

# UPLOWMAN PARISH COUNCIL

Clerk to the Council : Robert Hodgson  
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08/01/19

All Parish Councillors

Dear Councillors,

**UPLOWMAN PARISH COUNCIL - NOTICE OF MEETING**  
**THURSDAY 17<sup>th</sup> January 2019**, starting at 7.30pm in Uplowman Village Hall

The next meeting of this Council will be on **THURSDAY 17<sup>th</sup> January 2019**, starting at 7.30pm in Uplowman Village Hall with any comments from the public. Draft Minutes of the last meeting have been circulated and can be found at <https://parish.middevon.gov.uk/Uplowman>.

Finalisation of Precept request – the budget is attached, revised as discussed in November.

Note that there will be PC elections this year. I have budgeted for an uncontested election with an assumed cost of £150, based on the 2015 charge. The cost of a contested election could exceed £1000.

MDDC has arranged a series of meetings to outline councillors' duties. The events in Cullompton on 28 Jan and Tiverton on 12 Feb (both 6pm) are the closest.

I attach an article on the conduct of meetings taken from the current 'Clerks & Councils Direct' magazine that may be useful.

The following dates are booked for 2019 (all Thursdays):

21<sup>st</sup> March, 16<sup>th</sup> May, 18<sup>th</sup> July, 19<sup>th</sup> Sept and 21<sup>st</sup> Nov.

Yours sincerely,

Robert Hodgson (Clerk to Uplowman Parish Council)

# UPLOWMAN PARISH COUNCIL

## AGENDA FOR MEETING TO BE HELD AT THE VILLAGE HALL, UPLOWMAN, ON THURSDAY 17<sup>th</sup> Jan 2019 at 7.30pm

*The evening will start with an open session at which parishioners may raise matters of concern. All are welcome to observe the council meeting.*

1. Attendance
2. Procedural matters, including reports from DCC and MDDC:
  - 2.1 Apologies for Absence
3. Minutes of last meeting (15 Nov 2018)
4. Matters arising from Minutes of last meeting not covered elsewhere
5. Finance and procedures
  - 5.1 Current position :
 

Bank balance at last meeting :	<b>£5,561.65</b>
Income since last meeting	£0.00
Expenditure authorised on 15 Nov:	£934.09
<b>Current balance:</b>	<b>£4,627.56</b>
  - 5.2 Payments for approval:
    - R Hodgson, Clerk's expenses (£9.80)
    - UHRA, Hire of Hall May 18-Jan 19, £70.00
  - 5.3 Precept request for 2019-20. Confirm budget & that DALC subscription is to be deducted from Precept
  - 5.4 Clerk's annual appraisal
  - 5.5 Grass cutting arrangements for 2019
6. Planning
  - 6.1 18/00027/Out: Little Chace dwelling. Appeal has been made to Sec of State. No update
  - 6.2 18/01905/FULL: Chamberlains, erect carport & barn. UPC Objected as out of character
  - 6.3 18/01873/PNAG: Staple Gate Cottis, erect Ag Bldg: Approved by MDDC by Prior Notification
  - 6.4 19/01917/PNAG: Lowrman Fm: erect Ag Bldg: Approved by MDDC by Prior Notification
  - 6.5 18/01912/PNAG: Lowrman Fm: erect Ag Bldg: Approved by MDDC by Prior Notification
  - 6.6 New Section 106 procedures: consultation
7. Parish Planning
  - 7.1 Update on progress of Parish Planning group. Nothing to report.
8. Correspondence (See attached list plus any correspondence received after this notice)
  - 8.1 Environment, SWW, etc:
  - 8.2 Local Plans and Surveys, Including Foot Path Definitive Map Review.  
Whitnage lane recommended for adoption as bridleway
  - 8.3 General Correspondence
  - 8.5 Village projects
9. Hall & Recreation Association
  - 9.1 Report.
10. Emergency Planning & Neighbourhood Watch
  - 10.1 Neighbourhood Watch Report. Police no longer able to provide crime statistics
11. Community Projects and matters.
  - 11.1 School parking update
  - 11.2 Hall Projector Update and proposals for use of next £420 donation from Parish Mag
  - 11.3 Royal Garden Party nominations by 23 Jan
  - 11.4 Update on Leat
12. Parish Transport/Paths.
  - 12.1 Chimney Down road resurfacing done January.
13. Date of next meeting (Thursday 21 March 2019, to be confirmed).

