



CLERK ADVISORY MEETING OF THE COUNCIL

07 June 2021 - 7.30pm

MINUTES

Present:

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

Clerk and RFO: Mr S Baxter

Members of the public (MOP): 14

Meeting commenced at 7.30pm

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 about the complaints that the Council had received about the CIC's operated Pop up Pub – the person wanted to know how many there was, what the complaints were about and if the complaints could be named.



The Chair stated that he had received some complaints and the Clerk confirmed he had received complaints by email and telephone conversation. The complaints were about the perceived lack of toilet facilities, the fear of residents not being consulted about having a pub in the area, the parking of persons attending and the fact it may bring in people from outside the village. The Chair stated that the person's making the complaints were entitled to their confidentiality and that the names of the persons he and the clerk received the complaints from would not be named. The Chair continued that the Council must consider the views of all the Community - from all the Village and not just people who are on social media or more vocal and that some members of the community were very worried about the Pop-up Pub venture.

The representative of the CIC stated that all the complaints received could be answered.

There was a message sent by the same member of the public which stated that according to the Council's Policy of Complaints that all complainants had to be identified.

The clerk confirmed that the complaints policy this person stated was for if complaints were about the Council or Councillors - in this case the complaints were passed to the Council but not about the Council and thus the Policy that was stated did not apply.

ii) *The Council was asked why the Council had decided to not have a Full Council Meeting and that does it consider this meeting to be illegal as per the High Court and Government decision not to renew the legal permission for remote meetings. This person also asked why the Council delegated their power to the Clerk, when he had received information that it could have delegated to the Chair or Vice Chair.*

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. Cllr Ward stated that other Councils she was part of was also holding some form of meetings remotely as was a lot of other Councillors and School Governing Bodies.

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 asked the Clerk to answer the questions of the legality. The Clerk confirmed that only an officer of a Council (or committee or sub committees) can have be delegated authority and that individual Councillors cannot. He continued that this was clear in the legislation (LGA 1972 1 (1)) and that as the decision was made at Full Council Meeting it was legal.

In regard to the legality of this meeting, the Clerk confirmed that as it was not a Full Parish Council Meeting, the decision by the Government to suspend the permission of Councils to meet formally but remotely, did not apply to this meeting as it was a Clerk Advisory Meeting.



In reply to a statement from a Member of the Public that they had read differently, and that Parish Council Chairs from other Parishes felt this type of meeting was illegal, the clerk stated he was fully confident in interpretation of the law but that he would not comment about decisions other Councils have made.

The Chair finished the answering of the question by stating that in his and the rest of the Councillors opinion the Clerk had done a superb job and has worked tirelessly to rebuild the Council and the core operations, he had worked over and above what he was paid for and that he was a great asset to the Council and the Community. He also stated that the Council had full confidence in the Clerk and the advice he had given.

- iii) *There was a follow up question about how the Council will deal with the complaints that it had received about the Pop up Pub going forward.*

The Chair stated that he was very disappointed in the reaction of some of the sheer amount of negativity to some people who had expressed concern over the establishment and running of this venture. He continued that the Council represents all in the village (not just the vocal few) and that the minority must be heard as well. He appreciated that some people were actively in favour of this pop up pub but that he was also aware (and knew the names) of some who were very concerned. He could understand by the reaction of some why they wanted to keep their names confidential.

But he felt the best way forward was to have an informal poll of the community to have a better gauge of the local feeling and the Council could then more accurately be aware of what the Parishioners felt.

Actions: Clerk to consider how the opinion of all the residents of the Community could be gauged and to review how an informal local poll could work

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 Clerk stated that there were no apologies from any Councillors and all were present.

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 Full Meeting (03 May 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 03 May 2021 was a true and accurate and noted it as such.*

7. Minutes of the Annual Parish Council Meeting (05 May 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 Annual Parish Council Meeting on the 05 May 2021 as a true and accurate and noted it as such.*

8. RFO recommendation of period of Notice of Public Inspection of Accounts

The RFO recommended that the period needs to include the first 10 days in July and for a period not less than 30 working days (as detailed in the LGA 1972). The period advised would be the 30 June 2021 to the 12 August 2021. Any MOP would need to make an appointment with the RFO to see the records.

