

# UPTON BISHOP PARISH COUNCIL

## Minutes of the Ordinary Meeting of the Upton Bishop Parish Council held on Tuesday 3rd September at 7pm in the Upton Bishop Millenium Hall

### Present

Councillors: Mark Rusby (Chairman), Guy Cooper, Keith Cornwall, Vicki Eldridge, Paul Newman

### In attendance:

Andrée Mitchell (Clerk/RFO)

### Public: 8

The meeting opened at 7pm.

#### 1. To receive apologies for absence:

Cllrs Mike Tyers, Michael Wallace and Andy Parr had sent apologies.

#### 2. To receive any declarations of interest or written applications for dispensation from Councillors on agenda items

There were none.

#### 3. To consider, approve and sign the minutes of the Parish Council meetings held on:

##### 3.1. 26th June 2024

It was RESOLVED to approve the minutes as a true and proper record of the meeting and the minutes were duly signed by the Chairman.

##### 3.2. 6th August 2024

It was NOTED that the minutes for this extraordinary meeting will be considered at the next meeting.

#### 4. Public Question Time:

##### 4.1. To receive representations from Members of the Public

A concern was raised by a member of the public regarding the ownership and use of the layby at Phocle Green. Cllr Newman advised that he is with the matter and reported that the layby had frequently been used by large vehicles the past and that Herefordshire Council (HC) backfilled the rear of the layby to reduce its size. As a result, it again became available for use by residents and that this was an indication that Herefordshire Council believed that they owned the land.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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It was RESOLVED that the clerk will write to HC raising the following:

- It has been brought to the council's attention that a resident of the parish may have expressed an intention to claim private ownership of the Phocle Green layby as it is currently unregistered land.
- The layby is well used for the benefit of the parish's local residents.
- Request that HC counterclaim ownership and ensure that the fact of public ownership is recorded on the land registry.
- The council's backfilling of the layby as a legal precedent of HC's prior involvement.

#### 4.2. Ward Councillor's report

CLlr Durkin was unavailable, however it was NOTED that the monthly report is a useful resource and it was RESOLVED to publish the next monthly report when it becomes available.

#### 4.3. Millenium Hall report

The Chairman provided an update on behalf of CLlr Tyers.

It was REPORTED that:

- The Millenium Hall have recently had a change in staff and responsibilities, this includes the hall booking's role. This should have no impact on the public interface with the hall. Bookings can still be made in the normal way via the email published on their website. In due course there is a plan to automate the whole bookings process.
- Also, the Hall Committee are after volunteers who can help with the management and running of the hall and would welcome all support and help. If you would like to get involved, please contact [janependle@gmail.com](mailto:janependle@gmail.com)

#### 4.4. Website report

CLlr Newman declared a non-pecuniary interest in this item.

The Chairman gave an update from the parish website manager who had given apologies.

It was REPORTED that:

- The village website and Facebook page have publicised what has been going on in the village over the summer.
- Highlights included the summer fete which raised £900 and the Lego club which goes from strength to strength.
- Forthcoming events include the harvest festival weekend on October 18-20.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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The clerk REPORTED that councillors will be Andree updated councillors that they would be getting Parish Council “uptonbishop.gov.uk” email addresses soon.

## 5. Planning:

5.1. To comment on planning applications for determination by Herefordshire Council:

- 5.1.1. Planning Consultation - 242030 - Kempley Barns Holiday Lets Woodhouse Farm, Upton Bishop, Ross-On-Wye, Herefordshire HR9 7UW.  
It was RESOLVED to SUPPORT with no comments

## 6. Lengthsman

6.1. To consider an update on works carried out by the Lengthsman

It was REPORTED that:

- the Lengthsman has continued to work on the summer schedule of work focusing on grass cutting, hedge and foliage cutting to ensure road signs are visible and safe.
- It has also included work along footpaths and access to the playgrounds.
- He has also cleared the bus shelters and street furniture.

6.2. To consider work to be carried out by the lengthsman

It was NOTED that:

- The work schedule will be transitioning from summer work, including finishing work in the east of the parish.
- The schedule will then refocus to autumn preparations with clearing and maintaining all the salt bins and looking at all the grips and gullies, clearing out any summer debris as appropriate

6.3. To consider an update on the lengthsman grant and management process following transfer of management to Herefordshire Council

It was REPORTED that:

- The council had received guidance from Herefordshire Council (HC) how to claim the Lengthsman grant allocated funding, following the transfer of the management function from Balfour Beatty.
- This includes schedule of work documentation and invoicing. Which will be dealt with by the Parish Clerk. HC have also asked for photographic images of before and after work. The Parish Council already has a process in place where the Lengthsman takes photographs of his work when he is in the parish.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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The clerk REPORTED that Herefordshire Council have raised a Purchase Order for the specified grant fund amount and will release funds on the receipt of invoices supported by the relevant documentation.

