

PARISH OF OVER KELLET
Minutes of the Meeting of the Parish Council held at the
Wilson's Endowed C of E Primary School on Tuesday 10th April 2018 at 7-15pm.

Present: Councillor Mr G Agnew - Chair

Councillor Mr S Atkins

Councillor Mrs M Fowler

Councillor Mrs R Lauder

Councillor Mr M May

In attendance: Six members of the public and Parish Clerk elect, Derek Whiteway

1 APOLOGIES FOR ABSENCE: Apologies were received from Councillor Mr N Ward.

2 MINUTES: It was **RESOLVED** that subject to a minor amendment the Minutes of the meeting held on **Tuesday 13th March 2018** be approved and signed.

3 DECLARATIONS OF INTEREST: There were no declarations of interest relating to items on the Agenda for this meeting but as members of the Village Hall Committee Councillors Lauder and May wish to record a dispensation on Agenda item 9 as members of the Village Hall committee.

4 ADJOURNMENT FOR PUBLIC DISCUSSION & INFORMATION ONLY UPDATES:

(i) Public Discussion: Residents raised a issues relating to a large pothole close to the Eagles Head public house and the speed of vehicles travelling along Cockle Hill with general safety being further compromised by van/lorries parked close to the Narrows where some contract work is being carried out. It was commented that there is a Community Speedwatch (CSW) scheme which is a national initiative where local communities take part, with the support of the Police, in monitoring the speed of vehicles using speed detection devices.

The Clerk responded that this scheme is being developed by Nether Kellet Parish Council where volunteers have been fully trained by the Police and have now been provided with the equipment needed to commence the scheme. Anyone exceeding the speed limit is referred to the Police with the aim of educating drivers to reduce their speeds, rather than face prosecution, in most cases. The scheme also includes reporting the wearing of seatbelts and use of mobile phones whilst driving. Members requested that this scheme be discussed further at a Parish Council meeting.

(ii) Clerks report on activities and actions: The Clerk presented a verbal report on activities during March not otherwise covered by the Agenda. including an update on the damaged sign in Shaw Lane and the blocked drains also on Shaw Lane.

The Clerk informed Members of *In the Know* available online and as a free messaging service that has been designed to provide regular crime updates; information on road closures, fires and other emergencies and updates on local neighbourhood policing. In the know is available at <https://www.stayintheknow.co.uk/>

The Clerks report also provided an update on the consultations regarding the proposal to close the Ticket Office at Carnforth Railway Station and proposed new opening hours for libraries across the County, including Carnforth library. Members were also informed about Lancashire County Council's planned investments on highways improvements to deal with potholes in the County and planned resurfacing work on the A6 between Tesco and Market Street in Carnforth. There are also plans to increase grass cutting alongside high speed roads and in other public areas.

(iii) Members updates on issues arising since the last meeting:

LALC: The Chair reported on the recent meeting of LALC where several topics were discussed including the developing Local Plan and consultation – the meeting had been attended by officers from Lancaster City Council to answer any questions.

There had also been an update on neighbourhood planning and the proposed development of a settlement at Bailrigg with many concerns being raised about flood risks and drainage.

Quarry Report: Members considered a written report provided by Councillor Mr N Ward on the meeting at Back Lane Quarry held on 27th March. It was reported that they expect to hit a target of 1.1 million tonnes by the end of the year, which will mean an average of four blasts per month. Three official blasting complaints have been made since September but all blasts referred to were within allowable limits. Mobile crushers have been brought in to aid with this increase in production. They hope to complete the viewing platform by the end of the summer – it will be located at the boundary of the two quarries, with access from the current footpath. Various schemes involving the planting of ‘butterfly-friendly’ plants are underway.

Lengthsman: It was reported that there had been several issues with service providers and contractors who have been working in the Village Green and have not re-instated it properly following completion of the work. It is understood that there had been a combined water and gas leak recently and that the Green had been left in a poor state. The main issue appears to be that reinstatements are carried out by contractors individually. Members agreed to visit the Village Green before the next meeting to determine the extent of the matter raised.