- *The Councillors advised the Clerk that recommended period of notice was acceptable.*
- *CLERK DECISION: The Clerk noted the Councillors support for the notice period would now be advertised accordingly on the noticeboard and the website noted it as such. He would also ask the Chair to ensure the NOTICE document was published on the Parish noticeboard.*

9. 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 was aware that they had scheduled a meeting with the Police to discuss the anti-social behaviour.

CLr Ward stated that she had unfortunately seen an incident where three youths were on green quad bikes and were seen driving on the lane. She stated that she had reported the issue to the Police to allow them to monitor the situation.

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

10. Use of road near the water tower by HGVs – to discuss the accumulation of litter

The Clerk stated that he had received a response from the Highways Team at ERYC who stated:

“...We have been monitoring your reports of the HGV's parking too close to the junction since you brought it to our attention. On several occasions that we have attended the site the HGV's do not appear to be parking close to the junction to obstruct visibility on exiting Spaldington Lane, they are further back leaving plenty of room to leave the junction safely.



Our policy in relation to waiting restrictions is; we would not normally consider them unless they were justified by a poor accident record or an obstruction of bus services. I have had a look back through our records and there is nothing to suggest any accidents have ever been reported at this location.

In relation to the littering, I have asked the Parish Liaison Team if they could install some 'No Littering Signs' I will ask for an update and feedback to you...".

The Chair and the Councillors stated they disagreed with the response from the ERYC – the chair stated he had seen an officer from ERYC walking near the road but that he was only there briefly and when asked was quite rude. The Councillors discussed the issue and felt that the ERYC were not properly listening to the concerns of the of the Community and feel that the parking of the HGVs there was an accident waiting to happen.

In regard to the litter, the Councillors felt that the response was quite weak and felt that an extra sign saying 'No Littering' would be ineffective as it common knowledge that littering was against the law.

Councillors did ask if another waste bin could be provided to help decrease the litter around that area.

Actions: Clerk to ask the Highways Team about provision of the extra bin and to update.

11. Telephone Box maintenance – update from Cllr Murphy

Cllr Murphy stated that due to work commitment for himself and his workforce nothing had been done in the last few weeks but that he hoped that by the next Clerk Advisory Meeting he would have a more detailed response.

Actions: Clerk to add this agenda point to the next C A M.

12. 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 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.*

13. General expenditure for approval

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

- Salary and Expenses of Clerk – amount withheld due to confidentiality
- Peninsula Insurance direct debits for February 2021 - £138.62 / month
- Payroll Bureau (Simon Alderson) * - £30.

** The Clerk stated that the payments to the Payroll Bureau operator was to ensure that there was proper payroll management and provided a degree of control and reassurance to the Councillors.*



The Chair agreed it was appropriate.

- *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.*

14. Internal Audit Response

The Clerk stated that the Council had received the full Internal Audit Report and that he had shared it with the Councillors previously together with the IA responses and recommendations. But now the reports would need to be publicised on the Council's website for the public's perusal.

- *The Councillors advised the Clerk that the dates as detailed was acceptable.*
- *CLERK DECISION: The Clerk noted the support of the Councillors of the recommended dates and that he would now ensure the documents were publicised on the website.*

15. Audit and AGAR publication – proposed publication from the 30 June 2021

The Clerk stated that the following documents need to be publicised on the website:

- 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 recommended that as with the period of Notice Public Inspection of Accounts, the report and the described documents, they should be made available on the 30 June 2021 onwards.

- *The Councillors advised the Clerk that the dates as detailed was acceptable.*
- *CLERK DECISION: The Clerk noted the support of the Councillors of the recommended dates and that he would now ensure the documents were publicised on the website.*

16. Update on the External Audit Investigation

The Clerk confirmed that he had enquired with PKF Littlejohn and they stated that they were about to commence the external audit investigation. Unfortunately, there was no timeframe they could provide.

