

Church Fenton Parish Council

Minutes of the meeting – ANNUAL PARISH ASSEMBLY (MEETING)

Minutes of the Annual Parish Assembly held on Thursday 20th May 2021 at 7pm via remote methods for members of the public.

Present: Cllr Sam Charlston – Chair
Georgina Ashton (Clerk), 18 parishioners.

The meeting opened at 7.03pm

1. **Apologies** - Cllr Andrew Mason,

2. **Minutes of the meeting of 16th May 2019**

Minutes of the meeting Thursday 16th May 2019 agreed as a true and accurate record.

3. **Chairman's Report** -

1. The composition of the Council in 2019/2020 was as follows:

Cllr Sarah Chester (Chair) – to July 2020
Cllr Ross Higham (Vice Chair) – to July 2020
Cllr Paul Herbert
Cllr Andrew Mason
Cllr Craig Blakey
Cllr Michelle Seguss
Cllr Samantha Charlston

The composition of the Council in 2020/2021 was as follows:

Cllr Samantha Charlston (Chair) – from July 2020 *(no Vice Chair appointed)*
Cllr Paul Herbert resigned – July 2020
Cllr Craig Blakey resigned – October 2020
Cllr Sarah Chester resigned – March 2021
Cllr Ross Higham
Cllr Andrew Mason
Cllr Michelle Seguss

2. Thank you to both Craig Blakey and Sarah Chester, for their time on the council and the great work they did for the village in that time, including the acquisition of the White Horse and Community Shop buildings. Sarah is still supporting the council in leading the Neighbourhood plan to referendum.

3. A by-election was called on each of the three vacant seats. However, due to govt restrictions this by-election was not held until 6th May 2021. The three successful candidates were Cllr Jessica Cooper, Cllr Stewart Ferris and Cllr Jo Mason. They will be welcomed at the next parish council meeting that will take place on Thursday 27th May where they will be able to sign their Acceptance of Office. It should be noted that Selby District Council have apologised for their maladministration of the election and a full investigation will take place. The Council have requested that SDC provide a statement to the Council to be read out at the annual meeting.

4. The Council staff comprised Jeremy Sherlock – Parish Clerk and Stephen Fisher – Lengthsman to March 2020. On 1st March 2020, Georgina Ashton was appointed as Parish Clerk. On 28 February 2021, Stephen Fisher resigned as Lengthsman. Appointment yet to be made for the position of Lengthsman.

Activities in 2019-20

5. During this and the previous municipal year, the Council had to adapt and change with government restrictions and held their first remote meeting in April of 2020. These remote meetings via Google Hangout continued throughout the remainder of 2019-2020 municipal year and into the next.

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Consequently, no Annual Parish Meeting took place in 2020 and the Council did not hold their Annual Council Meeting until July 2020. Remote meetings have continued throughout 2020 and into 2021. As restrictions lift and Covid Regulations expire, the Council will return to full face to face meetings by June 2021. The Annual precept saw no rise in 2020 to reflect the current recessionary traits for many and the uncertainty at the start of 2021.

6. The Parish Council supported the local community during the 1st national lockdown from March to July 2020 with a Covid19 Action group, and a series of leaflets providing information, updates and signposts of support for members of the local community. These were well received by residents.
7. Parish Council activities fall into 4 main of categories – projects, service delivery, advocacy and representation and finance and administration.