It was also reported that the person responsible for tree management around the village is stepping down and will need to be replaced in due course.

It was **RESOLVED** that the ‘for information only’ updates and matters raised be noted and acted upon as necessary and further updates provided as required.

5 **PLANNING APPLICATIONS:**

Application No:	Description:
18/00236/FUL	Replacement of flat garage roof with a dual pitched roof - Hill Top Barn Kellet Road Over Kellet Carnforth Lancashire LA6 1DG
18/00313/PREH	Specialist heritage advice for refurbishment and extension to Hall Farm Cottage - Hall Farm Cottage Kellet Road Over Kellet Carnforth, LA6 1BS
18/00352/FUL	Construction of first floor roof terrace and first floor roof extension - Grindleford Kirkby Lonsdale Road Over Kellet Carnforth Lancashire LA6 1DG

Members commented on the planning applications received and it was then **RESOLVED** that no representations be made.

6 **PAYMENT OF ACCOUNTS:**

1118	Mr R Bailey, Clerks Fee and Expenses January 2018	£237.94
1119	e-on - seasonal illumination electricity supply	£ 5.55
1120	Over Kellet Village Hall – Annual Ground Rent for Bus Shelter	£ 10.00

It was **RESOLVED** that the above accounts be paid.

7 **PLANNING DECISIONS:** Members considered planning decisions by the principal authority, Lancaster City Council as set out on the schedule provided. Members commented that planning application 17/0113/FUL relating to the development of a car showroom by Porche that the Parish Council had objected to and had been recommended for refusal by the planning officer had been approved by Planning Committee. Members were concerned that this could lead to other commercial garages being developed.

Members also commented on planning application 18/00028/CU – change of use of land for siting of 36 static caravans – that the parish council had objected to because of the number of caravan sites in and around the village and concerns about vehicular movement. This application had also been permitted by Planning Committee.

Members are unsure whether these will be used as holiday lets or residential. It was then **RESOLVED** that the latest position on planning applications be noted

- 8 APPOINTMENT OF PARISH CLERK & INTERNAL AUDITOR:** Members were informed that following interview Derek Whiteway had been appointed as the Parish Clerk and would take up post immediately after the Annual Meeting.

The Parish Clerk reminded Members that since Mr Whiteway had been appointed as the new Parish Clerk it would be necessary to appoint a new Internal Auditor. The Parish Clerk recommended Mrs Dawn Allen as a competent, experienced and qualified auditor working for Lancaster City Council who also has experience of auditing the accounts and governance arrangements of Parish Council's.

It was **RESOLVED** that the appointment of Derek Whiteway as Parish Clerk be noted and welcomed and that Mrs Dawn Allen be appointed as Internal Auditor for the 2017/2018 audit of accounts and governance arrangements.

- 9 VILLAGE HALL & GARAGE FACILITIES:** Councillor May reported that the Village Hall Committee has offered usage of the garage facilities free of charge subject to Parish Council meetings being held at the Village Hall in future. There followed a discussion about the merits of the Village Hall and the continued use of Wilson's Endowed School, it was then **RESOLVED** that Members would visit the Village Hall and a decision made as to its suitability.

- 10 FOI & PUBLIC CONSULTATION:** Councillor May reported that a Freedom of Information request had been submitted regarding the outline planning application for new housing on land to the north of Kirby Lonsdale Road in Over Kellet.

The FOI had been requested following notice from the developers Russell Armer Homes of consultation with residents, and the knowledge that a similar planning application some time ago had subsequently been withdrawn. Resulting from the FOI request, information was provided on the pre-application advice given by Lancaster City Council to the developers and the reason for the previous withdrawal established. Councillor May then outlined the new proposals for approximately 45 dwellings including affordable housing and a mix of 2,3, and 4-bedroom houses, apartments and bungalows. There will be a new access road into Kirby Lonsdale Road and public open space and landscaping throughout. It was reported that Lancaster City Council Planners support the new application 'in principle'.

