

## **DRAFT MINUTES FOR APPROVAL**

### **Parton Parish Council**

#### **Minutes of The Council Meeting**

#### **Held on 27<sup>th</sup> August 2020 at 7.30pm by Zoom Video Conferencing**

Video Link Meeting Opened: 7.29pm

Present: Cllr S Tumelty (Chair), Cllr D Garrett, Cllr J Miller, Cllr W Morton, Ward Councillor D Banks

Clerk: Mrs J Coltman

Members of the public: 1 via video link.

The Chair declared the meeting open at 7.30pm

**023/2020/21 Election of Chair.** JM proposed ST, DG seconded. No other nominations. Carried. **Resolved:** ST elected as chair.

**024/2020/21 Election of Vice Chair.** WM nominated DG but DG declined. Passed over until the next meeting.

**025/2020/21 Approval of Minutes from 5<sup>th</sup> August.** WM asked JM if she could provide a date to support a statement that she had made at the previous meeting. JM said that she would have to look it up. **Resolved:** Minutes were approved. Proposed JM, seconded DG. Carried

**026/2020/21 Apologies.** Cllr A Barton, Cllr K Barton, Cllr J Huck, Cllr R Huck, Cllr M Rogan, Ward Councillor J Bowman, County Councillor M Barbour.

**027/2020/21 The Public Bodies (Admission to Meetings) Act 1960 Sec 1 (2).** The clerk advised that with the councillor numbers being depleted it would be best to postpone item 23 on the agenda until the next meeting. With that item postponed there would be no need to exclude press or public. **Resolved:** To postpone item 23 until the next meeting. Proposed DG, seconded JM. Carried

**028/2020/21 Declarations of Interest.** None

**029/2020/21 Reports from Ward or County Councillors.**

- Councillor Banks reported that all of his meetings had been virtual. He said that there had been a political fallout with the Mayor sacking two Labour councillors and appointing another Conservative councillor because he had changed from being independent to being Conservative. He commented that the new underpass under the railway tracks was looking very good. With the help of some of Copeland's outdoor team he had been trying to address an issue with overgrown trees for one resident.
- Councillor Barbour had submitted a written report. He sent an update from the CRASH meeting regarding speeding issues that had been raised in the village. Collision data indicated 1 slight injury in 2016. Traffic data collated in July and August 2019 showed good compliance with the 30mph speed limit, No course of action was proposed. The highways department were unable to locate appropriate places for "Welcome to Parton" signs at the entrances to the village.

**030/2020/21 Police Matters.** Clerk reported that the police website page was down but she had emailed Simon Kane who said that there was nothing of note, things had been quiet.

**031/2020/21 To Receive and Approve The Internal Auditor's Reports.** The clerk said that the auditor pointed out that she could not see evidence of the council acting on risk management and we would need to get on top of that. **Resolved:** To approve the internal auditor's reports. Proposed JM, seconded WM. Carried.

**032/2020/21 To Approve The Annual Governance Statement.** The statements were read to the council and agreed. **Resolved** to approve the Annual Governance Statement. Proposed JM seconded DG. Carried.

**033/2020/21 To Approve The Annual Return and Exemption Certificate.** WM queried if the reserves figure was correct as they did not include payment made to the former clerk. The clerk stated that the payment was made after the financial year end so the figure was correct for that accounting period. **Resolved** to approve the return and exemption certificate. Proposed DG seconded JM.

**034/2020/21 To Appoint The Internal Auditor for 2020/2021.** The clerk had received an email from Mrs Airey to confirm that she could either audit annually at £75 or could also perform an interim audit for £100 in total, plus travel costs at 45p per mile. WM suggested that in light of previous problems it would be best to have an interim audit carried out too. **Resolved** To appoint Mrs Airey as auditor for 2020/2021, including carrying out an interim audit. Proposed WM seconded DG. Clerk to write to confirm terms of appointment.

