

EASTON ON THE HILL PARISH COUNCIL

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Minutes of the Meeting of Easton on the Hill Parish Council

Held on Monday 10 December 2018 at 19.00 in the Easton on the Hill Village Hall

Present

Councillors P Bates, A Cutforth, E Hanson, A O'Grady, J Rawlinson, M Simpson (Chairman), L Stokes and J Ward

Locum Clerk A Benfield

Others 27 Members of the public were in attendance.

18/196 Election of Vice Chairman

Both Cllrs E Hanson and A Cutforth were proposed and seconded for the position of Vice Chairman of the Parish Council.

The Chairman asked for a show of hands with both Councillors receiving 3 votes for and 3 votes against. The Chairman used his casting vote and voted in favour of Cllr Hanson

Resolved Cllr Hanson be appointed as Vice Chairman until the Annual Meeting

18/197 APOLOGIES FOR ABSENCE

No apologies for absence were received.

18/198 DECLARATIONS OF INTEREST

No declarations of interest were made

18/199 PUBLIC PARTICIPATION

6 Members of the public requested to speak during the Public Participation session. With only 15 minutes available Members agreed that four should be allowed to speak at this time and those who wished to comment on the matter of the Church Gates to be discussed later in the meeting would be invited to do so at that time.

Resident 1 enquired why the matter of the payment for the Hub on the Hill domain was not included on the agenda for this meeting. They commented that having attended a number of Council meetings they were not aware of the Council having responsibility of the site and therefore failed to understand why the Council was being asked to pay for it.

The Clerk agreed to investigate the matter further and bring a report to a future meeting.

Resident 2 raised the matter of the current co-option process. They commented that based on the number of residents in attendance that Cllrs should appreciate that feelings within the village over the manner in which the council was operating was not clear or transparent and that they wanted to ensure that due diligence was undertaken. Furthermore, they asked for clarification on what personal attributes of prospective co-option candidates would be taken into account.

The Clerk agreed to formulate a response to the queries raised taking into account the concerns of lack of transparency into account.

Resident 3 wished to raise a matter linked to the Code of Conduct which follows on from previous meetings. They stated they were surprised to hear that there would be no opportunity to address the Council in private about their views on prospective co-option candidates before the appointments were made.

The Clerk agreed to formulate a response after the meeting.

Resident 4 wished to raise the issue of traffic movement within the village and the decision taken by Members at the November meeting. They felt that the issue of traffic flow through the village affected more

than just the residents of Church Street. They requested that an open meeting was held with anyone from the village participating not just Church Street residents and CIPS.

Resident 5 also wished to discuss the matter of the co-options. They requested clarification on why some applications had been rejected before consideration. They felt that the advertising of the vacancies was not clear and did not understand what a 'pen picture' was.

The Clerk agreed to formulate a response after the meeting.

18/200 MINUTES

Consideration was given to the minutes of the meeting held on 12 November 2018. Comment was made that the resolution at 18/192 was a misrepresentation of the agreed decision which was that the workshop on traffic through the village was to be advertised on the 'News and Views' website with anyone welcome to participate. It was agreed that the recording of the meeting would be reviewed for clarification before the minutes were signed as a correct record.

The minutes of the Extraordinary Meeting held on the 23 November 2018 were confirmed as a correct record of the meeting

- Resolved**
- 200.1 That the recording of the meeting held on the 12 November 2018 are reviewed for clarification of the decision at item 18/192 and if not reflected correctly they are amended and resubmitted for signature at the January 2019 meeting
 - 200.2 That the minutes of the Extraordinary Meeting of Easton on the Hill Parish Council held on 23 November 2018 are confirmed as a correct record and signed by the Chairman

18/201 GOVERNANCE MATTERS

The draft Co-option Policy and Procedure as circulated by the Clerk was discussed in detail. Generally, it was agreed that a transparent process was needed that would make it clear from the start how the Council would deal with co-options. However, concern was raised that the document under discussion did not allow for members of the public to raise concerns about prospective candidates in confidence.

The Clerk stated that it was not normal practice for members of the public to have an opportunity to raise concerns to members about prospective candidates or applicants. The Clerk also commented that Members should come to a meeting without preconceived ideas or prejudice and that having listened to the views of other may cause them to have a biased opinion. Also, unless there was documented legal evidence to back up claims of inappropriate behaviour, they could be slander.

