

ELM PARISH COUNCIL

MINUTES OF MEETING

18 FEBRUARY 2014 – 7.00 pm.

Present: Councillor Brand, Chairman; Councillors Mrs Cotterell, Hopkin, Mrs Hopkin, Mrs Lankfer, Milham, Pinnock, Softley, Stokes and Webb.

Apologies: Councillor Miss Webb plus County Councillor Gillick.

In attendance: District Councillors Sutton and Tanfield.

The minutes of the meeting of 14 January 2014 were confirmed and signed.

118/13 Maurice Tilney

The Chairman referred to the recent death of Maurice Tilney, who was a former member of Elm Parish Council.

All of those present at the meeting observed one minute of silence in his memory.

119/13 Open Forum

(1) Cemetery memorial

The son of the applicant for a memorial on burial plot South A 209A at Elm Cemetery spoke in support of the application (for a kerbstone and headstone). He referred to an e-mail that had been sent by his mother to the Clerk, requesting that the family be allowed to have a memorial which incorporated both a headstone and a kerbstone in an area of the cemetery where headstones only are permitted. He commented that the family was unaware, until making contact with a local stonemason regarding the manufacture of a memorial for this burial plot, of the Cemetery Regulations relating to memorials; until that time, the family had anticipated that both a headstone and kerbstone would be allowed on his father's burial plot.

The applicant's son explained why a memorial of the type sought is so important to the family of the deceased and expressed the view that if the Parish Council were to allow the installation of a memorial incorporating a headstone and kerbstone on this plot it would, because the fact that the row of graves immediately in front of this plot contains memorials consisting of headstones and kerbstones, have a minimal impact upon the character of the cemetery. He showed members photographs of the burial plot and its surroundings

Members decided that the comments of the applicant's son be noted and taken into account, at minute 122/13 (2), when considering this application for a memorial in Elm Cemetery

(2) Removal of "cats eyes" from part of the B1101

Further to minute 109/13 (1), a resident of Coldham informed the Parish Council that he is in the process of producing a petition, seeking reinstatement of the "cats' eyes" which had been removed as part of the carriageway re-surfacing works to part of the B1101; he asked whether the members of the Parish Council would sign the petition?

Members decided that the comments made by this resident be noted

120/13 filling the vacancy on Elm Parish Council

Further to minute 107/13, the Clerk reported that he had received – as a result publication on the Parish Council's notice boards and its website, plus via editorial coverage in the local newspapers - three applications (from residents living in the ward) to fill the vacancy in the Elm and Fridaybridge ward of the Parish Council; two of the applications had been received by the deadline published in the notice of vacancy (i.e. 10 February 2014). The Clerk had forwarded copies of the applications to Parish Council members in advance of the meeting.

After reminding members of the process to be utilised for co-opting a councillor, the Clerk invited members to nominate the candidates as well as any other person who they may wish to propose. Members considered the two applications which had been received by the Clerk by the deadline published in the notice of vacancy.

The two candidates, both of whom meet the qualification criteria for membership of the Parish Council, had been invited, by the Clerk, to attend the Parish Council meeting. Both of the candidates were present and were given the opportunity to address the Parish Council to speak in support of their application.

Both candidates (but no other person) were proposed and seconded to fill the vacancy in the Elm and Fridaybridge ward of the Parish Council.

Members decided, by way of a majority vote, that Ms T Ablett be co-opted to fill the vacancy in the Elm and Fridaybridge ward of Elm Parish Council.

121/13 Members' Code of Conduct

Further to minute 31/12, the Clerk reminded members of the need for them to submit to the Monitoring Officer at Fenland District Council any changes to the content of their Register of Member Interests forms.

Members decided the reminder from the Clerk be noted and acted upon.

122/13 Progress on actions from minutes of last meeting

(1) Facilities for young people in the parish (minute 109/13 (2))

The Clerk informed members that the situation with regard to Fenland District Council's adoption of the open space land at Grove Gardens is unchanged from that reported at minute 109/13 (2); the District Council is still awaiting a response from the land owner's legal representatives.

Members decided that the information reported by the Clerk be noted.

