



FULL PARISH COUNCIL MEETING

05 April 2021 - 7.30pm

MINUTES

Present:

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

Clerk and RFO: Mr S Baxter

Members of the public: Two

Meeting commenced at 7.30pm

AGENDA ITEMS FOR DISCUSSION AND DECISION

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.

2. **Members of the public 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.

3. **Motion to exclude members of press and public from participation** - but can observe

- *Motion to agree the motion was proposed, seconded and agreed unanimously. Motion carried.*

For the following agenda points members of the public can 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**

All Councillors were in attendance at the start of the meeting - apart from Cllr Westin.

The Chair received an apology from Cllr Westin who was running around 10 minutes late. The Chair and the Council accepted this and Cllr Westin did join the meeting at 7.45pm.

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 that was part of the agenda for the meeting. The Chair had made the Clerk aware that a family member of his had applied for planning permission - the Clerk confirmed that he had not received the notification of this by ERYC Planning but would make the Council aware when this received.



6. Minutes of the last Full Meeting (01 Mar 2021) – to confirm that the minutes are accurate

The Clerk had previously sent a copy of the minutes to the Councillors.

- *Motion to agree the minutes of the Full Parish Meeting on the 01 March 2021 as a true and accurate was proposed, seconded and agreed unanimously. Motion carried.*

7. Issue because of sign removed on Spaldington Road – update from the Clerk

The Clerk stated he had received confirmation from the Highways Teams at ERYC that the sign had been replaced – this was confirmed by the Councillors.

The Clerk has also stated that the Highways Team had confirmed that they had received the Council's request for a weight limit investigation and that this had been passed to the Highways Engineer at the ERYC to consider – once more was known the Council would be updated.

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

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

The Clerk stated that he had received an update from the Public Rights of Way Team at ERYC. They stated that a temporary repair of the vandalised fencing but because the ground was very wet it couldn't be made permanent yet. There had been a stand post had been installed but without the accompany fence as yet. They were also looking to install a concrete bollard at the western end during April 2021. The PROW team are also looking to arrange a meeting with the Local Police Team to review any anti-social behaviour but not been made aware that any recent anti-social behaviour had taken place.

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

9. Defibrillator in the Parish – to discussion and agreement on way forward

This point was updated by the Clerk in regard to the decision in last month's meeting to lease a defibrillator from Defib Ltd. The Clerk had confirmed that this had been actioned and that himself and Cllr Westin had met the installation engineer and seen the installation of the new defib machine on Main Street, Spaldington. The new machine was brand new and was fit for purpose for any use (which the Council agreed hoped would never be used). The Clerk stated that while the defib machine was in a locked box (for security) the code was known by the emergency services (upon 999 call) and the Councillors were also aware of it.

It was also confirmed that the training video for a use of a defib had been updated on the Council's website and it had also been shared to the Community Facebook. The Clerk did reiterate that training was not needed to use the defib machine but it was available if people wanted to see the machine in action.

The Clerk confirmed that the very generous donation from Cllr Murphy and his company, Salco Ltd, had been received which would pay for 2/3 of the first year's lease.



The Chair added his formal thanks to Cllr Murphy and Salco Ltd and that the Council and the Community are very grateful for his generous donation.

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

The Chair stated that the issue of HGVs parking in the road near the water tower had been getting worse and that he had sent various photographs to the Clerk. The Clerk confirmed receipt as well as stating he had seen the issue on his last visit to the area.

It was agreed by the Council that the parking by the HGVs was not only an environmental issue (in regard to littering) but also a safety concern as it made turning in and out of the adjoining road quite hazardous.

The Clerk confirmed that he had made the issue known (via a few emails) to the Highways Team at ERYC and that a response had been received. The Highways Team confirmed that the Traffic and Parking Team at ERYCV would be in contact to discuss but in the short term they are going to fully investigate the issue and options to address – including signage in regard to the littering.

Actions: The Clerk to continually chase the Highways Team at ERYC to for an update.

11. 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 confirmed that in his estimation the Council was under budget and that the finances had benefited from a careful management of the finances by the Councillors.

The only budget line which would be significantly in excess of the budget was the Clerking cost which was in excess due to various overtime costs because of issues such as the External Auditors report letter as well as FOI / SAR requests from a resident.

