

# EASTON ON THE HILL PARISH COUNCIL

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## Minutes of the Meeting of Easton on the Hill Parish Council

Held on Monday 11 February 2019 at 19.00 in the Easton on the Hill Village Hall

Present

Councillors P Bates, A Cutforth, W Davis, I Forman, E Hanson, A O'Grady, J Rawlinson, M Simpson (Chairman) & D Sharpe

Clerk A Benfield

Others 6 Members of the public were in attendance.

### 18/231 APOLOGIES FOR ABSENCE

Apologies for absence were received and accepted from Cllrs Stokes and Ward (personal reasons).

### 18/232 DECLARATIONS OF INTEREST

No declarations of interest were made

### 18/233 PUBLIC PARTICIPATION

No members of the public present wished to address the Council

### 18/234 MINUTES

Comment was made that the discussion during the meeting in relation to resolution 18/223.4 was not specific enough. However, Members agreed that the resolution was correct and that no amendment should be made.

**Resolved** The minutes of the meeting held on Monday 11 January 2019 be confirmed as a correct record of the meeting and signed by the Chairman

### 18/235 GOVERNANCE MATTERS

Members reviewed the Governance Review Action Plan as circulated and discussion took place on the following items -

R8 - all those Cllrs who were involved in the review in 2018 agreed that this item was outstanding. However differing views were expressed on how it should be dealt with or if it should be considered irrelevant now that a number of the original members involved had resigned. The Clerk confirmed that the training scheduled for 25 February would cover Code of Conduct and relationships and further suggested that a policy should be agreed that clearly defines appropriate behaviour for Councillors towards each other, members of staff and the residents of the village.

R9 - It was agreed that rather than each Councillor being provided with hard copies of all policies and procedures the Clerk should ensure an electronic copy was available at each meeting should they need to be referenced during a meeting. The Locum Clerk also drew members attention to the fact that a full list of up to date documents are available on the website.

R14 & R16 – It was agreed that more work was required on these items and the current set up of Committees and Working Parties was not clear. The Locum Clerk provided an explanation of the difference between a working party and Committee. She also indicated that although openness and transparency is key there would be times when it is not appropriate for all Cllrs to have all information, they may consider they have a right to and that they should accept the advice of the Clerk at those times. It was agreed that this should be reviewed at the March meeting for adoption in May at the start of the new municipal year.

R22 & R23 – both matters to be dealt with at the Annual Parish Meeting on 5 March with the setting up of a working party to review the implementation of the Village Plan and move it forward.

**Resolved** 235.1 That item R8 should remain as an outstanding matter and be reviewed at a future meeting following the NCALC full Council training scheduled for 25 February 2019

- 235.2 That the Clerk ensure an electronic copy of all up to date Policies and Procedures be available at all meetings for reference.
- 235.3 That all Councillor be issued with electronic copies of all up to date Policies and Procedures except Cllr Bates who should be provided with a hard copy.
- 235.4 That further work be undertaken on the Councils governance for delegation of duties through working parties and committees
- 235.5 That a working party be formed at the APM to review the implementation of the Village Plan and move it forward

**18/236 PLANNING APPLICATIONS**

It was noted that the Planning Committee had informally reviewed the following Planning Application and recommend that no comments should be made:-  
 18/02456/FUL - Proposal : Installation of glazed canopy to rear entrance door. at 34 Stamford Road Easton On The Hill Northamptonshire PE9 3NU (PP-07512617

**Resolved** That no comments be made on Planning Application 18/02456/FUL

**18/237 HUB ON THE HILL DOMAINS**

The Clerk reported that the Hub on the Hill Domains were now in the control of VisionICT on behalf of the Parish Council.

Following a short discussion, it was agreed that no decision be made on the future of the domains until closer to when they were due for renewal again.

**Resolved** 237.1 That the report be received and noted  
 237.2 That no further discussion or decision be made on the future of the domains until closer to renewal in the autumn of 2020

**18/238 REMOVAL OF IVY IN SPRING CLOSE**

Consideration was given to the removal of Ivy in Spring Close.

