

## Church Fenton Parish Council

### Minutes of the Annual Meeting of Church Fenton Parish Council held on Thursday 17th May 2018 at the Village Hall, Main Street, Church Fenton

Present: Cllr Sarah Chester; Cllr Jo Mason, Cllr Andrew Mason, Cllr Craig Blakey, Cllr Rebecca Hunt, Cllr Stuart Spensley, Cllr Ross Higham

Jeremy Sherlock (Clerk)

SDC Cllr Keith Ellis; NYCC Cllr Andrew Lee; PS Lauren McGillivray; PCSO James Hudson

23 members of the public

Cllr Sarah Chester in the Chair

#### 1. Appointment of Chair

There was a discussion about the principle of rotating the Chair which had been agreed a few years ago as this prevents a Chair being too dominant. Conversely it was felt that 12 months was too short a period to understand the job, and continuity would have some benefit with the current projects.

Cllr Sarah Chester and Cllr Andrew Mason were nominated as Chair.

**Resolved that Cllr Sarah Chester be Parish Council Chair for 2018-19.**

Cllr Chester signed the declaration.

#### 2. Appointment of vice Chair

Cllr Ross Higham was nominated as vice Chair for 2018-19

**Resolved that Cllr Ross Higham be the Parish Council vice-Chair for 2018-19.**

Cllr Higham signed the declaration

#### 3. Apologies, Declarations, and Dispensations

None

#### 4. Appointments to outside bodies

It was noted that the Council was entitled to up to 3 representatives on the Village Hall Committee.

**Resolved that Cllrs Sarah Chester, and Rebecca Hunt would be the Council's representatives on the Village Hall Committee.**

YLCA had requested a representative on the Selby Area Committee

**Resolved that Cllr Jo Mason be appointed as the Council's representative on the Selby Area Committee.**

#### 5. Public Session

None

#### 6. Reports

PS Lauren McGillivray; PCSO James Hudson attended the meeting following a request by Councillors due to concerns expressed about anti-social behaviour. They confirmed that they were working with agencies and relevant families to seek to deal with the issue. They advised that the public report any incidents via 101 unless it was an emergency situation when 999 should be used. They welcome evidence provided by the public.

There was a request that information be provided about local police which they will seek to address.

Concerns were expressed about speeding. This again should be reported but they can only fully enforce when a properly calibrated vehicle is available. However if there is a regular offender they can visit and advise

The Police were thanked for attending the meeting.

There were no reports from the District or Country Councillor..

## Church Fenton Parish Council

7. Minutes of the Last Meetings held on 19<sup>th</sup> April 2018

**Resolved that the minutes represented a true record of the meeting.**

8. Matters Arising

None.

9. For Discussion

- a. **Annual Return 2018-19** – the Clerk circulated the Annual Return including the Annual Governance Statements, Accounting Statements, and Internal Auditors report. Councillors considered the Annual Governance Statement and were satisfied that appropriate internal control systems were in place. The Clerk commented on the main variances in the Accounting Statement which was covered in a table. The main variances in income was due to a reduction in VAT recovery (this was high in 2016-17 due to recovery from the Church Street lighting scheme) and a CIL grant. The main increases in expenditure were due to costs from the 2 proposed building acquisitions, and additional playground repairs, offset by a reduction in projects expenditure due to an invoice for street light works not having yet been received.

The Internal Auditor has advised that there are no matters of significant concern which need to be drawn to the Council's attention.

**Resolved that:**

1. **The Governance Statement in the Annual Return be approved, and the Chair and Clerk be authorised to sign them for submission to the External Auditor**
  2. **The Accounting Statements in the Annual Return be approved, and the Chair and Clerk be authorised to sign them for submission to the External Auditor**
  3. **The comments of the Internal Auditor be noted. The Internal Auditor (Mrs A A Thomas) be reappointed for 2018-19.**
- b. **Code of Conduct, Complaints Procedure, Standing Orders and Financial Regulations** – these documents are available on the website. The Clerk advised that he has received a revised Model Standing Orders prepared by NALC just before the meeting, but has not had time to digest them. No other changes were recommended.