The Council agreed that until the cost of the External Auditor was known, a tight reign of the finances should be maintained.

The Council discussed the need for the Council to have a good financial reserve – the clerk confirmed that the NALC recommendation was that it should be around 50% of the Precept which for 2021/22 for the Council would be £5,000. The Clerk confirmed that actually (including 2021/22) there would be reserves of around £8,500 but that as the External Auditing cost was still not known and that it could be many thousands of pounds, any reserve would be targeted for this cost first.

The Chair agreed that once the External Auditor cost was known, the Council could then look to see what reserves the Council should look to maintain.

- ***Motion to agree the financial update presented by the Clerk was proposed, seconded and unanimously agreed. Motion carried.***

12. Employer Liability Insurance renewal

The Clerk confirmed that he had received the renewal notice for the insurance for the Council and that the Council needed to consider if they wanted to renew annually or take up the option of a three-year coverage.



The clerk confirmed that taking up a three-year option would produce a saving as well as securing the price for the next three years.

The Council agreed that by agreeing a three-year agreement, the Council did not have to worry about the issue every year, as well as producing the savings.

- *Motion to agree the three- year option for the insurance was proposed, seconded and unanimously agreed. Motion carried.*

Actions: The Clerk would contact the insurer and arrange for the payment of the insurance policy as well as ensuring that the phone box is covered by the insurance.

13. Zoom Account – consideration of monthly or annual account

The Clerk stated that the previous Zoom account which was used had now lapsed and that a new account had been created. The Clerk had subscribed to a month's usage for April but that the Council would need to decide if they wanted a month by month subscription option or if they wished to purchase an annual subscription would be produce a savings and would ensure the remote digital account was there to be used as many times as the Council needed for the whole year. This was especially pertinent as it was unlikely that the Community would feel comfortable as yet with meeting face to face in the current health climate.

The Chair stated that he felt it was unlikely that the effects of the pandemic would go away any time soon – a point that all Councillors agreed with. He felt that it would be easier to pay for the annual account for convenience as well as the benefit of some savings. The Council agreed.

- *Motion to agree the annual Zoom subscription option proposed, seconded and unanimously agreed. Motion carried.*

Actions: The Clerk confirmed that he would arrange payment and claim it back via expenses.

14. General expenditure for approval

- i) Salary and Expenses of Clerk – amount withheld due to confidentiality

The Clerk stated upon investigation of the NALC salary guideline's for pay of Clerks, it was found that the Clerk of the Council had been underpaid due to either wrong advice or miscommunication from ERNLLCA. This meant that there was an amount of £94 owed to the Clerk for the 125 hours worked since the commencement of their contract. The Clerk stated that it was not a fault of the Council and it was an issue caused by unclear advice from ERNLLCA.

- ii) Peninsula Insurance direct debits for February 2021 - £138.62 / month
- iii) Defib Ltd – invoice for £365 + VAT for the defib machine lease for year 1
- iv) Zoom invoice for April's monthly usage – this would be claimed through the Clerk's expenses



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

- *Motion to agree the all the general expenditure schedule presented by the Clerk (including the back pay owed to the Clerk) was proposed, seconded and unanimously agreed. Motion carried.*

Actions: The Clerk to send the Council the updated salary claim for April 2021 (including the back pay) and to arrange payment of the expenditure through the online expenditure process at the Unity Trust Bank.

19. Banking of the Parish Council – update by the Clerk

The Clerk updated the Council in that the new bank account with Unity Trust Bank was in operation and that there already had been payments through this which various Councillors had approved. Cllr Westin stated she felt the system was very easy to use and approve the payments.

The Clerk stated that he had deposited the balance of the HSBC bank account but for an unknown reason it had been returned. This would be investigated and would update the Council.

The Clerk confirmed that as much as possible payments would be made by BACS transfer and not cheques.

20. Planning Applications for discussion and decision of support

The Clerk confirmed that no planning applications had been received.

21. Correspondence to discuss

The Clerk went through the various pieces of urgent and important correspondence received from third parties. This included various communication from ERYC on the covid-19 restrictions as well as some update of consultations the ERYC were having with Hull City Council on some collaborative working.