**035/2020/21 Metal Detecting. Resolved:** To agree to the application to metal detect on council land, for a period of two years, with a 50% split of proceeds from items over £100 in value. Proposed WM seconded DG

**036/2020/21 To Review Complaints and Enquiries Handling Procedure.** The clerk reported having her time wasted by individuals using fake email addresses. WM proposed adding an hour to the clerk's hours, but the clerk said that was not on the agenda so no decision on that could be made. **Resolved:** To make it a requirement to supply a full name and postal address within emails. Proposed JM, seconded DG.

**037/2020/21 Standing Orders 5(f) to be considered.** Passed over until the next meeting.

**038/2020/21 Delegation for dealing with urgent business between meetings.** The clerk outlined under what circumstances the power might apply. The proposal called for consultation between the clerk, chair and vice chair, but as no vice chair has been elected WM proposed an amendment to allow the consultation to be between the clerk and chair. **Resolved:** To delegate authority to make decisions between meetings when necessary. Proposed WM, seconded JM.

**039/2020/21 Planning Applications.** None.

**040/2020/21 To Review Management of the Recreation Field.** The clerk had been in contact with Copeland Borough Council and had been informed that PPC had not renewed the maintenance contract for the field at the start of the year. This was because the field belongs to CBC and PPC were unwilling to pay CBC to maintain their own land. Without a contract in place, CBC perform two cuts per year, one in April and one in September. They had provided the clerk with a quote to carry out one-off cuts as required in addition to those two which was £120 + VAT per cut. JM asked if we'd received a cheaper quote previously, but the clerk had not seen any other quotes. WM said that for the good of the kids it would cost £240 to have two more cuts, in June and then at the end of July and asked if the council thought that would be money well spent. DG agreed that it would be, but queried if that would be enough. WM asked why some councillors had held back and not renewed the contract. JM asked when the contract was due for renewal and the clerk believed that is was around March. DG explained that it had seemed strange that PPC was paying CBC to cut their own grass, which was why the contract had not been renewed. The clerk stated that she had not seen the contract, but had been told that it was almost £1000. WM did not think that figure was correct. DG asked if two cuts would be enough and WM agreed that it would. JM asked if the dates would need to be stipulated in advance. The clerk advised that should not be necessary. DG proposed we agree an extra two cuts making four in total and then see if that was enough. A member of the public that was observing with WM suggested to him that an additional four cuts, six in total would be better and WM then relayed that to the council, stating that the £480 would be within the council's reach. The clerk said that any additional cuts for next year would need to be costed into the budget when it is set later in the year. WM said that we had saved money this year so £480 was not a bad deal. It was agreed that it was too late to act this year. ST confirmed that his grandchildren had been unable to play on the field due to the long grass and rabbit holes. The clerk was asked to chase the council to carry out the second cut as soon as possible. WM clarified that the play area being cut at Moresby for £100 as mentioned by AB at the last meeting, was for the play park and an area behind it which is about a third of the size of the recreation field. DG said that we would ask the council to carry out the September cut as soon as possible, then we would get some quotes in for next year. JM said that if CBC were doing the cuts for £120 then we would get the two cuts done. If proper matches were taking place then it may need to be done more often, but since there was no longer Parton F.C., four cuts in total for next year should be fine.

**041/2020/21 To Approve Completion of Direct Debit Mandate for ICO.** The clerk explained that the registration was compulsory but that there was a discount from £40 P.A. To £35 P.A. If paid by direct debit. **Resolved:** To sign the direct debit mandate to benefit from the discount. Proposed DG, seconded JM.