The matter of insurance cover for volunteers working on parish land on behalf of the council was discussed. It was noted that as long as the work was sanctioned by the Council in advance, that all relevant risk assessments and method statements completed in advance and all those volunteering were suitably attired to carry out the work they would be covered under the Council PL insurance.

Cllr Forman offered to produce the risk assessments and this was gratefully accepted by the meeting. It was agreed that a working party, including a member of the Horticultural Society, be formed and the work carried out on Saturday 23 February 2019 with the event advertised in the post office and via other media outlets within the village.

**Resolved** 237.1 That Cllr Forman be authorised to undertake risk assessments for the planned work in Spring Close.  
 237.2 That a Working Party is formed on Saturday 23 February 2019 to undertake Ivy removal in Spring Close

**18/239 PARISH CLERK JOB EVALUATION AND RECRUITMENT**

Following a brief discussion, it was agreed that the recommendation from NCALC should be accepted and adopted. Therefore, the post of Clerk be advertised on LC 2 26-29 (moving to 18-23 from 1 April 2019). Working hours to be set at 12hours per week.

It was agreed that the post should be advertised via the SLCC for 4 weeks at a cost of approximately £150 and NCALC for free with a request that it is also distributed to the neighbouring counties. In addition, it was agreed that it should be advertised as widely as possible within the village using all media outlets. Comment was also made that it is possible to advertise in the Stamford Mercury for free and Cllr O'Grady committed to provide the Clerk with contact information.

Cllrs Bates, Hanson, Cutforth and Rawlinson, in conjunction with the Locum Clerk were agreed as the appointment panel with delegated authority to short-list, interview and confirm final terms and conditions with the successful applicant without reference to council.

The Locum Clerk confirmed that she would compile recruitment packs for the process to include shortlisting criteria, interview questions and scoring scheme to ensure an equitable process was followed

**Resolved** 239.1 That the Job Evaluation from NCALC be received and noted  
 239.2 That the post of Clerk to the Parish Council be advertised on LC 2 26-29 (moving to 18-23 from 1 April 2019) with working hours to be set at 12 hours per week.

- 239.3 That the recruitment process for appoint of permanent Clerk as detailed is agreed.
- 239.4 That the Recruitment Panel be formed consisting of Cllrs Bates, Cutforth, Hanson and Rawlinson in conjunction with the Locum Clerk and have delegated authority to shortlist, interview and appoint including agreeing terms and conditions of employment.

#### 18/240 REPRESENTATION ON JOINT ACTION GROUP

- Resolved** 240.1 That the JAG newsletter be received and noted
- 240.2 That Cllr Sharpe be nominated and the Councils representative on JAG

#### 18/241 STREET LIGHT LAMP REPLACEMENT PROJECT

The email from Eon providing an update on the current street light lamp replacement project was discussed.

Consideration was given to the replacement of the outstanding lamps within the village owned by the Parish Council that were not included in the original order. It was agreed that this matter should be progressed as considerable savings on energy costs would be made going forward.

Concern was raised that the cost of this project was substantial and although the Council does have sufficient funds in reserve if it was the appropriate thing to do and what the 'payback time' on the capital expenditure would be. It was agreed that it was better use of council funds to replace the lamps and make savings on energy costs than have the money sitting in the bank gaining little interest.

*After the meeting the Locum Clerk reported to Members that the energy savings were projected to be 67% and that average monthly energy costs should reduce from approximately £268 per month to £88 and the payback on the capital outlay of £17,000 would be approximately 8 years.*

In terms of the missing lamp bracket outside no 33 Church Street it was agreed that this should be replaced and that the Clerk is delegated to deal with lighting matters of this nature going forward without reference to Council.

Members also noted that a complaint had been received regarding the replacement of one lamp as it was now causing inconvenience to a resident as it is now shining brightly into their property. It was agreed that the Clerk should discuss with Eon options to reduce this glare.