**CORRESPONDENCE SINCE LAST MEETING (15 Nov 2018)**

Ser No	Date received	From/to	Subject	Date replied/sent
476	26/11/18	UPPC	Receipt for £350 donation	
477	27/11/18	Citizens Advice	Receipt for £25 donation	
478	27/11/18	MD Mobility	Receipt for £25 donation to Ring & Ride	
479	09/01/19	Nat West	Statement. Bal = £4627.56	
480	10/01/19	UHRA	Invoice for hire of Hall - £70	

**6. PLANNING**

Ser No	Date received	From/to	Subject	Date replied/sent
<b>646</b>	<b>22/11/18</b>	<b>MDDC</b>	<b>Section 106 procedures: consultation</b>	
647	28/11/18	MDDC	18/01873/PNAG: Staple Gate Cotts, erect Ag Bldg: Approv	
648	30/11/18	MDDC	19/01917/PNAG: Lowrman Fm: erect Ag Bldg: Approved	
649	30/11/18	MDDC	18/01912/PNAG: Lowrman Fm: erect Ag Bldg: Approved	
650	11/12/18	MDDC	18/01905/FULL: Chamberlains, erect carport & barn. UPC Obj	07/01/19

**7.1 ENVIRONMENT, including Sewerage, Recycling, Roads & rivers**

Ser No	Date received	From/to	Subject	Date replied/sent
329	10/11/18	MDDC	Correpondence regarding leat leak	
330	30/11/18	DCC	Definitive Footpath Rev: Whitnage Lane to be bridleway	

**7.2 LOCAL PLANS & SURVEYS, including HRA**

Ser No	Date received	From/to	Subject	Date replied/sent
<b>314</b>	<b>16/11/18</b>	<b>Ord Survey</b>	<b>Free online mapping available – UPC signed up</b>	

**7.3 GENERAL CORRESPONDENCE**

Ser No	Date received	From/to	Subject	Date replied/sent
1588	30/11/18	MDDC	Town & Parish Newsletter – forwarded to members	30/11/18
1589	04/12/18	Cllr T Milner	1894-1956 Minutes have been digitised	
1590	02/01/19	MDDC	Town & Parish Newsletter – forwarded to members	11/01/19
<b>1592</b>	<b>04/01/19</b>	<b>DALC</b>	<b>Nominate for Royal Garden Parties by 23 Jan</b>	
1593	05/01/19	C&CD	Clerks & Councils Direct magazine	
1594	10/01/19	MDDC	Sate of the District – Brexit – Debate to be on 24 Jan	
1595	12/01/19	MDDC	Prospective councillor events – notice put on board	
1596	12/01/19	D&C Pol	No longer able to provide crime stats	

**7.5 Village projects.**

Ser No	Date received	From/to	Subject	Date replied/sent
333	20/12/18	MDDC	Communities together funding deadline Feb 21st	

Plus about 278 incoming emails. Support for councillors: <http://www.ntselearning.co.uk> for information and on-line courses.

# UPLOWMAN PARISH COUNCIL

Clerk to the Council : Robert Hodgson  
Lower Beer,  
Updown,  
Tiverton EX16 7PF

08 Jan 2019

## Actual Annual Expenditure 2017-19 (rounded to nearest £) and Budget 2019-20

Figures for current year are estimated		2017 to 2018	2018 to 2019	2019 to 2020
Item	Income	Exp	Est imate	Bud get
Precept	2829		2880	3000
Council Tax Reduction Grant	71		20	0
Churchyard Grant, donation		350	350	350
HM Customs, VAT rebate	0		0	95
Grants and other income	0		420	
Clerks' Salary		1070	1100	1130
Clerk's expenses / admin		111	110	110
Chairman's/other's expenses		0	0	0
Hall Hire for regular meetings		60	70	70
Audit		0	0	0
Insurance		192	192	200
Commun Projects ++		0	435	
Parish Social & Neigh Plan		20	134	337
Devon Ass of Parish Councils sub+		76	77	78
Grass cutting		639	361	600
Election (assumed uncontested)		0	0	150
Support local charities		50	70	70
<b>TOTAL</b>	<b>2900</b>	<b>2568</b>	<b>3320</b>	<b>3095</b>

+ DAPC subscription was deducted at source since 2000-2001. These figs adjusted as if it were not.

++ Community projects exp in 2018-9 was projector funded by grant of £420 from SP magazine.