- 6.4. To receive an update on drainage grant funding and consider actions arising from this  
It was RESOLVED that the clerk would follow up with HC on the status and process for this.

## 7. Footpaths

- 7.1. To receive an update from the Footpaths Officer and consider actions arising from this  
The footpaths officer (Cllr Parr) and given his apologies.

The Chairman REPORTED that:

- There had been an excellent article in the latest, September issue 361 of the Chimes. This recognises the great work that Andy has done as the parish's Footpath officer since taking up the role in 2019. It also highlights the work that Cllr Parr has done helping to establish the Harleton Way, which runs from the Crews, down through Felhampton, on round Harleton Water, back up via Lynders Wood, Hilltop and back to the Crews.
- The footpaths officer continues to plan the next scheduled work on footpaths within the parish, and this includes making use of the successful application of public rights of way grant funding.

It was RESOLVED that the council thank Cllr Parr for his excellent work on the footpaths within the Parish.

- 7.2. To receive an update on the Herefordshire Council PRow grant funding

It was REPORTED that:

- The parish has recently had confirmed grant funding of £2,407.66 from HC. This has specifically been allocated for the purpose of undertaking work on the Public Rights of Way (PRow) network within the Parish.
- The footpaths officer has been planning a schedule of work and has liaised with our Lengthsman to carry out the work. This work by the Lengthsman will not impact on the normal Lengthsman activities or Lengthsman funding. This is in addition to the already approved lengthsman grant and a variation to the lengthsman contract.

## 8. Highways

- 8.1. To consider road issues for reporting to Balfour Beatty

It was REPORTED that:

- The work by HC highways authority continues within the parish and specifically finishing off the work funded by our successful application for £125,000 for Traffic Calming.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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- Cllr Parr has been liaising with Balfour Beatty in recent months on the follow-on remedial work. This has included reinstalled and repairing the chevron boards down at Phocle Green. We are still awaiting the instillation of a sign opposite the Moody Cow and replacement for the correct pedestrian signs.
- The project lead at Balfour Beatty has been very proactive.

## 9. 9. Policies & Procedures

9.1. To consider an update on the policies and procedures review

It was REPORTED that:

- The Councillor Code of Conduct and Standing Orders were brought to council at the May AGM. It had been agreed at that time to make some formatting changes to the Councillor Code of Conduct and bring this back for final ratification.
- Minor amendments had been made to the Financial Regulations for 2024 in advance of the more significant review considering the recent major release of the National Association of Local Councils (NALC) guidance for financial regulations to be brought to a future meeting.

9.2. To consider the amended Councillor Code of Conduct

It was RESOLVED to adopt the amended Councillor Code of Conduct.

9.3. To consider the Training and Development policy

It was RESOLVED to adopt the updated Training and Development Policy.

## 10. Finance

10.1. To consider the most recent finance report and bank reconciliation

It was NOTED that the current bank balances on the date of the meeting are:

Treasurer's account	£15,885.06
Business Bank Instant	£10,997.92
Total	£26,882.98

It was NOTED that the second tranche of the precept would be received in September.

It was NOTED that the local branch of Lloyds would be closing by the end of 2024 and that the council would be looking to transfer to online banking.

It was NOTED that further consideration would be needed for the bank mandate and a review of reserves and interest.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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10.2. To consider the following invoices for payment

It was RESOLVED to make the following payments:

- 10.2.1. Clerk's salary – August 2024 as per agreed contract (£416.52)
- 10.2.2. HMRC – PAYE for August 2024 (£104.00)
- 10.2.3. Wayne Reed – Lengthsman work June, July & August 2024 – General maintenance, grass cutting, weed cutting & grips, gullies and salt bins - £1,008.00 (no VAT)
- 10.2.4. Herefordshire Association of Local Councils – Completion of the Internal Audit for 2023/24 - £250.00 + VAT (£50.00)
- 10.2.5. Herefordshire Association of Local Councils – Clerk Cover and mileage for meeting 2<sup>nd</sup> April 2024; Clerk recruitment; CiLCA training for clerk (2 modules) - £1,012.60 + VAT (£202.52)
- 10.2.6. Upton Bishop Millennium Hall – 2024/25 Quarter 1 hall hire - £60.00 (No VAT) – approved

It was NOTED that the clerk's training costs were to be shared with two other councils and that a breakdown of costs and division will be shared once the training is completed.

