

**EAST FARNDON PARISH COUNCIL MEETING AT THE VILLAGE HALL
GENERAL MEETING OF THE PARISH COUNCIL
TUESDAY 10TH SEPTEMBER 2019 COMMENCING AT 7.45PM**

PRESENT: Mr. R West (Chair), Mr. R Burton, Mr. P Hodgetts, Mr. M Curtis, Ms. J Cooper, Ms. J Prew, Dr. C Crifo

Mrs. C Burton (Clerk to the Parish Council)

OTHER RESIDENTS IN ATTENDANCE – One

50. Apologies for Absence

None.

51. Declarations of Interest and Dispensations

There were no Declarations of Interest. However, Councillor Hodgetts noted that he owns the property bordering the churchyard, and therefore, if felt necessary, he would abstain from any voting on matters where there could be a perceived personal interest.

52. Approval of the Minutes of the Meeting 9th July 2019

The Minutes of the above meeting was agreed by all Councillors and signed by the Chair.

53. Matters Arising

ACTION	PROGRESS
Councillor Burton to draft a letter to NCC Highways to request a) the Speed Limit Review Panel reconsider the application to lower the 60mph limit and b) that average speed cameras are installed.	Carried forward to after Community Speedwatch – see item on Speeding
Councillor West to remove vegetation around The Spring.	Carried forward – Councillor West confirmed that this has been booked for November 2019, after nesting of birds
Clerk to advise DDC that the Parish Council has no objections to Application DA/2019/0511.	Done
Clerk to meet with Tree Wardens to discuss the quarterly tree inspection, reporting arrangements and provide information on the TPOs in the Parish.	Done – item added to agenda
Clerk to place the Planning Response policy on the website.	Done
Clerk to advise PCC that advice is being sought on closure of churchyard, and to request copies of the survey and insurance inspection reports.	Done – item added to agenda
Councillor Curtis to seek advice from NCALC and DDC on the closure of the churchyard.	Done – item added to agenda
Clerk to raise query with BT regarding website accessibility standard.	Done – item added to agenda
Councillor West to weed War Memorial steps/walls.	Carried forward – Councillor Hodgetts to confirm whether this should be hand-weeded instead

ACTION	PROGRESS
Councillor Burton to ask for a volunteer to maintain the War Memorial in the newsletter and on Facebook.	Done – Jess and Tom Oakden have volunteered
Clerk to add review of 'Work on Lealands' reserve to agenda for September meeting.	Done
Councillors West and Burton to carry out a site inspection of The Lealand.	Done

54. Road and Transport

- Speeding Update

Councillor Burton reported the following update received from Mr Fallon, the Community Speedwatch (CSW) Co-ordinator:

- CSW volunteers reported 39 vehicles speeding in 3 weeks (spread over a 6 week period in June to August) during hour-long sessions carried out at differing times of day, resulting in the police sending 32 letters out to the registered keepers of vehicles
- Prior to this CSW exercise the speed monitoring device recorded 46% of vehicles exceeding 30mph, 20% exceeding 35mph, where the 85th percentile was **37mph** (the speed which 85% of vehicles are not exceeding)
- Following the CSW exercise there were 48% of vehicles exceeding 30mph, 20% exceeding 35mph, and the 85th percentile was **38mph**
- Previous recorded 85th percentiles have been 40mph (2006), 38mph (2008), 37mph (2018), meaning the problem remains at the same level and not reduced by the latest CSW exercise, despite very visible slowing of vehicles when CSW volunteers were out by the road
- Also, in the last 12 months the Police speed van has visited a total of 13 times and detected 102 offences resulting in prosecution notices being sent; each visit was approx. 2 hours
- Mr Fallon has 3 more CSW volunteers, and requested the kit again for October, and for next year
- In addition Councillor Hodgetts reported that the Speed Indication Device (SID) has, over the last 3 months, shown that over July, August and September the maximum speed between the hours of 7am to 7pm was 29.2mph. Outside these hours the maximum speed was 40mph but this was between 2-3am in the morning. The bends in Main Street by the SID mitigate high speeds whereas the straight section of the Harborough Road appears to encourage them, suggesting the need for further measures
- Councillor Burton will now take forward the action (above) to write to the Highways Department

- The Clerk has been advised that Oxendon Road will be closed on 24th September for 2 days whilst carriageway patching takes place – further details can be obtained from David Coleman of KierWSP on 01604 883400. Councillor Burton confirmed he had posted details on Facebook, and it has been posted on the village website too.

