

UPTON BISHOP PARISH COUNCIL

Minutes of the Extra Ordinary Parish Council Meeting held on
Tuesday 5th March 2024 at 19.00 at the Millennium Hall, Upton Bishop

Present

Councillors: Mark Rusby (in the Chair), Andy Parr, Keith Cornwall and Paul Newman

In attendance

Clerk Helen Tinson – on behalf of HALC (Herefordshire Association of Local Councils); and 15 members of the public.

1. Consideration to access HALC Clerk Cover for the meeting:

It was RESOLVED: to access HALC's CiLCA qualified Clerk Cover for the meeting.

2. Apologies for absence: Cllr Mike Tyers and Cllr Michael Wallace.

3. Declarations of interest & written dispensation requests: Cllr Andy Parr declared a non-pecuniary interest in agenda item 10.1.2 (Planning 240293 – pre-submitted comment).

4. Minutes:

4.1. Minutes of the Parish Council meeting held on 6th February 2024:

Members were informed that the External Auditor, PKF Littlejohn, have requested that the draft minutes are amended at minute 6.5.1 to reflect their concerns about the accuracy of the comment "Whilst most complaints are deemed not relevant". It is acknowledged that the correct statement should have been that "of the objections raised, over three quarters of them were relevant to the 2022/23 AGAR and of the ineligible objections, some are relevant to the 2023/24 AGAR".

It was RESOLVED: to approve the addition as requested and approve the minutes as a true and proper record of the meeting. The minutes were signed by the Chair.

5. Councillor Resignation:

Members noted the resignation of Cllr Mark Shuttlewood and were informed that the Elections Office have been notified and the vacancy is currently being advertised.

6. Co-option of Councillor:

Members were informed that the casual vacancy arising from the disqualification of Cllr Karl Lumsden can now be co-opted. Three applications had been received; two applicants were present and were invited to address the meeting. The Chairman presented a brief address on behalf of the third applicant. Members proceeded to vote by a show of hands in accordance with Standing Orders.

It was RESOLVED: to co-opt Guy Cooper onto the Parish Council, by majority vote.

7. Public Participation Open Session:

7.1. Representation from Members of the Public: There were no representations from members of the public.

8. Finance:

8.1. Payments:

It was RESOLVED: to approve the following invoices for payment:

8.1.1. HALC, Clerk cover 5.3.24, £315.12 including VAT

8.1.2. Wayne Reed, Lengthsman work, February 2024, £576.00

9. External Audit 2022/23:

9.1. Members were asked to ratify the amended AGAR document 'UBPC Annual Governance Statement on Non-Compliance for 2022/23'. It was noted that the document has been published on the website.

It was RESOLVED: to ratify the amended Annual Governance Statement on non-compliance (appended as Appendix A).

10. Planning:

10.1. Members considered responding to the following planning applications for determination by Herefordshire Council:

10.1.1. 240351: Woodgate House, Upton Bishop, HR9 7UP: Proposed change of use from equestrian outdoor riding arena and paddock to dual use equestrian riding arena and dog agility training area.

Members considered the application. Concerns were raised about the impact of noise to neighbouring properties. Further comments proposed that the application would support a small, low impact rural business.

It was RESOLVED: to submit a GENERAL COMMENT noting the concerns about noise. 2 in favour, 2 against – passed on Chairman's casting vote.

Cllr Andy Parr left the meeting in accordance with his declaration of interest.

10.1.2. 240293: Land adjacent to Redlands, Upton Bishop, HR9 7UA. Residential development of land for 3 dwellings.

Members considered this application at length. Concerns were raised about the negative impact on ecology and biodiversity, drainage and traffic. It was agreed that the application site is within the settlement boundary and therefore compliant with HC's Core Strategy Policy RA2 and the Upton Bishop NDP Policy for Windfall Development. There was further discussion on whether the NDP allocation for windfall development had already been fulfilled – it was proposed that it had - though it was noted that allocations generally refer to minimum rather than maximum development. There was some support for the proposals in terms of drainage, though the design of the proposed properties were not considered to be in keeping with neighbouring properties. Members expressed concern about the lack of supporting information within the application, particularly in terms of the impact on ecology and drainage, and questioned the impact of the new development in connection with the new traffic calming scheme.

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Members wished to request that, should the development be approved, the developer would be responsible for relocating and reinstalling any affected traffic calming measures currently being installed.

It was RESOLVED: to OBJECT to the application on the grounds of ecology, drainage, the impact on the transport network, and to note the fulfilment of windfall development allocated in the NDP. 2 in favour, 1 against.

11. Date of the Next Meeting:

11.1. Tuesday 2nd April 2024, 7pm, Millennium Hall, Ordinary Parish Council Meeting

The meeting closed at 7.41pm.