All applicants whether standing for a normal election or a co-option had to declare that they are eligible to do so by confirming:

- They are over 18 years of age
- Is a UK, EU or Commonwealth citizen
- Is registered to vote in Easton on the Hill or has lived or worked in village (or within three miles of its boundary) for one year

They would be disqualified from being a Councillor if within 5 years of their election:

- They have served a prison sentence (including suspended sentences) of three months or more within the last five years
- Have been adjudged a bankrupt
- Are an employee of the Council
- Are disqualified under legislation

Further discussion took place regarding what attributes the current Members considered important and if having held elected office in the past was considered a positive attribute or if co-opting people who had no previous experience was more of a benefit as they would bring a different dynamic to the Council.

At this point the discussion moved onto the process to be used in the current situation where the vacancies had been advertised with a closing date ahead of the Policy being adopted. The Clerk commented that it was clear from communication received from some of the seven people who were interested in standing for co-option that there was confusion over what had been expected by the closing date of 30th November 2018. This had been exacerbated with her not taking over until 29th and not responding to the questions posed until after the closing date. The Clerk explained that some had submitted pen pictures whilst other had requested clarification of the next steps. Following comments made in the public participation item the Clerk stated that she had not informed any potential applicants that their submission would not be considered as they had not provided pen pictures.

It was agreed that the draft policy should be adopted without alteration and that all those who expressed an interest in co-option by the closing date are requested to follow the policy and procedure and ask them to

submit or resubmit a personal profile of up to 300 words. If they had already submitted a pen profile, they would have the option to have this submitted or to resubmit as they felt fit.

- Resolved** 201.1 That the Co-option Policy and Application Form be adopted with no amendments
201.2 That the seven people who had expressed an interest in co-option prior to the application deadline be provided with a copy of the Policy and Application Form and be asked to resubmit their information in line with the adopted Policy in time for them to be circulated with the agenda pack for the January 2019 meeting.

18/202 **PLANNING APPLICATIONS**

Consideration was given to the following planning applications

- 202.1** 18/02015/FUL-Single storey side extension, replace existing rooflight with dormer window and installation of new rooflight at 2 Baxters Lane Easton on the Hill
- 202.2** 18/02205/TCA - Beech tree fell. Partially included wound. Containing saprophytic fungi (Jews ear). Honey fungus/ white rot present on buttress roots at 40 West Street Easton On The Hill Stamford Northamptonshire PE9 3LS
- 202.3** 18/02305/TCA - 1 Common Beech - fell due to tree having outgrown location, causing damage to adjoining structures and surfaces, and shading/nuisance to neighbouring property at 38 Church Street Easton on the Hill Stamford Northamptonshire PE9 3LL
- 202.4** 18/02029/FUL - Erection of oak framed carriage house for two cars, workshop and log store at 56 Stamford Road Easton On The Hill Northamptonshire PE9 3PA
- 202.5** 18/02270/FUL - Erection of two storey dwelling at Land Adjacent 2 Newtown Easton On The Hill Northamptonshire (PP-07427941)

- Resolved** 202.1 That no comments are submitted on items 202.1 – 202.4 inclusive
202.2 That an extension is requested for item 202.5 to allow members time to review the application formally and submit comment following the January 2019 meeting.

18/203 **PEDESTRIAN GATES AT THE ENTRANCE TO THE NEW CHURCH YARD EXTENSION.**

The Chairman introduced the item and asked members to confirm that they had read the details of the Special Motion submitted by himself and Cllrs Hanson & Rawlinson in line with Standing Orders.

It was questioned why this matter had been brought back before the council when there had been 4 previous votes on the matter all of which had resolved that the Council should not fund the replacement gates when it had already paid for the original gates to be installed.

Reference was made to the planning application and supporting documentation that indicated that pedestrian gates should have been included originally. It was noted that Council had agreed in 2015 that it should rectify the error in the correct gates not having been installed in the first place. It was further stated that it was unknown why the error had occurred but that the Clerk at the time, when questioned some time later, confirmed that there should have been four gates installed originally.