(2) Elm Cemetery – operational issues (minute 109/13 (3))

The Clerk reported that at the time of his most recent inspection of burial plot North B345 (last week) the family which holds the Exclusive Rights of Burial for this plot had still taken no action to remove voluntarily the ornamental van from the foot of the plot. He reminded members that the contractor had undertaken to remove the ornamental van, unless removed by the family in the meantime, at the time of his re-instating a particular memorial which had been removed recently to enable a second interment in the burial plot to which the memorial relates.

Members considered an application for the installation of a cemetery memorial (consisting of a headstone and kerbstone) on plot South A 209A in Elm Cemetery, having regard for the presentation made by the applicant's son (minute 119/13 (1) refers) in support of his mother's application.

The Clerk had sent a copy of the applicant's e-mail of support for the application to each member in advance of the meeting. The reason for referral of this application to members for consideration is because it proposes the installation of a kerbstone in a part of the cemetery where headstones only are permitted. The Clerk informed members that memorials consisting of a headstone and kerbstone had been allowed (during the 1970s) in the row immediately in front of this burial plot.

Members decided that

- (1) the information reported by the Clerk in relation the current situation regarding burial plot North B345 be noted;
- (2) with immediate effect, memorials comprising a headstone and kerbstone be permitted in all parts of the current burial area within the cemetery (this means that the council policy of restricting the installation of kerbstones to only certain parts of the cemetery is no longer in force);
- (3) the Clerk would inform all of the local Funeral Directors and the companies which install memorials at Elm Cemetery of the change in policy;
- (4) the Elm Parish Cemetery Regulations be updated to reflect this change of policy.

123/13 Police matters

The Clerk reported that PCSO Dave Russ, of the Wisbech and District Neighbourhood Policing Team, was unable to attend the meeting, This officer had, however, provided a report detailing recent incidents of crime and disorder within the geographical area covered by Elm Parish Council, which the Clerk presented to members, including:

- Coldham – no incidents reported
- Fridaybridge – no incidents reported
- Elm – one theft of a vehicle; one theft of agricultural machinery; one incident of burglary at a domestic garage; one incident of a male acting in a suspicious manner; one report of vehicle nuisance.
- Rings End – no incidents reported.

In his report, PCSO Russ gave details of a particular scam which had been operating in the area; the criminals (making telephone calls, stating that they are police officers) would obtain a victim's bank card and pin number and then clear that person's bank account of all funds. The message to the public is they should not hand over their bank cards or pin numbers to anyone (not even if the requester claims to be a police officer).

PCSO Russ' report included a reminder that the next meeting of the Rural South Neighbourhood Forum has been scheduled for 25 March 2014 and would take place in Elm.

Members decided that the information reported by the Clerk, on behalf of PCSO Russ, be noted.

124/13 Planning applications

Members considered the following planning applications and decided to submit to the Local Planning Authority the comments set out (in italics) below:

- (1) Erection of a first-floor extension to side, involving formation of porch and alterations to existing garage to enable conversion; extension and alterations to existing rear lean-to and erection of porch to front of existing dwelling at bath farm, 174 Fridaybridge Road, Elm – F/YR14/0010/F (applicant: Mr J Turnbull).

That the application be supported.

- (2) Variation of condition 02 of planning permission F/YR13/0342/F (conversion of existing garage involving the erection of side and rear extensions to form an annexe, and erection of a single-storey rear extension to rear of existing dwelling) relating to external materials) at 14 Tower Road, Fridaybridge – F/YR14/0012/F (applicant: Mr R Bye).

That the application be supported.

- (3) Change of use of detached double garage and part of garden land to engineering business (renewal of planning permission F/YR12/0905/F) at Elm Engineering Services, Orchard House, main Road, Elm – F/YR14/0030/F (applicant: Mr M Claxton).

That the application be supported.

- (4) Change of use of outbuilding to school for Direct Care residents and staff at Begdale House, Begdale Road, Elm – F/YR14/0035/F (applicant: Ms C Shaw).

That the application be supported.

