



CLERK ADVISORY MEETING OF THE COUNCIL

05 July 2021 - 8pm

MINUTES

Present:

Councillors: Cllr. Ashton (Chair), Cllr. Murphy, Cllr. Ward, Cllr. Westin

Clerk and RFO: Mr S Baxter

Members of the public (MOP): 13

Meeting commenced at 8.00pm

AGENDA ITEMS FOR DISCUSSION AND DECISION

Please note: All decisions taken in the meeting were ultimately taken by the Clerk under the delegated authority (as permitted under Section 101 of the Local Government Act 1972) which was given by the Parish Council and commenced on the 07 May 2021. The Clerk would seek the advice of the Councillors before any decision made.

1. Welcome to all Councillors and any members of the public sitting in observation

The Chair welcomed all and checked all Councillors were able to see, hear and be heard as the meeting was held via a digital format. He reminded all the Meeting was recorded and the recordings kept for a minimum 12 months.

The Chair reminded the attendees the meeting was a Clerk Advisory Meeting and not a Full Parish Meeting. The Councillors will advise the Clerk on agenda points but that the Clerk will make the final decision through the delegated authority agreed at the previous Full Council Meeting.

2. Members of the public (MOP) participation - this will be limited to 10 minutes and each member of the public will have a maximum time of three minutes. This is at the discretion of the Chair.

The Clerk reminded all that the accustomed format in the Full Parish Council of three minutes per person but a maximum of ten minutes in total for all questions would be adhered to in this meeting.

Members of the Public asked about three things:

- i) *The Council was asked why they felt the need to use a Solicitor in regard to 'some criticism' the Council and Clerk faced and subsequently publish the letter the Solicitor had sent to the specific individual? The person who raised this question stated that he wished for 20 minutes for this discussion but this had been refused.*

The Chair stated that the use of the Solicitor was because of the unwarranted, unprofessional and harassing communication from some members of the Community and that while the Council will



expect a degree of criticism, they will not accept the harassing and near abusive communication for themselves or the Clerk.

The Clerk stated that while members of the community should have a right of freedom of speech, to question and criticise the council. But the right of freedom of speech does not allow people to make baseless and accusatory allegations with no evidence and comes with responsibility. The community must also remember that while the Councillors are elected, he is an employee of the Council and thus has a right to expect a duty of care from his employer. Thus, when he received the personal accusations and harassment from a member of the community, the council were legally obliged to do all it could to protect the employee.

The Council could not be expected to sit idly by and allow these baseless allegations being spread; if they had they could be accused of a lack of duty of care and face employment law issues.

- ii) *The Council was asked who publicised the letter to the individual and does the Council appreciate the impact this may have had?*

The Clerk confirmed that he had publicised the letter from the Solicitor on the website as despite the letter being received by the member of the community, they had continued to make baseless and harassing allegations against the council and Clerk.

The Clerk confirmed the letter was redacted to protect the name of the member of the community to whom the letter had been sent but understands that this redaction had been hacked and the name of the person was leaked. The Council stated that the letter had been redacted but that because of some hacking the publicised letter had been removed.

- iii) *The Council was asked if they thought with the threat of litigation again hanging in the air, where they concerned that it was a repeat of several years ago, and do they think that members of the community would be fearful of calls from the Police or a Solicitor?*

The Chair stated that they had received legal advice from their Solicitor and that while they do want honest debate, they also need to ensure that the criticism does not turn into allegations and harassment.

- iv) *The Council was asked (again) why it felt the need to delegate the authority to the Clerk?*

The Chair stated that this question had been asked and answered by the Council at the previous meeting.

The Chair answered that the Council did not feel it was safe enough to hold meetings face to face due to the Covid pandemic still being prevalent and that they were worried that by holding face to face meetings would in effect put people at risk.

The Council could have decided to continue to hold Full Council Meetings by remote means but would face the prospect of having any of the decisions they made challenged in Court as being illegal.



In regard to the delegation, the Chair stated that the Council felt it appropriate and fully trusted the Clerk to make the right decisions. The Council felt it was the most appropriate way forward to both meet the community's needs and carry on the Parish Council operations, but to ensure that all decisions were legal.

The Chair stated the delegation was fully legal under the LGA Act 1972.

- v) *The Council was asked if the probable change of restrictions to social distancing on the 19th July would affect the decision of the Council.*

The Clerk stated that the scheme of delegation would remain for a period of six months or until the Council rescinded the motion. The change of any social restrictions would have no effect on this.

3. Proposal to advise the Clerk to exclude members of press and public from participation – but can observe.

- The Councillors advised the Clerk that this would be appropriate for the proper handling of the meeting.*
- CLERK DECISION: He agreed to the advice and thus decreed that any public and press would be excluded from participation but that they could observe.*

For the following agenda points members of the public could observe the meeting but cannot take part in any discussion or debate. Any persons not Councillors or the Clerk will be muted on Zoom.

