

ELSHAM PARISH COUNCIL

MINUTES OF THE ANNUAL MEETING OF THE PARISH COUNCIL

Clerk to the Council: Deb Hotson

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Minutes of the Annual meeting of the Parish meeting held on Tuesday 18th May, 2021 at 6.30pm at the Village Hall, Chapel Lane, Elsham.

Present: Cllr Guest, Cllr Hill, Cllr Moir, Cllr Van Oosterhout (Chair), Cllr Ousby & Cllr Wood.

Also Present: 2 resident, Cllr R Waltham & Clerk to the Council – Deb Hotson

1. **Election of Chairman and to receive the Chairman's Declaration of Acceptance of Office**

It was resolved that Cllr Van Oosterhout is elected as Chairman. Cllr Oosterhout signed the Declaration of Acceptance of Office.

2. **Election of Vice - Chairman**

It was resolved that Cllr Horner is elected as Vice-Chairman.

3. **Election of other Officers and Committee Representatives and to agree terms of reference**

It was resolved that the following representatives were elected: -

Neighbourhood Watch & NATs - Cllr Van Oosterhout will take on the role as representative.

Elsham Nature Reserve – Cllr Ousby & Cllr Hill will take on the roles as representative.

Elsham Play Area – Cllr Ousby & Cllr Guest will take on the role as representative.

LVF Representatives – Cllr Wood and Cllr Ousby were elected as the representatives.

Personnel Committee – Cllr Van Oosterhout, Cllr Horner & Cllr Guest are to be the representatives.

Asset Risk Safety Checks – Cllr Van Oosterhout – general assets, Cllr Ousby is to be the representatives for the play area.

2 voting representatives to attend the ERNLLCA District Committee Meetings – Cllr Horner & Cllr Van Oosterhout.

4. **To review and approve the scale of charges for the Leader newsletter.**

It was resolved that the scale of charges was approved.

5. **To approve the Internal Auditor for 2021/22**

Richard Dixon was approved for the Internal Audit.

6. **To review and approve the Reserves Policy**

It was resolved that the policy was reviewed and approved.

7. **To review and approve the Members and Officer Protocol**

It was resolved that the protocol was approved.

8. **To review and approve Standing Orders and Financial Regulations**

It was resolved that the Standing Orders and Financial Regulations are approved. Standing Orders 2020 have just been submitted and these will be circulated for approval at the next meeting.

9. **To review and approve the Asset Register**

It was resolved that the Asset Register is approved with the agreed updates.

10. **To review and approve the H & S, Christmas Tree, face to face meetings and Financial Risk Assessment policy**

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It was resolved that all risk assessments and policies are approved.

11. To approve a Complaints Procedure

It was resolved that the Complaints procedure is approved.

12. To review and approve the procedure for handling requests made under the Scheme of publication with the agreed additions.

It was resolved that the policy is approved.

13. To review and approve the Equal Opportunity Policy

It was resolved that the Equal Opportunity Policy is approved.

14. To review and approve the Co-option Policy

It was resolved that the Co-option Policy is approved.

15. To review and approve the Community Emergency Plan

This will be updated to include the new members for approval at the next meeting.

16. To review and approve the Child Protection & Vulnerable Adult policies

It was resolved that the policies are approved.

17. To review and approve the Annual Return Assertions Pro forma Policy

Resolved – approval of the Policy.

18. To review and approve the General Data Protection Regulation Policies

Resolved – approval of the Policies.

19. To review and approve the Personnel Committee Terms of Reference

Resolved – approval of the Personnel Committee TOR.

20. To review and approve the Disciplinary & Grievance Procedure

Resolved – approval of the Procedure.

21. To set the dates of the ordinary Parish Council Meetings for 2021/22.

Resolved - approval of the dates of the Ordinary meetings.

22. To confirm all Cllrs have reviewed their Register of Interests

All members stated they had reviewed their ROI's.

23. To resolve that this Council utilizes its powers under the Local Government Act 1972, section 101, to devolve to the Clerk the authority to make decisions on planning applications where:

- a. The application falls between meetings and it is not possible to obtain from the Planning Authority an extension of time to consider the matter; and
 - b. The Chairman is unavailable to convene an extra-ordinary meeting or particular circumstances are such that the convening of an extra-ordinary meeting is impractical.
- In both circumstances the Clerk shall have authority to respond on the Council's behalf, taking into account the Local Plan; the content of any planning policies; community plan or Neighbourhood Plan adopted by the council; and precedent. Moreover, where it is practicable, the Clerk is to contact ALL Councillors to confirm they are content with the response to the specific Planning Application requiring this action.

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This authority will not apply to applications where there are known objections by neighbours; multiple housing development; and new land allocations.

Resolved – approve the process.

24. To resolve that this Council utilizes its powers under the Local Government Act 1972, section 101, to devolve to the Clerk the authority to make decisions on behalf of the Council as detailed below:

The Scheme of Delegation (s101 of the 1972 LGA), provides for delegating authority to the clerk for making decisions on behalf of the council as and when appropriate. It is important that Local Councils ensure that they have an adequate Section 101 1972 LGA delegated authority in place. S101 requires formally agreed Terms of Reference by the Council. Decisions would then require the input of 2 members. It needs to be based in Terms of Reference (see Scheme of Delegation below) that sets out the key themes of the delegation and the financial thresholds that apply.

Recommendations are that the Terms of Reference should be broad and the financial thresholds on the generous side that reflect the likely demands e.g. £1k per item or project and stipulate the input of at least 2 senior members. This model sees the Clerk taking on the executive role; whilst the Council, if and when it can meet, becomes more strategic in outlook around policy.

Delegation of Power

To the Proper Officer and Responsible Finance Officer LGA 1972 s101

The Council's Scheme of Delegation authorises the Clerk to the Council/Responsible Finance Officer to act with delegated authority in the specific circumstances detailed:

To take action:

- To take action on any issue that cannot wait until the next Parish Council meeting.
- The Clerk will address any need/resolution to all councillors by email with a strict timeline.
- Action taken should routinely be done with the input of at least two councillors, including the Chairman if available.
- If circumstances do not permit the input of at least two councillors, the Clerk would normally be expected to consult the Chairman or Vice Chairman if the Chairman is unavailable and take his/her view into account.

Financial thresholds:

- To authorise expenditure on items where the Council within a budget approved by the Council has agreed the expenditure.
- To incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work or essential project which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000.00
- To take any action regarding minor repairs (up to a cost of £1,000.00) and to report minor matters to the relevant authority.

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Record keeping

- Record keeping and the maintenance of a solid trail (particularly around decision making in any form) should be retained in writing and reviewed and certified to ensure good documentary evidence. This is particularly important in the case of an s101 delegated authority.
- Delegated actions shall be in accordance with Standing Orders and Financial Regulations and in line with directions given by Council from time to time and this Scheme of Delegation, and where applicable any other rules/regulations and legislation, and

Reporting back to full council

- Shall be reported to the next available Council meeting.

Resolved – approve the process if and when required due to the uncertainty over the coming months. It was agreed that under the current Government guidelines meetings would revert back to Face to Face.

The meeting closed at 6.50pm.