

OFFWELL PARISH COUNCIL

MINUTES OF THE REMOTELY HELD PARISH COUNCIL ANNUAL MEETING ON WEDNESDAY 5th MAY 2021 AT 7.30PM

via Zoom platform as per legislation contained within section 79 of the Coronavirus Act 2020

Present: Cllrs. C. Whithear (Chair), M. Brake, T. Pepper, P. Hopkins,
J. Tristram, P. Sauvage, A. Welch-Thornton, M. Salter

In Attendance: A Jenkins (Clerk/RFO),

Members of Public: 1

Chair welcomed all Councillors, to the Council's Zoom virtual remote meeting, made necessary by the current Covid-19 situation which requires social distancing measures. He advised Councillors that the meeting is being audio recorded but that the audio recording will be deleted once the minutes are approved at the next meeting.

OPEN SESSION

No matters raised

COUNCIL BUSINESS

1. Election of Chair

Cllr. Tristram proposed Cllr. Whithear for the post, seconded by Cllr. Sauvage, all in favour.

2. Chair's Declaration of Acceptance of Office

The Chair signed the Declaration witnessed by the Clerk

3. Apologies

None

4. To receive any declarations of interest relating to items outlined in this agenda (this does not preclude the duty to declare further interests as applicable)

None

5. Election of Vice Chair

Cllr. Hopkins proposed Cllr. Brake for the post, seconded by Cllr. Sauvage, all in favour.

6. Members' Declaration of Acceptance of Office

The Clerk will contact Councillors to sign the Declaration forms.

7. Declaration of Interest Forms

The Clerk will send forms to Councillors for their completion and return.

8. Confirmation of Responsible Financial Officer for 2019/20

Cllr. Brake proposed that the Clerk continue as the Responsible Financial Officer, seconded by Cllr. Tristram, all in favour.

9. To confirm bank mandate signatories for 2019/20 and sign mandate variation forms if necessary

Agreed that all councillors be signatories. The Clerk to obtain mandate signed variation forms for those who are not presently signatories.

10. Confirmation of the Internal Auditor

Cllr. Tristram proposed that Mr T. Cuthbertson continue in this role, seconded by Cllr. Brake, all in favour

11. Election of Officers and Committee Representatives

a) Planning Committee

All Councillors

b) Trees

Cllr. Pepper

c) Highways & Coly Valley Traffic Group representatives

Cllrs. Sauvage & Tristram

d) Footpaths

Cllr. Tristram

e) Snow Warden

The Clerk to ask Mr A. Small if he was prepared to continue in this role

Cllr. Whithear proposed the above appointments, seconded by Cllr. Brake, all in favour.

12. Minutes of the Meeting held on 26th April 2021

The minutes were otherwise declared a true record of the proceedings, proposed by Cllr. Sauvage, seconded by Cllr. Brake, all in favour.

13. Matters Arising from the Minutes

The Clerk reported that the Wheelwrights had advised that whilst they had started work on the new Haycart it would not be completed until the end of May/beginning of June.

14. Correspondence

None

15. Finance

a) Current Financial Position

The Clerk reported that there is £6,055.77 in the current account (not allowing for any payments to be approved at this meeting) There is £112.09 in the CIL Account.

b) Any Expenditure to be approved

1. Payment of £45.00 to C. Whithear for Stabiliser and Paint for wall behind the Haycart. Payment approval proposed by Cllr. Sauvage, seconded by Cllr. Tristram, all in favour.

c) PTFA Funding application

Deferred

d) To review the Internal Auditors report in respect of the 2020/21 Annual Governance and Accountability Return (AGAR).

The Clerk reported that the accounts for the year 2020/21 had been finalised and the internal audit completed. The Clerk presented the annual internal audit report to Councillors. Councillors noted the report. Cllr. Tristram proposed acceptance of the Internal Auditors Report, seconded by Cllr. Brake, all in favour.

The Clerk advised that the external auditors are the same as last year. Smaller authorities where the higher of gross income or gross expenditure did not exceed £25,000 in the year of account ended 31 March 2021, are able to certify themselves as exempt from a limited assurance review under Section 9 of the Local Audit (Smaller authorities) Regulations 2015. There is no requirement to have a limited assurance review or to submit an Annual Governance and Accountability return to the external auditor, provided that the authority has certified itself as exempt at a meeting of the authority after 31 March 2021 and a completed Certificate of Exemption is submitted notifying the external auditor.

e) To consider, and if thought fit, approve sign the Annual Governance Statement Section ONE of the 2020-21 AGAR (Version2, with exemption)

Councillors reviewed the system of internal control prior to completing the Annual Governance Statement. Cllr. Brake proposed approval of the Annual Governance Statement, seconded by Cllr. Pepper all in favour. The Chair and Clerk to sign the statement on the 7th May 2021

f) To consider, and if thought fit, approve and sign the Annual Accounting Statements Section TWO of the 2020-21 AGAR. (Version2, with exemption)

The Clerk then presented to Councillors the signed and dated Accounting Statements for the year 2020-21 and explained the accounts. Councillors considered the accounting statements. Cllr. Brake proposed approval of the Accounting Statements, seconded by Cllr. Hopkins, all in favour. The Chair to sign the accounting statements on the 7th May 2021.

g) To consider the proposal that Offwell Parish Council seeks exemption from the External Auditing of its 2020-21 accounts as per the regulations for AGAR Version 2.