4. Apologies for absence from Councillors

The Chair stated that he had received notification from Cllr Hall that due to work commitments he could not attend the meeting. The Clerk updated the Councillors that as this meeting was not a Full Council Meeting, the apology did not have to be formally accepted for recording purposes although the reason for absence is noted.

5. Declarations of interest – for the Council to note including dispensations presented to the Clerk

The Clerk stated that he had not received any declarations of interest.

6. Minutes of the last Clerk Advisory Meeting (07 June 2021) – to confirm that the minutes are accurate

The Clerk had previously sent a copy of the minutes to the Councillors. The Councillors briefly discussed the minutes for the accuracy.

- The Councillors advised the Clerk that the minutes were an accurate record of the meeting.*
- CLERK DECISION: The Clerk agreed that the minutes of the Full Parish Council Meeting on the 07 June 2021 was a true and accurate and noted it as such.*



NOTE FOR MINUTES: was as 8.35pm that the clerk advised the councillors that due to inappropriate, inflammatory and personal accusatory comments made by some the community attendees of the meeting, some making highly harassing personal comments in the chat section of the Zoom software, it would be inappropriate to continue with public participation. The clerk advised the councillors that as it was a clerk advisory meeting there was no statutory rights of attendance by any members of the public. All councillors agreed it would not be appropriate to continue the meeting with members of the community in attendance and that it would be suitable to continue the meeting in a closed session format.

The Meeting continued in a closed session without any members of the public in attendance.

7. Off-road use of Featherbed Lane - update from the Clerk

The Clerk stated that he had no heard from the contact at the ERYC but had contacted the PROW team for an update. He was not aware unfortunately of the result of the meeting of the ERYC with the Police.

Overall, whilst he was aware some work had been done to repair barriers, he would continue to press the ERYC for details how they are managing the situation.

Actions: Clerk to continue to chase the PROW Team at ERYC and to update Councillors at next meeting

8. Telephone Box maintenance - update from Cllr Murphy

Cllr Murphy stated that unfortunately due to work commitments his team and him had not been able to do as much work on the phone box as hoped. He anticipated that some work could be undertaken in the next few weeks and would update the council at the next meeting.

The Chair thanked him for his dedication to this project and looked forward to hearing an update soon.

9. Financial update from the Clerk - including bank reconciliations

The Clerk had previously sent the full financial update and bank reconciliations to the Councillors for their perusal. He stated that he had already started to take onboard the Internal Auditors recommendations in regard to the financial reports.

The main points of the update were:

- i) Bank Balance as of 30 June 2021 was £9,594.58. But this amount included the provision for the External Auditor investigation as well as costs owing to Peninsula Insurance.
- ii) All budget lines were on course as predicted
- iii) Still forecasted for a small surplus in the accounts

- *The Councillors advised the Clerk that the financial report was acceptable.*
- *CLERK DECISION: The Clerk noted the support of the Councillors of the financial report and confirmed that it would be published on the Council's website as per the Internal Audit recommendations.*



10. General expenditure for approval

The Clerk had previously sent all the expenditure detail to the Councillors for their perusal.

- i) Salary and Expenses of Clerk – amount withheld due to confidentiality
- ii) Peninsula Insurance direct debits for February 2021 - £138.62 / month

- *The Councillors advised the Clerk that the expenditure as detailed was acceptable.*
- *CLERK DECISION: The Clerk noted the support of the Councillors of the expenditure and that he would now initiate the payments through the bank and request they are authorised in the bank by the Councillors.*

11. Audit and AGAR publication

The Clerk stated that the following documents have been publicised on the Council website by the statutory deadline of the 30 June 2021:

- Annual Internal Audit Report
- Annual Governance Statement
- Accounting Statements
- Analysis of any significant year on year variances
- Bank reconciliation as at 31 March 2021
- Copy of the Certificate of Exemption
- Details of the arrangements for the exercise of public rights
- Name and address of the External Auditor

The Clerk stated that the 'Notice Public Inspection of Accounts' was also publicised on the website with a notice period of 01 July to 13 August.

The Chair confirmed that the Notice of Public Inspection document had also been advertised on the Village noticeboard as required.

12. Update on the External Audit Investigation

The Clerk confirmed that he had enquired with PKF Littlejohn again about the timescale. They confirmed that the person assigned to the investigation was unfortunately moved to another case and that a new investigator had been appointed. Unfortunately, while they appreciated the delay they couldn't provide a timescale.

The Clerk stated that periodically he would still continue to request to get updates from the External Auditor to ascertain when the investigation will be completed and the outcome and cost known.

13. Planning Applications for discussion and decision of support

The Clerk confirmed that no planning applications were received.



14. Correspondence to discuss

The Clerk confirmed that the Council's solicitor provided a copy of the letter that they had sent to a member of the community for making unfounded, unwarranted and harassing comments in verbal and written form against the Council and Clerk. This member of the community had responded and had unfortunately not withdrawn their allegations or accusations.

15. Signs on Pathways in the Parish - item moved from last meeting from Cllr Westin

Cllr Westin stated she had written some details of the issues on the pathways and that she would arrange to send these to the Clerk for his note and action. It was hoped some of the detail could be included in the next Parish Newsletter.