This view was countered by others who informed the meeting that they had visited East Northants Planning Dept and had spoken to Planning Officer who indicated that the original planning permission as per the drawings submitted in 2013 include gates but that the application in 2014 does not. It was further clarified by the Planning Officer that if pedestrian and vehicular gates were intended to be part of the application the this would have been listed in the planning conditions and they were not. Following this initial meeting a second one was held with a different Planning Officer who indicated that there was not breach in the planning permission as the Planning Conditions did not list the pedestrian gates. The conditions stated permission was granted in 2013 for pedestrian access, maintenance and burial purpose.

Comment was then made regarding the Head of Terms (HoT) between the PCC and the land owner that states there should be 15' gates only to allow access for the farmer. The Clerk commented that as the Parish Council was not party to these HoT it was not their responsibility to make sure the conditions were met.

It was noted that in 2016 the Council acknowledged an error had occurred and had agreed to install the correct gates at the time but this had not happened. It was further noted that the current set of single 15' gates are not fit for purpose, they are very heavy for pedestrians to operate and not DDA compliant.

A question was raised as to the legality of the Council to have funded the gates and hedge originally as it appeared to be in breach of LGA1972 s214 para 6. The Clerk advised members that having taken advice herself from the Society of Local Clerks Cemetery Expert that the council could contribute to this project. The advice given was that '*Parish councils do have powers to contribute to the upkeep of both open and closed CofE churchyards and if the wall is one than surrounds the churchyard then Section 214(6) of the Local Government Act 1972 (open for burial of parishioners) or Section 137/General Power of Competence (closed by not maintained by the PC) could be used to grant aid repairs. If the wall does not enclose a churchyard but forms part of the church, whether integral or detached, either way it is likely to come within the definition*

of property relating to the affairs of the church. Both NALC and SLCC are of the same view that in using public funds to assist with the upkeep or improvement of church property (other than churchyards) a parish council needs to consider whether it is prudent to take a course of action that it cannot be certain is legally valid.'

The Clerk went on to say that as the Council had taken out a PWLB Loan for this project and it still retained the remainder of the money in its accounts, and there was such a strong feeling in the village that the gates should be replaced with both vehicular and pedestrian ones, Members should be mindful of this and they were elected to act in the interests of the village and not their own interests.

Resolved 203.1 That the meeting was closed to allow 2 members of the public to speak on the item under consideration.

The meeting was closed for approximately 4 minutes to allow 2 residents to comment on the matter of the church yard gates. Both indicated that the view of the village and PCC is that the gates should be changed.

Resolved 203.2 That the meeting be reconvened and the remaining business be transacted

The Chairman asked if any members had any more comments they wished to make before he moved to the vote. It was proposed and seconded that the current gates in the church yard are replaced at both the North and South entrances to meet the needs of residents, those carrying out maintenance in the area and the farmers who require access to land on the other side of the fence. A vote was taken with 4 in favour and 1 against the motion was therefore carried.

Resolved 203.3 That the Special Motion submitted to the meeting was received and noted

203.4 That the complaint from the PCC is received and noted.

203.5 That the Clerk write to the PCC acknowledging the complaint and confirm the outcome of the meeting.

203.6 That the gates in the church yard are replaced at both the North and South entrances to meet the needs of residents, those carrying out maintenance in the area and the farmers who require access to land on the other side of the fence

Further discussion then took place on the way in which the resolution would be met. Consideration was given to various options including the reuse of the existing gates if they were to be modified. It was commented that there is a company in the village that could be used without the need to go out for 3 quotes. However the consensus was that 3 quotes should be sought to ensure full transparency on this matter going forward as it had been so contentious.

It was agreed to delegate the implementation of the decision to the Clerk. She indicated that before going out for quotes she would contact all relevant interested parties to ensure the resultant gates met the needs of all.

203.7 That the Clerk undertake further investigation into what the best options going forward are and once the information is available source 3 quotes for manufacture and installation for consideration by Members at a future meeting

18/204 **REPORTS FROM REPRESENTATIVES**

Resolved That this item be deferred to the January meeting due to lack of time to consider fully

18/205 **PRECEPT**

The Clerk gave an explanation of figures presented to Member and stated that she was unable to confirm the tax base at the current time. However, she did indicate that as she was proposing a Precept of £25,000 this would result in an increase but that it was unlikely to be a significant amount per property. Most of the figures shown were taken from the draft estimates produced by the previous Clerk to whom she was very grateful as it had made her job much easier so far. The only additions to the original draft related to Clerk and Cllr training and website/IT support and maintenance. The amount allocated originally for staff salary had been increased to £8000 as she was aware that no decision had yet been made on the permanent Clerks Terms and Conditions of Service. Finally, she said that taking into account the current level of General Reserves held by the Council should any budget line be under costed it would not cause the Council undue risk during the next financial year.

