in contravention of a condition which was not a “condition precedent” did not render the development as a whole unlawful.

The full judgment is at

<http://www.bailii.org/ew/cases/EWHC/Admin/2018/3388.html>

Environmental Information Regulations

This guide is for those who work for a public authority and have day-to-day responsibility for environmental information.

It explains how to apply the Act by giving practical examples and answering frequently asked questions

<https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/>

The Northumberland Coast AONB

Their December 2018 Newsletter is at

<https://s6.newzapp.co.uk/t/gtp/OSwxMzUzODY2NTEgLDM=/>

Section 137 Limit for 2019/2020

A new legal briefing on Section 137 Expenditure: Limit for 2019/2020 is now available on the national NALC's website, with the Ministry of Housing, Communities and Local Government (MHCLG) confirming the appropriate sum for local (parish and town) councils for 2019/20 is **£8.12.**

Legal Briefings

In addition to the above the following national NALC LTNs have been updated

- Handling Complaints [England] (login required) and
- Data Protection (login required)

LTN 9E on Handling Complaints [England] has a link to the Local Government and Social Care Ombudsman guidance on complaints procedures for principal authorities on paragraph one.

LTN 38 on Data Protection has been reissued take account of all the changes to the data protection regime including the GDPR and Data Protection Act 2018.

Copies can be supplied to Member Councils on request.

Member Emails

The following emails have been sent to the Chairmen and Clerks of Member Parish Councils

- Social Media - 2 January 2019
- Royal Garden Party - 3 January 2019

Please let me know if your Council has not received a copy.

Planning - Weight given to emerging local plans

There's an interesting legal article looking at a recent High Court judgment

http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=37722%3Adecision-takers-and-emerging-plans&catid=63&Itemid=31



If you have any comments or observations, please contact

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