- (5) Conversion of garage to living accommodation and erection of single-storey side extension and detached car port/store to existing dwelling at 17 Fridaybridge Road, Elm – F/YR14/0045/F (applicant: Mr S Cuthill).

That the application be supported.

- (6) Erection of 2 x two-storey 3-bed dwellings on land north of 3 Limes Avenue, Elm – F/YR14/0070/F (applicant: Mr T Adcock).

That the application be supported.

- (7) Erection of 2 x two-storey 3-bed dwellings with parking and temporary siting of a mobile home on land south of 19 Oldfield Avenue, Elm – F/TR14/0078/F (applicants: Mr P Dalliday and Ms T Ablett).

That the application be supported.

- (8) Erection of a part single-storey and part two-storey rear extension to existing dwelling at 6 Wales Bank, Elm – F/YR14/0087/F (applicants: Mr D Clarke and Miss M Edwards).

That the application be supported.

- (9) Erection of a single-storey rear extension to existing dwelling, involving demolition of utility store/WC, at Springfield, 48 The Stitch, Fridaybridge – F/YR14/0088/F (applicants: Mr and Mrs P reeves).

That the application be supported.

125/13 Reports from District and County Councillors for the parish

Given the absence from the meeting of the County Councillor Gillick, no report was received by the Parish Council in relation to current County Council issues.

Councillor Sutton, one of the District Councillors who represents the parish of Elm, informed the Parish Council that

- he continues to ensure that officers at Fenland District Council are pursuing adoption of the play area at Grove Gardens, Elm (minute 122/13 (1) refers)
- street lamp FPC3 at Wales Bank, Elm is now working properly
- the District Council would be finalising its budget and setting its Council tax for 2014/15 on 27 February 2014
- at the Fenland District Council meeting on 27 February 2014 he would continue to oppose that council's decision to reduce the level of Concurrent Functions Grants it pays to Parish Councils by 1/3 in 2014/15, followed by reduction by a further 1/3 in 2015/16 and payments ceasing in 2016/17.

Councillor Tanfield, the other District Councillor who represents the parish of Elm, informed the Parish Council that

- she would be attending her first Fenland District Council next week
- further to minutes 58/13, 75/13 and 78/13, District Councillor King had sent a letter to the owner of the former Church Hall, Main Road, Elm regarding the condition of the property
- she supports the Parish Council's proposal to provide play equipment in Elm and is hopeful that delivery of the proposal could be achievable in the near future. Councillor Tanfield commented that she has been working with the Elm C of E Primary School in the production of a petition of support for this proposal and expressed the opinion that it may be possible to secure other sources of funding to increase the budget available for play equipment provision. Councillor Tanfield mentioned other villages within Fenland where play equipment had been installed and stated that Councillor Sutton and she would be looking to identify potential sites for the installation of play equipment at Elm; she invited Parish Councillors to join them in them in that process.

Members decided that the situation be noted.

126/13 Financial matters

Income

Maxey Grounds	Cottage rent (less fees)	£523.60
P Barnes	Interment fee	£275.00
March Funerals	Plot purchase and interment fee	£660.00
Kent Memorials	Cemetery memorial	£606.00
A R Clingo	Burial plot (double depth) purchase and interment fee (out of parish rate)	£2,132.50
Richard King Memorials	Additional memorial inscription	£66.00
Total Income		£4,263.10

Expenditure

Glazewing	Wheelie bin emptying – Elm Cemetery (includes VAT of £16.79)	£100.74
R J Warren Ltd	Grounds maintenance contract (includes VAT of £235.33)	£1,411.96
T Jordan	Salary (less income tax of £179.83 and NI of £30.38), Broadband and other expenses	£798.55
Fenweb Limited	Website administration (includes VAT of £31.00)	£186.00
Anglian Water	Water for cemetery	£40.53
Richard Kierman Contract Window Cleaner	Cleaning of Parish Council notice boards and signs	£45.00
Total Expenditure		£2,582.78

In addition, the Clerk reported on the levels of funding held within the Parish Council's bank and savings accounts as at 31 January 2014 (in the total sum of £124,766.78), together with the month-end figures for each of the preceding six months and as at 31 January 2013.

