



## CLERK ADVISORY MEETING OF THE COUNCIL

06 September 2021 – 8pm

### MINUTES

#### **Present:**

**Councillors:** Cllr. Ashton (Chair), Cllr. Hall (Vice Chair), Cllr. Ward, Cllr. Westin

**Clerk and RFO:** Mr S Baxter

**Members of the public (MOP):** 3

**Meeting commenced at 8.00pm**

### **AGENDA ITEMS FOR DISCUSSION AND DECISION**

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**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 and attendees 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 participation**

The Clerk updated the Councillors that there was a clear notice on the Invitation and Agenda that due to previous unfortunate conduct of some members of the community, it was felt that pre-submitted questions would be a more appropriate way forward to ensure cordiality and courtesy. The agenda clearly stated that the questions had to be submitted prior to the meeting, and by no later than Sunday 05 September 2021. There were no questions or statements submitted to the Clerk.

The Clerk did confirm that the Chair did have some discretion but that it should be used cautiously as to not favour some but not others.



### 3. **Proposal to advise the Clerk to exclude members of 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 and press will be excluded from participating in meeting and will be muted but can view the meeting*

### 4. **Apologies for absence from Councillors**

The Clerk updated the Councillors that as this meeting was not a Full Council Meeting, any apology did not have to be formally accepted for recording purposes although the reason for absence is noted.

However, there was no apologies as Councillors were present.

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

The Clerk stated that he had received a declaration of interest from Cllr Westin in regard to the planning application (ref: 21/01388/PLF) as she is a close neighbour to the property. This was to ensure that no undue bias.

### 6. **Minutes of the last Clerk Advisory Meeting (02 August 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 Clerk Advisory Meeting on the 02 August 2021 was a true and accurate and noted it as such.*

### 7. **Telephone Box maintenance – update from Cllr Murphy**

Cllr Murphy stated that more work had been undertaken on the phone box and it was hoped that by the end of September 2021 it would be finished.

There was a consensus among the Councillors that the box was already looking really good and was a stand out point of notice in the village.

The Council agreed that the discussion on the final stages of the phone box can be held at the next Clerk Advisory or Full Council Meeting.

The Council thanked Cllr Murphy for his and his team's work on the phone box.



## 8. 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.

The main points of the update were:

- i) Bank Balance as of 31 August 2021 was £8,287.75. 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 apart from the Clerk costs which are higher unfortunately due to costs incurred by extra work needed because of external issues
- iii) Still forecasted for a small surplus in the accounts
- iv) The Council would receive the invoice for the legal costs in the next few weeks.

- *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.*

## 9. 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 amount due for August 2021 - £138.62 / month
- iii) Society of Local Council Clerks – for £55. This was a 1/3 of the full cost for the clerk's membership which provides guidance and legal information for the clerk to provide advice to the Council.

- *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.*

## 10. Update on the External Audit Investigation

The Clerk confirmed he had been in contact with the external auditor in regard to the external auditor investigation. The E A wanted to have a copy of some minutes for 2018/19 and a confirmation of the action taken.

While it was positive that the E A was starting to work on the investigation, unfortunately no timeframe or cost to be given.



## 11. Planning Applications for discussion and decision of support

The Clerk stated that he had received a declaration of interest from Cllr Westin in regard to the planning application (ref: 21/01388/PLF) as she is a close neighbour to the property. This was to ensure that no undue bias. Cllr Westin did not take part in the discussion or recommendation.

The Clerk had circulated the details of the planning application to the Councillors previously.

Planning Application detail:

*Change of use of land and buildings to mixed use comprising industrial/storage and distribution and storage of personal items, with associated works including alterations and cladding of the existing barn, siting of up to 8 shipping/storage containers, siting of a portable cabin for use as an office, siting of a static caravan for use as a welfare building, installation of a septic tank and erection of steel palisade fencing and gates (part-retrospective application)*

The Councillors discussed the application in detail and felt the application was incomplete with all the information needed to make a proper determination. The application details that were provided were of concern to the Council

The main queries to which the Parish Council raised were:

1. No community consultation on the impact of the development
2. No detailed information on the environmental impact on the development and the use of the area as described - including lack of detail on soil samples and impact on waste oil in the soil
3. No detail to ensure that any development in is keeping with the local area
4. No detail on the sizes of the cabins or impact on the area
5. No detailed information on what happens with the trade waste
6. Need more information on the static caravan use - is this for a 24-hour manned station? A proper welfare cabin would be more suitable
7. Need more information on water build up in the area as there is known flooding
8. Need clarification on the increase vehicle use on the nearby roads as a result of the development - concern that some large vehicles (such as HGVs) on the load C88 road would damage the road as the road is not suitable for significant increase in traffic
9. Need more information on the business hours as there is a concern that a significant increase in custom in no normal business hours
10. Concern over use of septic tank rather than environmental digester

- **The Councillors advised the Clerk that the:**

**The Parish Council wish to object to this application because of the lack of complete information.**



If the detail (as described) was to be submitted, the Parish Council would be prepared to re-review the submission.

- **CLERK DECISION:** *The Clerk noted the advice of the Councillors in regard to the Planning Application. The Clerk made the decision (as per the Scheme of Delegation) that the opinion on the Council is that they wish to place a comment of 'Application Rejected'.*

## 12. Correspondence to discuss

The Clerk confirmed that the Council that he had received the following urgent or important correspondence:

- FOI Request from Mary Lunn. The FOI submission was in regard to payment details to Peninsula Business and the frequency. The Clerk was able to provide a full and complete response.
- Communication from a complainant to the Council (see Agenda point 19). The complainant stated they would not be providing any more detail and the Council could act accordingly.