The Clerk stated that the Chair (and himself) had received both a letter and a phone call from Fylingdales Parish Council about various issues including an alleged breach of data protection, casting doubt on the qualifications of the Clerk as well as making various other allegations. The Clerk stated this Council was a previous employer and that he had left after making a complaint to the Monitoring Officer on alleged actions by some of their Councillors on breaching code of conduct. In his opinion they were trying to besmirch his character as a retaliation – this was now being handled by the Clerk’s solicitor and the Police.

The Chair stated the full support to the Clerk and that he felt it was inappropriate for the Fylingdales Parish Council to contact him and make these allegations. The Council agreed.

22. Telephone Box maintenance – update from Cllr Murphy

Cllr Murphy had confirmed that the telephone box was still under repair and full maintenance but that it had now been returned to him following the sand blasting and major works. He stated that he had sent the Clerk an email shortly before the meeting about ideas on what to do with the item – his suggestion was that it remain in its original state as a commemorative item for the village.

The Clerk confirmed receipt of the email and it would be forwarded to all Councillors in the next few days.



The Chair stated that from research of his on what to do with the telephone box, had found several articles about old phone boxes being very badly damaged (images of these were shared by the clerk) and that the Council may need to think very carefully about the location and security of their old phone box.

The Council discussed at length the need to ensure that while the community would be appreciative of seeing the old phone box, possibly in its original state, they had to be careful in ensuring it was protected as much as possible.

The Council did ask the Clerk to ascertain if the telephone box would be covered under the Council's insurance policy.

- ***Motion to agree that once the phone box was fully repaired and restored to site it in its original state was proposed, seconded and unanimously agreed. Motion carried.***

Actions: The Clerk to ensure that the issue is on the agenda and for it to be discussed at the next meeting, as well as enquiring if the phone box was covered under the council's insurance.

23. Newsletter for Parishioners

The Clerk confirmed that he had written a draft version of a newsletter and had sent this to the Councillors for review. The newsletter included various stories and updates.

The Chair stated that the newsletter needed a slight amendment as the Government's slogan under the Covid-19 regulations had changed.

The Clerk confirmed this could be done within a few days and that it would be sent to all Councillors for their perusal. Cllr Murphy confirmed that he would arrange for the newsletter to be printed and all Councillors agreed that they would help as much they were able to distribute the newsletter to the community.

Actions: The Clerk agreed that he would amend the newsletter and email this to Councillors for distribution after they had been printed.

24. Update on the External Auditor investigation

The Clerk stated that there was no current update but would continue to seek an update from PKF Littlejohn and update the Council when he received this.

25. Records of the Council and Trial Bundle of the Employment Tribunal

The Clerk again confirmed he was now in possession of the full document bundle of the employment tribunal and whilst had not read every document, was aware of the overview details of the case and the agreement.

The Clerk confirmed that he had received some informal advice from the Head of Legal at ERYC – this was in regard to what detail of the employment tribunal that the Council was involved in could be devolved to the Council and to the Community.



The Clerk stated that he would be recommending to the Council that an overview of the employment tribunal should be released to the Community (ensuring any data protection was maintained) because the effect of the financial element of the employment tribunal cost the average band D house in the village £300-£400 each when all elements of the agreement and audit investigation because of the actions of the previous administration was considered.

The Clerk stated that he hoped that the overview would be available in the summer.

The Council agreed that the community who in effect paid for the employment tribunal decision through their part of the precept had a right to know, even just an overview.

26. Internal Audit - recommendation from Clerk

The Clerk stated the Internal Auditor stated that he received some updated requests from the IA for more documents, in particular various documents from December 2020, in particularly salary claims, cheque book stubs, VAT returns and expenses details.

The Clerk stated that he hoped the full IA report would be available by the end of April which will allow the AGAR forms to be completed, agreed and signed.

27. Signs on Pathways in the Parish

Cllr Westin stated that she had upon her walks she had noted that there was no walking sign near Villa Farm – one would be very helpful to allow walkers to aware of where they are permitted to go.

The Clerk confirmed that he had received a reply from the PRoW Team at ERYC about the taping across the walkway near Oak Tree Farm in which they said they had removed various tape and items blocking access. The Chair did say that when he last visited the area the tape was still there; it was unclear if ERYC had still to undertake the clearing of the landowner had replaced the tape.

