

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE ANNUAL MEETING OF THE PARISH COUNCIL

held on 20 May 2019 in

the Annexe Room of the Mechanics Institute, Kirkby Malzeard

The Meeting commenced at 7.00pm

**Present:** Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Jane Aksut (present from Item 5b), Alan Brownlee, Geoffrey Berry and Peter Saxon, with Jen Hurford (Clerk), and 1 member of public.

### 1. Election of Chair and Vice-Chair.

The Chair requested nominations for the position of Chair of the Council for the coming year. Cllr Berry proposed that Cllr Mountain be re-elected as Chair which was seconded by Cllr Brownlee. There were no other nominations and so it was resolved by the Council that Cllr Mountain be appointed and he signed the 'Acceptance of Office as Chairman' form. Cllr Lobley was then proposed as Vice-Chair by Cllr Brownlee and this was seconded by the Chair. There were no other nominations. It was resolved to elect Cllr Lobley as Vice-Chair.

### 2. Welcome. Apologies for absence.

The Chairman welcomed everyone to the meeting and accepted apologies from Cllr Pippa Manson, County Cllr Margaret Atkinson and District Cllr Nigel Simms.

### 3. Approve the Minutes of the previous Annual Meeting of the Parish Council held on May 21, 2018.

The minutes of the Annual Meeting on May 21, 2018 were confirmed as an accurate account of the meeting and signed by the Chairman.

### 4. Register of Interests.

a) Councillors were asked to advise the Clerk of any revisions necessary to these forms, but none were made. Cllr Brownlee asked about requirements regarding involvement in the Tour de Yorkshire committee and the Chair advised this had been dealt with by a request for a six-month Dispensation for all relevant Cllrs at the February Council meeting. Cllr Brownlee also sought clarification regarding the type of Interest created where a spouse or partner was involved with a charity. The Chair advised this should be registered as an 'Other Interest' and if there was any uncertainty by any Councillor regarding Interests, which was not made clear by reference to the Council's Code of Conduct Document, advice should be obtained directly from HBC Legal and Governance Department.

### 5. Representation by Councillors on other public bodies.

a) Kirkby Malzeard Charitable Trust - Cllr Berry clarified that, on the advice of the Clerk of the Trust, the status of a representative only lasted for two years, and Cllr Lobley's present term of office had therefore come to an end. Cllr Berry proposed that Cllr Lobley be re-elected as the Laverton Parish Council representative which was seconded by the Chair. There were no other nominations so it was resolved to re-elect Cllr Lobley as the Laverton Parish Council nominated representative.

b) Approve two Councillors to represent Council at YLCA meetings – Cllr Aksut and the Chair were both agreeable to continue as representatives and this was approved by the Council.

### 6. Committees.

a) Approve adoption of Terms of Reference and membership of Neighbourhood Plan Steering Group. The existing terms of reference were re-adopted without revision. The five existing Cllrs agreed to continue as

Committee members namely Cllrs Aksut, Berry, Brownlee, Saxon and Mountain with Cllr Mountain to continue as Steering Group Chair. Non- Councillor members will be added shortly.

b) Approve adoption of Terms of Reference and membership of Kirkby Malzeard and District Community Association Committee. The existing terms of reference were re-adopted without revision. It was also approved that the following Cllrs continue as Committee members, namely Cllrs Saxon, Aksut, Berry, Brownlee and Mountain with Cllr Saxon to continue as Committee Chair. Non-Councillor members continue to comprise Mr John Collins (MIVH), Mr Marlon Johnson (HPFA), Mrs Samantha Carson (Pre-School), Mrs Hilary Cookson (Church), Mrs Ruth Verity (Methodist Chapel) and Mrs Anne Watt (School).

## **7. Governance.**

Review, amend (if necessary) and approve the adoption of the following documents for 2019 onwards:

- a) Code of Conduct – Amendments were circulated and approved, prior to the document being adopted.
  - b) Standing Orders (including Complaints procedure, Freedom of Information and Data Protection procedures and policy re Press/Media) – Amendments were circulated and approved, prior to the document being adopted.
  - c) Financial Regulations – Amendments were circulated and approved, prior to the document being adopted.
  - d) Risk Assessment Register - Amendments were circulated and approved, prior to the document being adopted.
  - e) Publication Scheme - Amendments were circulated and approved, prior to the document being adopted.
- It was agreed that Cllrs should familiarise themselves with procedures for holding parts of the meeting in private (if ever necessary) and to fully understand the issue of the Powers available to the Council for specific policy decisions.

**Action: Clerk to include an item concerning the Powers held by the Council on the June Agenda for discussion. Chair to update documents on website.**

## **8. General Power of Competence.**

a) Review eligibility – The Chair clarified that the Council could not currently apply for a General Power of Competence as there were insufficient Cllrs who were elected rather than co-opted (minimum of 5 required) and the Clerk did not currently meet the level of qualification necessary.

## **9. Finance.**

a) Consider the Annual Internal Audit Report provided by Janet Bennett of Yorkshire Internal Audit Services. The principal recommendation was that the Council move to using on-line banking to meet PAYE requirements for the Clerk's salary, and to avoid the procedure of Cllrs being reimbursed for payments made by them on behalf of the Council. The Council agreed to proceed and asked the Clerk to make investigations and report back to the next meeting. **Action: Clerk to enquire as to what options available from HSBC – Agenda item for June meeting.**

b) Approve Accounting Statements 2018/19 (Page 6 of AGAR) – The document was approved being proposed by Cllr Berry and seconded by Cllr Saxon and signed by the Chair and Clerk.

c) Approve the publication of AGAR documents on website in accordance with requirements of Accounts and Audit Regulations 2015, the Local Audit (Smaller Authorities) Regulations 2015 and the Transparency Code for Smaller Authorities to include the Notice of the period for the exercise of public rights (as detailed on Page 1 of AGAR) – Approved by the Council. **Action: Publication of AGAR documents will be undertaken on website and noticeboards during specified period.**

d) Review of expenditure under s137 of LGA 1972 – It was confirmed that the expenditure under this Power for the previous financial year is within the limits permissible.

e) Approve subscriptions to other bodies (to include YLCA) – The only annual subscription requiring approval is for YLCA. Approved by the Council.