Further to minute 114/13, members considered a draft Terms of Reference, prepared by the Clerk, for an Elm Parish Council Finance Committee.

Members considered the appointment of an Internal Auditor for the audit of the Parish Council's 2013/14 accounts. The Clerk informed members that the person who undertook this role for the purpose of the Parish Council's 2012/13 accounts (and for a number of financial years prior to that), Mr Stephen Cowell, is willing to do likewise for the 2013/14 accounts.

Members decided

- (1) that the income of £4,263.10 be noted and that the expenditure of £2,582.78 be authorised;
- (2) that the levels of funding held within the Parish Council's bank and savings accounts as at 31 January 2014, together with the month-end figures for each of the preceding six months and as at 31 January 2013, be noted;
- (3) to note that, after allowing for the Parish Council's ear-marked reserves (totalling £48,939.50) at 31 January 2014 and its other financial commitments (with the exception of day-to-day running costs) made between 1 April 2013 and 31 January 2014 (in the total sum of £8,785.00), the actual balance available to the Parish Council at 31 January 2014 is £67,042.26; making further allowance for a general contingency (at the level of 150% of the 2013/14 Precept, which equates to £45,000) reduces the actual balance available to the Parish Council at 31 December 2013 to approximately £22,000.00;
- (4) subject to inclusion of the minor amendments proposed by Councillor Pinnock, the Terms of Reference for an Elm Parish Council Finance Committee, as set out at the appendix to these minutes, be adopted;
- (5) Mr Stephen Cowell be appointed as the Parish Council's Internal Auditor for the 2013/14 audit of accounts.

127/13 Chairman of the Council's allowance

Councillor Pinnock enquired as to the purpose of a Chairman's Allowance.

In response to the enquiry, the Clerk quoted Section 15 (5) of the Local Government Act 1972, which states "A Parish Council may pay the chairman for the purpose of enabling him to meet the expenses of his office such that allowance as the council think reasonable". He added that Elm Parish Council had paid an annual allowance to the chairman for a number of years; therefore, it must have been the case at some time in the past that the council had considered it appropriate to use the power contained in Section 15 (5) of the Local Government Act 1972.

The Clerk commented that there is no requirement placed upon the Chairman to explain to the council how that allowance is spent. He reminded the council that it had agreed, at minute 114/13 (when setting the Parish Precept), that the Chairman be paid an allowance of £300 for the municipal year 2014/15.

Members decided that the information reported by the Clerk be noted.

128/13 Parish Council's accounts 2012/13

Further to minute 115/13, Councillor Pinnock enquired as to whether the Clerk had received any information in relation to the possible legal proceedings against the council by the resident of Coldham who had submitted challenge correspondence to the External Auditor in relation to "signing-off" the council's accounts for 2012/13. He explained that the reason for his enquiry is to ascertain whether the Parish Council would need to consider allocating funding to defend itself against any legal action in this matter.

In response to the enquiry from Councillor Pinnock, the Clerk stated that, firstly, he had heard nothing from the complainant or anyone acting on his behalf in relation to this matter and that, secondly, the council's insurance policy includes cover for legal action against it.

With the consent of the Chairman, the resident of Coldham who had submitted challenge correspondence to the External Auditor explained that he had referred the matter to the Monitoring Officer at Fenland District Council, who had decided that it is not a matter for reference to the District Council's Conduct Committee; the complainant had then considered taking legal action personally but this option would be too expensive for him. Consequently, the complainant has decided not pursue action against Elm Parish Council.

Members decided that the situation be noted.

129/13 Mac Cotterell

Further to minute 80/13, members considered, at the suggestion of Councillor Webb, the possibility of waiving all costs relating to the interment in Elm Cemetery of this former councillor in recognition of his significant service to the local community.

The Clerk reported advice that he had obtained from the legal adviser to the Society of Local Council Clerks (SLCC) in relation to Councillor Webb's suggestion, namely that there is no legal power available to local councils to undertake such action; the legal adviser to the SLCC suggests that if the council wishes to provide a memorial to the late Mac Cotterell, it may wish to consider something like the purchase of a bench that could be used by anyone in the community and, consequently, would be a legal purchase.