She was asked to clarify the level of income and expenditure under the Transparency Code and confirmed that this was £25,000 so if Members accepted her recommendation they would be within the middle sector where the Transparency Act is only advisor it was advisable that Council followed best practice and tried to be compliant. The new website and email accounts to be discussed later in the meeting would assist with this.

Following a brief discussion, it was requested that the Councillor travel allowance budget was increased to

£150.

Having been proposed and seconded a vote was taken with unanimous support for setting the Precept at £25,000 for the 2019/20 Financial Year.

Resolved 205.1 The draft Estimates of Income and Expenditure are received and noted
205.2 That a Precept of £25,000 is levied for the 2019/20 Financial Year.

18/206 ORDERS FOR PAYMENT

The Clerk apologised to Member for having circulated the previous month orders for payment in error and provided a copy of the correct list.

Resolved The orders for payment as circulated at the meeting was agreed

18/207 BANK RECONCILIATION

It was noted that the Bank Reconciliation presented did not balance and it was agreed this should be resubmitted at the next meeting once the Clerk had time to review it fully.

18/208 BUDGET REPORT

No budget report was presented as the Clerk had not had time to produce it since taking over the post.

18/209 WEBSITE AND EMAIL ACCOUNT

A brief discussion took place on the report presented by the Clerk. It was proposed and seconded and agreed unanimously that VisionICT should be appointed to design and produce a new website for the Council that meets the requirements of the Transparency Act and that the domain www.eastononthehill-pc.gov.uk be purchased with corresponding email accounts for all Councillors and Clerk

Resolved 209.1 That the report was received and noted
209.2 That VisionICT are appointed to design and produce a Transparency compliant website for the Council at a cost of £650
209.3 That VisionICT purchase on behalf of the Council the www.eastononthehill-pc.gov.uk domain name at a cost of £105
209.4 That VisionICT set up email addresses for all Councillors and Clerk at a cost of £18 per email address per annum
209.5 That the above expenditure be taken from General Reserves.

18/210 DATE OF NEXT MEETING

The Clerk commented that as she had only originally expected to be in post for the month of December, she had not informed Members that she would not be able to attend scheduled to take place on Monday 14 January due to other work commitments. Following discussion, it was agreed that the meeting should be moved to Friday 11 January. Cllr Cutforth agreed having confirmed its availability to book the village hall for this date.

Resolved 210.1 That the January 2019 meeting be rescheduled to take place on Friday 11 January.
210.2 That Cllr Cutforth book the village hall for the following dates also –

- Monday 11 February – Council meeting
- Monday 25 February – Councillor Training
- Monday 11 March – Council meeting

210.3 That the Clerk confirm her availability to attend meetings on the 2nd Monday of each month up to and including May 2019.

18/211 MATTERS FOR INFORMATION

Resolved That this item be deferred to the January meeting due to lack of time to consider fully

18/212 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 EXCLUSION OF THE PRESS AND THE PUBLIC

Resolved that in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act and by reason of the confidential nature of the remainder of the business, the Press and the Public be excluded from the Meeting.

Cllr Ward left the meeting at the start of this item.

18/213 STAFFING MATTER

A brief discussion took place on the process for the recruitment of the permanent Clerk. It was agreed that the job should be properly evaluated with the assistance of Northants ALC if possible. If not the Locum Clerk should undertake this on behalf of the Council.

Once the position had been evaluated further discussion would be needed to agree the terms of reference for the Recruitment Panel including but not limited to the number of members and the depth of their delegated authority in the shortlisting and appointment.

- Resolved** 213.1 That the Clerk contact Northants ALC and request assistance with the evaluation of the role of Clerk
213.2 That this is completed in advance of the February meeting to allow the Recruitment Panel to be agreed at that meeting

18/214 PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960 RE-ADMITTANCE OF THE PRESS AND THE PUBLIC

Resolved: that the confidential business having been concluded, the Press and the Public be readmitted to the meeting

Signed:

Chairman – Easton on the Hill Parish Council

DRAFT