**042/2020/21 Payments for approval.** Proposed DG, Seconded JM

Cheque	Payee	Details	Amount
101311	G D Airey	Internal Auditor	75.00

**043/2020/21 Clerk's Update & Finance Report**

	Item £	Total £
<b>Bank Reconciliation</b>		
<b>Bank Statement 05/08/20</b>	16787.89	
		16787.89
<b>Cheques Cleared</b>		
		0.00
<b>Receipts Banked</b>		
		0.00
<b>Bank Statement 12/08/20</b>		16787.89
<b>Cheques Outstanding for Clearance</b>		
101282 Cheer Force Knights	11.09.19/19	-150.00
101286 Lowca P C	020/2020/21	-103.13
101287 Copeland BC	020/2020/21	-398.34
101288 BHIB	020/2020/21	-307.89
101307 J Coltman	020/2020/21	-357.35
101308 HMRC	020/2020/21	-89.20
101309 J Coltman	020/2020/21	-164.19
101310 R Huck	020/2020/21	-586.20
		-2156.30
Balance after cheques cleared		14631.59
Ledger Balance		14631.59
Variance		0

- **Website Link.** There had been a link placed on the home page of the website to report any defects with roads, footpaths, lighting, or overgrown vegetation impeding passage. Residents should be encouraged to report through this as the more reports received, the more likely that action would be taken by Cumbria County Council Highways department.
- **Website Renewal.** The website and domain renewal had been received, but the clerk would shop around for a better price. WM proposed that the clerk and ST make the decision on this matter.
- **Solicitor's Invoice.** The clerk had an invoice from a solicitor, but there is no minuted approval to engage or pay the solicitor. Neither was there any quote or terms of engagement letter to be able to check the amount agreed before or on appointment. When the clerk was first made aware of the invoice, some councillors had expressed an opinion that it was more than they had expected it to be. As the clerk had not had contact or discussions with the solicitor, nor did they have any point of reference in the minutes, they were unable to challenge the invoice. The clerk required an approval for the invoice to be entered into the minutes in order for them to be able to put it forward for payment. To make the payment possible, the clerk would add the approval of the solicitor's account to the next agenda, then assuming approval is given, this would be added to the payment schedule for the same meeting. JM asked how much the invoice was. The clerk confirmed that the total was £3300, but £400 had been paid upon engagement, leaving a balance of £2900. They were appointed

prior to the clerk's employment and the clerk had no knowledge of any discussions or agreements with them, nor was there a minuted approval to engage them. WM stated that it had cost the taxpayers £8500 and there should be a meeting to explain that to them. The clerk said there needed to be a minute to approve the payment to the solicitor. WM said that it needed to be explained to the people of the village face to face. DG said that wasn't possible with current restrictions. WM said it should be done as soon as the restrictions are lifted and the council agreed. WM said that the clerk should be given guidance about what should be paid, possibly by the former chair, since she wasn't involved. He agreed that the clerk did not have authority to just pass the invoice for payment since there was nothing in the minutes. DG stated that the invoice was incurred when dealing with the former clerk. The clerk stated that there was still no minute to confirm any of this expense had been agreed and despite asking the former chair for all documentation to assist them, they had only received a copy of the invoice and the final agreement. WM said that he had asked for and been denied information, regarding insurers and solicitors from the former chair and he hadn't even been given the name of the insurers. The clerk said that the first point of call in an industrial dispute would normally be the insurers. WM said that the insurers had told us that we had no chance of winning the case, so asked what was the point of engaging a solicitor? The clerk said that she would email all councillors to tell them that this item would be on the next agenda and if anybody had evidence of what the bill should be, if we had been overcharged, then they should dispute it themselves, but she was unable to do so as she had nothing to refer to. All councillors would be made aware that it is therefore down to them to decide what to do with the invoice and she would require a decision at the next meeting. WM proposed that the clerk be given authority to approach the insurers and solicitors to seek any further documents that she required. JM asked what WM meant by that and he explained that he had never seen a single document from our insurers. ST confirmed that they had never seen official confirmation from our insurers that they would not take the case on. WM said that the clerk needed to be given full authority to get all of the documentation to look into the matter. WM proposed that the clerk get all of the documentation and go forward with the council's approval. Seconded by DG. The clerk said that she could try to get documents from insurers and ACAS, but to get copy documents from solicitors would probably incur further costs. WM stated that the former chair would have those documents but the clerk replied that they had asked for documents previously but had not received them. WM said that a request for all documents would need to be put on the next agenda.