Members decided, having regard for the legal advice obtained, that the Clerk, in liaison with Councillor Mrs Cotterell, would make arrangements for the purchase and installation of a suitable bench, as a memorial to the late Mac Cotterell.

(Councillor Mrs Cotterell declared her pecuniary interest in this item of business, by virtue of having a beneficial interest in the burial plot of the late Mac Cotterell, and retired from the meeting for the duration of the discussion and voting thereon)

130/13 Cemetery Cottage, Elm – Tenancy Agreement

Councillor Pinnock, who had been provided (by the Clerk) with a copy of the tenancy agreement in relation to the Cemetery Cottage at Elm (to be aware of the landlord's responsibilities to the tenant), referred to the fact that the current agreement, dated 7 January 2013, had been signed by the Clerk and witnessed by the Chairman of the Council; Councillor Pinnock questioned whether the necessary powers had been delegated to the Clerk to commit Elm Parish Council to such an agreement.

The Clerk made the point that one of the roles of the Clerk, as Proper Officer of the Council, is to sign contracts, agreements and correspondence on behalf of the council. He added that his signing of the initial tenancy agreement in May 2011 (minute 9/11 refers) had not been challenged by the council at that time; the current tenancy agreement, which is the standard residential lettings agreement used by the letting agent engaged by the council, is identical in respect of its terms to the one that was signed in May 2011. The Clerk commented that, in signing the current agreement (to maintain occupancy of Cemetery Cottage), he had acted under the same authorisation as the one given in 2011.

The Clerk rejected the suggestion of Councillor Pinnock that legal advice be taken in this matter.

Councillor Pinnock stated that he was of the opinion that neither of the two tenancy agreements was executed correctly but that the only adverse affect that this would have is if the tenant and the council were in dispute. He, therefore, considered it prudent for the council to ratify both agreements now by a simple resolution. Other members did not agree with Councillor Pinnock.

Members decided that

- (1) the comments of Councillor Pinnock and the Clerk be noted;
- (2) on a majority view, Elm Parish Council is happy that this matter was transacted legally, on the basis that the Clerk had acted appropriately in signing (on behalf of Elm Parish Council) the tenancy agreement for Cemetery Cottage.

131/13 Fridaybridge Community First Responders – application for financial assistance

Members considered an application from the Fridaybridge Community First Responders (CFR) group for financial assistance to purchase certain pieces of medical equipment, likely to cost in the region of £500.

To assist members with their consideration of the application, Councillor Webb explained the actions that are part of the remit of Community First Responders; the remit of these volunteers does not include the types of actions for which the medical equipment mentioned in the application would be used.

Members decided, on the basis that it considers the purposes for which the grant funding is being sought to be outside of the scope of the CFR scheme, that the application for financial assistance be refused.

132/13 Maintenance of water courses

Councillor Pinnock expressed the opinion that the Parish Council should arrange inspection of the water courses for which it has a maintenance responsibility, to ensure that they are free of debris and allow the free passage of water. These water courses are the drainage dykes around Elm Cemetery and the Begdale Road playing field.

Councillor Hopkin offered to undertake the inspections and to report to the next meeting of the Parish Council on his findings.

Members decided that Councillor Hopkin's offer, to inspect the drainage dykes mentioned above and to report back to the next meeting, be accepted.

133/13 Annual risk assessments

Members considered, in accordance with the advice of the Council's Auditors that local councils should assess and take mitigating actions, the risks to the Parish Council.

Members are of the view that all of the risks faced by the Council are covered by the necessary measures, including:

- insurance policies in respect all assets and public liability
- regular inspections by the Clerk and members of the Parish Council of all assets
- monthly reporting by the Clerk of all items of income and expenditure and monies held in bank accounts
- all expenditure is approved at Parish Council meetings and cheques require three signatures
- monthly verification by a member of the Parish Council of the council's bank statements against the records of income and expenditure
- the Clerk reports to members at quarterly intervals on the Parish Council's overall financial position
- Annual Accounts are approved by the Parish Council
- all activities are governed by Standing Orders and Financial Regulations
- regular monitoring of the financial aspects of the council's activities is undertaken by the Finance Committee
- the Parish Council possesses a prudent level of financial reserves to be able to fund any unforeseen eventualities
- health and safety inspections are undertaken each time that grounds maintenance activities are undertaken on behalf of the Parish Council.

