

**LUCKINGTON & ALDERTON PARISH COUNCIL**

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**MINUTES OF THE MEETING OF LUCKINGTON AND ALDERTON PARISH COUNCIL HELD ON  
11<sup>th</sup> April 2018 at 7.30pm IN ALDERTON VILLAGE HALL**

PRESENT

Chair	Mr R McCraith (RM)
Councillors	Ms S Godwin (SG) Mr J Buckley (JB) Mr S Lawrence-Mills (SLM) Mr S Evans (SE) Mr N Neale (NN)
Parish Council Clerk	Mrs V Avery (VA)

There were no members of the public present.

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**1163 Apologies**

County Councillor – Mr J Thompson (JT)  
Councillor – Mr R Simpkins (RS)

**1164 Declaration of interests**

No interests declared.

**1165. Members of the public are invited to address the Council on agenda items.**

There were no members of the public present.

**1166. Matters Arising from Last Meeting**

(RM) asked if there was any update on the defibrillator for Alderton Village Hall. (VA) had spoken to Hugo Armitage who was waiting for approval from Alderton Village Hall committee and also a quote from the electricity supplier.

(RM) asked if there had been any update from Luckington School regarding applying for funding for 20mph signs in Luckington. (VA) said she had spoken with Mrs Hinds (the Headmistress) and had given her the forms which should be completed by the parents. (JB) told the PC that he wouldn't be able to put in too much more time towards this project, due to increased personal commitments. He has still had no contact from Mrs Hinds.

(VA) advised the Parish Council that she had been on a course regarding the Council's responsibilities for implementing the new General Data Protection Rules (GDPR). The PC must comply with the rules by 25<sup>th</sup> May 2018. The new rules state that the PC must first appoint a Data Protection Officer and it is possible that this can't be the Clerk. The National Association of Local Councils (NALC) is having ongoing discussions with the Government regarding this. The new rules also say that all Parish Councils dealing with people's personal data, i.e. names, addresses, email addresses and phone numbers should show that they are respecting people's wishes as to whether they agree to have their personal data published or not. Therefore (VA) will set out a Policy Statement to be agreed by the PC and published on the Luckington PC website. (VA) will also ask each Parish Councillor to confirm they agree to have their personal data published on the website and get written confirmation from each member. (JB) said that most of the Rules were being adhered to anyway and came under the PC's Transparency Policy.

(RM) asked if (VA) needed extra payment for taking the extra time to do the course and also the time it took to prepare the audit papers. The PC agreed (unanimously) that she should be remunerated for her extra time. (VA) will work out the hours and bring to the next PC meeting.

**1167. Confirmation of the last meetings minutes**

Minutes from the meeting in March were amended and will be confirmed at the next meeting in May.

**1168. Planning****Application No:** 18/02171/FUL

Application for Full Planning

Extension of garden 10 metres to the north of the property on to land previously unused and overgrown with relocation of stone boundary wall and retention of hawthorn trees/shrubs.

At: The Cottage, Cherry Orchard Lane, Luckington, Wiltshire, SN14 6NX

*No Objections*

**1169. Finance**

<b>Luckington and Alderton Parish Council Financial Data as at 11th April 2018</b>		
		<b>£</b>
<b>Bank account balances at the report date:</b>		
	Barclays Current Account	13,546.75
	Barclays Deposit Account	2,841.64
		<b>16,388.39</b>
<b>Payments to be made:</b>		
-	Mrs V Avery - Weebly Website Annual Fee	-41.90
-	Luckington Village Hall Hire	-40.00
-		
<b>Clerk's Salary paid by Standing Order</b>		
		-210.34
<b>Payments Received:</b>		
	None	
	Balance carried forward	<b><u>16,096.15</u></b>

**1170. Audit**

(VA) handed the PC the Annual Return which she has completed. The Certificate of Exemption was agreed and signed by the Chairman as this Parish Council's gross expenditure did not exceed £25,000 in the year ended 31 March 2018. This means that the PC will not have to undertake a limited assurance review by an external auditor. However, the PC still needs to have an internal audit undertaken and Auditing Solutions will be doing this. (VA) has been preparing the audit paperwork and bank reconciliation for the end of year. The Annual Governance Statement was approved and signed by the Chairman. The Corporate Governance Questionnaire was completed and signed by the Chairman. The Accounting Statements were approved and signed by the Chairman and the RFO.

**1172. Dog Fouling and the BBC story regarding poo shaming.**

(JB) has done some investigating and called the Parish Council concerned. The lady who undertook the project to 'poo shame' using an 'app' is working alone and not part of any Council. There was a general agreement that this would not be something the PC could do.

**1173. To Discuss and Review a Donation to the Parochial Church Council**

(JB) reminded councillors that the NALC Good Councillor's Guide requires that "A council cannot do anything unless permitted by legislation". He agreed with councillors that the legal position regarding the proposed donation to the churchyard project was complex and lacked clarity. He also referred councillors to the recently

issued guidance issued by NALC in the Legal Briefing (L01-18 – Financial Assistance to the Church), which was a response to the government commissioned independent Taylor Report into the sustainability of English Churches and Cathedrals. He advised councillors that he was unable to identify any specific legal power that would permit the council to make the donation to the PCC/Churchyard Project. The Taylor Report identified that the only potential legal power available to parish councils is facilitate this is the 'General Power of Competence' (Localism Act 2011). He pointed out that this 'General Power of Competence' was not available to the PC as the parish council failed to meet the statutory qualifying conditions to use this power, including the percentage of elected vs co-opted councillors and having a suitable legally qualified Parish Clerk. The PC must therefore decide, in accordance with the NALC Guidance (L01-18), as to whether it is prudent to take a course of action which could prove to be beyond the legal powers of the council.

