

# **KILMINGTON PARISH COUNCIL**

## **MINUTES OF THE MEETING HELD AT 7.30pm ON TUESDAY 12<sup>th</sup> NOVEMBER 2019 IN THE CRICKET PAVILION**

**Present:** Cllrs B. Trott (Chair), M. Collier (Vice Chair) M. Jones,  
S Huscroft,, J. Mear, A. Dare, S. Seward

**In Attendance:** A Jenkins (Clerk/RFO), PCSO C. Bolsover

**Members of Public:** 0

### **OPEN SESSION**

No matters raised

### **COUNCIL BUSINESS**

**1. Apologies**

Cllrs. P. Ball and E. Styles.

**2. Declarations of Interest**

None

The Chair welcomed PCSO30413 C. Bolsover and moved that the Council amend the agenda order to hear item 6b) the Police Report as the next item.

**6. b) Police Report**

PCSO30413 Bolsover advised Councillors on some changes to the Axminster based Police Town and Rural Team but that he would continue as the PCSO for Kilmington and would endeavour to send a police report every month.

He advised that there had been two reported crimes (1 fraud theft and 1 violence without Injury) in Kilmington during the period 1<sup>st</sup> October 2019 to the 12<sup>th</sup> November 2019, as compared to 3 crimes for the same period in 2018. He also advised that there had been 13 recorded incidents within the last 5 weeks.

He reported that there had been 18 crimes in Kilmington to date from the 1<sup>st</sup> January 2019, as compared to 24 for the same period in the previous year.

He discussed with Councillors the various crime reporting methods that the Public can use and various matters of concern to Councillors. PCSO Bolsover then left the meeting.

**3. a) Minutes of Council Meeting 8<sup>th</sup> October 2019**

The minutes were declared a true record of the proceedings, proposed by Cllr. Collier, seconded by Cllr. Mear, all in favour. The Chair signed the minutes.

**b) Minutes of Public Interest Report Meeting 16<sup>th</sup> October 2019**

The minutes were declared a true record of the proceedings, proposed by Cllr. Huscroft, seconded by Cllr. Seward, all in favour. The Chair signed the minutes.

**4. a) Matters Arising from the Minutes 8<sup>th</sup> October 2019**

The Clerk reported that he had met with David Vickers on the 11<sup>th</sup> November 2019. They had discussed the matter of the A35 joint Parish Councils (Offwell Kilmington, Shute, Widworthy and Dalwood) meeting with Highways England. David had emailed Andy Roberts of Highways England to see if he is agreeable to a meeting and was presently awaiting a reply.

The Clerk reported that Thomas Westcott had advised that they were still in discussion with HMRC on the Council's Payroll and that whilst matters had progressed, it was still unresolved at the present time.

The Clerk advised that he had received the supply of new sandbags and would pass these on to Cllr. Seward. He had advised EDDC that Cllr. Seward was the Emergency Coordinator contact for the Parish Council.

Councillors confirmed however that it was Martin Cumbers who was the Kilmington Snow warden and who was registered as such with Devon Highways.

**b) Matters Arising from the Minutes 16<sup>th</sup> October 2019**

The Clerk advised that the External Auditors report had now been received but that he would report on this under Item 9g.

**5. Reports**

**a) District & County Councillor**

None

**c) Any other Reports**

The Clerk gave a brief report on the DALC AGM Conference/Exhibition he had attended and advised that he had attended two workshops covering Governance and Legal Updates from the NALC senior solicitor. One of the subjects covered was the Website Accessibility Regulations which existing websites must comply with by September 2020. The Clerk said that he was checking with Maxine Lawson, the website Administrator as to whether the website does comply and if not, what changes will be necessary. He advised Councillors that the various workshop presentations were available to view on the DALC website.

**6. Data Protection Registration**

The Clerk advised that he had been concerned to discover that the Parish Council was not registered as a data processor with the (ICO) Information Commissioner's Office. It is a legal requirement, so he had completed an online registration form to register with the ICO. The annual registration fee is £40.00. Councillors supported and endorsed the Clerk's action. Proposed by Cllr. Trott, seconded by Cllr. Jones, all in favour.

**7. Parish Online Mapping and Get Mapping**

The Clerk advised that one of the exhibitors at the DALC conference had been Parish-Online a digital mapping service. They were recommended by NALC as they enabled Councils to create maps for Neighbourhood Plans, plot and record assets, grit bins etc, measure accurately for contracts management and also assist in the consideration of planning

applications etc. It accessed official data sources and was web based with no software to install or maintain.