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.

17. Planning Applications for discussion and decision of support

The Clerk confirmed that no planning applications were received.



18. Correspondence to discuss

The Clerk confirmed that the Chair had received a complaint about the Clerk but that the Clerk totally refuted the complaint detail and welcomed the full investigation. The Chair confirmed that Cllr Westin has been asked by the Chair to investigate the complaint.

19. Council's representative on the Windfarm

The Clerk stated that following his recommendation to review the representation of the Parish Council on the Windfarm Grant Panel, the Councillors had formed a consensus that the recommendation was appropriate to ensure that the nominated representative was suitable.

The Clerk had asked for any volunteers from the Council and Cllr Murphy volunteered to which there was unanimous support from the remaining Councillors.

- **CLERK DECISION:** *The Clerk confirmed that Cllr Murphy was asked to be the representative of the Council on the Windfarm Grant Panel. This had been accepted and the appropriate Panel Leader had been informed.*

Cllr Murphy stated that he had emailed the Windfarm Panel organiser but he was waiting to hear back.

20. Signs on the pathway in the Parish - update from Cllr Westin (moved from the last PC Meeting)

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.

21. Parked cars on Main Street, Spaldington

The Clerk confirmed that he had sent the letter to the owner of the vehicle which had blocked the pathway politely asking him to be aware of the implication of his parking.

The Chair stated that he had by chance met the owner of the vehicle - the owner stated that he didn't want to cause any problem and asked if the Chair knew where he could park. The Chair asked if Cllr Murphy would be willing to allow the person to park on his land for a short to medium term while a long-term solution could be found. The Chair stated that the Cllr Murphy was willing to help and that now the vehicle owner had moved his vehicle parking away from the path and was parking on Cllr Murphy's land.

The Chair stated it was great example of how the Council can solve the smaller (but very important) issues through dialogue and that it was great to be able to help.

22. Windfarm Grant Panel applications

The Clerk stated that he had submitted the four applications (as agreed at the last Full Council Meeting) by the deadline of the 21 May 2021. The application included all the detailed work and research by Cllr Murphy. The Council would now await if the applications were successful.

23. Parishioner concerns relayed to Councillors - any update from Councillors from Parishioners



The Chair stated that he had received a concern from a member of the community about the speed some farm vehicles were doing around the area – but particularly Main Street. The Councillors felt that better signage asking for more sensible approach to the driving in the area may be appropriate and that this could be highlighted in the Walkaround that the ERYC were holding on the 25 June 2021 to which the Councillors were invited.

24. **To agree the next Clerk Advisory Meeting of the Parish Council – 7.30pm on Mon 05 July 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.*
25. **Proposal to advise the Clerk to exclude members of press and public from participation due to the following points being confidential**
- *The Councillors advised the Clerk that this would be appropriate for the proper handling of the following agenda points.*
 - *CLERK DECISION: He agreed to the advice and thus decreed that any public and press would be excluded from participation.*

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

26. **Council to consider recommendation of Clerk to consider communication from a member of the Community to be of vexatious and to be suspended from participation for 12 months**

This matter under consideration and the discussion was agreed by the Clerk to be confidential. A separate confidential report would be sent to the Councillors for approval – while it would be published it would in the Council's records.

27. **Council to consider recommendation of Clerk to seek a legal remedy against a member of the community if the person continues to harass the Council and ignore repeated request to cease interaction**

This matter under consideration and the discussion was agreed by the Clerk to be confidential. A separate confidential report would be sent to the Councillors for approval – while it would be published it would in the Council's records.

28. **Council to discuss and consider arrangement for formal complaint made**

This matter under consideration and the discussion was agreed by the Clerk to be confidential. A separate confidential report would be sent to the Councillors for approval – while it would be published it would in the Council's records.

MEETING WAS CLOSED BY THE CHAIR AT 9.15 PM.