# Underskiddaw Parish Council Minutes

Minutes of the meeting of the Underskiddaw Annual Parish Council held in a virtual meeting room on Tuesday 4th May 2021

**Present:** David Horsburgh (in the Chair), Jan Boniface, David Lake, Ian Hall, Tony Gibbs,

**In Attendance:** Becx Carter (Clerk), 1 member of the public.

**Apologies**: None

With 5 councillors present the meeting was quorate.

# 22/21 To elect a Chairman & Vice Chairman for the forthcoming year and for the appointed Chair to sign a Declaration of Acceptance of Office.

All present thanked Jim for all his work over the years in his role as Parish Councillor, his resignation will be a huge loss to the Parish Council and to the Parish of Underskiddaw.

## Election of Chair Person

Cllr D Horsburgh confirmed that following the resignation of Mr J Wilson, that he would be willing to act as Chair for this meeting only.

No other councilor stood for the position of Chair.

**Resolved** by all present that Cllr D Horsburgh be elected as Chair for this meeting only.

Due to no councilor being elected to the role of Chair for the forthcoming year this will become the first agenda item of any future meeting. If no Chair can be elected at the start of a meeting, the meeting will be unable to continue.

**Action: Clerk to agenda the appointment of a Chair as the first agenda item for any forthcoming meetings.**

## Election of Vice Chair Person

**Resolved** by all present that David Lake be elected as Vice Chair of this meeting.

Due to no councilor being elected to the role of Vice-Chair for the forthcoming year this will become the first agenda item of any future meeting. If no Vice-Chair can be elected at the start of each meeting, the meeting will be unable to continue.

**Action: Agenda election of Vice Chair as second item of business on any forthcoming meeting.**

# 23/21 Apologies for absence

## To note the resignation of Mr J Wilson & Mr C Corder

**Resolved** by all present that the resignations of Mr J Wilson & Mr C Corder be noted as received. All present thanked Mr J Wilson & Mr C Corder for their time, and dedication during their years’ service on the Parish Council.

The Clerk confirmed that a thank you card had been sent to both individuals.

**Action: Clerk to process the relevant paperwork**

# 24/21 Approval of Minutes of the Meeting held on the 23rd March 2021

**Resolved** by all present that the minutes of the meeting held on the 23rd March 2021 be signed as a true and accurate record by Cllr D Horsburgh in the position as acting chair.

**Action: Clerk to upload the minutes to the website and circulate to all.**

It was noted that a number of actions that followed from the 23rd March 2021 meeting have not been followed through, due to the resignation of the Mr J Wilson & Mr C Corder and the associated workload around the changes to the governance of the Parish Council and the number of questions that were raised regarding the Precept alteration. These actions will be picked up at a future meeting of Underskiddaw Parish Council.

**Action: Clerk to contact the parishioner to keep him informed of the progress relating to the issue with water leaking at Applethwaite Bridge.**

# 25/21 Request for Dispensations & Declarations of Interest

None received

# 26/21 Exclusion of Press & Public (Public Bodies Admission to Meetings Act 1960).

None

# 27/21 Public Participation

None

# 28/21 Policies

## Re-adoption of unchanged policies

**Resolved** by all present that the below policies be re-adopted for the forthcoming year with no changes

* Health & Safety Policy
* Complaints Procedure
* Financial Regulations
* Freedom of Information Policy
* Publication Scheme
* Asset Register
* Risk Management Policy & Protocol
* Financial Risk Management
* GDPR Policy
* Privacy Notice
* Code of Conduct
* Document Retention Policy
* Co-option Policy & Procedure
* Dispensation procedure guide
* Equality & Diversity Policy
* Non-Compliance with the code of conduct

**Action: Clerk to update the website.**

## Adoption of new policies.

The Clerk informed all present that sadly the recent High Court Case [2021] EWHC 1093 (Admin) Hertfordshire County Council, Lawyers in Local Government the Association of Democratic Services Officers Vs Secretary of State for Housing, Communities & Local Government was unsuccessful. The judgement stated:

“…. the Secretary of State was correct in November 2016 and July 2019 to say that primary legislation would be required to allow local authority “meetings” under the 1972 Act to take place remotely. In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location.  We recognise that there are powerful arguments in favour of permitting remote meetings. But, as the consultation documents show, there are also arguments against doing so. The decision whether to permit some or all local authority meetings to be conducted remotely, and if so, how, and subject to what safeguards, involves difficult policy choices on which there is likely to be a range of competing views.”

The result of this is that from the 7th May 2021 there is no practical way for Underskiddaw Parish Council to meet until after the 21st June 2021 at the earliest (after the last stage of Covid 19 Lockdown easing restrictions). As following the 7th May 2021 Virtual Meetings are no longer permitted, but venues to hold meetings in physically are not open and there is a lack of clarity on the liabilities and responsibilities for safety and enforcement of social distancing at physical present meetings.