The Clerk reported that the developers had since contacted the Parish Council directly about the public consultation leaflet that they have forwarded to '*properties located nearest to the site, explaining the current intentions*'. In their letter, the developers refer to objections to the proposed development and state that the '*Parish Parish Council made its position clear regarding the principle of a residential development in its submissions to Lancaster City Council in the context of the 2014 planning application for 72 dwellings (14/00931/OUT). We have considered those representations and those made by local residents in preparing the scheme. We consider the proposals are a significant improvement on the 2014 scheme, but you will of course form your own view*'. The letter went on to state that the developers '*...hope there is an opportunity for positive dialogue with the Parish Council, regarding the detail of the scheme, as the outline application progresses*'.

Members considered that this indicated that the developers were not seeking to engage with the parish council and the wider community at this early stage of the planning application.

After some discussion, it was **RESOLVED** that the FOI request and pre-application provided be noted and that the parish council informs that developers of its concern that they are not taking the opportunity to engage with the parish council and the wider community at this stage of the planning application.

- 11 LOCAL PLAN RESPONSE:** Councillor May reported that the Parish Council had submitted a challenge on the 'soundness' of the Local Plan. This was broadly on the basis that Over Kellet has been earmarked as a sustainable settlement but there are no proposals within the local plan to upgrade access to sustainable transport methods and insufficient evidence to support whether such routes will be used by a significant proportion of residents and that such routes will be safe and enable access to services now and in the future.
- The Parish Council's submission also comments that a suitable bus service is needed to enable the community to commute to and from work as *'any settlement without a frequent and regular bus service should be considered as unsustainable or the local plan should facilitate improvement of such services'*. Measures should also be taken to *'ensure sustainable settlements have an affordable, regular bus service which covers the working hours we expect in our modern world, with connections for workers to the city centre and locations such as the University and Hospital'*.
- The Parish Council's submission concluded that *'local plan, and the associated sustainability appraisal reports, fail to propose how sustainable and safe transport modes are to be enhanced and encouraged within villages which have been given the status of "Sustainable Settlements" and as such, in this respect, it is unsound'*.
- After much discussion about the Local Plan and future development, it was **RESOLVED** that the Parish Council's submission and challenge on the soundness of the Local Plan be noted and Members informed, in due course, of the outcome of the submission on the Local Plan to be submitted to the Planning Inspector and subsequently adopted.
- 12 PRIORITY SERVICES REGISTER:** The Clerk, reported that Rural Services Network (RSN) we are working with Electricity North West to assist people in rural areas who may find themselves in vulnerable circumstances, such as due to ill health, disability, mental health issues or language barriers.
- A Priority Services Register is operated by utility companies where those registered receive special consideration and action particularly in the event of disruption of electricity or water power disruption. RSN are carrying out research to find out how well known this Priority Services Register to parish councils and whether they would be interested in working with RSN and utility companies to increase the level of registration. There is a short survey to complete around awareness and interest in taking part in the proposed exercise.
- The Over Kellet Emergency Plan team have expressed that they are willing to be responsible for the local Priority Services Register subject to the support of the Parish Council.
- Members discussed the benefits of a local register and it was **RESOLVED** that the Clerk completes and returns the survey on behalf of the Parish Council indicating its support for the scheme and that the Emergency Planning team and Members of the Parish Council, kept informed of progress.
- 13 FOOTPATHS:** As requested, the Clerk had researched the powers and duties of Parish Council's relating to footpaths and public rights of way and had established that they have discretionary power to 'repair and maintain public footpaths and bridleways in the council's area' in accordance with the Highways Act 1980 specifically Section 50.
- There was some discussion about the best approach to ensure that footpath within the parish are improved and maintained in a planned and coordinated way. It was then **RESOLVED** that the maintenance of footpaths and bridleways within the parish and in line with the Parish Council's powers and duties be considered as part of the development of the Parish Plan.