8. Projects

- a. **Community Shop** – the Council supported a community group who were able to reopen the village shop as a community shop in May 2019. The Shop committee and directors have steered the refurbishment of the shop and this was formally re-opened in November 2019 with a larger floor space, outside patio area and conservatory.
- b. **White Horse** – the Council work closely with the Church Fenton Community Hub who have taken on the lease for the White Horse public house and have successfully secured tenants. Unfortunately, both community assets have faced challenges during the govt restrictions but have continued to trade and the Council wish them well in growing their respective businesses in the coming years.
- c. **Play Area** – S106 funds have been drawn down from SDC at the end of 2020-2021 for £25,000 to purchase an 8 in 1 Warrior Pod fitness suite, multi goal area with artificial surface and updates/ improvements to the fort slide. The balance of the S106 funds will be used in 2021/2022 to purchase additional seating for the park.
- d. **Highways Committee** – Over the past two years there has been increasing concern over several highways matters in the village; these include speeding, car parking at the railway station, parking around the school area/Station road and increasing traffic through the village. In December 2019 the bridge at Great Brigg, Main Street needed emergency repair and a temporary bridge was put in situ. This temporary bridge still remains to date. There are plans to carry out the repairs and maintenance to the bridge in July 2021, although this date has not been confirmed to the Council. In the summer of 2020, the Council made a successful grant application to the North Yorkshire Police Bureau through the AJ1 Road Safety Fund grant and received £4,295 in December 2020. In response to receipt of this grant and the road safety concerns in the local community, the Council formed a Highways Committee with members of the Council and local residents coming together to consider proposals for the grant spend / CIL monies and tackling local concerns.
- e. **Graveyard space** – The PCC first contacted the Parish Council during 2019-2020 with regard to a request for the Council to support the PCC in providing additional cemetery space. The land immediately adjacent to the rear of the Church has been identified as a potential graveyard extension and tentative contacts have been made with the owners for the circa 2 acres piece of land. Progression has been slow through lockdown, although a parish survey has recently taken place with an extremely positive response to the Parish Council being actively involved in this land acquisition.
- f. **Website** – The Clerk and Chair worked alongside Mark Richardson, local resident who has been able to make changes to the community website to ensure it is compliant with Website Accessibility arrangements from September 2020. After almost two decades of creating and working on the community website, Mark stepped down and wished to “hand over the reins” to a new incumbent in February 2021. The Council publicly thanked Mark Richardson who has

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operated the Church Fenton community website for almost 20 years. A huge amount of time, skill and effort has been put into creating, maintaining and updating the website over the years. Mark has done this for free as a goodwill gesture to the local community. At the same time, the Council wish to thank Joseph Miller, another local resident who has offered to take over the website to ensure that no service is lost in the short term.

9. Service delivery:

- a. The Council is responsible for the 2 Play Areas, the Village Green and the old school playing field. This includes ensuring that equipment is safe, tidying and grass cutting. Repairs were carried out on both Play Areas during the year.
- b. In the past Grass and Verge cutting of the Parish Council owned sites and highway verges (formerly cut by NYCC) was undertaken by a contractor appointed jointly with Sherburn-in-Elmet PC and South Milford PC. However in the final quarter of 2018-19, CFPC tendered for a separate grass cutting and verge cutting contractors. Fenton Landscape Services, a local firm based in Little Fenton secured the grass cutting contract and cut both play areas and the village green on a monthly basis between April and October. The verge cutting contract was won by Shed Grounds Maintenance who continue to cut all verges throughout the parish.
- c. The Council owns 34 street lights, paying electricity and repair costs. A programme of replacements was recommended by an engineer, and this has been phased over a number of years. Most of this work is now complete. However, we are still waiting on completion of the maintenance and replacement works of a street light off Brockley Close where the snicket meets Main Street.
- d. The village Lengthsman continues to carry out general maintenance which has a positive impact of the appearance of the village. Before leaving his post due to relocation, he had carried out much needed strimming works at the millennium signs, especially on Brackenhill Lane; had cleared footpaths in the parish which have been extensively used during the national lockdowns.
- e. The Council owns the boundary highway signs and Millennium signs, together with a number of benches, a bus shelter and defibrillator. During 2019-2020, the Council successfully purchased the redundant red phone boxes on Main Street (one outside the Fenton Flyer and one at the junction of Station Road). The purpose and use of these phone boxes is yet to be agreed at a Parish Council meeting.
- f. Support continues on an annual basis to the community library in Sherburn-in-Elmet.

10. Advocacy and Representation:

- a. **Neighbourhood Plan** – good progress has been made on the preparation of the Neighbourhood Plan, supported by a consultant funded through a government grant. The process has been led by a group including Councillors and community representatives. The External Examiner has now completed his assessment and provided a report to the Council. It is hoped that this will go to Referendum at some point later in 2021.
- b. **Planning** – the Council has submitted comments on the latest Selby Local Plan consultation on its preferred options of sites plan. This seems to have accepted the Council's argument that existing consents means that there is no need to make any additional allocations for housing. With the exception of the LEA site, there were no offered sites accepted by SDC as part of the consultation process in Spring 2021. The parish has seen several planning applications go to the Planning Inspectorate, most notably an appeal via Written Representation at Hilagarth which was refused and an appeal through Public Inquiry which took place remotely in February 2021 for the land close to the Parish Church, which as yet, remains undecided.

