

KILMINGTON PARISH COUNCIL

MINUTES OF THE REMOTELY HELD PARISH COUNCIL ANNUAL MEETING ON THURSDAY 6th MAY 2021 AT 7.30PM

via Zoom platform as per legislation contained within section 79 of the Coronavirus Act 2020

Present: Cllrs B. Trott (Chair), M. Collier, S. Huscroft,
P. Ball, A. Dare, J. Mear

In Attendance: A Jenkins (Clerk/RFO),

Members of Public: 0

Chair welcomed all Councillors, to the Council's Zoom virtual remote meeting, made necessary by the current Covid-19 situation which requires social distancing measures. He advised Councillors that the meeting is being audio recorded but that the audio recording will be deleted once the minutes are approved at the next meeting.

COUNCIL BUSINESS

1. Election of Chair

Cllr. Collier proposed Cllr. Trott for the post, seconded by Cllr. Ball, all in favour.

2. Chair's Declaration of Acceptance of Office

The Chair signed the Declaration witnessed by the Clerk

3. Election of Vice Chair

Cllr. Trott proposed Cllr. Collier for the post, seconded by Cllr. Huscroft, all in favour.

4. Apologies

Cllr. Styles, Cllr. Jones and Cllr. Seward

5. Members' Declaration of Acceptance of Office

The Clerk will contact Councillors to sign the Declaration forms.

6. Declarations of Interest

None

7. Registers of Interest Forms

The Clerk will send forms to Councillors for their completion and return.

8. Election of Officers and Committee Representatives

- a) **Planning Committee**
All Councillors prop. Cllr. Trott, sec. Cllr. Collier
- b) **Allotments**
Cllr. Collier prop. Cllr. Trott, sec. Cllr. Ball
- c) **Village Hall Committee**
Cllr. Huscroft prop. Cllr. Collier, sec. Cllr. Dare
- d) **Playing Field Committee**
Cllrs Collier, Huscroft & Styles prop. Cllr. Ball, sec. Cllr. Dare
- e) **Arthur Hitchcock Charity (Shute)**
Cllrs. Jones & Seward prop. Cllr. Collier, sec. Cllr. Trott
- f) **Devon Association Local Councils**
None
- g) **Responsible Financial Officer**
The Clerk prop. Cllr. Trott, sec. Cllr. Collier
- h) **Internal Auditor**
Thomas Westcott Accountants prop. Cllr. Dare, sec. Cllr. Huscroft
- i) **Trees**
Cllr. Jones prop. Cllr. Ball, sec. Cllr. Collier
- j) **The Common**
Cllrs. Seward prop. Cllr. Trott, sec. Cllr. Huscroft
- k) **Neighbourhood Plan**
Cllrs. Ball, Seward & Dare prop. Cllr. Trott, sec. Cllr. Collier
- l) **Emergency Planning Coordinator**
Cllr. Seward prop. Cllr. Huscroft, sec. Cllr. Ball
- m) **Highways**
Cllrs. Mear & Styles prop. Cllr. Trott, sec. Cllr. Dare
- n) **Footpaths**
Mrs Elaine Penzer (non Councillor) prop. Cllr. Trott, sec. Cllr. Ball

All Councillors were in favour of the above appointments.

9. Open Session

No matters raised

10. Minutes of the Meeting held on 22nd April 2021

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

11. Matters Arising from the Minutes

Cllr. Ball reported that EDDC had advised that the 2 strips of land assets were assigned in 1985 & 1989 but are not sure why these were assigned. They are investigating and will advise further.

12. Finance

a) Current Financial Position

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

Lloyds Bank Account	-£12,061.54 after allowing for uncleared cheques
Santander Bank Account	- £ 1,095.66
NS&I Account	-£50,949.38

b) Confirmation of Bank Signatories for 2019/20 and signature of any mandate variations

Signatories on all three accounts to remain the same as previously

c) Expenditure to be approved for which bills have been received

1. Payment of £474.00 to Thomas Westcott for the Internal Audit
 2. Payment of £210.00 to Thomas Westcott for Payroll/PAYE management
- Payment approval proposed by Cllr. Huscroft, seconded by Cllr. Dare, all in favour.

d) Forthcoming expenditure to approve

1. Payment of £88.38 to M. Lawson for April website maintenance and domain renewal.
 2. Payment of £38.54 to Axminster Printing for stationery.
- Payments approval proposed by Cllr. Ball, seconded by Cllr. Huscroft, all in favour.

e) To review the Internal Auditors report in respect of the 2020/21 Annual Governance and Accountability Return (AGAR).

The Clerk reported that the accounts for the year 2020/21 had been finalised and the internal audit completed. The Clerk presented the annual internal audit report to Councillors.

Councillors noted the report. Cllr. Collier proposed acceptance of the Internal Auditors Report, seconded by Cllr. Dare, all in favour.

f) To consider, and if thought fit, approve sign the Annual Governance Statement Section ONE of the 2020-21 AGAR

Councillors reviewed the system of internal control prior to completing the Annual Governance Statement. Cllr. Ball proposed approval of the Annual Governance Statement, seconded by Cllr. Collier all in favour. The Chair and Clerk to sign the statement on the 12th May 2021

g) To consider, and if thought fit, approve and sign the Annual Accounting Statements Section TWO of the 2020-21 AGAR.

The Clerk then presented to Councillors the signed and dated Accounting Statements for the year 2020-21 and explained the accounts. Councillors considered the accounting statements. Cllr. Dare proposed approval of the Accounting Statements, seconded by Cllr. Mear, all in favour. The Chair to sign the accounting statements on the 12th May 2021.

h) To consider and set the dates for the Period of Exercising of Public Rights

The Clerk suggested adopting the dates of Monday 14th June 2021 to Friday 23rd July 2021 as suggested by the external auditors. Councillors agreed to these dates.