The Clerk had therefore circulated prior to the meeting a Serious Infectious Diseases Policy for adoption. This would allow Underskiddaw Parish Council to continue to function under Delegated Authority protocols until either a change in the primary legislation was enacted or until it became safe and viable to hold physically present meetings once more.

**Resolved** by all present that the below two revised policies be adopted with immediate effect.

-Standing Orders 2021

-Serious Infectious Disease Policy

**Action: Clerk to update the website.**

**Action: Clerk to continue to undertake necessary council business in compliance with the Serious Infectious Disease Policy until such a time that it is possible and practical to hold meetings again.**

# 29/21 Finance & Accounts

## To receive note of the Bank Balances

The Clerk evidenced to all via screen share the balance at the bank account at the 31st March 2021.

**Resolved** by all present that the bank balance be noted as

Current Account £9,290.94 at 31st March 2021

## Invoices for approval

|  |  |  |
| --- | --- | --- |
| **To** | **For** | **Amount** |
| HMRC  | PAYE | £266.80 |
| Becx Carter | Salary (Qtr 1)Via SO | £441.82 |
| Becx Carter | Additional Hours | £115.30 |
| Becx Carter | Expenses | £81.28 |
| Cumbria Payroll Services | Payroll Services | £67.20 |
| Zurich | Insurance | £309.25 |
| CALC | Subscription | £114.77 |
| Rachael Kelly | Audit  | £50 |

**Resolved** by all present that these invoices be paid.

**Action: Clerk to organise the payment of these accounts.**

## Approval of Certificate of Exemption 20/21

**Resolved** by all present that Underskiddaw Parish Council apply for Exempt Authority Status and file the relevant paperwork with PKF (External Auditors), as the Parish Council has turnover & Income of less than £25k.

**Action: Clerk to file the relevant paperwork.**

## To receive the Internal Auditors Report

**Resolved** by all present that the unqualified internal auditors report be received & noted as such.

## Approval of Annual Governance and Accountability Return Accounting Statements for 20/21

**Resolved** by all present that the following responses be given to the Annual Statements of Governance for Y/E 31st March 2021

|  |  |
| --- | --- |
| **Statement** | **Response** |
| 1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements  | Yes |
|  2.We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness  | Yes |
| 3.We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances | Yes |
| 4.We provided proper opportunity during the year for the exercise of elector’s rights in accordance with the requirements of the Accounts & Audit Regulations. | Yes |
| 5.We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance where required | Yes |
| 6.We maintained throughout the year an adequate and effective system of internal audit of the accounting records & control systems  | Yes |
| 7.We took appropriate action on all matters raised in reports from internal and external audit | Yes |
| 8.We consider whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and where appropriate have included them in the accounting statements | Yes |
| 9.(For local Councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and it required independent examination or audit. | N/A |

The Clerk & Chair signed the appropriate pages of the Annual Governance & Accountability Return for 20/21 during the meeting & via post due to the Covid 19 restrictions.

**Action: Clerk to file the relevant documentation & post the notices for public viewing if required.**

## Approval of Y/E Accounts for 31st March 2021, Bank Reconciliation & Variances

**Resolved** by all present that the Accounting Statements for 20/21, the Year End Bank Reconciliation and the Variances statement for the Year Ending 31st March 2021, that have been reviewed by the Clerk & Internal Auditor be approved and signed as a true & accurate record.

**Action: Clerk to upload these documents & send to councilors for inclusion on the Noticeboards.**

## Approval of additional signatories for the Underskiddaw Parish Council Bank Account

**Resolved** by all present that Cllr D Horsburgh be added to the Underskiddaw Parish Council bank account as signatories.

**Action: Clerk to process this mandate change.**

# 30/21 Lake District National Park Authority

## Planning Applications for Consideration

None

# 31/21 Dates of next meeting.

**Resolved** by all present that an outdoor meeting be called on the 18th May 2021 at 16:00 in the car park of Underskiddaw Village Hall to satisfy the legal requirement to hold an Annual Parish Meeting. It was noted that whilst Councillors are welcome at this meeting there is no requirement for them to be present.

**Action: Clerk to organise and attend this meeting.**

**Resolved** by all present that the next meeting of Underskiddaw Parish Council will be held on the 27th July 2021 at 14:00. Venue TBC.

**Action: Clerk to keep all councillors informed of the meeting date and venue of the next Parish Council meeting.**

Thanks were noted to the working party who undertook works around the parish to clear drains around the parish.

Signed……………………………………………………………………………. (Dated) ………………………….

Meeting Closed 14:30

Following the meeting Mr Ian Hall & Mr Tony Gibbs confirmed their intention to resign as a Parish Councillors effective as of the 5th May 2021.

Thanks were noted to Tony & Ian for all their work and dedication over the time they have served as Parish Councillor.