- Resolved** 241.1 That the update email from Eon be received and noted
- 241.2 That the light outside 33 Church Street is replaced
- 241.3 That the Clerk is delegated to deal with lighting matters of a similar repair and renewal status going forward without reference back to council
- 241.4 That the lamps on the Baxter Lane lights should be changed as soon as possible.
- 241.5 That the Clerk request information from EON to clarify that the replacement lamp they are proposing for each location is suitable and relevant prior to the order being placed.
- 241.5 That once the requested information at 18/241.5 is received an order for the replacement of all outstanding lamps is placed up to the value of £18,000

#### 18/242 ANNUAL PARISH MEETING

As he was not present at the meeting the Chairman agreed to speak to Cllr Stokes regarding representation on the Village Speed Reduction WP. Members confirmed that if he did wish to be a Council representative this would be accepted.

- Resolved** 241.1 That Cllrs Davis, Forman and Rawlinson be nominated to be the Parish Council representatives on the Playing Fields Working Party to be formed at the Annual Parish Meeting
- 241.2 That Cllrs Sharpe and Stokes be nominated to be the Parish Council representatives on the Village Speed Reduction Working Party to be formed at the Annual Parish Meeting

#### 18/243 CLERKS REPORT

Members agreed that no items of correspondence listed on the agenda required formal discussion at a future meeting.

In terms of the ICO investigation, as detailed in the Locum Clerks report, in early October 2017 following previous communication an FOI request was made to the Council through the Chairman requesting the following information and communications relating to the Playing Fields:-

1. All correspondence regarding the advice sought and received as mentioned in your email of 9th June 2017 in which you state "Because of the advice we sought from both NALC and Stapleton's, there is no need to draft an agreement between the Parish Council and the third-party cricket clubs." and any subsequent correspondence relating to this same matter.

If NCALC and Stapleton only gave verbal recommendations, I hereby request that you ask your sources to confirm these in writing or, if this is not possible, relate their specific and detailed advice to me in writing, together with the names and contact details of the persons you sought advice from.

2. With regards to the draft Playing Field Association Constitution and Licence Agreement. I hereby request that you provide your sources for the drafting of this constitution, i.e. NCALC, legal advice, Playing Fields Trust, etc, and any related documentation including but not restricted to the documentation mentioned in your email of 7th September 2017, listed below:
  - 1970/71 lease agreement
  - Template documents from Fields in Trust
  - What you describe as 'working documents from current playing field organisations'.
  - The full review and comments from the development manager from Fields in Trust; the legal advice (to be) received by Fields in Trust; full written reports or any conversations you have had relating to this matter, to include names and contact details of the persons you discussed the matter with or/and sought advice from.
  - The alleged complaint made by the Chairman of the Cricket Club against the Parish Council.

Having reviewed the request, the following response was issued

1. Refused to provide a response to part 1 under section 12 (Exemption where cost of compliance exceeds appropriate limit) and 14 (Vexatious or repeated requests).
2. Refused to provide a response to part 2 under section 12 and 22 (Information intended for future publication)
3. Refused to provide a response to part 3 under section 22 and 41 (Information provided in confidence)

FOIA section 12(1) allows for refusal where the cost of compliance exceeds £450 or £600. In this instance to provide the information requested in parts 1 & 2 it was estimated to comply the cost would have been between £625 and £875.

Having reviewed the response as provided in 2017 the Locum Clerk advised in her report that what was not included in the response was the opportunity for the complainant to narrow their request for information to bring it below the appropriate limit, or for them to pay the cost of retrieving and providing the information requested in point (1) and (2) above. Had a fees notice been issued the requester would have been expected to pay the requested sum before any work was carried out to retrieve, compile and provide the information. She also reported that a refusal under section 12(4)(b) of the Environmental Information Regulations (EIR) should also have been provided as the request was manifestly unreasonable on the grounds of cost and diversion of resources.