**Resolved that the existing Code of Conduct, Complaints Procedure, Standing Orders and Financial Regulations be adopted by the Council, with revisions to the Standing Orders recommended by NALC to be considered at the next meeting**

- c. **Community Shop** – the Clerk advised that issues with regard to the purchase were largely resolved. Contract documentation was satisfactory, and funding was in place to pay the deposit. Lease documentation was awaited, but the Heads of Terms had previously been agreed. The only outstanding concerns related to the proposed overage clause. Issues remaining are:
- a. Deduction of the costs of obtaining planning permission in relation to the calculation of the overage - Whilst this would reduce any uplift in value that the Council may receive in the future it would not impact on the recovery of the purchase cost, so was considered acceptable.
  - b. Use of "the seller's conveyancer" in dealing with future overage consideration. This is more of a technical issue, and would not affect the recovery of the acquisition cost.
  - c. Overage being triggered by planning permission as well as sale – initially the proposed clause covered all planning approvals, but the vendors have agreed to exclude permissions for the use of the property as a single community shop. Whilst this is an

## Church Fenton Parish Council

improvement it could still impact on value should the Council need to sell at some time in the future as any future owner could have to pay overage when they receive permission for an extension even when they are not realising any sale value. This is likely to put off purchasers and reduce the value of the building.

It was agreed that only point c gave cause for concern due to the impact on value should the Council be required to sell at some time in the future which increases risk. It was recognised that there was the potential of the acquisition not proceeding should exchange not take place in the near future.

It was moved that the Clerk approach the owners to get the overage clause modified to reduce the risk. An amendment was moved that the acquisition proceed on the basis of the terms offered by the vendors. The amendment did not pass.

**Resolved that the Clerk write to the vendors of the Community Shop asking that the overage clause be amended so that it only applies when the property is sold, and not when planning consents are granted.**

Cllr A Mason left the meeting

- d. **White Horse** – at the last meeting the Council authorised the Clerk to increase the Council's offer for the building. An offer of £355,000 has been accepted. The vendors are keen to proceed rapidly.

The Community Benefit Society have proposed that the Council provide them with a net grant for the refurbishment work. Whilst this would reduce the Council's control it would simplify arrangements in terms of the lease and VAT. It was proposed that new quotes could be required arranged by a qualified consultant, and that payments would be phased on the basis of Architects valuations.

The previous owners had "opted to tax" so VAT will be chargeable on the purchase price, and will need to be charged on the rent. The Council will need to register for VAT and to "opt to tax" to recover the VAT on purchase. VAT can be complex so the Clerk has sought VAT advice and has approached 3 consultants. All quoted, but 2 indicated that they only had the capacity to do the work later in June. Armstrong Watson had the right background and experience, provided a reasonable quote, and were able to do the work.

**Resolved that**

- 1. The revised offer of £355,000 be approved, and the Clerk be authorised to proceed with the acquisition and lease with Councillors authorised to sign the documentation**
  - 2. The principle of grant aiding the refurbishment at net cost be agreed, with the detail to be considered further at the next meeting**
  - 3. The Heads of Terms be amended so the lease is on a Repairs and Maintenance basis.**
  - 4. Armstrong Watson be appointed to provide VAT advice at a cost of £560+VAT**
  - 5. The Clerk be authorised to register for VAT and to "opt to tax" if necessary**
- e. **Neighbourhood Plan** – an initial draft has been submitted to Selby DC for comment prior to the completion of the final draft of the Plan which is anticipated in late summer. It can then move forward to referendum. No decision has yet been received for the Awards for All grant application.
- f. **Assets of Community Value** – the Clerk reported that the application to designate the Sunar Bangla had been rejected as it on operational railway land which are excluded from designation by the government. The Clerk reported that he had had some correspondence with the Methodist

## Church Fenton Parish Council

Church. Its use as a Church meant that it is questionable whether it can be designated, and at the moment it does not seem to be under threat. It was agreed not to pursue this designation further at present. The Clerk had contacted the football club and was awaiting a response.