## 13. Signs on Pathways in the Parish – item moved from last meeting from Cllr Westin

Cllr Westin confirmed that the signs on the pathways in the Parish are under review and she hopes to ensure to at the next meeting (work permitting) there will be an update at the next meeting.

The Council did discuss there was an issue with the sign on the C88 near Villa Farm which had rotten.

## 14. Village Working Group about broadband connections – update from the Clerk

The Clerk stated that he had put a note on the website and PC's Facebook page to explain what the Council wanted to do and to invite people of the community to join the pressure group. Unfortunately, the response was not as significant as hoped and thus he recommended that the advert on Facebook be re-published and to move the decision of how to proceed to the next Clerk Advisory Meeting.

The Councillors were a little disappointed on the reaction from the Community but agreed that giving some more time and re-advertising the invitation on the PC Facebook page would be appropriate – the council could then consider the action needed at the next meeting.

**Action:** The Clerk to republish an Expressions of Interest notice

## 15. Autumn Fete proposals - Update from the Cllr Murphy and the Clerk

The Clerk confirmed that using the very detailed and diligent detail provided by Cllr Murphy, the application for grant funding from ERYC had been submitted. They did ask for some more information and for clarity on a few areas but that everyone was optimistic on the success of the funding.

The decision on the grant funding would be made within a week.





## 16. Policies needed as per Internal Auditor Review – recommendation from the Clerk

The Clerk stated that he had been reviewing the various policies and procedures that the Internal Auditor has recommended – both policies that needed an update from new detail from NALC and also to create new policies such as corporate risk assessment and better invoice management. He confirmed that any new policies have to be agreed at a Full Council Meeting as the Scheme of Delegation for the Clerk did not allow the Clerk to approve new policies.

It was hoped that these would be ready for perusal and discussion with the next month.

The Councillors discussed the need and that they would review the recommended policies and processes when they are submitted.

## 17. Newsletter – update from the Clerk

The clerk stated that some members of the community had contacted him to say that they had not received the newsletter and thus the opportunity to make their opinion known on the privately-run pop-up pub. He did state that these people had subsequently received an electronic version.

The Councillors discussed that as far as they were aware most people had received a newsletter but there were some (including the persons who emailed me to ask why they hadn't received copy) members of the community who had made their feelings known that some Councillors, who were delivering the newsletter, were not welcome to attend their property. Thus these people may have been missed off the circulation.

## 18. Notice of inspection of Council records - update from the Clerk

The Clerk confirmed that there was one request for the records to be inspected but they required the records to be sent digitally. This was declined as the Notice of Inspection clearly stated that the requestor needed to make an appointment and thus the inspection would be by physical inspection. If an exception was made for one person it would have to be made for all.

No further requests were made and the timeframe period has now closed.

## 19. 2<sup>nd</sup> Freedom of Information Request from Ms Wendy McKay – update from the Clerk

The Clerk confirmed that Mrs McKay had submitted a second FOI request. The Council replied to the requestor as detailed within the 20 working days statutory period. The request was for various financial documents and Clerk expense detail invoices.

The Council discussed the impact that numerous FOI requests from various people had costed the Council and that this would unfortunately possibly have an impact on the budget considerations and the precept for next year.

## 20. Location of Bench in the community - update from the Chair

The Councillors discussed the request by the CIC to install a bench at one end of the Main Street in Spaldington – the request had come via the Highways and Parish Teams at ERYC.



The Councillors stated that they had been in contact with the elderly person who owns the property to where the bench was proposed and that she was very upset that the CIC plans included cutting back her hedges to allow for the installation and that they had ignored her fears this would increase anti-social behaviour in the area. The Council stated that the resident was upset that she felt she was being railroaded into agreeing to the bench installation.

The CIC had stated that there was no evidence of anti-social behaviour in the community – the Council did point out that some members of the CIC were relatively new to the village and thus did not know about the history of the issues in that particular area. In addition, there had been recent anti-social behaviour in the area of Spaldington including graffiti.

The Parish Council did suggest, if the CIC wanted to install a bench, to consider the middle of the Main Street but the CIC had replied that this may cause more complaints. This was by acknowledgment that the bench was contentious and a proper consultation would be needed, and not just via social media or closed Facebook group.

The Chair stated that the Council had written back to the Highways and Parish Team at ERYC to oppose the siting of the bench at the location proposed by the CIC.

The Chair also stated that as a result of the actions of some members of the CIC in regard to their unacceptable actions over the bench location, he was aware that some donors for the installation of the Christmas Tree and decorations had withdrawn their support.

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

The following was relayed:

- 1) The Chair stated that he had been made aware that the Public Right of Way near Oak Tree Farm had been blocked again with tape stating that it was due to ERYC covid restrictions. The complainant stated that as far as they were aware the tape had been reapplied after the ERYC PRoW Team had removed the barrier as it no legal standing.

**Action: The Clerk to write the PRoW team at ERYC to both investigate the issue again and speak to local landowners to ensure that the ProW is kept open.**

## 22. Complaint made to the Council

The Chair and Cllr Westin confirmed that they had asked the complainant repeatedly for evidence to substantiate the complaint and to then allow Cllr Westin to properly investigate it. The Councillors confirmed that they are yet to receive anything from the complainant despite many requests. The complainant has made various unsubstantiated allegations with no evidence at all.

The Councillors discussed the complainant's lack of submission of proper evidence and thus felt that the complaint must be closed with no action.

**Action: The Clerk to write the complainant to make this person aware that due the lack of submitted evidence despite requests, the complaint has been completed with no action.**



23. To agree the next Clerk Advisory Meeting of the Parish Council – 8pm on Mon 05 October 2021 by Zoom

- *The Councillors advised the Clerk that the date for the next Clerk Advisory Meeting is acceptable*
- *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 9.25PM.**

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