

ELVASTON PARISH COUNCIL

MINUTES OF THE MEETING HELD ON MONDAY 10TH FEBRUARY 2020 AT THE VILLAGE HALL, ELVASTON

Present: Cllr P Bickerton (Chairman) Cllr C Bennett (Vice Chairman), Cllr G Dodson, Cllr E Beech, DCllr P Watson, CCllr N Atkin, DCllr D Corbin, Fiona Stanbrook, Locum Clerk and 24 members of Public

Minute Ref	Agenda Item		Action
24/20	Declaration of Member Interests	Nothing to record. Newly co-opted Cllr S Leuenberger – agenda item related to Elvaston Castle Action Group	
25/20	Apologies for Absence	Cllr S Spenser, Cllr R Bullivant, Dr J Irons (Clerk)	
26/20	Variation of Order of Business	The Locum Clerk requested a variation to the agenda in line with updated procedure according to the Local Government Act 1972 as follows: Item 13, public speaking to be heard directly following this variation of order, item 3, to consider the co-option of new member(s) to be heard directly following item 5 of District and County Council reports and item 14 to be heard directly after co-option of new member(s). This was agreed by the Chairman.	
27/20	Public Speaking	A resident attended and asked why 4 out of 5 councillors did not support the co-option at the last meeting when there are 3 vacancies on the Parish Council and a willing candidate. The same resident enquired as to whether the Clerk will be reprimanded for his poor behaviour at the last meeting. The Chairman advised that a complaint has been registered with SDDC and felt it was inappropriate to comment further except to say advice is being sought from SDDC Monitoring Officer. DCllr P Watson advised at this point that the matter should be dealt with in line with the Parish Council Disciplinary & Grievance Procedure and was not a matter for SDDC to become involved with. A further resident asked for the reasons to be explained as to why the co-option procedure was not followed correctly at the previous meeting. The Chairman did not wish to discuss the matter but was advised to disclose the reason for the co-option procedure not being followed. The Chairman detailed that he felt that Councillors would be unable to work with the resident.	

		<p>There was an admission from the Chairman that the behaviour of the Clerk at the last meeting was unsatisfactory and a breach of the code of conduct which Elvaston Parish Council have adopted.</p> <p>A resident read out a statement he had written regarding the process of co-option and detailed that the co-option of a new member had been encouraged by the Chairman at a previous Elvaston Castle Action Group meeting; he detailed that that the proposal was made by Cllr Dodson and seconded by Cllr Bickerton; and there were no votes recorded against the co-option, nor abstentions. He apologised for any disruption caused by members of public who chose to leave the previous meeting at this point; and explained this was wholly unintentional; but caused by another member of public questioning their decision to leave. A further resident raised concerns regarding the behaviour of Elvaston Parish Council against a member of the public wishing to become a member Councillor; and stated the Council had acted against their own Code of Conduct on at least two occasions.</p> <p>The same resident stated that he felt the Chairman had made promises which had not been kept, and he had failed to show integrity, honesty or leadership. It was alleged there is a grudge against the member of public wishing to be co-opted, and she is being unfairly subjected to bullying and intimidation from member Councillors and the Clerk.</p> <p>A resident labelled the Parish Council dysfunctional and ineffective and asked what plans were in place to change, and several residents called for the Chairman to tender his resignation.</p> <p>A resident enquired as to the legality of the extraordinary meeting held on 8th January 2020 and went on to detail how this further highlights more dysfunctional practice.</p> <p>A resident called the Parish Council a laughing stock and said this needs to be rectified immediately; and there were calls for apologies to be made on behalf of the Clerk for his gross behaviour and apologies to a resident for behaviour previously displayed. The Chairman offered an apology on behalf of the council but admitted he would not extend this to a personal apology.</p>	
--	--	---	--