The Clerk said that he had registered the Parish Council for a free 30 day trial and that he had found it be very good and that it would be a useful tool for him and the Council to have. The annual cost is £75.00 plus VAT.

The Clerk had noticed that the accounts for the last year showed a payment of £18.00 to Get Mapping but that he had no paper work or information on this, as nothing had been passed on by the previous Clerk. He recommended that the Council not renew that subscription when due and subscribe to the Parish-Online service at the expiry of the 30 day free trial period. Cllr. Huscroft proposed supporting his recommendation, seconded by Cllr. Jones, all in favour.

## **8. Defibrillator**

The Clerk advised that the previous Clerk had not been passed over any information and particulars on the defibrillator located at the village hall. He understood that the defibrillator was purchased as part of a Parishes Together project led and managed by (ASPC) All Saints Parish Council and had therefore written to their Clerk asking for information on the defibrillator, the governance, training, insurance, ownership, length of the project etc.

*“Their Clerk had replied stating that defibrillators and cabinets had been provided under a joint funding package with All Saints, Chardstock, Axminster, Hawkchurch and Kilminster.*

*The asset currently rests with ASPC although they are writing to all parishes involved to see if they wish to take on the asset, liability, governance etc for the next financial year.*

*However, for the time being, the asset is insured under ASPC’s All Risks policy for damage, loss, fire, theft etc. This policy costs approximately £11.45 per AED unit annually and was billed to KPC in April of this year.*

*All Saints PC has no issues with continuing this arrangement but wishes the Council's concerned to decide for themselves.*

*The governance of the units, and the checks on pad/battery expiry etc, are carried out by the ASPC Clerk himself each month and reported to SWAST as per their requirements. He does this as a community service to the parish having installed 26 of these now. If a unit is deployed, but not used, he is alerted and attends site to check that the unit is still fine and ready for use. If the unit was deployed and used, he liaises with the relevant Clerk to provide a temporary unit until such time as SWAST return the original one and a new battery/pad pack can be procured and installed.*

*The Kilminster current PAD/Battery pack expires 1/2/21. Kilminster (unlike other Councils) did not take up the offer of a set of Paediatric Pads for children's shock at £105 plus Vat (but he understands there is a school nearby).*

*Their Clerk had asked all partner Councils to add an AED Sinking Fund cost to their annual budgets in 2017 for £100 pa. to allow for ad hoc deployments and to cover the 3 / 4 year general expiry renewals. He is not sure if KPC did this or whether KPC would just pay out from reserves if called upon to do so.*

*A training session was delivered upon installation (albeit poorly attended as no advertising was done in the Kilminster parish).*

*Another course is available if Kilminster Council so wishes. The joint scheme purchased 2x training modules for enhanced training simulations.*

*All VAT was included within the original procurement package and reclaimed via 126 scheme by ASPC.”*

The Chair and Councillors said that the previous Clerk had never advised them of the full details of the project and that they were unaware of the offer of a set of Paediatric pads for children’s shock, allowing for an AED Sinking Fund in annual budgets or the purchased training sessions.

Cllr. Seward proposed that the Council:-

- a) Continue the existing arrangement with All Saints Parish Council
- b) purchase the set of Paediatric pads for children’s shock,
- c) the Clerk make appropriate allowance in the 2020/21 budget for replacement of the PAD/Battery pack in January 2021
- d) arrange for a training session to be held in January 2020.

Seconded by Cllr. Dare, all in favour.

## **9. Finance**

### **a) Current Financial Position**

The Clerk advised that he was still awaiting confirmation that Cllrs. Ball & Styles have been added as signatories on the Lloyds bank account.

The Clerk reported that the present bank balances were as follows:-

#### **Lloyds Bank Account 00092185**

Bank Statement dated 31-10-2019      balance as at 29-10-2019      £ 8,721.20

#### **Santander Bank Account 04146212**

Bank Statement dated 27-08-2019      balance as at 27-08-2019      £ 1,091.27

#### **NS&I Account 138414235**

Bank Statement dated 11-09-2019      balance as at 12-09-2.019      £ 56,721.51

This balance is after the withdrawal and transfer of £7,572.00 to the Lloyds Bank Account.