The Chair stated he was also concerned about the reply from the PRoW Team at ERYC about the consideration to move the right of way, as this would in effect be moving a historical pathway for the benefit of the landowner. The Council discussed this issue but felt that rather than moving the walkway from the property totally, it may worth looking at options to moving the walkway to the edge of the property. But that any consideration of this would need full planning permission before any action was taken.

It was agreed that it may be worth the Clerk writing to the PRoW team at ERYC to ask about the right of way and how the pathway could be moved.

Actions: The Clerk write to the PRoW Team at ERYC to ascertain the position of the right of way.

28. Parked Cars on the pathway on Main Street, Spaldington

The Clerk confirmed that the Council had received a complaint from a member of the public about a large work vehicle parking on the pavement on the Main Street in Spaldington. The Clerk stated that no car is legally allowed to me parked on the pavement if the vehicle blocks access for the use of the pavement or causes any hazard.



The Chair stated that the vehicle in question had received some wing mirror damage in the last few weeks due to large farm vehicles using that road and that the vehicle owner had possibly parked on the pavement to try to stop any further damage.

The Council discussed the issue with very large farm vehicles, some from the AD Plant nearby using that road and that the owner of the AD Plant had petitioned the Council to install double yellow lines.

The Council agreed that parking on the pavement, and especially blocking the pavement for pedestrians was not appropriate, which was made worse as there was no pavement the other side of the road. They also discussed that this issue of parking was going to continue to cause more hazards as well as the use of large farm vehicles – the road was increasingly being used by children and families and they had a right of being safe.

The Council felt that it was appropriate for the Clerk to write to the vehicle owner (of which the complaint was targeted) and politely ask them to be mindful of their parking actions and to be more considerate to pedestrians.

- *Motion to agree that the Clerk write an informal, polite letter to the vehicle owner was proposed, seconded and unanimously agreed. Motion carried.*

Actions: Cllr Westin would provide the Clerk with the actual address where the vehicle was parked and then the Clerk would write to the owner.

29. Wind Farm update

The Chair stated that he had received an email from Mr Southworth who is on the Windfarm Committee about possible opportunities for grant applications for the village and the applicable deadline dates. The main deadline was 22 May 2021.

Cllr Ward also updated the Council as she sits on the Windfarm Committee – she agreed that there was a pot of money and that as Spaldington was closest to the windfarm she was sure would stand a good chance in grant applications.

Cllr Murphy stated that he had formed some ideas and had sent these to the Clerk shortly before the meeting. His viewpoint was that the Council should think bigger and look to use this opportunity to really make a difference for the community – possibly looking at benches, various planting beds and other items which could improve the appearance of the Community. He asked if the Clerk could help.

Cllr Ward also mentioned that she was aware that the ERYC had made £200k available for communities in the East Riding area to celebrate coming out of lockdown. Cllr Murphy agreed this was a good option to consider and that the Community could hold a summer fete in a local field.

30. Permission for meetings by remote means in regard to statute under the Coronnavirus Act 2020

The Clerk confirmed that the Government had unfortunately not renewed the permission to have remote meetings as was expected, and thus the statutory permission to have remote Full Council Meetings would cease on the 06 May 2021.



The Clerk confirmed that there was some legal action being presented to the High Court by some Councils to clarify the legality of remote meetings but there was no timescale unfortunately.

31. Consideration of the delegation of powers in regard to Council actions to the Clerk

The Clerk confirmed that he had written a report from research and discussion with other clerks on the options local councils have in regard to what to do post 06 May 2021 when the legal permission to have remote meetings.