Cllr. Sauvage proposed the Council certifying itself as exempt from the limited assurance review, seconded by Cllr. Salter, all in favour. The Chair and Clerk to sign the Certificate of Exemption on the 7th May. The Clerk to submit the Certificate to the external auditors.

h) To consider and set the dates for the Period of Exercising of Public Rights

The Clerk suggested adopting the dates of Monday 14th June 2021 to Friday 23rd July 2021 as suggested by the external auditors. Councillors agreed to these dates.

16. Planning Applications

None

17. To consider extending the delegation of Council decisions to the Clerk working in association with the Chair following the Government's decision not to pass primary legislation allowing local authority meetings to take place remotely beyond the 7th May 2021 and the High Court Judgement of the 28th April 2021 on the legality of remote meetings under the provisions of the Local Government Act 1972.

- a) **To adopt the following Temporary Scheme of Delegation to enable the Council to continue to legally function and fulfil its responsibilities to its residents, until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR The Chair, Councillors and the Clerk all deem it safe themselves to recommence holding face to face meetings.**

The Clerk updated Councillors on the High Court Judgement decision. Councillors discussed the implications of the Judgement and how the Council would be best able to continue to legally function in a Covid safe manner beyond the 7th May 2021. Councillors were of the opinion that the best course of action was to extend the delegation of Council decisions to the Clerk working in association with the Chair.

Cllr. Brake proposed that the Council adopt the following Temporary Scheme of Delegation to enable the Council to continue to legally function and fulfil its responsibilities to its residents, until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR The Chair, Councillors and the Clerk all deem it safe themselves to recommence holding face to face meetings.

Seconded by Cllr. Sauvage, all in favour.

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Temporary Scheme of Delegation adopted on the 5th May 2021

The Local Government Act 1972, section 101, gives a parish council power to delegate decisions and any of its functions to the Clerk, being the council's proper officer.

The purpose of this scheme of delegation is to enable decision making to continue and to enable the Council to legally function and fulfil its responsibilities to the parishioners beyond the 7th May 2021. This follows the Government's decision not to pass primary legislation allowing local authority meetings to take place remotely beyond the 7th May 2020 and the High Court Judgement of the 28th April 2021 on the legality of remote meetings under the provisions of the Local Government Act 1972.

Offwell Parish Council invoke their power under the Local Government Act 1972 section 101, to delegate all of its functions to the Parish Clerk and RFO, as the Proper officer of the Council, within all statutory limits. This excludes those functions which must only be undertaken by the Parish Council at a meeting, as follows:-

- Setting budget and precept
- Borrowing
- Writing off bad debts
- Declaring eligibility for General Power of Competence
- Approving Internal Audit Report, Accounting Statement and Annual Governance Statement
- Addressing recommendations from either internal or external auditor

Financial Matters

The Council delegates authority to the Clerk in consultation with the Chair to take any decisions and actions necessary, with associated expenditure, to protect the interests of the Council and the community and ensure council business continuity during the period of delegation, informed by consultation with the members of the council.

Delegated actions shall be in accordance with Standing Orders and financial Regulations.

The Openness of Local Government Bodies Regulations 2014 require the Council to keep a record of any decisions made under delegation, together with the relevant paperwork. The Clerk is advised to keep a register or spreadsheet of the decisions taken, associated expenditure and the reasons for the decision together with any rationale. The record of decisions and expenditure will be presented to Council for ratification at the first Council meeting when meetings resume.

Planning applications

1. The Clerk will advertise on the council's website links to all planning applications received from the planning authority, offering the public the opportunity to let the Council know of any views. Any public comments to be in writing or by email to the Clerk within 5 working days of the application being posted on the website.

At the same time the Clerk will circulate the list with links to all members of the Council.

This will be done on a weekly basis working in full weeks for managing the planning process.

2. At the end of the public opportunity to comment, the Clerk will forward a summary of the public comments received to all members for members comments for a period of a further 5 working days and for them to respond to the Clerk by email with their comments.

3. Under this scheme of delegation, the Clerk working in association with the Chair will decide on a council response following receipt of the members comments and any public comments. The response may identify any relevant material considerations and may give local information or opinion. The council response will then be shared with members for 2 days for any comments, before being sent to the planning authority with the following statement:

“ Due to the Council presently working under a temporary scheme of delegation to the Clerk, this response represents the opinion of members of Offwell Parish Council identified through a consultation process. (An opportunity was afforded to members of the public to express any views). The response will be ratified at the first meeting of the Council when meetings resume.”

4. Any delegated decisions and responses will be reported to Council for ratification and recording in the minutes, of the first meeting when council meetings resume.

This Temporary Scheme of Delegation is to enable the Council to continue to legally function and fulfil its responsibilities to its residents and will apply until such time as EITHER the Government enact primary legislation allowing local authority meetings to recommence being held remotely OR the Chair, Councillors and the Clerk all deem it safe themselves for face to face meetings to resume.

The Clerk will consult with the Chair and Councillors at the beginning of each month as to whether they all feel it is safe and appropriate to consider resuming face to face meetings. If so, a Covid 19 Safe risk assessment then to be completed to confirm it is safe and to determine any restrictions, requirements and measures to be followed to enable meetings to safely take place.

Meeting closed at 8.50pm

Signed.....*C. Whithear*..... Date **20/10/2021**...