55. Planning and Development

Applications granted - DA/2019/0511 Variation of Condition 2 of application DA/2016/1070 to revise plans and elevations to omit swimming pool - Robin Hill, 2, Clipston Road, East Farndon, Northamptonshire, LE16 9SN

Applications for consideration - DA/2019/0638 Single storey rear extension - Hillcrest, Back Lane, East Farndon, Northamptonshire, LE16 9SE

Councillor West confirmed he has visited the site, and spoken to the neighbours who have no objection. As the extension does not overlook anyone, the Parish Council had no objections.

ACTION: Clerk to advise DDC that the Parish Council has no objections to Application DA/2019/0638.

56. Other Matters

- **Footpath Report**

The Clerk read out a report from Mr A Langley (Footpath Warden) as follows:

- It's gratifying to report that path behind the village hall, which only the brave or foolhardy would have attempted because of the nettles, has been cleared enough to make it properly viable. I reported the problem on FixMyStreet and eventually received this information: "Site visit has been made, path has been strimmed twice this year as part of our mow program and last cut 21/8/19. It is also due for side growth to be cut after bird nesting season during the Autumn months."
- Ironically this clearing was done just a few days after I had despaired of any action and been down the path with a pair of shears to cut at least a narrow way through. I hope people will make use of the path, as frequent use helps to keep the way clear.

- **Burial Ground Committee**

Richard Green, in attendance, reported that:

- The Market Harborough Building Society account has been brought up-to-date, and the new signatories are himself and Councillors West and Burton. All previous signatories have been removed.
- The replacement of the boundary fence for the burial ground extension has been done, costing £1,520 (as quoted). The work is first class and will last a long time. Payment was made from the Burial Ground Committee account by cheque on 9 September 2019.
- The hedges and trees need to be sorted out. Richard Green has put this work out to tender with a deadline of 1 October 2019 (estimated cost £600).
- The Burial Ground Committee account balance now stands at £369.15.

The Clerk reported that in the SLCC magazine, details were provided regarding The Children's Funeral Fund, which provides Government funding for the burial/interment of ashes of children under 18 and stillborn after 24 weeks, where the burial/cremation has taken place after 23 July 2019. These details were passed to Mr Green.

- **Neighbourhood Watch** – no report

- **Local Government Reform (LGR)**

The Clerk advised that DDC, Northampton Borough Council, South Northamptonshire Council and NCC are working together on the new West Northamptonshire Strategic Plan, which will set out the direction of economic and housing growth for the area up to the year 2050. The Plan is an update of the West Northamptonshire Joint Core Strategy, which was published five years ago, and is necessary due to new unitary plans for the county and developments around the Oxford-Cambridge Arc, which has been identified as an area of significant economic potential.

A public consultation is asking for people's views on the sorts of things the new Strategic Plan should consider, such as housing requirements, priorities for economic development and community infrastructure needs. There are exhibitions to give people a chance to find out more the plan and the consultation, as well as providing an opportunity to chat to officers from the Joint Planning Unit and the partner Councils.

The next exhibitions will take place from 2pm to 7pm at:

- Northampton: The Guildhall Court Room, St Giles' Square (NN1 1DE) on Wednesday 11 September
- Daventry: Town Council offices, New Street (NN11 4BT) on Monday 16 September
- Northampton: The Guildhall Court Room, St Giles' Square (NN1 1DE) on Tuesday 17 September
- Naseby: Village Hall, Haselbech Road (NN6 6DE) on Wednesday 18 September
- Brackley: Town Hall, High Street (NN13 7DS) on Thursday 19 September

The consultation runs until 11 October 2019 and people can find out more and fill in an online questionnaire at <https://westnorthantsplan.inconsult.uk>

Councillors West and Curtis will try to attend the Naseby exhibition and report back.

ACTION: Councillors West and Curtis to attend the West Northamptonshire Strategic Plan exhibition, and report back at the November 2019 meeting.

- **Tree Wardens**

The Clerk confirmed that she had met with Judy Hodgetts and Jess Oakden on 29 July 2019, and provided details of the TPOs in the parish. It was agreed that the tree wardens will undertake an initial inspection of the trees, and the Clerk will ensure they are notified of any planning applications.

As regards the beech tree on the village green, Judy Hodgetts discovered that Marjorie Houlston remembered the planting of the tree, and she kindly found and read through the WI diaries from 1935. She discovered 3 entries showing that it was planted on 14 November 1937 by the WI to commemorate the coronation of George VI (May 1937); it seems there was a plaque at some point, but this appears to have gone. The tree wardens have asked that the Parish Council kindly pay for a plaque (estimated cost in the region of £30-40), and that the Councillors agree the wording. Further, the tree wardens have asked for approval to apply for a TPO in respect of the beech tree. If granted, the tree wardens suggest that there is a short ceremony.