The three options that the Council, in the clerk's opinion were:

- i) **Continue to have remote meetings** – while this may be illegal it would take a member of the community to go court to instruct the decisions made by the Council are ultra vires that thus not legal. Whilst the chances this would happen are small, if it were to happen to would leave the Council in a very difficult situation.
- ii) **Move to face to face meetings** – whilst this option after 06 May is open due the restrictions being relaxed, it would require the Council to find a venue which was covid safe, was able to support social distancing as well as being big enough for some members of the public. The Council will need to undertake various risk assessments and that it would also have to ensure the Clerk (as it's staff and thus has a legal right of duty of care) is safe. It may also deter members of the public from attending
- iii) **Delegate authority of Council decisions to the Proper Officer** – this option would effect allow the meeting of the Council to continue in the current remote manner. The major difference was that rather than the Council making the decisions, the meetings would in effect be advisory meetings for the Clerk to make the final decisions. There would need some word changing to the summons and the minutes and the Council would in effect be trusting the Clerk to carry out the advisory decisions of the Council. There also would be some decisions (such as hiring / firing, Precept demand etc) that could not be delegated. The Meetings could continue in the remote format and members of the public could still continue. The Council would have to meet face to face a minimum of three times from June to end of March 2022 in a proper formal manner – which currently would be face to face unless the Government announces any changes to legislation.

The Council did state that they had the opportunity to delegate their powers in the first lock down but did not feel comfortable with doing such an action with the clerk then. However, they all stated they fully trusted the current Clerk and that while it was unfortunate this was needed, it was the safer way forward for the short to medium term.

CLlr Ward stated that a similar approach was being used by another Council she was involved with.

The Clerk suggested the Council may consider agreeing a motion of delegated authority to the Clerk for a period of sixth months – or until the Council wishes to meet face to face, whichever is sooner. The Clerk assured the Council it was a technical change and that he did not foresee (a few legal working changes aside) any difference in the way any items was discussed, just that the minutes would need to reflect they were advisory guidance and the Clerk would make the final decision.



- *Motion to agree that as from 07 May 2021, and for a period of sixth months or until the Council met face to face (whichever was sooner) all permitted decision making would be delegated to the Clerk and that he would make these decisions after full consultation and guidance from the Council, was proposed, seconded and unanimously agreed. Motion carried.*

Actions: The Clerk to produce a detailed scheme of delegation based on the NALC guidance and ensure this was presented to the Council on the next Full Council Meeting on the 03 May 2021.

32. Proposed Annual Meeting and the Annual Parish Meeting for the 05 May 2021

The Clerk had previous to the meeting made all the Councillors aware of the need to hold the Annual Meeting (which was to allow the Council to vote in a Chair, Vice Chair, Committees etc) as well as having an Annual Parish Meeting which was an opportunity for the public to question the Chair and Clerk on recent council actions.

The Clerk had previously recommended that both meetings could be held on Wednesday 05 May; the Annual Meeting at 7.00pm and the Annual Parish Meeting at 8.00pm. Whilst it was not best practice to have both meetings on the same night, because of the remote meetings legislation, it was the best option in the circumstances.

The Council were in full agreement and felt that it was the most suitable.

The Clerk did state that did the Council wish to invite any parties to speak at the Annual Parish Meeting – to which the Chair suggested Mr Southworth from the Community Group and Cllr Ward felt it may be worthwhile to invite the Ward Councillors.

- *Motion to agree that the Annual Meeting and the Annual Parish Meeting should be held on Wednesday 05 May and that the mentioned guests would be invited to the Annual Parish Meeting was proposed, seconded and unanimously agreed. Motion carried.*

Actions: The Clerk would ensure the necessary summons and agendas were organised and that the invited parties were emailed to ascertain if they wished to attend.

33. Parishioner concerns relayed to Councillors – any update from Councillors from Parishioners

There were two issues that had been raised to the Chair:

- i) The Chair stated that a member of the community had approached him about the failed bus shelter venture last year. They asked that having a bus shelter on Main Street would actually cause problems for school drop offs and that it would be better not to have one
- ii) The Chair also stated that a local parent had contacted him about the speeding of vehicles down Main Street – often far in excess of the 30mph limit.

The Council agreed that it is a problem and that they may need to investigate the possibility of having some road calming measures such as a speed indicator. They asked the Clerk if he could write to the Highways at ERYC to investigate options and report back to the Council.



Spaldington Parish Council



.....at the heart of the Community, for the benefit of the Community.....

Actions: The Clerk would write the Highways Team and investigate what could done to slow done drivers.

34. Motion to agree the next Meeting of the Parish Council - 7.30pm on Mon 03 May 2021 by
Zoom
-