		<p>A resident from a neighbouring parish highlighted that a similar situation had arisen almost two years ago in a neighbouring parish where issues with the same Clerk were alleged to include inaccurate minutes, refusal from the Clerk to attend disciplinary meetings, alleged acts of misconduct, failure to collate proper agendas and minutes, refusal to copy Chairman in to any correspondence. It was detailed that when the Clerk left this Parish, he failed to return many documents and files, and returned a laptop which had been professionally wiped of its hard drive.</p> <p>A further resident asked how many of the current member Councillors have attended essential councillor training. The Locum Clerk will report back on this at the next meeting.</p>	
28/20	Reports from District & County Council	<p>DCllr P Watson reported that Kevin Birch, Flood Liaison is unwell and still in hospital having been readmitted last week. Elvaston Parish Council send their best wishes to Kevin for a speedy recovery.</p> <p>Environment Agency held a meeting last week with regard to the flooding situation in Ambaston during November. At the peak, Environment Agency had hired 200 hotel rooms in anticipation of properties being breached by flood water ingress. Sandbags were placed along the low level of Ambaston flood bank and there is to be more work carried out in Summer this year to bring the flood bank back to an acceptable level.</p> <p>Persimmon Homes have sent notification of works on Snelsmoor Lane, detailing new roundabouts. Tony Clark of Persimmon Homes would like to be invited to the next Parish Council Meeting. It was RESOLVED to invite him to the next meeting on 9th March. Bus services on the new estate currently are the responsibility of Derby City Council. This will be discussed further at the next liaison meeting as it is anticipated responsibility will return to Persimmon Homes to provide an adequate bus service.</p> <p>Field Lane Brook is ongoing and will hopefully soon be bridged, however it will have to be built to a strict specification, taking into account hand rails, lighting and signage.</p> <p>Funding from Community and Environmental Grants is now available and information has been shared with member Councils regarding Seven Trent funding.</p> <p>DCllr P Watson offered his best wishes for success in the future as a Parish Council and went on to say that the Parish Council is there to represent the Parish. Though everyone may not agree, the right to have an opinion and be respected is granted to all and success can be</p>	

	<p>achieved through careful debate and voting together for the benefit of the parish; which will ensure a successful Parish Council going forward.</p> <p>Cllr D Corbin offered his congratulations to the newly co-opted member Cllr Sarah Leuenberger.</p> <p>A report followed which detailed fatal incidents on the road around the county, and not just in South Derbyshire. Each fatal accident can cost up to £2.2m per incident to investigate, and the four main causes of fatal incidents on the road are mobile phones, seatbelts, speeding and drink driving. Cllr Corbin asked for this information to be shared to residents as a reminder to be responsible while driving.</p> <p>Dog Fouling signs can be requested from Cllr Corbin, who will supply prior to the next meeting.</p> <p>Neighbourhood Plan information is now available and Cllr Corbin will forward a document which gives all details of access to funding and grants to further enable the plan. Cllr Corbin added that the plan is worth undertaking as it has same weight as the local plan; and though it doesn't override the local plan, it adds weight to it.</p> <p>At a recent overview and scrutiny meeting it became apparent that red textile bags are still available if anyone wants one. These bags are for the collection of clothes, bed linen and other textiles and are donated to the Salvation Army. If anyone would like one, please contact SDDC.</p> <p>There is a special tree coming to Rosliston Forestry Centre – Tim Peak took some pips from an apple from Sir Isaac Newton's original apple tree and germinated them in space. The saplings are currently growing at the Eden Project in Cornwall and following a world-wide raffle, SDDC alongside Rosliston Forestry Centre were successful in securing a "space tree".</p> <p>D&CCllr Neil Atkin detailed highways matters and advised that gritting today was slow as the forecast for snow was from 5pm not 1pm. There are some road and school closures due to the inclement weather.</p> <p>Cllr Atkin is still awaiting a response from officers relating to Snelsmoor Lane. He has received an email from a local resident asking for the chevron signs to be replaced on the roundabout and also asking when the road will be straightened. Cllr Atkin will be following up on road repairs with highways at Matlock. The A514 remains closed despite a member</p>	
--	---	--