The Parish Council thanked the tree wardens and Ms Houlston for this, and agreed payment of £40 towards a plaque, with the wording "Beech Tree planted on 14th November 1937 by East Farndon Women's Institute to commemorate the coronation of King George VI", and supported the idea of a short ceremony. The Parish Council also approved the TPO application in respect of the beech tree.

ACTION: Tree wardens to apply for a TPO in respect of the beech tree on the village green, and to purchase a plaque for the tree.

The Clerk reported that in the SLCC magazine, details were provided regarding Ash Dieback Disease, which were passed on to the tree wardens.

- **Transfer of Churchyard**

The Clerk reported that to date, she has not received copies of the churchyard survey and insurance inspection reports, requested in a letter dated 11 July 2019. However, Richard Green, in attendance, provided these reports at the meeting.

Councillor Curtis reported that NCALC advised that:

- Whilst the law deals with the transfer of responsibility for maintenance, it is silent on the precise standard that the churchyard must be transferred in. The guidance uses words such as “good order” and “decent repair”, which are clearly subjective. The Ministry of Justice (MoJ) definitions of “good”, “fair” and “poor” add only a modicum of detail. MoJ guidance states that “it is considered good practice, and only fair and reasonable, for any parochial church council contemplating such a transfer of responsibility to ensure that the churchyard and its walls and fences are in good condition at the time of the application [for a closure order]”, but specifically rules out the condition of the churchyard as a grounds for a parish council to object to a closure order. Neither is there any mechanism or process of arbitration between a PCC and a parish council regarding transfer of responsibility for maintenance, the expectation being that such issues are resolved locally.
- The worst outcome would be for the responsibility for maintenance to be transferred to DDC, as the standard of maintenance may be lower than the PCC (and even the Parish Council) would expect and all the costs will be transferred back to the Parish Council through special expenses.

Councillor Curtis further reported that DDC advised that:

- The governing legislation is Section 215 of the Local Government Act 1972, which insofar as relevant provides that:
“215.— Maintenance of a closed churchyard.
(1) Subject to subsection (2) below, where outside the area subject to the Welsh Church Act 1914 a churchyard has been closed by an Order in Council, the parochial church council shall maintain it by keeping it in decent order and its walls and fences in good repair.
(2) A parochial church council which is liable under subsection (1) above to maintain a closed churchyard may—
(a) if the churchyard is in a parish or community having a separate parish or community council, serve a written request on that council to take over the maintenance of the churchyard;
and, subject to subsection (3) below, the maintenance of the churchyard shall be taken over by the authority on whom the request is served or the parish meeting, as the case may be, three months after service of the request.
(3) If, pursuant to subsection (2) above, a request is served on a parish or community council or the chairman of a parish meeting and, if that council or meeting so resolve and, before the expiration of the said three months, give written notice of the resolution to the council of the district, Welsh county or (as the case may be) county borough and to the parochial church council maintaining the churchyard, the local authority to whom the notice is given, and not the parish or community council or parish meeting, shall take over the maintenance of the churchyard at the expiration of the said three months.
- Whilst the PCC is under a duty to keep the churchyard in good order with walls and fences in good repair, it is not expressly stated that it must have complied with that duty in order to be able to serve a notice under sub-section (2). Logic would suggest it ought to be the case, but with the law you can never be sure. There may be case law on the subject, but on our legal system (Westlaw) nothing of any help appears. Only two cases appear to have been considered under this section, and neither touches on this point.

- It seems the pragmatic approach at this point would be to engage with the PCC and explain that you consider that the churchyard is in poor condition because of the wall and that accordingly you consider a request to transfer would not be valid. Should the PCC not agree to restore the wall prior to serving a request on the parish council, then they would suggest opposing the application to close the churchyard and then, if the application to close is nonetheless granted by the Privy Council, writing formally to the PCC explaining (again) they you consider they cannot validly serve a notice until the wall is resolved.
- The fall-back position, should the PCC persist, would be an argument that the PCC has failed to comply with its statutory duty under sub-section (1) and seek legal redress for the costs the Parish Council is exposed to as a result of that failure. The Parish Council would need legal advice on that point but on the face of it, DDC believe it looks like a good argument. The legislation clearly does not intend for significant costs to be passed over the be met from the public purse at time of transfer.

Councillor Hodgetts reported that a further inspection of the wall had been carried out, and quotes had been obtained regarding the wall repairs, plus a query over a tree.

