

# SEATON PARISH COUNCIL

## MINUTES OF MEETING HELD ON 18 MAY 2015

### **Present:**

Councillor P F Bateman  
Councillor S Forrester  
Councillor A Grey  
Councillor Mrs L Harwood  
Councillor D Horsley  
Councillor C J Holding  
Councillor I M Jenkinson

Councillor R McCracken  
Councillor J Musgrave  
Councillor Mrs J Norman  
Councillor J Sandwith  
Councillor K Slone  
Councillor Mrs C Tibble  
Councillor C Woodman

### **Minute No. 1**

#### **Election of Chairman for Council Year 2015/16**

**Resolved** that Councillor Mrs L Harwood be elected as Chairman of the Council for the Council Year 2015/16.

### **Minute No. 2**

#### **Declaration of Acceptance of Office**

**Resolved** that the Chairman's signature to the Declaration of Acceptance of office be noted.

### **Minute No. 3**

#### **Appointment of Vice Chairman**

**Resolved** that Councillor I M Jenkinson be elected as Vice Chairman of the Council for the Council Year 2015/16.

### **Minute No. 4**

#### **Apologies for Absence**

An apology for absence was received from Councillor M Ditchburn.

### **Minute No. 5**

#### **Declarations of Interest**

In view of there being a number of new members to the Council, the Clerk explained that it was each individual member's responsibility to make such declarations as they deemed appropriate in accordance with the code of conduct. Specific reference was made to the position where, if a member of the public, (with knowledge of the relevant facts), might conclude that a member's judgement of the public interest could be prejudiced by their own interest, then that member's personal interest would become a prejudicial interest. In addition, the possibility of predetermination should be considered by each member. In such cases, a member cannot vote on a matter, (without dispensation from the Standards Committee of Allerdale Borough Council), & they should leave the meeting for the discussion & the vote.

Declarations of interest were received from Councillor R McCracken, Item 11, Personal; Councillor K Slone, Item 11, Personal; & the Clerk, Item 22, Personal & Prejudicial.

**Resolved** that the declarations of interest be noted.

#### **Minute No. 6**

##### **Requests for Dispensations**

A request for dispensation to speak on Item 22 was received from the Clerk.

**Resolved** that the dispensation request be agreed.

#### **Minute No. 7**

##### **Minutes of Meeting held on 20 April 2015**

**Resolved** that the minutes of the Meeting held on 20 April 2015 be accepted and signed as a correct record.

#### **Minute No. 8**

##### **Representatives on Outside Bodies**

**Resolved** that representatives on the Village Hall Committee be Councillors M T Ditchburn, J Musgrave, R McCracken & Mrs C Tibble, & that the Council's representative on the Iggesund Community Liaison Group be Councillor I M Jenkinson.

#### **Minute No.9**

##### **Membership of Council Working Parties**

**Resolved** that representatives on the Council's Brick Dubs Working Party be Councillors M Ditchburn, Mrs L Harwood, R McCracken, J Sandwith & Mrs C Tibble, & that representatives on the Council's Allotment Working Party be Councillors A Grey, Mrs L Harwood, D Horsley & J Sandwith.

#### **Minute No. 10**

##### **Progress Reports**

###### **1) Clerk**

**Resolved** that the progress report be noted, & that, where appropriate, the Council notify the elected members with responsibility for items for which a response had not been received.

###### **2) Village Hall**

**Resolved** that it be noted that the Village Hall Committee was seeking to resolve problems with access to the Village Hall experienced by members of the Bowling Club when the Hall was in use by others.

## **Minute No. 11**

### **Allotments**

Members received an update on the position concerning the Council's arrangements for the provision of allotments.