**Current year is estimated.** There is now no charge for Annual Audit.

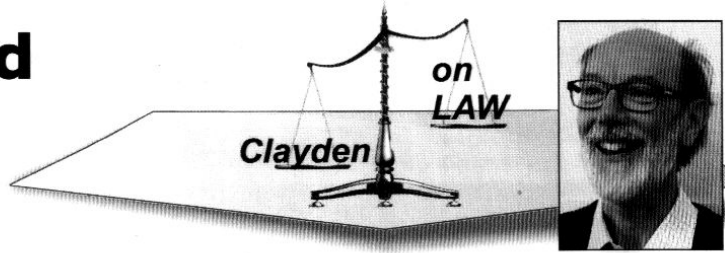
**NOTE : A PRECEPT OF £1000 IS EQUIVALENT TO A COUNCIL TAX OF £6.66 ON A BAND 'D' PROPERTY IN UPLOWMAN.**

Cash in hand at Year End March 2018 was £3545 (101% of the planned reserves). This estimate suggests that undesignated cash in hand is likely to increase by about £400 at next March (2019).

## LEGAL MATTERS

# Meetings and procedures

by Paul Clayden,  
expert in local council law



## The council's powers

A local council is not a living person in the same way as a human being. It is a corporate body, without physical existence, which has been created by Act of Parliament and given some of the legal attributes of living individuals. However, there is a fundamental difference between corporate bodies and individuals in legal terms. An individual is free to do anything unless there is a law against it, whereas a corporate body can only do the things which statute allows or requires. The powers and functions of local councils are thus limited and, before embarking on a course of action, a council must always check that it has the necessary statutory authority. At the same time, councils must ensure that, in carrying out their functions, they comply with any procedural requirements laid down by law.

## Meetings

Since a council is not a living person, it can only make decisions if and when the councillors meet together. The Local Government Act (LGA) 1972 lays down the basic procedures which govern the meetings of councils and the exercise of their powers. The underlying philosophy is that councils must meet regularly and, as elected bodies, must operate in public and be accountable to the electorate.

### Frequency

A parish council in England must hold not fewer than four meetings in each year, of which one is to be the annual meeting. A community council in Wales must hold the annual meeting and may hold such additional meetings as it thinks fit.

### Open to the public

Every meeting must be open to the public, except where the council formally resolves to exclude the public (which includes the press) from all or part of a meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of the business or of the proceedings. This provision applies equally to any committee of the council and to the parish or community meeting. Where a meeting is open to the public, the press must, on request, be given in

advance a copy of the agenda and any supporting documents. In the interests of open government, it is good practice to do this even if no request is made.

Members of the public have no rights to speak at a council meeting unless the council (not the chairman alone) authorises this. A district or county councillor has no special rights above those of an ordinary member of the public. Most councils set aside a period for public questions or comments, usually before the meeting starts or after it has finished.

### Notices

Three clear days at least before a meeting of the council, a notice specifying the time and place of the meeting must be posted at the offices of the council or, if it has no offices, in some conspicuous place or places in the parish or community, and a summons sent to each member. The Transparency Code for Smaller Authorities (those with an annual turnover not exceeding £25,000) advises that publication on the council's website (if it has one) complies with the code. Councils with a turnover exceeding £25,000 are not subject to any such official advice but should publish agendas, etc. on their websites as a matter of good practice. The Local Government Transparency Code 2015 applies to local councils with a turnover exceeding £200,000, but the code applies in essence only to the publication of information about finance and assets. Perhaps rather oddly, local councils with a turnover of between £25,000 and £200,000 do not have to comply with a specific transparency code. The transparency codes do not apply in Wales.

If the meeting is called by members of the council, the notice must specify the business to be transacted, and must be signed by those members. A summons to attend the meeting, specifying the business to be transacted, and signed by the clerk, must be left at or sent by post to the usual place of residence of every member of the council at least three clear days before the meeting. The period of three clear days excludes the day on which the notice is given, the day on which the meeting is held, Sundays, the Easter and Christmas breaks and any day appointed for public thanksgiving or mourning. Want of service of the summons on any member does not affect the validity of a meeting.

The lawful methods whereby the agenda is transmitted to members of the council differ between England and Wales. In England, the summons must be signed and certified by the proper officer (almost invariably the clerk) and sent to every member of the council by the "appropriate method": i.e. by leaving the summons at the member's usual place of residence, by post or in electronic form (e.g. email). If the summons is sent in electronic form, the member must first have given (and not withdrawn) his/her consent. In Wales the summons, signed by the clerk, must be left at or sent by post to the usual residence of every member of the council.

No decision can lawfully be taken on any matter not specified in the summons. Agendas should not therefore include the item "any other business".