As the estimated costs of compliance would exceed the appropriate limit under section 12 FOIA. In considering the Councils obligations under the EIR there would be no way of devising a search strategy in which only environmental information was sought as there is no way of knowing in advance which correspondence would contain environmental information and which did not. Therefore, all information and correspondences would have to be collated before the environmental information could be isolated. To comply with the request in 2017 it is estimated that it would have taken between 25 and 35 hours of work for the Clerk. As the Clerk was the sole employee of the council contracted to work 10 hours a week this would have meant no other work would have been undertaken or completed to the detriment of the village and council for between 2.5 and 3.5 weeks.

It was noted within the report that having discussed the matter with the ICO the Locum Clerk has been given an extension to the end of February 2019 to try and reach a mutually agreed settlement with the complainant before a formal response was provided to the ICO. Initial contact has been made with the complainant but no response was received in advance of the meeting.

Members further noted within the report that the cost to Council since the Investigation notification was received was roughly £162.50 and should the complaint not be withdrawn the cost to Council would escalate to between £1200 and £1600. What was unknown was if the complainant can be requested to pay for the information in advance of supply now that it had reached an investigation stage.

Cllr Cutforth commented that not knowing more about the request made it difficult to agree with the recommendations within the report. The Locum Clerk stated that as the matter contained personal information it would not be made available to Members or made public but that it was a genuine investigation instigated by the ICO and it was necessary to continue to deal with it until it was completed to the satisfaction of the ICO.

Cllr O'Grady stated that an ICO request was a request for information and if the request was made in 2017 how come it has taken so long and why had the Parish Council not replied positively. The Locum Clerk replied that the council had responded as reported to say they could not release the information for the reasons stated in the refusal notice. Cllr O'Grady then stated that the requester had written again to the Council and not received a response. The Locum Clerk responded that she was not able to comment on this as she had not been involved at the time. Cllr O'Grady then asked for confirmation that as the ICO had now decided to investigate

that they had decided the Councils response had been invalid. The Locum Clerk stated that this was not the case but that they were investigating to establish if the complaint lodged was valid based on the response provided originally.

- 243.1** That the correspondence as listed on the agenda be received and noted and not be brought back to a future meeting for further consideration
- 243.2** 1) That the report regarding the ICO investigation into FOI Request dated October 2017 be received and noted and that delegated authority be given to the Clerk, Chairman and Vice Chairman to continue to deal with the matter until concluded.  
2) That the potential costs to the Council should a local agreement not be reached were noted.
- 243.3** That the Rolling Program be receive and note
- 243.4** That the update on the website and article submitted to 'News & Views' promoting the Annual Town Meeting be received and noted.

#### 18/244 **REPORTS FROM REPRESENTATIVES**

Trees & Greens - Cllr Bates reported that she had nothing to report and would send her 'Checker Reports' for January to the Clerk.

The Locum Clerk commented that she had no details within the records she could locate relating to the Parish Council allotments. Although she had located a tenancy agreement it made no reference to how much the rent was or how many allotments there were. She also had not details of who were currently tenants to issue invoices on 'Lady Day' in March. Cllr Bates and Cllr O'Grady commented that the tenancy agreement the Locum Clerk had was not up to date as they had made changes to it in the previous year. On further questioning by the Locum Clerk she noted that no Councillor present could recall the matter having been discussed and agreed by Council and that Cllrs Bates and O'Grady may have acted ultra vires.

Cllr Bates confirmed that she had all the records and would provide them to the Locum Clerk.

Play Field - The Chairman reported that the statutory declarations had been sworn that afternoon and that the registration of the land in the name of the Parish Council was progressing.

Vehicle Activation Devises – Cllr Rawlinson commented that both he and Cllr Forman were still awaiting training. The Chairman committed to ensure this was undertaken in the next month.

Checker Reports – the Locum Clerk informed the meeting that having reviewed the Checker Reports for the last 3 months she had contacted Easton Maintenance Company to undertake some minor works including the cutting back of the hedge abutting the footpath from The Crescent to the play area and the repainting of the climbing frame in the Playing Field.