- 1) It was noted that Allerdale Borough Council Deputy Monitoring Officer, Mr J Price Jones, had supplied copies of his correspondence with Mr R McCracken, Secretary of Seaton Allotment & Gardeners' Society, (SAGS), (prior to his election as a Seaton Parish Councillor), & Mr G Quigley of Waugh & Musgrave Solicitors, (acting for SAGS). Mr Price Jones suggested that, in view of the content of the correspondence, the parties involved should meet to discuss the position regarding a compulsory acquisition of the Lowca Lane site.
- 2) It was noted that Mr T Donoghue had, on behalf of SAGS, requested that, further to Councillor P Bateman's letter, (published in the Times & Star on 3 April 2015), the Council write to the Times & Star stating that the views expressed by Councillor Bateman were his own & not the views of the Council.
- 3) It was noted that Mr T Donoghue had submitted comments regarding his views on the manner in which the matter of the allotments had been dealt with at the previous Council meeting, together with his views on the role of the Clerk. A response had been presented by the Clerk, supported by guidance received from Cumbria Association of Local Councils, (CALC), & the previous Chairman of the Council.
- 4) A copy of the list of papers supplied by the Council's Solicitor to the Council's appointed Barrister, in support of the request for Counsel's opinion on the likelihood of the compulsory acquisition of the Lowca Lane site proposed being successful, (Minute 184(1) 2014/15 refers), was received. No response had been received from Counsel at the time of the meeting.
- 5) A request had been received from Mr R Hunter, 'spokesman to land owners of land adjacent to Lowca Lane', requesting written confirmation that the Council had not, to date, received a response from Counsel on the likelihood of the compulsory acquisition of the Lowca Lane site proposed being successful.
- 6) A letter had been received from Mr R Hunter setting out, in summary, what he saw as the position regarding attempts to have 'allotment users' removed from the site at Lowca Lane, together with a statement on behalf of the landowners that the land was not for sale & that any attempt to compulsorily acquire that land would be 'contested at every level', & that the future use of Mr Ken Walker's part of the land would be for grazing two ponies, together with part use as ongoing allotments.
- 7) Councillor Mrs C Tibble reported concerns that a person named 'Alan McCracken' had posted on a social media site a picture of a convent in Belarus, together with comments indicating the user's view that it was related to Seaton Parish Council. Councillor R McCracken stated that he was not related to the named user.

**Resolved** that the position be noted & that:

- 1) The Council request that the Times & Star clarify, through a future report, that Councillor Bateman's letter represented his personal views.

- 2) The Council seek guidance from its solicitor in respect of the release of the information requested by Mr R Hunter, (11(5) above refers).

### **Minute No. 12**

#### **Police Report**

PCSO Laura Crears provided an update for the previous month. The report advised of the following incidents in the previous month:

- At the end of April, a theft of alcohol from the One Stop Shop had occurred, but no one had been caught.
- On 3 May, windows on a property at Meadow Vale had been smashed. There had been no further criminal damage.
- Residents at Firth House had continued to express concerns at children playing in the area of the library, but no offences had been committed, & library staff had advised that they had not caused any damage or mess.
- On 12 May, reports of bogus Royal National Lifeboat Institute funding collectors had been received, however, on checking, the collectors proved to be genuine.
- An incident had occurred recently at Seaton Village Hall, linked to a family party, where youths had been left unsupervised.

Members had no issues to raise.

**Resolved** that the report be noted.

### **Minute No. 13**

#### **Public Questions**

- 1) Mr P Haughin of SAGS submitted a copy for each Council member of a proposal for the part use of the Brick Dubs site to be used as an allotment site.
- 2) Mr Haughin requested that a meeting of the Seaton Allotment Working Party be arranged prior to the next meeting of the Council.

**Resolved** that members review the proposal for the Brick Dubs site & the matter be considered further at the next meeting, & that a meeting of the Allotment Working Party be arranged as requested.

### **Minute No. 14**

#### **County & District Councillors' Reports**

##### **1) Cumbria County Council**

Councillor Mrs C Tibble advised that she had nothing to report.

##### **2) Allerdale Borough Council**

Councillors Mrs C Tibble, I M Jenkinson & J Sandwith advised that they had nothing to report.

### **Minute No. 15**

#### **Defibrillator**

It was noted that Councillor C J Holding had arranged to meet with representatives from the Ambulance Service in the near future to consider the most suitable location for the defibrillator.

**Resolved** that further consideration of the matter be deferred until the next meeting.

### **Minute No. 16**

#### **Scarecrow Festival 2015**

**Resolved** that no Scarecrow Festival be held in 2015, & that it be reintroduced in 2016.

### **Minute No. 17**

#### **Best Kept Garden & Container Competition 2015**

**Resolved** that the 2015 competition be held in the second half of July, that Council members submit nominations of proposed entries to the Clerk, who would seek the agreement of the householders of the nominated properties to their entry, & that the panel of judges consist of councillors M Ditchburn, A Grey, Mrs L Harwood, R McCracken & J Musgrave.