- **Clerk's Hours.** The clerk told the council that she had promised the former chair that she would not charge for any extra time that it took her to prepare all of the accounts from the previous year, so she had only charged for three hours per week up until this point. Now that the accounts were finalised, she would be limiting her hours to three per week, or seeking approval for exceeding those hours as and when required.
- **Further Missing Documents.** There was no cheque received from ENWL and a cheque book had not been received. The clerk has emailed to both parties to make them aware but would need to follow up with HSBC as the email address was no longer in use.
- **Bank Account Signatories.** There are only two signatories to the bank account so the clerk recommended a third person be approved as a signatory. WM suggested that it should be ST and he agreed to do this. The clerk would get the necessary forms and put this on to the next agenda for formal approval.

Proposed JM, seconded WM

**044/2020/21 Parish Councillor Matters.** WM asked if we had got anywhere with the playpark. The clerk advised that Cllr J Huck had emailed to say that she would look for quotes but unfortunately she wasn't present this evening to report on her findings. WM asked the clerk to follow up on this and to check on the bark, whether we would need a safety inspection. The clerk advised that CBC had inspected the equipment just prior to the reopening and she would check on any recommendations including the bark. JM said that there was plenty of bark, but it needs to be raked about and holes filled in. She said that a swing had broken since it had been reopened and she had also received reports of dogs fouling the area. JM had also been approached about the graffiti on the station, but thought this would not be PPC responsibility. ST confirmed that it had been there for 26 years and believed it was network rail property. JM asked if the query over Cllr J Williamson's eligibility to remain a councillor had been cleared up. The clerk said that it had been confirmed by Calc that his apologies given and minuted in February and March meant that he was still a councillor. JM asked if we knew when the village hall would be opening. WM said that the village hall was being cleaned but they were being bombarded by messages from people asking when they were opening. He said that they would announce it on social media when they were reopening. WM asked if everything had been settled with the village hall and the clerk

said that she was still looking through minutes, but would have her findings to present at the next meeting. JM asked if PPC owed the village hall money. The clerk said that payments had previously been made to the village hall without invoices, so although she had an historic statement from the village hall, she could see that additional payments had been made, so therefore needed to check that these additional payments were grants rather than payments towards the hire of the hall which should have been deducted from the balance.

**045/2020/21 Councillor Code of Conduct Discussion:** Postponed until next meeting (minute 027/2020/21)

**046/2020/21 Date of next meeting.** To be rescheduled to 23<sup>rd</sup> September 2020

The chair thanked everyone for their attendance and closed the meeting at 21.22

Minutes approved as a true and accurate record.

Chair Presiding..... Date.....

**DRAFT MINUTES FOR APPROVAL**

**Note of Explanation from The Clerk**

It has been brought to my attention that some people have misinterpreted my comments regarding the solicitor's invoice at the above meeting so I wish to clarify.

Councillor R Huck's decision to engage the solicitor, during his time as Chair, was made in unprecedented times. I believe he acted in good faith, with the best interests of Parton in mind and I personally have no doubts about his honesty or integrity whatsoever.

My comments related to the minuting of the decision to engage the solicitors and not the decision itself. As the Responsible Financial Officer I have to be able to show evidence that every payment that the Council makes on behalf of the electorate of Parton has been made with the Council's approval properly recorded in the minutes. Sometimes, particularly in urgent situations, it is not possible to have a full council meeting before taking action, but then the record of the decision, setting out the reasons that urgent action was necessary, should be presented to the next meeting for retrospective approval, at which point it becomes minuted. It becomes a permanent legal record of the decision by the council. Without that minuted decision I have no authority to pass the invoice for payment.



Jane Coltman  
Clerk & RFO