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- c. **Network Rail & HS2**– the Council has continued to engage with HS2 Ltd. The Chair has engaged with a key contact at Network Rail to work with the Council on liaison and communications during the electrification process from Church Fenton to York. Network Rail and their contractors, Murphys are using LEA as a central compound site for the large electrification materials and resources to be brought here and then taken from there to local sites at Ulleskelf railway station and Church Fenton (Sandwath Lane) compound. Some concerns have been raised by local residents on Sandwath Lane and Sandwath Drive and the Council continue to work with Network Rail on behalf of the local community. The compound on Sandwath Lane was created in May 2020 and will remain in place till summer 2022.
 - d. **Leeds East Airport** – the Council has continued to monitor proposals for the Airport, and when relevant raise concerns with the operators. Selby Council have been lobbied to oppose the possible designation of the site as “brownfield”.
 - e. **Assets of Community Value** – following applications by the Council the Village Shop, Fenton Flyer and White Horse were designated as Assets of Community Value. Unfortunately an application for the Restaurant was rejected as it is on operational rail land. The Council has agreed to submit further applications for the Methodist Hall and Football Ground.
 - f. **Footpaths** – with the support of a local resident problems with local footpaths have been highlighted to North Yorkshire County Council, and local landowners.
11. **Finance and Administration** – the Council has to operate legally and efficiently. Additional information is now included on the website. The Council has not received any audit comments in the recent past.

Priorities and Challenges in 2021-2022

1. **Local Plan, SDC** – the consultation draft of the Plan is due to be published by Selby DC in January 2022. This will be closely scrutinised by the Council with detailed comment submitted.
2. **Local Government Reform** – the Council submitted a robust and comprehensive response to the Local Government consultation during March 2021 in support of the East/West proposal for North Yorkshire. The announcement of how North Yorkshire will be organised in the future should be made by the Minister for Local Government before the summer recess of central government in July 2021.
3. **Neighbourhood Plan** – the plan has been completed and scrutinised by the External Examiner on 30 March 2021. Referendum is planned for June/July 2021.
4. **Additional Graveyard Space** – the land acquisition to secure additional graveyard space in perpetuity should be completed fairly early in this next municipal year.
5. **Planning** – the Council will continue to monitor planning applications (including the application on the site next to the Parish Church) and the Selby Local Plan process.
6. **HS2** – the Council will continue to monitor announcements and comment on consultations.
7. **Leeds East Airport** – the Council will monitor and comment where necessary on current activities that are subject to time restricted planning approvals. The Council have recently submitted a response to the LEA RNP Approaches consultation for a GNSS approach system.

Finance

8. The Council's total income in 2019-20 was £60,561.82 and expenditure was £82,535.13. The Expenditure includes £30,561.94 on PWLB loan repayments. The bank balance to carry forward from 1st April 2020 was split across two savings accounts and one current account; of which ringfenced funds (CIL, Shop Bond and S106 Sandwath endowment) totalled £50,458.62. This left general reserves for the council at £18,466.29.

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9. The Council's total income in 2020-2021 was £67,745.04 and expenditure was £54,786.95. The expenditure includes £30,561.94 on PWLB loan repayments. The bank balance to carry forward from 1st April 2021 was split across two savings accounts and one current account; of which ringfenced funds (CIL, Shop Bond and S106 Sandwath endowment) totalled £53,261.21. In addition, the Council secured a grant through the AJ1 Fund project and North Yorkshire Police Bureau (£4,295.76). This left general reserves for the council at £25,409.50 – an increase of £7,000 on the previous year. This can mainly be as a reflection of a prudent year during a national lockdown and Covid19 restrictions.
10. During the most recent financial year, the Council has moved across their current account from NatWest Bank to online banking through Unity Bank Trust Online. This has made banking considerable easier for the RFO yet maintains a high level of authorisation through a 3 level process. It also enables the banking system to work more smoothly with the accounting software (Scribe).
11. The annual precept increased in 2020 to £24,500 from £21,000; an overall increase of 13% on the previous year. However, there had been little increase over the previous 5 years and there has been no increase in 2021 in recognition of the extraordinary year and so many affected by the national lockdown and Covid19 restrictions on both local, regional and national businesses.
12. During 2019-2020 there were additional expenditure on one-off payments such as election expenses, professional legal fees for setting up the respective leases on newly purchased assets (shop and pub) as well as a higher than normal external audit fee of £1,920 (due to asset purchases in the previous financial year – shop and pub). During 2020-2021 expenditure on one-off payments decreased by almost £28,000 on the previous year. However, there has been an increase to the Clerk's hours from 25 to 32 hours per month.
13. The Council remains in a strong and robust financial position with general reserves totalling 100% of the precept income. The revised budget for 2021-2022 will be discussed at the June meeting as an interim internal control check.