### **Minute No. 18**

#### **Planning Issues**

**Resolved** that the following observations on planning applications be made:

Reference No: 2/2015/0274  
Applicant: Mr M Taylor  
Proposal: Garage extension & widening of drive to suit  
Location: 64 Hazelgrove, Seaton

**No Objections**

Reference No: 2/2015/0273  
Applicant: Mr & Mrs F Mullen  
Proposal: Demolish existing garage & construct new single storey garage extension  
Location: 37 Kelsick Park, Seaton

**No Objections**

Reference No: 2/2015/0265  
Applicant: Mr Bobby Shamin, Manor Development Ltd  
Proposal: Single storey rear extension creating sunroom/gym  
Location: 35 Seaton Park, Seaton

**No Objections**

Reference No: 2/2015/0275  
Applicant: Mr Tony George  
Proposal: Proposed hard standing area to rear of factory  
Location: New Balance Athletic Shoes Ltd, St Helens Lane, Flimby,  
Maryport  
**No Objections**

Reference No: PB/2015/0056  
Applicant: Mr John Sherlock  
Proposal: Removal of telephone & replacement with defibrillator  
inside kiosk  
Location: Phone box at junction of Causeway Road & Church  
Road, Seaton  
**Concern be expressed at the proposed removal of the  
telephone facility, noting that the Council was  
arranging the provision of a defibrillator in close  
proximity to the proposed site**

**Resolved:** that the following planning application decisions made by Allerdale  
Borough Council be noted:

Reference No: 2/2015/0199  
Applicant: Mr Andrew Okolowicz, New Balance Athletic Shoes  
(UK) Ltd  
Proposal: Installation of 400 solar photovoltaic array modules  
(100kwp) to south east facing roof  
Location: New Balance Athletic Shoes Ltd, St Helens Lane, Flimby,  
Maryport  
**APPROVED**

Reference No: 2/2015/0108  
Applicant: Mr Ian Reece  
Proposal: Erection of garage/store  
Location: 12 Greengate, Seaton  
**APPROVED**

Reference No: 2/2015/0125  
Applicant: Mr Ian Reece  
Proposal: Extension to provide additional living accommodation  
Location: 12 Greengate, Seaton  
**APPROVED**

Reference No: 2/2015/0162  
Applicant: Mrs H Spiers  
Proposal: Two storey rear extension  
Location: 20 West Croft, Seaton  
**APPROVED**

Reference No: 2/2015/0092  
Applicant: Mr Wayne McCarron  
Proposal: Demolition of public house & erection of three dwellings  
Location: Coachman Inn, High Seaton, Seaton

**APPROVED**

### **Minute 19**

#### **Accounts – May 2015**

**Resolved** that the accounts listed in the schedule, totalling £1,997.30, be agreed for payment.

### **Minute No. 20**

#### **Annual Return – Statement of Accounts 2014/15**

**Resolved** that:

- 1) The Statement of Accounts 2014/15 be agreed & that the Chairman be authorised to sign the statement.
- 2) An adjustment be made to the virements agreed at the previous meeting, (Minute 217 refers), to reduce the virements required between Ground Maintenance & Electricity costs to £150.

### **Minute No. 21**

#### **Annual Return – Annual Governance Statement 2014/15**

Members considered the Annual Governance Statement 2014/15. In doing so, members confirmed, to the best of their knowledge & belief, with respect to the accounting statements for the year ended 31 March 2015, that they had:

- 1) Approved the accounting statements prepared in accordance with the requirements of the Accounts & Audit Regulations & proper practices.
- 2) Maintained an adequate system of internal control, including measures designed to prevent & detect fraud & corruption & reviewed its effectiveness.
- 3) Taken all reasonable steps to assure themselves that there were no matters of actual or potential non-compliance with laws, regulations & codes of practice that could have a significant financial effect on the ability of the Council to conduct its business or on its finances.
- 4) Provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts & Audit Regulations.
- 5) Carried out an assessment of the risks facing the Council & taken appropriate steps to manage those risks, including the introduction of internal controls &/or external insurance cover where required.
- 6) Maintained throughout the year an adequate & effective system of internal audit of the Council's accounting records & control systems.
- 7) Taken appropriate action on all matters raised in reports from internal & external audit.