- g. **General Data Protection Regulations** - the Clerk circulated a report. The General Data Protection Regulations are being introduced on 25th May. These apply to all Councils and will change the way in which the Council handles data. This is an issue for the Council as a whole as Councillors will be responsible for ensuring that the Regulations are met. It covers all data held by the Council (either by the Clerk or Councillors) in electronic or paper form. The main issue for the Council will be personal data such as addresses and email addresses. YLCA have issued a variety of guidance including an extensive guidance note. The main issues for consideration are included in this report. As with the current system the Information Commissioner is responsible for monitoring the regulations. They have the power to issue fines but have advised that for local Councils they will take a sympathetic line at the moment providing that the Council can evidence that it is progressing towards full compliance.

Data may only be held if there is a lawful basis for processing. Consent only needs to be sought if one of the other powers is not available.

The Council must have a privacy notice which explains why data is being held, and on what basis. This would need to be posted on the Council website. The Council will need to undertake a data audit to identify what data is being held, and whether it is being held on a lawful basis. If it is not being held on a lawful basis it would need to be destroyed. The Council will need to agree a policy with regard to data retention, including its deletion. The Council will need to consider how data is stored, for example are there systems to prevent it being accessed by 3rd parties.

Data Protection Officer – there is a requirement that each Council appoints an independent Data Protection Officer to monitor compliance. YLCA have advised that they would organise staff for this role on a fee basis. However the government have recently put forward an amendment to the legislation which may mean that this will not be a requirement for Parish Councils.

Website and email – there will a need to check if the website, emails etc are GDPR compliant. Some cloud based storage systems are not as they store data outside the EU. Issues regarding email include:

- a. Whether there is a need for dedicated email addresses for Councillors
- b. The need to stop forwarding private email addresses – only the body of the email should be forwarded
- c. Non Councillor distribution lists should not be used without express consent
- d. Data Breach – where there is an unlawful data breach it needs to be reported within 72 hours by the Council.

**Recommended that the Clerk (in consultation with Councillors) is given delegated authority to put in place the necessary policies, with these being considered in detail at the next available Council meeting**

- h. **Highways** – the Clerk had held a meeting with an officer from NYCC highways and reported as follows:

General - NYCC policy is to focus on projects here there is evidence of safety issues. General improvements are a lower priority and funding is highly unlikely to be available.

## Church Fenton Parish Council

Church Street footpath – would not be funded as an improvement. A S106 agreement exists so planning gain will not be a source of funding. Inclusion in a S278 agreement could be considered, but is questionable as it does not directly affect the development site.

Roundabout – there is no known collision history so this would not be seen as a priority. The main issue affecting visibility is the hedge on the Church Street/ Station Road corner though its lowering or removal would have an amenity impact.

Church Street Parking – parking across driveways is an offence so the police or NYCC enforcement can be contacted. As the main issue is at school times the introduction of yellow lines would have limited impact as it is legal to stop to drop off or pick up. The problem here should ease if the pub car park is made available for school use.

20 mph speed limit – on hold whilst being reviewed by DfT – recent evidence is that speed reductions are marginal compared to the cost. It would need to be supported by physical measures – NYCC no longer support humps due to emissions issues so the only option would be a chicane which may be difficult in the location.

Speeding – concerns can be reported through the 95 Alive partnership – details are available on <https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Road%20safety/Speed-Management-Protocol-20.2.18.pdf>. This triggers gathering of evidence – action will only be considered if a problem is identified. It was also agreed to explore the “20 is plenty” approach that has been used in Barkston Ash.