- f) Approve cheque signatory arrangements – Current signatories of Cllrs Aksut, Berry, Mountain and Lobley were approved.
- g) Review Commuted Sums currently available under s106 of Town and Country Planning Act 1990 – amounts remaining were £430.10 (use by date 19.08.2020) and £573.47 (use by date 03.07.2022) both of which were allocated to the children’s play area. It was noted that further sums will be generated by the Laverton Road development, to be calculated at Reserved matters stage.
- h) Review procedures for obtaining quotations for expenditure – The existing arrangements set out in the Financial Regulations document (one quote for items up to £500, two quotes required for items between £500 to £2,000, three for items between £2,000 and £25,000, with a tender procedure required for any items over £25,000) were discussed and it was agreed that no alterations were needed but the matter will be reviewed annually.

#### **10. Insurance.**

- a) Approve Schedule of Assets for Insurance Purposes – The document, which now included the Play Area equipment, was circulated and approved.
- b) Consider Insurance arrangements and approve renewal of policy with BHIB at a cost of £565.14 due 01.06.19 – acceptance was proposed by Cllr Berry and seconded by Cllr Brownlee, with a cheque raised accordingly. **Action: Clerk to arrange payment prior to renewal date.**

#### **11. General Data Protection Regulations.**

Review, amend (if necessary) and approve the adoption of the following documents:

- a) Data/Information Audit – Amendments circulated and approved, prior to document being adopted.
- b) General Privacy Notice – Approved and re-adopted. The benefits of creating a residents’ emailing list were discussed. Cllr Aksut advised the community website when re-launched shortly might provide a similar facility and so no action is to be taken for now.
- c) Privacy Notice for Staff, Councillors and Role Holders – Approved and re-adopted.
- d) Records Management Policy – Approved and re-adopted.
- e) Consent Form – Approved and re-adopted.
- f) Incident Report form – Approved and re-adopted.
- g) Subject Access Requests (SAR) Policy – Approved and re-adopted.
- h) Security Incident (Breach) Policy – Approved and re-adopted.

#### **12. Employment.**

- a) Staff Appraisal – The document which had been completed by the Clerk and by the Chair, on behalf of the Council, was circulated. The contents were noted and salary increase approved.
- b) Salary Review (including Homeworker Allowance) – Cllrs agreed to increase the Clerk’s banding to Scale 8 (old Scale 19) in accordance with NALC guidelines, increasing the wage to £10.37phr from 1<sup>st</sup> April 2019. In addition, it was agreed to increase the Homeworkers Allowance from £3pwk to £4pwk also from 1<sup>st</sup> April 2019. **Action: Chair to confirm in writing and Clerk to implement change to Standing Order.**
- c) PAYE arrangements review – proposal to use online banking in the future would satisfy PAYE requirements. Cllr Berry suggested PAYE should then be paid quarterly.  
Review, amend (if necessary) and approve the following documents:
  - d) Equal Opportunities Policy – Approved and re-adopted.
  - e) Health and Safety Policy – Approved and re-adopted.
  - f) Workplace Pension Policy – Approved and re-adopted.
  - g) Sickness Policy – Approved and re-adopted.

**13. Property Assets** as detailed in current Asset Register.

- a) Pinfold, Main Street, Kirkby Malzeard – let to Mr P Johnson - approve rent for period 27.06.2019 to 27.06.2020 – following discussion it was agreed not to increase the rent of £130 for the coming year. It was suggested by Cllr Brownlee that as 3 months' notice to increase the rent was required, this should matter should initially be addressed next year at the February meeting and then ratified at the Annual meeting. **Action: Tenant had requested Annual reminder when rent due – Clerk to send and update Cycle of Business accordingly.**
- b) Coalpit Goal Woodyard, Kirkby Moor Road, Kirkby Malzeard – let to Mr B. Ward for 5 years until 31.10.2023 - it was confirmed that there were no outstanding issues to consider, with no rent review due during the term of the lease.
- c) Highways Yard, Laverton – let to NYCC Highways for 10 years until 31.08.2026 – it was confirmed there were no outstanding issues to consider with no rent review due until 01.09.2021.
- d) Other Assets – no outstanding matters.

**1. Approve dates and venues of:**

- a) Full meetings of the Parish Council until end 2020 – The Council agreed for periods between meetings to remain as they were, being brought forward to the previous Monday where a Bank Holiday occurred. It was also agreed to hold a meeting in the Methodist Chapel and HPFA Pavilion in June and August 2020 respectively. Consideration was given to starting meetings at 7.00pm but it was agreed to continue with 7.15pm starts. **Action: Clerk to confirm bookings. Chair to publish on website.**
- b) the 2020 Annual Parish Council meeting – Cllrs agreed to hold this on the same evening as the May Parish Council Meeting. The Chair advised that Annual Parish Meetings would be held on a separate night to Parish Council meetings in future. **Action: Chair to publish Annual Parish meeting dates for 2020 on website.**

The meeting closed at 8.10pm

Dated 31 May 2019.

PARISH CLERK

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