- 8) Considered whether any external litigation, liabilities or commitments, events or transactions, occurring either during or after the year end, had a financial impact on the Council &, where appropriate, had included them in the accounting statements.

**Resolved** that the Annual Governance Statement 2014/15 be agreed & that the Chairman be authorised to sign the statement.

### **Minute No. 22**

#### **Correspondence**

Correspondence received since the last meeting was noted.

**Resolved** that:

- 1) Further to the request from Allerdale Borough Council for suggestions of subjects for review by its Overview & Scrutiny Committee, the maintenance of the cycle track in the Seaton area be submitted.
- 2) The following councillors' names be submitted to CALC for attendance at the 'Good Councillor' training course to be held at 2pm on 22 June 2015 at Cockermouth Town Hall: Mrs L Harwood; D Horsley; R McCracken; K Slone.
- 3) No objections be submitted to the Workington Traffic Regulation Review presented by Cumbria County Council.
- 4) A letter of thanks be sent to former Chairman Mrs K P Birkett in recognition of her role chairing the Council.

### **Minute No. 23**

#### **Meeting Extension**

**Resolved** that an extension beyond 9.00pm be agreed to allow proper consideration of the following item of business.

### **Minute No. 24**

#### **Councillors' Reports**

- 1) It was agreed to add 'Christmas Celebrations', application of Allerdale Borough Council community grant, public presentation of Council 'news', & provision of flower beds & trees, to future agendas.
- 2) Councillor Mrs C Tibble agreed to seek information concerning the suitability of Seaton for a pelican crossing with a pedestrian 'button' system, as an alternative to the current crossing.

### **Minute No. 25**

#### **Next Meeting**

Members were advised that the next meeting would be held on 15 June 2015 at 7.00pm.

### **Minute No. 26**

**Resolved** that the public & press be excluded from the meeting for the following item of business, by reason of its confidential nature.



**Minute No. 27**

**Complaint**

A complaint had been received from SAGS that the Clerk & Chairman of the Council did not follow procedure when asked to meet with the owner of the Lowca Lane allotment site & his brother in law, as full Council agreement should have been sought before the meeting took place. In accordance with the Council's policy, clarification had been sought by the Clerk on matters pertaining to the complaint, during which it was established that the complainants wished the matter to be treated confidentially.

In accordance with Minute 6, above, the Clerk advised that it had been common practice in his some thirty two years experience as an officer in local government for senior councillors & senior staff to hold meetings with various parties & report back to the Council. He had sought advice on the matter from CALC, from which the following advice had been received,

'It is common practice for meetings to take place in the way you describe. Otherwise the business of the council would grind exceedingly slow. The important point is that such meetings are an opportunity for an exchange of views only, no decisions can be taken and, as you say, a report on the meeting would be made to the next council meeting. If any decisions were required then these would be the subject of a separate agenda item in the normal way. I can think of the odd exception where a clerk would think it prudent to obtain prior approval, if the matter was about a major development proposal for example, but that's very much the exception.

The Chairman submitted the following comments: 'We were requested to meet with Mr Walker and his brother in law. Having requested a meeting with the owners of the land on a number of occasions, & the meeting being concerned with a complaint against the Council, we could not refuse; they are after all residents of the village. At no time did the Clerk or I express any personal feelings at that meeting. We answered as best we could the questions put to us and as such reported back to the Council at the next meeting.'

Following presentation of the above comments & guidance, the Clerk left the meeting whilst the matter was considered.

**Resolved** that:

- 1) The Chairman's & Clerk's actions in meeting with the complainants & reporting back to Council be endorsed & that the complaint be not upheld, it being considered that there was no case to answer.
- 2) Should a similar issue arise in the future, where a Working Party existed which covered the subject area of any such meeting, the members of that Working Party be consulted before the meeting took place.

The meeting finished at 9.30 pm.

Signed .....

Chairman

Date .....