- i. **Pay Award 2018-19** - the Clerks Pay is calculated using NJC (Local Government) pay rates. The Clerk has been appointed on Salary point 31 and is contracted to work for 4 hours per week. NALC have advised of a 2% national pay award for 2018-19 which has been agreed by Employers and Unions. This would increase the annual salary to £3,050.88, which is an annual increase of £59.76. The Clerk also receives a home office allowance of £18 per month (£216 pa) which remains unchanged. Due to the current volume of work the Clerk is continuing to do in excess of contracted hours. This could be accommodated through overtime payments, or by increasing hours. If the latter choice was considered it would be sensible to do this for a temporary period once the current purchases etc have been completed. An additional hour per week would cost £63.56 per month, so if agreed for a 6 month period the cost would be £381.36.

### **Resolved that**

**1. The Clerk's pay be increased from 1st April 2018 in line with the national pay award (Salary - £3,050.88; home office allowance £216)**

**2. The Clerk's contracted hours of work be increased from 4 to 5 hours per week from 1.4.18 to 30.9.18**

### 10. For Information

An email has been received from the Civilian Committee at 2434 Squadron Air Cadets, Church Fenton asking what consents would be needed to display a tail fin near to the former Airfield. The Clerk has responded advising them to contact NYCC (as Highway Authority) and Selby DC (as Planning Authority).

North Yorkshire CC are consulting about changes to the Archives Service.

### 11. Planning

Applications for Consideration

2018/0398/FUL - Proposed conversion of an agricultural barn building into a residential dwelling and necessary associated operational and remedial works at Partridge Hill Farm, Oxmoor Lane, Church

## Church Fenton Parish Council

Fenton

2018/0440/HPA - Proposed single storey side extension and loft conversion at 1 Railway Houses, Sandwath Lane, Church Fenton

2018/0841/HPA - Proposed single storey rear extension at 16 Lockton Court, Church Fenton

2018/0522/FUL – Proposed erection of a detached dwelling at Wyke Holme, Main Street, Church Fenton

**Resolved that no objections be raised**

### 12. Finance

#### a. Clerk's Finance Report

The Clerk had circulated a financial report which showed at the end of last month a balance of £43,720.98. This shows a general balance of £12,595.45, a CIL balance of £4,407.50 and a Sandwath endowment balance of £27,960.47.

The first tranche of the loan for the Community shop has been received, and paid to the Solicitors for the deposit. The first repayment of £662.61 will be due on 1st November.

The Insurance with Inspire has been renewed as part of the 3 year agreement approved last year.

**Recommended that the finance report be noted**

#### Payments

Freeths LLP	Shop Deposit	£35,000.00
Sherburn and District Community	Grant	£175.00
HAGS SMP	Playground Inspections	£252.00
Came & Company	Insurance	£1,260.29
North Yorkshire CC	Electricity	£1,171.61
Creative Shed	Design	£72.00
Blackburn Wigglesworth	Survey	£960.00
WEL Medical	Defibrillator Spares	£83.82
HMRC	Tax	£118.20
J Sherlock	Salary	£217.46
S Fisher	Salary	£102.69
VOA	Valuation	£1,500.00

#### b. Income

Selby DC	Precept	£10,250.00
Selby DC	Grant	£189.50
PWLB	Loan	£34,975.00

**Resolved that the above payments and income be noted**

### 13. Representatives Reports

Cllr Jo Mason reported that it was proposed to hold an event called the Mint Festival at the Airfield. This had caused problems at the venue where it was held last year. Cllr Chester advised that this had been confirmed by the Airport who will consult on detailed arrangements. It was agreed to consider this further at the next meeting.

### 14. Agenda Items for Next Meeting

Community Shop, White Horse (including grant), GDPR, Speeding, Mint festival

### 15. Date and time of next meeting – Thursday 21st June at 7:30 at the Village Hall, Main Street, Church

## Church Fenton Parish Council

Fenton

Meeting closed at 10:17 pm

Jeremy Sherlock; Clerk; [clerk@church-fenton.net](mailto:clerk@church-fenton.net); 07981 371937