10.3. To note the following regular contractual payments made between meetings

The following regular payments made between meetings were NOTED:

- 10.3.1. Clerk's salary – July 2024 as per agreed contract
- 10.3.2. PAYE for July 2024 (£104.20)

10.4. To consider an update on the 2023/2024 AGAR and Annual Accounts

It was NOTED that the annual accounts for 2023/24 Accounts submitted to External Auditor within the statutory time frames and the Publication of Rights period had completed 9<sup>th</sup> August with two persons viewing the accounts.

## **11. To consider items for the next meeting – No discussion**

Update from Herefordshire Council on Phocle Green Broadband

## **12. To note the date of the next meeting:**

Tuesday 1<sup>st</sup> October 2024 at Upton Bishop Millennium Hall at 7pm.

The Chairman thanked members of the public and Councillors for attending.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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***A resolution was passed unanimously to exclude the press and public from the following confidential item***

## **13. To consider an update on the External Auditors report 2022/23**

An email had been received from External Audit with respect to objections to the 2023/24.

It was NOTED that out of the six eligible objections considered for further investigation by the External Auditor four were not upheld and it was RESOLVED that no further action was required.

It was NOTED that two of the six objections had been partially upheld, and that the following non-statutory recommendation be considered at the next meeting:

### **Recommendation made by the appointed auditors under s27(6) of the Local Audit and Accountability Act 2014:**

**Finding:** An allegation was made that \*\*\*\*\* was involved with the Council's banking arrangements in May 2022 prior to his co-option onto the Council, when he attempted to update the bank mandate for the three remaining councillors.

We note the Council's comments that \*\*\*\*\* was not involved in Council decision making at this time, nor did he have access to the accounts prior to his co-option onto the Council.

Although the Council states that he was simply transporting documentation between former signatories and the bank, we found no delegated authority for dealing with the bank mandate within the Council minutes.

**Conclusion:** In our view, the Council may have breached GDPR in so instructing him.

**Recommendation:** The Council should ensure that it complies with all relevant data protection laws in future and should add this recommendation to the published reasons for responding 'No' to Assertion 3 on the 2022/23 AGAR.

It was RESOLVED to accept the recommendation of the External Auditor that the Council should ensure that it complies with all relevant data protection laws in future and should add this recommendation to the published reasons for responding 'No' to Assertion 3 on the 2022/23 AGAR.

It was RESOLVED that the following be NOTED and brought to the attention of the External Auditor in response to their recommendations:

1. At the time in question in May/June 2022 the council was in in a very difficult situation having only three standing councillors, no Chair, Vice Chair or Clerk. Over the last two years, the council has made great strides in rebuilding the council, now has a full leadership team in place and will work to avoid a similar situation in future.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_

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2. The council has a full set of Policies and Procedures specifically in relation to General Data Protection Regulation (GDPR); Freedom of Information policy, General Data Privacy policy and Data Privacy Policy for Councillors and Staff and will do all in its power to adhere to the policies in future.
3. The council is in the process of reviewing and updating all its Policies and Procedures to ensure they are in line with good practice, model standing orders and are robust for the future.
4. The council is registered with the Information Commissioners Office (ICO), have, and will continue to adhere to their direction and guidance.
5. The council now have a professional Parish Clerk/Responsible Financial Officer (RFO) to provide the independent oversight and guidance, along with the appropriate legal advice, for the council and all councillors in this regard.

It was RESOLVED to provide context and transparency for the above statement by publishing the External Auditor's email with their recommendations and findings letter sent by the External Auditor to the complainant copying in the Council which explains the complaints, findings and decisions with appropriate redactions to meet the council's legal obligations including with respect to GDPR.

It was NOTED that the External Auditor would only charge the Council for the time used to progress the work on the challenge file by the engagement lead and that this was currently £6,368.70 (incl. VAT). And that any invoice would only be raised further to the end of the appeal period in October 2025. And it was RESOLVED to consider the External Auditor's invoice when the invoice is received for payment.

The meeting closed at 8:25pm.

Signed by the Chairman: \_\_\_\_\_

Dated: \_\_\_\_\_