		<p>of public removing all cones and signage over the weekend. Cadent have completed their works two weeks ahead of schedule, however an anti-slip surface is being applied to the road to take full advantage of the closure. The closure and restrictions will be lifted early on Wednesday 12th February 2020.</p> <p>County Council budget last Wednesday agreed an increase of 2%. All details are available on the DCC website. Any questions can be directed to Cllr Atkin via email.</p> <p>Parish Council have asked Cllr Atkin on three separate occasions to ask County Council to provide some maps for Elvaston Castle, Cllr Atkin has replied each time to inform the Clerk the maps have to come from Land Registry.</p> <p>Cllr Atkin gave more details of the presentation made by Derbyshire Police, delivered by the Chief Superintendent about what police are doing across the whole county of Derbyshire. There will be an invite to all Parish Councils to attend a further presentation in the near future. The presentation covered the operation of organised crime gangs in Derbyshire, of which there are currently 47, all being monitored on a daily basis. Officers take one member of a gang out every now and again but are actually waiting to take down the ringleaders. There are 27 Police Officers assigned to this operation, split into two departments. In 2019 Derbyshire Police dealt with 5306 serious vehicle accidents, of which 39 were fatalities. Each fatality costs up to £2.2m from the beginning of an investigation all the way through to conclusion, including Coroner's Court fees, Barristers, specialist Family Liaison Officers etc. There were 5907 burglaries, 2790 sexual offences, 1690 child exploitation offences and 1660 missing persons, of which 760 were under 18, 74 found with injuries and 18 deceased. Each missing person costs the constabulary £606 pounds per hour. The trend in Anti-Social Behaviour is falling and there were 33752 cases heard last year.</p>	
29/20	Co-option of new member(s)	<p>Sarah Leuenberger was co-opted as a new member Councillor, with paperwork completed and signed by both Cllr Leuenberger and the locum Clerk. The locum Clerk will return the paperwork to the Monitoring Officer and arrange some new Councillor training.</p> <p>The decision to co-opt was accepted and agreed by all member Councillors.</p>	
30/20	Approval of minutes of meeting held 13 January 2020	<p>The minutes of the meeting held on 13th January 2020 were not approved following advice from the locum Clerk. There was an extraordinary meeting held on 8th January 2020 which was not quorate, not held in public and resolutions contained therein were neither legal nor</p>	

		<p>binding. The locum Clerk advised the correct procedure would have been to cancel the meeting and rearrange for a later date, ensuring a quorum. The locum Clerk gave details of the relevant legislation to support the advice given, namely S134 Local Government Act 1972 and NALC Standing Orders 3b and 3d. It was RESOLVED to arrange a further extraordinary meeting on Monday 24th February 2020 at a venue to be confirmed. The locum Clerk agreed to clerk this extraordinary meeting and complete the required paperwork, ensuring the meeting is held in public and the agenda is displayed on the website giving a clear three days; notice prior to the meeting. It was also noted that co-option procedures were not followed correctly, nor minuted and incorrect advice was received from the Clerk in relation to this.</p>	
31/20	Elvaston Castle Garden Trust	<p>Work continues on the clock tower and the gothic kitchen which is to be used as an interpretation space. Other ongoing projects include the William Barron Trail and the restoration of the Alhambra Gardens with a garden feature on the north lawn. There is a new trustee who is an architect and currently looking at plans for the new shops and café area. There is an open evening at the beginning of May and a request was made for this to be widely publicised. The Camping and Caravan site has now closed and they have pulled out and cancelled the contract.</p>	
32/20	Elvaston Castle Action Group	<p>Cllr Leuenberger declared an interest in this matter and proceeded to give a report on behalf of Elvaston Castle Action Group. Thanks were offered to the Parish Council for the purchase of the diffusion tubes and a request was made to write to Derbyshire County Council to ask what plans are in place for tree planting. There has been a pledge from Prime Minister Boris Johnson to plant 30 million trees per year. It was RESOLVED to write to Derbyshire County Council to ask for land to be identified where trees can be planted and to take advantage of the Woodland Trust pledge to provide saplings.</p>	
33/20	Digital Derbyshire	<p>Nothing to report</p>	
34/20	Councillor Reports	<p>Cllr E Beech gave a report on Persimmon Homes and the new Boulton Moor estate. Dog fouling is an issue, along with a lack of bins and the bin in the cut-through not being emptied regularly. Cllr Beech has asked the Clerk via email to action this but no response has been received to date. The locum Clerk offered details of the Love Clean Streets app for smartphones and explained how it works. Cllr Beech advised that some young mums in the</p>	