SIGNED



DATE

2 Apr 24

APPENDIX A: 2022/23 AGAR: Amended Governance Statement on Non-Compliance

| Assertion | Subject | Area of non-compliance | Proposed action/by date |
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| 1 (1) | Financial management and preparation of accounting statements | Budgeting – budget and precept setting minutes inadequate; no budget monitoring during the year | Retrospective minuting of 2023/24 budget and precept will take place in future; RFO to provide budget monitoring reports for Council on a quarterly basis commencing June 2023 |
| 1 (2) | Financial management and preparation of accounting statements | Accounting records and supporting documents – failure to appoint an RFO | The Chair has been acting as RFO and has now been formally appointed as ‘cover’ and included in the published list of council responsibilities. Recruitment of a Clerk/RFO is ongoing |
| 1 (3) | Financial management and preparation of accounting statements | Bank reconciliation – periodic bank reconciliations were not carried out | RFO to provide bank reconciliations for Council on a quarterly basis, reviewed and approved by the internal controls. This has now started. |
| 1 (4) | Financial management and preparation of accounting statements | Statement of accounts – the brought forward figure on the AGAR did not agree to the prior year carried forward figure | The figures for 31/03/22, based on information available at the time, the previous RFO have resigned before the end of the financial year and relevant information could not be found. The 2022 audit highlighted missing bank statements and layout of the cashbook, it was also highlighted that for the Accounting statement at 31 st March 21 row 7 was £10,055 and row 8 £20368. The Bank reconciliation at 31 st March 22 could not be verified. The available bank reconciliation at 31 st March had figures that could not be linked to the accounting statement for that year, the reconciliation also showed bank statement balance at 31 st March 2022 as treasurers |

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| | | | <p>account - £4207.16 and the deposit Account £15789.86 Totalling £19,997.02, when the actual figures were £4902.16 and £16,790.14 respectively Totalling £21692.15. In view of the above and not being able to get any explanations the opening figure for 1st April was taken on the basis on what could be relied on at the time.</p> <p>As you can see these were very exceptional circumstances.</p> |
| 1 (5) | Financial management and preparation of accounting statements | Reserves – there was no reserves policy | A Reserves policy is now in place. |
| 2 (1) | Internal control | SOs and FRs – these have not been reviewed and there have been areas of non-compliance, e.g. failure to appoint RFO; payment controls; VAT reclaim; bank reconciliations; budget monitoring; ... | The PC is in the process of reviewing the SOs and FRs and has an initial draft copy for consideration in due course. The intention is to complete this on the appointment of a Clerk/RFO so they can be involved and take ownership as the custodian. In the meantime the PC will temporarily continue with the current SOs and RS |
| 2 (2) | Internal control | Safeguarding public money – there have been failures to comply with the requirements e.g. failure to appoint RFO; lack of internal controls; ... | A temporary RFO(Chairman) and Internal Monitoring Officer (Vice Chairman) have now been confirmed as part of the published list of council responsibilities. |
| 2 (3) | Internal control | VAT – the Council has not reclaimed VAT during the year | The council has up to 5 years to reclaim VAT. The council intends to reclaim VAT asp. The intention is to do this when a clerk/RFO has been appointed. |
| 2 (4) | Internal control | Fixed assets – the fixed asset register was not properly updated and published on the website during the year | The fixed asset register has been updated and published |

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| 3 (1) | Compliance with laws, regulations and proper practices | Local Audit and Accountability Act 2014 and Accounts and Audit Regulations 2015 – the Council failed to comply with the requirements for approving and publishing the 2021/22 AGAR and exemption certificate and the requirements regarding provision for the exercise of public rights during 2022/23 | The council nearly collapsed with the resignation of the Chairman, Vice Chairman (also the RFO) and voluntary clerk. The PC had to be rebuilt and were not able to operate effectively before Sep 22 when the new PC was in place and the bank accounts were bought back under control in Nov 22. These problems were mitigating issues that meant a delay. Going forward the Parish Council will ensure compliance. |
| 3 (2) | Compliance with laws, regulations and proper practices | Transparency code for smaller authorities – the Council failed to comply with the publication requirements of the Code during 2022/23 | The codes have now been published on the website along with the notice of public rights. |
| 3 (3) | Compliance with laws, regulations and proper practices | Local Government Act 1972 – the Council failed to comply with section 151 since it did not appoint an RFO | The Chair has been acting as RFO and has formally been appointed as 'cover' as part of the council responsibilities. Recruitment of a Clerk/RFO is ongoing |
| 3 (4) | Compliance with laws, regulations and proper practices | Practitioners' Guide – the Council has failed to comply with proper practices, as is disclosed in this document | Please see action that is being taken regarding each issue. |
| 4 (1) | Provision for public rights | Local Audit and Accountability Act 2014 and Accounts and Audit Regulations 2015 – the Council failed to comply with the requirements regarding provision for the exercise of public rights during 2022/23 | The council nearly collapsed with the resignation of the Chairman, Vice Chairman (also the RFO) and voluntary clerk. The PC had to be rebuilt and were not able to operate effectively before Sep 22 when the new PC was in place and the bank accounts were bought back under control in Nov 22. These problems were mitigating issues that meant a delay. Going forward the Parish Council will ensure compliance. |

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| 5 (1) | Risk management | Identifying and assessing risks – the Council failed to carry out an assessment of risks during the year and therefore did not mitigate and manage its risks | The PC has now set in place a risk policy and risk assessment |
| N/A | Transparency code for smaller authorities | The Council did not comply with the publication requirements of the Code | The Parch Council will ensure compliance. And all required information relating to 31/03/23 have been put on the website. |