### Place

A meeting must not be held in premises which at the time of the meeting may be used for the sale of alcohol by virtue of a premises licence or a temporary event notice under the Licensing Act 2003, except when no other suitable room is available free of charge or at a reasonable cost. When there is no suitable public room which can be used free of charge, the council is entitled to use, free of charge, at all reasonable times and after reasonable notice for the purpose of a meeting of the council, any suitable room in a community, foundation or voluntary school, or any suitable room the expense of maintaining

## LOCAL COUNCILS UPDATE

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## LEGAL MATTERS

which is payable out of any rate. There is no legal bar to a meeting taking place in a private house, but to do so is not advisable for a number of reasons, including the need to ensure public access (including disabled access), provide toilet facilities and have in place valid insurance cover. There may also be a perception that democracy is being lost if access is not open to all.

### Quorum

No business is to be transacted at any meeting of a local council unless at least one-third of the full number of members is present, with a minimum of three members.

### Minutes

Minutes of the proceedings of every local council or of any committee thereof are to be kept in a book. The minutes should be kept by the clerk. If there is no clerk, some person should be authorised by the council or committee for the purpose. Minutes should be short. In general terms they should record decisions, not the discussions which precede them. The council minutes must be signed at the same or the next ensuing meeting of the council by the presiding chairman. A loose-leaf book may be used provided that the pages are consecutively numbered and each page is initialled by the chairman when the minutes are signed.

Minutes may be held in a computer database for convenience, but the written minute book is the only lawful record.

### Procedure at meetings

The names of members present at any council meeting must be recorded. Any member may move a resolution of a matter on the agenda, which should then be discussed and voted upon. The extent and length of discussion are matters for the chairman, who should exercise a careful but firm balance between ensuring full and relevant discussions and avoiding verbosity, irrelevant matter and repetitiveness. A second to a resolution is only required if standing orders so provide. Except in very straightforward cases, the resolution should be noted in writing by the clerk before voting takes place to avoid the possibility of subsequent misunderstandings as to the wording. The mode of voting is by show of hands unless otherwise provided in standing orders. The names of members voting on each question must also be recorded on the requisition of any member of the council, so as to show whether each vote given was for or against the question. Every question must be decided by a majority of the members present and voting on the question. In the case of an equal division of votes, the chairman has a second or casting vote; thus the chairman has an original as well as a casting vote. The manner in which each member has voted must be recorded in the minutes if any member so requires either before or after the vote is taken.

The council may make, vary and revoke standing orders for the regulation of its proceedings and business, and of the proceedings and business at parish and community meetings.

It is sometimes asserted that councillors should be able to claim anonymity for what they say at council meetings, invoking the so-called Chatham House Rules. These state that "when a meeting, or part thereof, is held under the Chatham House Rules, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed". However, councillors cannot prevent publication of their names in reports of council proceedings by the press or others.

A local council is entitled to control disorderly conduct by councillors or members of the public. The council is justified in requiring a disruptive person to leave a meeting and, if necessary, to use a reasonable amount of force to remove such a person.

### Openness at meetings (England only)

The Openness of Local Government Regulations 2014 (SI 2014/2095) have made it easier for members of the public (including the press) attending a meeting to record the proceedings. Recording may take the form of photography, filming and audio recording. There is no right to record proceedings at meetings from which members of the public are excluded, although the council or committee may permit this. It is also permissible for a person (including a councillor or committee member) to tweet or blog meetings via social media.

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## LEGAL MATTERS/NEWS

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The Ministry of Housing, Communities and Local Government (MHCLG) issued guidance on the 2014 regulations entitled *Open and accountable local government*. This can be downloaded from the MHCLG section of the [www.gov.uk](http://www.gov.uk) website.

### Interests

#### England

Every council must have a code of conduct with the aim of promoting and maintaining high standards of conduct by members. A local council may adopt the code of the principal authority, where relevant, on the basis that references in the code to the principal authority's register of members' interests are to the local council's register of members' interests.

The monitoring officer of the district, borough or unitary county council must keep a register of the interests of the members of local councils within its area. It is advisable for the local council clerk to hold a copy of the register. If the council has a website the register must be published there.

At council and committee meetings a councillor who has a disclosable pecuniary interest in any matter on the agenda must not take part in discussion or voting on that matter. Breach of this obligation is an offence for which the councillor may be prosecuted. For more details, see the article on codes of conduct and pecuniary interests in the *Clerks & Councils Direct Yearbook* for 2019.

#### Wales

Every council must have a code of conduct which includes the mandatory provisions laid down by Welsh ministers. Councillors must abide by the code. Failure to do so can result in the councillor being reported to the Public Services Ombudsman for Wales, who has power to suspend and disqualify councillors from office. For more details, see the article on codes of conduct and pecuniary interests in the 2019 *Yearbook*.