After much discussion, the key points were:

- Uncertainty over who actually owns the boundary;
- The last Quinquennial Report was in 2012, but a further inspection is due to take place later this month;
- Work recommended in the last Quinquennial Report had not been actioned;
- A survey of the churchyard trees was last done 5 years ago;
- The parish council and the PCC need to meet to discuss this issue properly;
- The parish council maintains its over-arching position that it must take all steps necessary to mitigate the cost of the handover having to be met from the public purse;
- The transfer is on hold until agreement on the boundary issues and costs are resolved between the parish council and the PCC.

ACTION: The Churchyard Transfer Working Group to meet with the working group from the PCC (Richard Green and Sonya Fraser), so that both bodies can share all information available in order to resolve boundary ownership, define any problem areas that need rectification pre-transfer and prepare recommendations on next steps for discussion at the November 2019 meeting.

ACTION: Richard Green to obtain PCC permission for the parish council to have access to the PCC surveyor (John Barker) to understand the boundaries and assess risks for the churchyard from the Quinquennial Inspection that is due in Sept 2019.

ACTION: Councillor Hodgetts to review his deeds to help to determine boundary ownership.

ACTION: PCC to supply documents to the parish to help to determine boundary ownership.

ACTION: The Churchyard Transfer Working Group to obtain a copy of the last churchyard tree survey from Sonya Fraser.

- **Website Accessibility**

The Clerk advised that as regards the content and functionality of the website being WCAG 2.1 AA compliant, it appears that it depends on what the Parish Council uploads. For example, documents should be Word documents, rather than pdfs. The Clerk further advised that on 22 August 2019, the Government Digital Service published guidance "Doing a basic accessibility check if you cannot do a detailed one", and this check should be done by "the person in your organisation with the best knowledge of websites".

It was agreed that the Clerk will work through this guidance and report back at the November meeting.

ACTION: Clerk to complete the GDS basic website accessibility check and report back at the November 2019 meeting.

- **Reserve for Work on The Lealands**

The Parish Council has a £2,000 reserve for 'Work on Lealands' that has been sitting in the books for a number of years but not utilised. Councillors West and Burton had undertaken a site visit. Given the current financial constraints and on-going/future financial commitments, it was agreed that this reserve should be freed up to meet other expenses.

ACTION: Clerk to reflect removal of reserve for work on The Lealand in the accounts.

- **Street Lighting**

The Clerk reported that many parish and town councils in Northamptonshire are modernising their street lighting, moving to LED lights to save energy and replacing columns, sometimes financed by the Public Works Loan Board. The parish currently has sixteen lights – two are LED (15W and 18W), thirteen are SOX (35W), and one is PLT (42W). As regards mountings, five are wall-mounted, nine are on steel columns and two are on concrete posts. They all work on a photocell, to be on all night. It currently costs - via EON - £280 (plus VAT) to upgrade to a LED lamp, and around £800 (plus VAT) to replace a concrete post with steel. It may be possible to find a cheaper LED light supplier.

As regards the unmetered electricity supply, the Parish Council currently pays £876.72 (plus VAT) per year, plus £215.64 (plus VAT) per year for maintenance.

Given the relative costs of energy compared to the capital cost of moving to LED lights, the Parish Council agreed that it would not proactively replace lights, but would replace as required. Further, it will set aside a reserve for lighting replacement in the sum of £1,000. Additionally, it was agreed that the Parish Council should adopt a Street Lighting policy.

ACTION: Clerk to reflect street lighting replacement reserve of £1,000 in the financial accounts. Clerk to draft a Street Lighting policy for the November 2019 meeting.

- **Financial Regulations**

The Clerk reported that NALC had published amended model Financial Regulations in July 2019. The Clerk has checked these and advised that the Parish Council's existing Regulations are satisfactory, but recommends that the new model Regulations are adopted when the existing Regulations are due to be reviewed in May 2020.

ACTION: Clerk to draft new Financial Regulations for the May 2020 meeting.

- **ICO Toolkit**

The Clerk advised that the Information Commissioner's Office (ICO) has devised a number of checklists to assess compliance with data protection law, and find out what a small organisation needs to do to make sure it is keeping people's personal data secure. Once completed, a short report is created suggesting practical actions to take and providing links to additional guidance to improve compliance. The checklists relate to: Data Protection Assurance (Controllers); Data Protection Assurance (Processors); Information Security; Direct Marketing; Records Management; Data Sharing and Subject Access; and CCTV.

The Parish Council agreed that the Clerk should complete all the checklist apart from Direct Marketing and CCTV, and report on the results at the November 2019 meeting.
ACTION: Clerk to complete ICO Toolkit and report on results at the November 2019 meeting.