(JB) advised the council that legal guidance also required that any payments made by the parish council, must be made to organisations which are defined 'legal identities', not individuals or groups of individuals which are not so legally constituted.

(SLM) felt that the PC has a duty to maintain the churchyard. He has read the 1894 Act and also the 1972 Act which states that a PC is allowed to give to a churchyard project if it can be justified. He would like to propose a donation to the PCC of £200.00.

(SE) asked if (JB) knew of an actual percentage of Parish Councils who have been through this legal process and held to account? He pointed out that Sherston PC give to the Church every year.

(JB) said he could not give precise figures, as this was not the focus of his research, and probably wasn't available anyway. He had not been able to identify any parish councils which had given a similar donation to any religious institution, without having a 'General Power of Competence' already in place and on which they could rely for legal authority. He confirmed that this Luckington and Alderton Parish Council did not meet the mandatory legislative conditions required to be able to exercise the 'General Power of Competence' conferred under the Localism Act 2011.

(NN) Agreed this was extremely 'muddy water' and quite ambiguous. He asked what the chances of the Parish Council being prosecuted were. Perhaps the PC were over complicating things?

(SE) said that this problem arose because the Churchyard Project is not a Registered Charity. In an initial effort it needs to be one and what would it take to get one established? Could someone be paid just to get it up and running?

(SLM) said there would not be a need as he has managed to create a small group of volunteers who would be happy to help.

(SE) asked how the donation money would be spent.

(SLM) said the tombstones had been a problem for a long time, they were in desperate need of repair and this donation could start the ball rolling for the fundraising campaign.

(RM) therefore proposed that the PC donate £200 to the PCC to start the process going forward.

(SG) agreed and seconded.

(NN) agreed.

(SE) agreed and would like to thank (JB) for looking into the legal implications so deeply.

(JB) voted against this proposal.

(JB) requested that he be removed from being a signatory on parish council accounts with immediate effect. (VA) will organise.

#### **1174. Update on the Churchyard Project**

(SLM) said there has been a questionnaire given out to residents to see if they could drum up some help to get the project up and running and so far has had a good response. Five people have come forward to help create a task force and they are planning to meet in May. (SLM) will report back to the PC after this meeting.

#### **1175. Update on Grass Cutting**

(JB) informed councillors that for almost 5 years, on behalf of the council, he has directly managed the parish 'grass cutting' contract/contractor on a 'day to day' basis. He had also managed the last two 'grass cutting tender processes', which occur every two years. The next 'grass cutting tender process' was due to take place during the autumn of 2018. The management of the contract/contractor and the tender process are quite time consuming.

(JB) informed councillors that, due to increased personal commitments, he would not be able to continue in this role and would be relinquishing this 'grass cutting' responsibility with immediate effect. He asked that another councillor therefore take on this role, to ensure continuity. The PC will think about this over the next month and decide at the next meeting. It was suggested that (VA) email all the PC members on the day the cut is supposed to be done and ask them to report back if there are any issues. This was thought to be unviable as the weather can be so changeable that the grass cutting contractor would need to come when the weather was suitable. (JB) reminded councillors that the current contract requires the contractor to agree any date changes with the council in advance. (VA) has been chasing Andrew Woodman (grass cutter) for the last few months for his cutting dates over the next season. He promised (VA) would have them by the end of this week. (VA) will continue to chase him regularly.

#### **1176. Update on Luckington Cemetery**

(RS) reported that the wall repairs are now completed and (VA) will pay his invoice. The grass still hasn't been cut but (VA) had been emailing AW Services to remind him. However, the recent snow and wet weather have delayed things.

#### **1177. Update on Highways**

(JB) confirmed that the white lines will be painted on the roads this week. The pot hole and the pavement have been done after they were reported on the My Wilts app. There has been some fly tipping on Luckington Lane, an old mattress has been left. (JB) will report this on the My Wilts app and asked that others do the same as the more people who report it the more urgent the job becomes for Wiltshire Highways.

The finance has been approved for the repairs to the Sopworth Road flooding but no date has been decided yet.

Filling in pot holes around Wiltshire has been a priority for the Parish Steward and therefore he has not been performing his usual monthly jobs around the village, this will resume as and when the pot holes are completed.

#### **1178. Report from Outside Meetings**

There were none.

#### **1179. Any Other Business**

(SLM) asked why there weren't any representatives on the PC from Alderton. There was a general discussion and all agreed there should be however after repeatedly asking at the last election in May 2017 and before, nobody came forward.

#### **1180. Items for next month's agenda**

Defibrillator for Alderton  
Cemetery  
Highways  
Tombstone project  
20mph signs

#### **1181. Time and Date of next meeting**

**THE ANNUAL PARISH MEETING will be held on Wednesday 9th May at 7pm in Luckington Village Hall**

The next Parish Council meeting will be held on Wednesday 9<sup>th</sup> May 2018 at 7.30pm in Luckington Village Hall.

The meeting closed at 8.30pm. The minutes were taken by Victoria Avery, Clerk to Luckington and Alderton Parish Council.