16. Walkabout with the ERYC Parish Team - update from Cllr Westin

Cllr Westin confirmed that she met with the Officer from ERYC and conducted the walkabout in the village to assess the conditions of the roads, paths, hedgerows and other environmental issues.

The main points discussed in the meeting Cllr Westin had was:

- Trees being cut back on Fox Culvert Lane because they are overhanging - there may be an issue for pedestrians especially if cars are parked on the pavements in the area. The contact in the PROW Team at ERYC would be contacted to arrange this work to be done in consultation with the landowner.
- Manhole cover - the ERYC Officer was of the opinion that it was the ERYC Highways Team that may have initially placed the cones in the area. Cllr Westin specifically asked if he could Highways to continue to chase Yorkshire Water as the Council feels it is a health & safety issue.
- Village Signs - these would be cleaned up
- Potholes - various potholes were identified and noted and these would be repaired accordingly
- Gulleies - these would be sprayed with weedkiller
- The pavement outside Meadow Farm (on Main Street) pavement where the Parish Council defibrillator is housed- it was noted that the pavement was having some moss build up and this would be treated to stop it becoming a hazard. Cllr Westin wanted to ensure that should someone need the use of the defib they would not face a H&S hazard of slipping on the moss.

Cllr Westin stated the Council would be receiving a full report from ERYC in the next few days.

The Clerk confirmed that once this report was received, the report would be publicised on the website to ensure that the community were aware of the work the Council will be doing with the ERYC to improve the area.

17. Wind farm grant application submissions - update by the Cllr Murphy (if any)

Cllr Murphy confirmed that the Council would be notified in the next few weeks in regard to the success of the various applications received by various organisations and Parish Councils.

The Clerk confirmed that once the update was known, this would be publicised on the website.



18. **Tree grants applications** – update from the Clerk

The Clerk confirmed that an application had been submitted to the Tree Fund of ERYC. This was for the maximum allowed – the application was to improve the environment as well as supporting the HM Queen’s wish to support the jubilee next year with ‘plant a tree’.

The deadline for the applications was the 31 August 2021 and thus it would be several months before the Council were aware of the result.

19. **Freedom of Information Requests** – update from the Clerk and impact

The Clerk confirmed that the Council had received two Freedom of Information requests under the Freedom of Information Act 2000. Both these requests were from the same individual which unfortunately had resulted in overtime for the Clerk to deal with these. #

Both the FOI requests had been responded to in the statutory 20 working days.

The first request was rejected due to the fact that request was not covered by the legislation; the second request was detailed by confirming the requested document or did not exist.

The Clerk confirmed that the Council had responded to the requestor and had met and discharged their legal obligations. The respondent was advised that they would have to contact the Information Commissioners Officer if they disagreed with the Council’s response

20. **Newsletter** – update from the Clerk

The Chair asked if the next Parish Council newsletter could be out soon and if this newsletter could include the unofficial poll on the privately-run pop-up pub ran by David Southworth.

The Clerk confirmed that the newsletter would be hopefully published in the next few weeks and it would include the village poll. This would give all the community a chance to have their views considered and not just the vocal minority on social media. The poll would allow the Council to see the views of all the community.

The newsletter would be sent to the Councillors for perusal before it is printed and then hand delivered.

21. **Parishioner concerns relayed to Councillors** – any update from Councillors from Parishioners

a) There had been a concern from some residents that were reported to the Council that a member of the community had been around to a lot of the residents near the pop-up pub to ask if they had submitted complaints about the privately-run pop-up pub. The Council discussed that some residents felt uncomfortable with this and felt intimidated and had asked the Council for support. The Council agreed that the village poll would allow the Council to gauge the feeling from all the Community – not just the vocal minority on social media.

b) The Council discussed the issue of the new electricity line coming through the village and some had received compulsory purchase orders for people’s land or property. The Council took note and would



help and support the community in these issues but that each member of the community in receipt of these notices should seek urgent legal advice.

- c) The Clerk confirmed that he had received (on behalf of the Council) an email about the broadband connection for the village and the very low usage speed available. The Chair confirmed that he had experienced similar issues and his family had resorted to using a satellite style link called Quicklink of which he had to reduce height of trees on his farm to cope.

The Clerk confirmed that he had emailed the rural broadband team at ERYC to ask if there was anything that could be done to help the members of the community that were experiencing broadband issues.

22. To agree the next Clerk Advisory Meeting of the Parish Council - 7.30pm on Mon 02 August 2021 by Zoom

- *The Councillors advised the Clerk that the date for the next Clerk Advisory Meeting is acceptable but that it was deemed it would be more appropriate to have the meeting in a closed session to stop the repeat of the very unfortunate actions of some members of the community.*
- *CLERK DECISION: The Clerk noted the advice of the Councillors and would arrange the C A M accordingly.*

MEETING WAS CLOSED BY THE CHAIR AT 9.15 PM.