57. Finance

Bank Reconciliation

<u>Balance as at 8 July 2019</u>		
Current account	£11,511.54	
Deposit account	£1,550.99	
		£13,062.53
<u>Income</u>		
Interest		£0.13
<u>Expenses</u>		-£442.80
<u>Balance as at 8 Sept 2019</u>		
Current account	£11,068.74	
Deposit account	£1,551.12	
		£12,619.86

The bank reconciliation was checked and signed by Councillor Prew.

Actual vs. Budgeted Spend To Date

	Precept Agreed	Expenditure to Date	Balance
Street lighting and maintenance	£1,500.00	£814.62	£685.38
Subscriptions - NCALC	£240.00	£237.10	£2.90
Insurance	£800.00	£683.08	£116.92
Donations	£100.00	£11.96	£88.04
Training	£200.00		£200.00
Mowing of Burial Ground/Hedges	£2,250.00		£2,250.00
Clerk Salary	£2,600.00	£1,268.40	£1,331.60
Parish Council/Clerk Expenses	£400.00	£187.36	£212.64
Miscellaneous Expenses	£200.00		£200.00
Graveyard Responsibility	£1,000.00		£1,000.00
DPO	£10.00	£10.00	£0.00
Defibrillator Expenses	£200.00	£126.00	£74.00
VAT on Purchases		£126.43	
TOTAL	£9,500.00	£3,464.95	£6,035.05

RESERVES			
Work on Lealands	£2,000.00		£2,000.00
Renovation of Village Spring	£500.00		£500.00

The following payments were agreed by all Councillors

Payee	Reason	Amount £	Chq no.
Caroline Burton	Clerk salary and expenses for Aug/Sept 2019	442.80	online

58. Correspondence

All other relevant correspondence (e.g. NCALC Newsletter) has been circulated to Councillors and shared on the village website and Facebook page where appropriate.

59. Any Other Business

• **East Midlands Airport Future Airspace Programme**

The Clerk advised that all airports in the UK have been asked to review their current controlled airspace up to 7,000 feet and decide whether the routes currently flown by aircraft are the best they can be; the aim of the programme is to increase safety and efficiency of operations, whilst also seeking to reduce carbon emissions and the impact of noise. The first stage of the process is to work with stakeholders to determine a set of design principles that they will use to govern the review of their airspace. The Parish Council has been contacted as a key stakeholder, as the airspace for East Midlands Airport covers the parish. The Parish Council has been asked to complete a survey, and feedback will be used by the airport when they start planning future routes. The Parish Council worked through the survey and agreed answers.

ACTION: Clerk to respond to the East Midlands Airport Future Airspace Programme survey.

- The Clerk reported that Judy Hodgetts was putting together plans to celebrate and commemorate the 75th Anniversary of VE Day on 8 May 2020. VE Day 75, will cover the weekend of 8 - 10 May 2020, and there are a number of activities being planned across the country. Judy Hodgetts has advised that the church gates are the memorial to WW2, and has suggested that these could be restored and a plaque erected (dependent on the PCC's views), and there could be a picnic on Marriott Green. The Clerk suggested that the Parish Council applies for a one-off event grant from DDC for the VE Day 75 celebration, which the Parish Council agreed.

ACTION: Clerk to apply for a one-off event grant from DDC for the VE Day 75 celebration.

- It was noted that a new editor for the Parish Magazine had not been found, and therefore, October 2019 may be the last issue. Councillor Burton wondered whether the village should consider doing its own newsletter. Further, if the parish newsletter does cease, the Clerk should seek partial reimbursement for the £100 donated towards its publication.

ACTION: Clerk to add action following possible cessation of parish newsletter to November 2019 meeting agenda.

- The Clerk reported that residents had raised the issue of dog-fouling on the paths and the grassed area of The Lealand, as it is quite bad and children play on these areas. They suggest that more prominent notices could be put up, as there is only one on the lamppost at the Lubenham Road T-junction. Elsewhere in the village, there are notices affixed to boards on grassed areas, and the resident wondered if the Parish Council could obtain such notices; the residents know of at least two people who would not mind having these notices on the grassed area adjacent to their property or on their fence.

ACTION: Clerk to investigate costs of obtaining 'No dog-fouling' notices for The Lealand.

- Councillor Burton noted that a resident had advised that the drains in the parish are all due to be cleaned shortly.

60. Date of the next meeting – 12th November 2019 at 7.45pm
Provisional meeting date – 8th October 2019 at 7.45pm

61. Closure
The meeting closed at 9.30 p.m.

Signed that the Minutes are a true and accurate record

Chairman _____ **Dated** _____