Members decided that appropriate risk management measures are in place currently but the situation be kept under constant review and considered formally by the Parish Council at the February meeting each year.

134/13 Correspondence

Parking on the grassed verge at Abington Grove, Elm.

The Clerk reported an e-mail and a letter from residents of Elm regarding the parking of vehicles on the grassed areas (which are highway verge owned by Cambridgeshire County Council) at the top of Abington Grove (adjacent to the B1101), Elm.

The Clerk informed members that, in preparation for discussion of this matter, he had contacted both the County Council (as land owner) and the Constabulary (the body with powers for dealing with illegal and inconsiderate parking of vehicles) in advance of the meeting, seeking their views on possible ways of addressing the issue.

The County Council's District Highway Manager had commented that the installation of "bird's mouth" fencing or

bollards around the perimeter of this land could provide a solution but, given the size of the area, such action would be expensive to install and maintain. He added that there is a parking restriction in place and the issue of some parking tickets would help.

PCSO Dave Russ had commented that he does attend the school to monitor parking as often as possible and he has issued tickets for illegal parking; he will continue to do so. He shares the view that the only way to stop the parking of vehicles on the grassed area would be the installation of physical measures to prevent vehicular access to that area.

Councillor Pinnock reported that he had met on-site, yesterday, with the District Highway Manager, who had undertaken to obtain a costing for the installation of bollards; it may be that Elm Parish Council would be expected to make a financial contribution to this cost.

135/13 Date of next meeting

Members were reminded that the next meeting of the Parish Council had been scheduled for 18 March 2014, commencing at 7.00 pm, at the Parish Council office, Begdale Road, Elm.

Elm Parish Council Finance Committee Terms of reference

(Minute 126/13 refers)

Membership

- Following the initial appointment of membership of the Finance Committee at a meeting of Elm Parish Council, membership of the committee shall be appointed at each annual meeting of the Council.
- The Finance Committee shall consist of five members of Elm Parish Council (including the Chairman of the Council).
- The quorum shall be three members of the committee.
- The committee shall appoint a Chairman at the first meeting in each municipal year.

Responsibilities

- To operate arrangements to secure the proper administration of the Council's financial affairs under all relevant legislation.
- To keep the Terms of Reference of the Finance Committee under review and to make recommendations for change, where necessary, to the Council.
- To review annually the Financial Regulations of Elm Parish Council, ensuring that they are observed, and to make recommendations for change, where necessary, to the Council.
- To recommend to the Council an annual budget and Parish Precept.
- To review the fees and charges levied for services provided by the council and to make recommendations to the Council in that regard.
- To ensure that the Parish Council meets its internal and external audit requirements and to receive and consider internal and external audit reports; arranging and implementing any recommendations made in those reports.
- To oversee the administration of the Council's bank accounts and other financial dealings and to make recommendations to the Council.
- To oversee the management of the financial reserves of Elm Parish Council.
- To oversee all matters relating to risk management, insurances, leases, contracts, loans, damage to property and debt recovery and to make recommendations to the Council as necessary.
- To oversee the Council's tendering and procurement arrangements.
- To monitor the Council's approved budget throughout the year.

- To consider the financial implications of any matters raised by the Council.

Meetings of the committee

- The Finance Committee shall meet as the workload requires.
- At least one meeting shall be held to draft the budget for the following financial year and to recommend a Parish Precept.
- No less than three clear days notice of meetings shall be given.
- Minutes of meetings of the Finance Committee shall be reported to the Parish Council; these shall be for information only, except for any recommendations made to the Council.
- Minutes of a meeting of the Finance Committee shall be signed at the next meeting of the committee.

Meeting finished at 8.45 pm

Signature:.....(Council Chairman).

Date:.....