		<p>area are not happy with the play provision provided by Charles Church as they are very basic.</p> <p>Cllr G Dodson advised a resident from Thulston has enquired about a friendship bench in the community on the green. The path on the Green needs trimming as per photos shown to member Councillors. Cllr Dodson also reported that residents of Ambaston are fed up with fly-tipping, all the way along Ambaston Lane and the brook from the Green to the footpath. The brook is very congested and needs to be cleared as it is not flowing. It was RESOLVED to report this to SDDC along with hedge trimming which is required.</p> <p>Cllr P Bickerton offered a welcome to Cllr Leuenberger and asked for things to move forward positively from here. Thulston Brook residents have previously organised a working party and cleared the brook. Cllr Leuenberger is happy to organise working party and get some residents involved to clear the brook. Road markings on junctions now have no priority lines. It was RESOLVED to ask Cllr Atkin to chase this.</p> <p>Cllr C Bennett gave a report on the bridge over the brook at Field Lane – there needs to be a specification for the building of the bridge, and he is working closely with the developer and the ward Councillor in Alvaston. Progress is ongoing, but slow.</p>	
35/20	Elvaston Communities Group	<p>Report from Eve Wilson, Chair of Elvaston Communities Group – formerly the Elvaston Parish Plan Steering Group.</p> <p>Current plans are in place for flowers in the planters at entry points to the village. Cllr Dodson is happy to take on Hanslynn and this will be discussed in more detail at a later date. Elvaston Communities Group agreed to look into the possibility of a friendship bench on the Green.</p> <p>A programme of events is now at the printers and will be going out to every resident together with information about a Parish Plan being put together. This programme details events both upcoming and past events including bingo, jazz in the village, village fete, apple day, Marie Curie coffee morning and carols at the Harrington Arms.</p> <p>The Parish Plan will be printed on the reverse of programme with a questionnaire for every resident, in an envelope stamped with Elvaston Parish Council. It is a huge job and a request was made for volunteers to help with delivery. PO boxes have been sorted out for each area to collate the information.</p>	

36/20	Parish/Neighbourhood Plan	Detailed as part of the discussion above. Councillors have not yet seen the Parish Plan.	
37/20	Website Management	Cllr Bennett has managed to get some things on the website. A further meeting to be arranged with the website host to further the website management.	
38/20	Police Report	Nothing to report.	
39/20	Flooding and Gravel	Kevin Birch provided a report prior to the meeting which was detailed by DCllr P Watson.	
40/20	Matters for discussion/decision	<ol style="list-style-type: none"> 1. Parking and speeding issues including Speed-watch volunteers: there have been no more volunteers so far for Community Speed-Watch, however Cllrs Leuenberger, Bickerton, Beech, Dodson and Bennett have all agreed to attend training in order to drive forward a community initiative. The Clerk will contact PCSO team to book training. 2. Business Cards for members: Cllr Bennett showed all member Cllrs a template of business card mock-up he has created for each Councillor. The locum Clerk advised that individual Councillors do not require individual business cards and they should all have stock of business cards which details the Clerk as the Proper Officer of the Council with all relevant contact details. Councillors can, if they wish, write their own contact details on the card. It was RESOLVED to roll forward to the next meeting for a final decision. 3. Extra waste bins in Boulton Moor – Cllr Bickerton will contact the officer at Elvaston Castle with regard to the 6 additional bins they have donated to the Parish Council. It was RESOLVED to agree bin locations at the next meeting. The locum Clerk gave details of the Love Clean Streets app., and urged everyone to use this to report fly-tipping, full bins, dog fouling and many other street related incidents. 4. It was RESOLVED a camera will be brought to the next meeting and photos of all member Councillors will be taken for display on the website. 5. New allotment gate: There was nothing to update with regard to this. It was RESOLVED to carry forward to the next meeting and the locum Clerk will try and find an update prior to then. 6. Tree planting in the area: Cllr Leuenberger will look into the Woodland Trust and Land Registry to try and identify other areas for tree planting. Cllr Leuenberger will 	