Discussion took place on the ownership of the hedge and it was agreed that the Locum Clerk should contact Spire Homes and inform them that if they did not in future keep the hedge trimmed the Parish Council would arrange for the work to be done and would invoice them

- Resolved 244.1** 1) Cllr Bates report be received and noted  
2) Cllr Bates work with the Clerk to ensure that she had all relevant information linked to the allotments on record, including contact details of current plot holders and any waiting list.
- 244.2** Cllr Simpson's report be received and noted
- 244.3** 1) Cllrs Forman & Rawlinson report be received and noted  
2) The Chairman arrange for relevant training to be completed in the next month
- 244.4** 1) Cllr Bates report be received and noted  
2) The Locum Clerks report be received and noted  
3) That the Locum Clerk contact Spires Homes and remind them of their responsibility for keep the hedge between The Crescent and Play park trimmed.

#### 18/245 **BANKING ARRANGEMENTS**

The report from the Locum Clerk regarding the Councils banking arrangements was considered. Comment was made that changes of this nature should not take place until the new Clerk was in post. However, this view was not supported widely and it was agreed that accounts should be opened with both CCLA and Unity Trust as recommended by the Locum Clerk.

- Resolved 245.1** That the report be received, noted and the recommendations fully supported
- 245.2** That a CCLA Public Sector Deposit Fund Account is opened and all Parish Council funds are transferred to this account as soon as possible to maximise interest gained.

- 245.3 That a Unity Trust Current Account is opened as soon as practicable and is used as the Parish Councils main business account going forward with internet banking enabled.

**18/246 ORDERS FOR PAYMENT**

- Resolved** That the following payments be made –
- Clerking Services - £2185.60
  - Clerking costs - £403.83
  - Expenses - £67.35
  - Solicitor costs for signing declarations - £44.00
  - Website design and email accounts - £597.60
  - Street Light Maintenance - £420.00
  - Street Light Lamp Replacement - £8302.80

**18/247 BANK RECONCILIATION**

- Resolved** That the Bank Reconciliation for December 2018 and January 2019 be received and noted

**18/248 BUDGET REPORT**

- Resolved** That the budget report to the end of January be received and noted

**18/249 MATTERS FOR INFORMATION**

A brief discussion took place on the state of the village notice board and it was agreed that the Locum Clerk should investigate alternatives for consideration at the next meeting.

The matter of the Annual Parish Meeting and the Playing Field Working Party was raised. It was agreed that there was nothing for the Parish Council to decide ahead of the meeting other than the representatives as confirmed earlier in the meeting as it was important that the Community felt that it was an open meeting and that there were no preconceived ideas of the outcome by the Parish Council

- Resolved** That a report on options for village notice boards be presented to the next meeting

**18/250 EXCLUSION OF PRESS AND PUBLIC**

To resolve that the press and public are excluded from the meeting for the following items of business on the grounds that publicity would be prejudicial to the public interest by reason of the sensitive and/or confidential business to be transacted in accordance with s1(1) of the Public Bodies (Admissions to Meetings) Act 1960

**18/251 TREE SURVEY**

Members gave consideration to the information provided within the report. Discussion on the difference between Public Liability and Professional Indemnity took place following which it was agreed that the contract should be let to J Wilcockson.

- Resolved**
- |       |  |
|-------|--|
| 245.1 | That the report from the Locum Clerk providing the results of quotations received for Tree Management Survey on Parish Council owned trees be received and noted |
| 245.2 | That J Wilcockson be confirm to undertake Management Survey on Parish Council owned trees at a cost of £462.00   |

**18/252 RE-ADMITTANCE OF PRESS AND PUBLIC**

To resolve that as the sensitive and/or confidential business has been transacted that the press and public are re-admitted to the meeting in accordance with s1(2) of the Public Bodies (Admissions to Meetings) Act 1960

**18/253 DATE OF NEXT MEETING**

The next meeting will be held on 11 March 2019