13. Reports

a) District & County Councillor

None received

b) Police

The Clerk advised that PCSO Widger had forwarded on the Axminster Police newsletter but that the crime figures shown related to either Axminster Town or Axminster Rural. The latter figures being a total of all the crimes for all of the rural parishes. There were no crime figures for Kilmington parish only.

c) Any other reports

None

14. Planning Applications

a) 21/1095/FUL Martins Rest Kilmington Axminster EX13 7SH

Two-storey front extension

Councillors had viewed the application and following discussion, it was proposed by Cllr. Collier, that the Parish Council object to the application as the proposal to build a two storey extension in front of the current dwelling would be out of keeping with the street scene and significantly ahead of the existing building line of adjacent properties. The proposed extension would be some two and a half metres in front of the existing single storey porch and a full two storey in height. It would appear incongruous to the property and surrounding buildings. Seconded by Cllr. Ball, all in favour.

b) Any applications received after Issue of agenda

None received

15. To consider extending the delegation of Council decisions to the Clerk working in association with the Chair following the Government's decision not to pass primary legislation allowing local authority meetings to take place remotely beyond the 7th May 2021 and the High Court Judgement of the 28th April 2021 on the legality of remote meetings under the provisions of the Local Government Act 1972.

a) To adopt the following Temporary Scheme of Delegation to enable the Council to continue to legally function and fulfil its responsibilities to its residents, until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR The Chair, Councillors and the Clerk all deem it safe themselves to recommence holding face to face meetings.

The Clerk updated Councillors on the High Court Judgement decision. Councillors discussed the implications of the Judgement and how the Council would be best able to continue to legally function in a Covid safe manner beyond the 7th May 2021. Councillors were of the opinion that the best course of action was to extend the delegation of Council decisions to the Clerk working in association with the Chair.

Cllr. Trott proposed that the Council adopt the following Temporary Scheme of Delegation to enable the Council to continue to legally function and fulfil its responsibilities to its residents, until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR The Chair, Councillors and the Clerk all deem it safe themselves to recommence holding face to face meetings.

Seconded by Cllr. Huscroft, all in favour.

KILMINGTON PARISH COUNCIL

Temporary Scheme of Delegation adopted on the 6th May 2021

The Local Government Act 1972, section 101, gives a parish council power to delegate decisions and any of its functions to the Clerk, being the council's proper officer.

The purpose of this scheme of delegation is to enable decision making to continue and to enable the Council to legally function and fulfill its responsibilities to the parishioners beyond the 7th May 2021. This follows the Government's decision not to pass primary legislation allowing local authority meetings to take place remotely beyond the 7th May 2020 and the High Court Judgement of the 28th April 2021 on the legality of remote meetings under the provisions of the Local Government Act 1972.

Kilmington Parish Council invoke their power under the Local Government Act 1972 section 101, to delegate all of its functions to the Parish Clerk and RFO, as the Proper officer of the Council, within all statutory limits. This excludes those functions which must only be undertaken by the Parish Council at a meeting, as follows:-

- Setting budget and precept
- Borrowing
- Writing off bad debts
- Declaring eligibility for General Power of Competence
- Approving Internal Audit Report, Accounting Statement and Annual Governance Statement
- Addressing recommendations from either internal or external auditor

Financial Matters

The Council delegates authority to the Clerk in consultation with the Chair to take any decisions and actions necessary, with associated expenditure, to protect the interests of the Council and the community and ensure council business continuity during the period of delegation, informed by consultation with the members of the council.

Delegated actions shall be in accordance with Standing Orders and financial Regulations.

The Openness of Local Government Bodies Regulations 2014 require the Council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk is advised to keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The record of decisions and expenditure will be presented to Council for ratification at the first Council meeting when meetings resume.

Planning applications

1. The Clerk will advertise on the council's website links to all planning applications received from the planning authority, offering the public the opportunity to let the Council know of any views. Any public comments to be in writing or by email to the Clerk within 5 working days of the application being posted on the website.
At the same time the Clerk will circulate the list with links to all members of the Council.
This will be done on a weekly basis working in full weeks for managing the planning process.
2. At the end of the public opportunity to comment, the Clerk will forward a summary of the public comments received to all members for members comments for a period of a further 5 working days and for them to respond to the Clerk by email with their comments.
3. Under this scheme of delegation, the Clerk working in association with the Chair will decide on a council response following receipt of the members comments and any public comments. The response may identify any relevant material considerations and may give local information or opinion. The council response will then be shared with members for 2 days for any comments, before being sent to the planning authority with the following statement:

“ Due to the Council presently working under a temporary scheme of delegation to the Clerk, this response represents the opinion of members of Kilmington Parish Council identified through a

*consultation process. (An opportunity was afforded to members of the public to express any views).
The response will be ratified at the first meeting of the Council when meetings resume.”*

4. Any delegated decisions and responses will be reported to Council for ratification and recording in the minutes, of the first meeting when council meetings resume.

This Temporary Scheme of Delegation is to enable the Council to continue to legally function and fulfil its responsibilities to its residents and will apply until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR the Chair, Councillors and the Clerk all deem it safe themselves for face to face meetings to resume.

The Clerk will consult with the Chair and Councillors at the beginning of each month as to whether they all feel it is safe and appropriate to consider resuming face to face meetings. If so, a Covid 19 Safe risk assessment then to be completed to confirm it is safe and to determine any restrictions, requirements and measures to be followed to enable meetings to safely take place.

Meeting closed at 8.31pm

Signed.....**B. Trott**..... Date.....**25/10/2021**.....