14 DRAFT STANDING ORDERS & FINANCIAL REGULATIONS: The Clerk presented a first draft of proposed Standing Orders, a statutory requirement of the Local Government Act 1972 and Financial Regulations, a statutory requirement of the Accounts and Audit Regulations 2015. The Clerk advised that Standing Orders set out the rules, processes and procedures of how the Parish Council will discharge its powers, duties and functions and its governance arrangements. Financial Regulations set out the arrangements and internal controls for the effective management of the Parish Council's income and expenditure and to ensure value for money in the discharge of its functions.

Members acknowledged the requirements and importance of both documents as part of the Parish Council's overall governance arrangements and recognised that they had been written in line with the action plan on Governance matters, previously approved. Whilst, welcomed it was generally considered that the documents, as drafted, are a little too formal and not all matters are, or will be, relevant to a small authority, such as Over Kellet Parish Council.

After some discussion, it was **RESOLVED** that the Clerk be thanked for providing the draft Standing Orders and Financial Regulations and that they be revised with a view to developing documents that incorporate 'mandatory' matters and be represented to Members at a later date for further consideration and subsequent adoption.

15 QUARTER 4 TRANSACTIONS: The Clerk reported presented a first draft of the income and expenditure transactions as at 31st March 2018. It was reported that total income received during the year was £9,925 and total expenditure £9,204 representing a small surplus of £720. The Clerk briefly talked through the categories of income and expenditure and advised that following the closure of the dormant deposit account and transfer to the Community Account the Parish Council had healthy balances amounting to £16,683.

The Clerk reported that the draft accounts when ready will be audited in accordance with the Accounts and Audit Regulations and a new Annual Governance and Accountability Return (AGAR) 2017/2018 completed and signed off at a meeting of the Parish Council at the completion of the internal audit.

The AGAR has yet to be received but the Clerk advised that under Section 9 of the Local Audit (Small Authorities) Regulations 2015, smaller authorities where the higher of gross income or gross expenditure does not exceed £25,000 in the year ended 31st March 2018, can now certify themselves as exempt from a limited assurance review, by the statutorily appointed external auditor. It was not clear at the time of reporting whether Over Kellet Parish Council could be exempt given that the 2016/2017 accounts were qualified.

After some questions and discussion, it was **RESOLVED** that the draft accounts and balances as at 31st March 2018 be noted and that the Clerk report back on the position regarding the *Certificate of Exemption* and audited accounts at the May meeting of the Parish Council.

16 GENERAL DATA PROTECTION REGULATIONS (GDPR) UPDATE: The Clerk provided a further update on the impact and requirements of GDPR. There is still no definitive answer from either the Information Commissioners Officer (ICO) or NALC as to whether Clerks can be appointed as the Data Protection Officer (DPO) for Parish/Town Councils. It is the Clerk's view that the GDPR is an enhancement on the 1998 Data Protection Act and provided that proper controls are either in place, or are being progressed, by the 25th May there should be little impact on the Parish Council.

Further guidance and templates and a checklist for compliance have now been made available and the Clerk recommended that the following actions be taken by 25th May:

- a) Carry out a Data audit, essentially a compilation of a list of the data that the parish council holds, where it came from and who it is shared with;
- b) Create a set of relevant privacy notices (templates provided)
- c) Update or develop policies relating to data processing and protection that reflect the new requirements

After some general comments and questions, it was **RESOLVED** that the latest update on GDPR be noted and the recommendations of the Clerk be approved with further updates being provided as arrangements develop.

- 17** **DATE & TIME OF NEXT MEETING:** The next meeting of the Parish Council will be **Tuesday 15th May 2018 commencing at 7:15pm** followed by the Annual Meeting and Parish Assembly. The meeting closed at 8:50pm

Bob Bailey

Clerk of the Council

Nicholas Ward

Chair

Date: 15th May 2018