### **a) Requests for Financial Support**

None

### **b) Intervening Expenditure to approve**

1. Payment to Society of Local council Clerks of £137.19 on 16-10-2019 for purchase of the Arnold-Baker text book on Local Council Administration and Law and the Paul Clayden book on The Law of Allotment.

This payment will reduce the Lloyds bank account balance to £ 8,584.01

### **d) Expenditure to approve**

1. Payment to C S Garden Services of £925.00 for Work carried out 10/06,25/06, 13/08,01/09 and 18/09
  2. Payment to A. Dimond of £75.99 for printer black toner cartridge
  3. Payment to Thomas Westcott of £1,540.80 for AGAR Internal Audit & HMRC Payroll matters
  4. Payment to M Lawson of £50.00 for Website Maintenance in October 2019
  5. Payment to Came & Company of £193.01 for increase in sums insured on the Council's Insurance Policy
  6. Payment to PKF Littlejohn LLP of £240.00 for AGAR External Audit Fees.
  7. Payment to A Jenkins Clerk of £597.60 for 5 weeks salary from 5<sup>th</sup> October to 5<sup>th</sup> October 2019 to 9<sup>th</sup> November 2019 and also includes 20 excess hours worked during the same 5 week period.
  8. Payment to Information Commissioner's Office of £40.00 for Data Protection Registration Fee.
- The payments 1-8 above will reduce the Lloyds Bank account balance to £4,921.61

**e) Forthcoming expenditure to approve**

Payment of £90.00 to Parish Online for online mapping.

The payments 1 above will reduce the Lloyds Bank account balance to £4,831.61

**f) Annual Accounts**

The Clerk reported that the External Auditors replied on the 5<sup>th</sup> November with their final report. Their final report stated :-

*“Except for the matters reported below, on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.*

*The smaller authority failed to approve the AGAR in time to publish it before 1 July 2019, the date required by the Accounts and Audit Regulations 2015 and did not disclose this by answering ‘No’ to Section 1, Box 1. In the prior year, the smaller authority did not submit an AGAR for our review and information received from the smaller authority suggests that an AGAR was not prepared and displayed at all in 2017/18.*

*As a result, the smaller authority failed to make a proper provision for the exercise of public rights for 2018/19. Hence, Section 1 Assertion 4 has been incorrectly completed. The smaller authority did not arrange for an independent internal auditor to review the internal controls and give their conclusion in the Annual Internal Audit Report during 2017/18 and did not disclose this by answering ‘No’ to Section 1, Box 6.*

*Other matters not affecting our opinion which we draw to the attention of the authority: We note that the smaller authority did not comply with Regulation 15 of the Accounts and Audit Regulations 2015 as it failed to make proper provision during the year 2019/20 for the exercise of public rights, since the period for the exercise of public rights did not include the first 10 working days of July. As a result, the smaller authority must answer ‘No’ to Assertion 4 of the Annual Governance Statement for 2019/20 and ensure that it makes proper provision for the exercise of public rights during 2020/21.*

*In the prior year, the smaller authority did not submit an AGAR for our review, and we issued a public interest report regarding this failure. As a result, we have not reviewed any evidence to support the prior year comparatives on the AGAR. In the completion of the Annual Internal Audit Report, the internal auditor has drawn attention to significant weaknesses in relation to incomplete recording of meeting minutes, incomplete maintenance of the cash book, unapproved payments, irregular budget reports, lack of record kept with regard to cheque payments and overdue HMRC payments as well as penalty fines. The smaller authority has already provided information which outlines how they plan to address these weaknesses. Assertions 2 and 3 have been ticked “No” by the smaller authority to reflect these weaknesses.”*

Councillors noted the External Auditors report and comments. The Clerk said that the new processes and procedures instituted should address all the External Auditors’ comments and concerns and that he will ensure that the Council complies with all required completion, submission and publication deadline dates for for the 2019/20 AGAR.

The Clerk advised that the External Auditors total fees for 2018/19 AGAR was £200 plus VAT.

**g) Allotments**

The Clerk advised that most of the Allotment holders had paid their rental fees but some had not paid. Cllr. Collier undertook to speak to those concerned.

## **h) VAT Return**

The Clerk said that now that the 2018/19 AGAR has been completed and the Public Interest Report Meeting had been held, the Council now needs to focus on the VAT return reclaim for 01/01/2017 to 01/09/2019.