4. Parish Issues and priorities

Church Fenton Parish Council Election – 6th May 2021

Statement on behalf of the Returning Officer, Janet Waggott, for the Parish Council meeting on Thursday 20th May 2021 - as read by the Clerk.

On 6th May 2021 a poll was conducted for the Church Fenton Parish Council. There were four candidates for three vacancies. At 19.45pm on 6th May 2021 the Returning Officer, Janet Waggott, attended the polling station at Church Fenton Village Hall as part of her routine visits throughout the day. On her arrival she was made aware that the Presiding Officer had been informed by an elector (who it was later established to be the Clerk to the Church Fenton Parish Council) that she had been provided with a ballot paper in relation to the Parish Election and that she was not entitled to vote in that election. The Church Fenton Village Hall was conducting the poll for the Parish Council Election and for the Police and Crime Commissioner Election which was taking place on the same day.

On making further inquiries the Returning Officer established that this was indeed the case and that the polling station staff had been advised incorrectly that all electors were entitled to vote in both polls. It became apparent from examining the Register that approximately 20 ballots had been incorrectly issued although it was not possible to establish how many had been cast as the ballot box was and remained sealed. Because the wrong registers had been used the Returning Officer initially considered whether it would be possible to remove the incorrectly issued ballot papers at the verification stage of the count. This would have been in the presence of the candidates, as part of the verification process prior to the count. On returning to the Civic Centre she asked for legal advice regarding this proposal from the Solicitor to the Council. This was advised against.

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At 7:00am on 7th May 2021 the Solicitor to the Council advised the Returning Officer that the ballots could not be removed and that she was required to verify and count all ballots in the ballot box. This advice was confirmed by the Director of Corporate Services and Commissioning, Suzan Harrington, who is herself a former City Solicitor, Monitoring Officer, Deputy Returning Officer and Returning Officer. The advice given is based on the provisions of the Representation of the People Act 1983 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006. The Returning Officer was also advised that the outcome of the election could only be challenged by way of an election petition. The Returning Officer had no alternative but to count all the votes cast and to declare the result. In addition, unless or until the outcome of the ballot is changed by Order of the Court, as a result of a petition, the successful candidates are duly elected and remain as such.

Following the declaration of the result all the candidates were contacted and advised of these circumstances. The Returning Officer has made an unreserved apology to all the candidates and to the electorate via direct contact and media releases. This error was reported to the Electoral Commission on Friday 6 May. The Returning Officer has instructed the Director of Corporate Services and Commissioning to undertake an investigation into the circumstances of the administrative error and the conduct of the parish council election to identify the specific issues that need to be addressed and lessons/improvements to be put in place. The deadline for completion of the investigation is 28th May 2021

A petition challenging the outcome of the election can be submitted by any of the candidates and/or four individuals who were entitled to vote in the election. The Returning Officer does not have the legal power to issue a petition herself. In addition, she has been advised that she must remain impartial throughout these proceedings as she may be the respondent to an election petition. Therefore, neither she nor the council can provide funding up front to support a petition. The Returning Officer has confirmed publicly that it is not her intention to object to the petition. It is anticipated that in the course of a petition proceeding by consent an order for costs will be made in favour of the petitioners and the council will be ordered to reimburse the petitioners for their reasonable legal costs including any fees paid to the Elections Petition Office. The Returning Officer and the Council have confirmed that they would not object to an Order in these terms. Finally, the Council has confirmed in writing to the Clerk of Church Fenton Parish Council that the fees for the Parish Council Election will be waived irrespective of whether a petition is issued.

*Suzan Harrington, Director of Corporate Services and Commissioning
19th May 2021.*

Resident 1 – questioned if the elected candidates from 6th May 2021 CFPC by-election decided not to take up their role, would they be removed with the process of a vacant seat starting from either an election or co-option. The Clerk explained how a Councillor could be disqualified if they do not attend meetings for a period of six months. However, if an elected candidate then chose to not take up their acceptance of office, this would require further legal clarification as to the next steps.

Resident 2 – a resident requested to know if the Council had made a comment on the recent LEA RNP Approaches public consultation. The resident was made aware that the Council had suggested this be a public document and available to any resident who requested a copy.

Resident 3 – Graveyard acquisition. The resident had already sent in some questions to the Council regarding the recent parish survey and would like to discuss these. It was suggested that it would be appropriate to share the response at the next meeting of the full council.

5. Any Other Business

none

The meeting closed at 7.32pm