		<p>also speak to Sainsburys with regard to their initiative to cover the cost of tree planting. The locum Clerk will speak to Derbyshire County Council and ask them to identify other areas where tree planting may be available.</p> <ol style="list-style-type: none"> 7. Adoption (or not) of the updated ACAS Disciplinary & Grievance Policies: It was RESOLVED to adopt the updated ACAS Disciplinary & Grievance Policies, proposed by Cllr Bennett and seconded by Cllr Beech. 8. Reply from DCC regarding the cost of a repair to the footpath at Sturges Lane: Nothing further to report. 	
41/20	Clerk's Report	<p>Jonathan Irons provided the following report prior to the meeting:</p> <ol style="list-style-type: none"> 1. Solicitor's comment over registration of the village green – Land Registry are 3 years behind with enquiries. 2. Thanks received from WI for the grant funding monies. Clerk has reported branches on trees at Ball Lane that need pruning to Highways. 3. Village Hall Trustees resolved at their meeting on 17th January not to allow further open fires in the Village Hall after considering the conditions demanded by their insurance company; with which they felt they could not comply. The church, which owns the village hall at its meeting on 29th January supported the trustees decision. It was decided to purchase an electric coal effect fire for the fireplace and this should be fitted during the coming week. The insurance company conditions are displayed in the hall. The Parochial Church Council also at its meeting decided to hold a service of celebration of VE Day at 10.30am on Sunday 10th May and would like the Parish Council to take part if possible. It is hoped that a special format can be drawn up by the Vicar, Rev Tony Luke with input from the Parish Council. Refreshments can be served in church after the service. Please let me know if you have any thoughts on this matter. M.E.Evadne Robbins 4. SDDC Local Green Spaces Plan Modifications Consultation – until 17th March 2020. Between 4th February 2020 and 17th March 2020, the council will be consulting on modifications to the Local Green Spaces Plan which is available to view on the council website at www.southderbyshire.gov.uk/localgreenspaces Hard copies are available to view at the council offices. 	

5. To consider an addition to the present vexatious requests policy to include a revised persistent and vexatious complaints and correspondence policy (previously circulated to members).

42/20

Finance

- a) **Accounts payable**
- b) **Income**
- c) **Balances**

Chq No/REF	Payee	NET	VAT	Total
1368	J Irons – Clerks Salary 4 weeks to 14 th January	£606.23		£606.23
1368	J Irons – Clerks expenses including laptop repair, new purchase and ink	£800.76		£800.76
SO	F Simnett – Lengthsman salary 4 weeks to 14 th January paid 24 th January	£548.35		£548.35
	HMRC – nil due to overpaid tax			£0
Unity 11 th Feb	DCC Clerks Pension January	£147.64		£147.64
NEST	Lengthsman Pension Contribution	£79.97		£79.97
1369	DALC -Cllr Training	£210.00		£210.00
1370	Robert Lewis Signs	£240.00	£48.00	£288.00
1371	Viewtec Signs	£326.12	£65.22	£391.34
1372	ECG Grant application under S137	£1475.00		£1475.00
	TOTAL	£4434.07	£113.22	£4547.29

b) Income – none recorded

c) Balances: Bank Balance as at 4th February 2020 is £18363.23 and Unity Trust Bank £439.16

The locum Clerk enquired with regard to two payments of £20,000 on 13 December 2019 and £20,000 on 17th January 2020. Neither cheque has cleared into Unity Trust Bank, but are also not showing at Natwest Bank. Clarification required as a matter of urgency.

Cllr Bickerton advised that one of the cheques was only for £2000 and not £20,000, but according to the cheque stub, they are both written for £20,000. The locum Clerk asked why the cheque stubs are not initialled or countersigned. Cllr Bickerton was unaware that this was a requirement of every signatory.

		<p>It was RESOLVED that Cllr Bickerton would contact both banks as a matter of urgency to establish where the funds are, and if it is not possible to locate them, the matter will be referred to the police and fraud team for investigation.</p> <p>The Clerk (J Irons) has put in an expenses claim for a new laptop at a cost of circa £800 in total. Member Cllrs are yet to see the new laptop and there is a discrepancy over the repair of the old laptop. It was RESOLVED the locum Clerk will collect the old laptop from the repair shop as per the receipt provided by J Irons.</p>	
43/20	Planning Applications	No new planning applications have been submitted.	
44/20	Items for information	Nothing to report	
45/20	Agenda items for the next meeting	Nothing to add at this time, however it was RESOLVED the locum Clerk will email member Councillors prior to the next meeting to ensure all agenda items are received in a timely fashion.	
46/20	Date and time of next meeting	<p>The next meeting of Elvaston Parish Council will be an extraordinary meeting to be held on Monday 24th February 2020 at 7.30pm at Nunsfield House, Boulton Lane, Alvaston.</p> <p>The next ordinary meeting of Elvaston Parish Council will be Monday 9th March 2020 at 7.30pm in the village hall.</p>	

The chairman thanked everyone for attending and the meeting was closed at 10.30pm

Signed _____ Chairman / Vice Chairman