The difficulty is that there are no invoices/ receipts for the 2017/18 and part of 2018/19. The Clerk said that he would attempt to obtain copy invoices from suppliers but may ask Councillors for assistance

## **10. a) Planning Applications received prior to agenda publication**

### **19/2341/FUL – Pilgrim Cottage, The Hill, Kilmington**

Cllrs. perused the application documents and plans and resolved to have no objection to the application. Proposed by Cllr. Mear, seconded by Cllr. Huscroft, all in favour.

## **b) Planning Applications received after agenda publication**

None

## **c) Any Other Planning Matters**

### **19/1066/FUL – Nower Dairy, Kilmington EX13 7HD**

The Clerk advised that this application was still awaiting a decision.

### **19/0795 – Gapemouth Corner, felling Multiple Trees**

The Clerk advised that this application had been withdrawn.

## **11. Housing Needs Survey Report**

Cllr. Collier reported that 405 survey forms had been delivered and that there had been a response rate of 40%.

The survey had identified a need for 5 affordable homes. The key findings were that there were 2 households in housing need who could not afford to buy or rent on the open market with 3 other replies from households on Devon Home Choice who had not completed the survey but were eligible for affordable housing in the parish.

All of the households in need would require affordable rented accommodation. With the size of property required being 3 x 1 or 2 bed properties for singles / couples, 1 x 2 bed property for a family and also 1 x 3 bed property for a family.

## **12. Neighbourhood Plan**

Cllr. Collier reported that evidence gathering is continuing and that they are presently working towards a late September referendum.

## **13. Correspondence**

The Clerk advised that he had forwarded onto Councillors all email correspondence received.

The only item of any note was

- a) The Clerk reported that he had received a complaint from a parishioner about 2 items: -
  - 1) Thick mud left on road surface of Whitford Road by farm tractors exiting field after the maize had been cut.
  - 2) Cars parked outside 1-3 Hillside, Whitford Road, with the cars parked half on the road and pavement or parked on the pavement altogether, causing a hazard particularly at night without any vehicle lights on close to the busy junction of Whitford Road with the A35. The

complainant was under the impression that when planning permission was granted for these properties, a condition was imposed that no vehicle was to park outside these properties. The complainant was of the opinion that the Parish Council would be accountable if they allowed these matters to continue and an accident occurred.

The Clerk said that he had checked with the Planning department and that there was no such planning condition imposed when planning permission was granted.

The Chair said that both matters were not the responsibility of the Parish Council and that the complainant should be reporting the matters to Devon Highways and the Police. Any mud on the road has since been cleared.

The Chair had asked PCSO Bolsover earlier in the meeting to check out the parking outside the three houses. He had since emailed the Chair to advise that there was one car parked there at present which did not contravene regulations but would continue to monitor the situation.

#### **14. Council Meeting dates for 2020**

Councillors confirmed the list of dates the Clerk had drawn up. The Clerk said that he would make the appropriate meeting place bookings.

#### **15. Councillors email addresses**

The Clerk advised that Maxine Lawson was in the process of setting them up.

#### **16. Parish Council page and published information on the Website**

The Clerk advised that the changes were progressing.

#### **17. Consideration and adoption of a Members' Code of Conduct Policy and a Records Management Policy.**

Councillors agreed to defer this item to a future meeting.

#### **18. Dog Waste Bins**

The Clerk said that parishioners ought to be aware that the dog bins are for the use of people who are out walking their dogs. Householders are supposed to use their own household landfill wheelie bin for any faeces their dog passes at their home/garden and should NOT bag it all up and take it to a dog Bin.

It is important that people are aware of this as EDDC can fine (£400) persons for bringing dog waste from home to place in a dog bin. EDDC have also issued fixed penalties on people leaving dog waste beside dog bins because they were full.

Cllr. Ball said he would mention this in the Postscript magazine to make people aware.

#### **19. Matters of Urgency (for report only)**

Cllr. Jones advised that there was a broken gatepost in the play area which he was going to repair.

#### **20. Agenda Items for Next Meeting**

None

#### **21. Date and Time of Next Meeting**

Council Meeting -Tuesday 17<sup>th</sup> December 2019 at 7.30pm

The Meeting closed at 9.25pm

Signed *B Trott*

Date *17-12-2019*