

ALDCLIFFE WITH STODDAY PARISH COUNCIL



MEMBERS OF THE PUBLIC AND PRESS ARE WELCOME TO ATTEND

**Parish Council Meeting to be held on Tuesday, 13th August 2019
in Room 2, the Friends Meeting House, Lancaster commencing at 7.00pm**

A G E N D A

- 1. Apologies.** To receive apologies
- 2. Minutes.** To consider and approve Minutes of the Meeting held on Wednesday, 5th June 2019
- 3. Declarations of Interest.** To receive any changes to Declarations of Interest of Parish Councillors
- 4. Neighbourhood Plan.** To receive an update on arrangements and progress with the project. Councillor Parrett to report.
- 5. Future Scheduling of Meetings.** To consider arrangements for introducing an annual schedule of meetings.
- 6. Financial Matters – Section 137 Spending Powers.** The Clerk to report on the availability and application of s137 powers under the Local Government Act 1972.
- 7. Review of Risk Register.** To consider an update to the Council's Risk Register. Parish Clerk to report.
- 8. Planning Applications.** To consider and comment on planning matters, including new planning applications and an update on decisions. New applications received since the last meeting are as set out below (details previously circulated):

Application No:	Description
19/00774/AD	<p>Agricultural determination for the erection of an agricultural building. Arna Wood Farm East, Arna Wood Lane, Aldcliffe.</p> <p>The Parish Council submitted comments on this application on 12th July 2019</p> <p>The application was decided on 15th July as 'Prior Approval Not Required'</p>

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9. **Public Discussion and Updates.** To adjourn the meeting for a period of public discussion and to provide any 'information only' updates on activities in recent weeks. (Note: Any matters needing a 'decision' will be considered as an agenda item at a future meeting)

- a) Clerk's report on activities and correspondence since last meeting
b) Members' updates and reports since the last meeting, including:

Highways	Amenity, incl Lengthsman	Stakeholder, incl United Utilities
PRoW Aldcliffe Hall Drive	Ancillary	BT Openreach

- c) Report of District and County Councillors
d) Public discussion

10. **Payments. To authorise payment of the following accounts:**

Payee & Detail	£
Friends Meeting House – hire of room 13/08/19	19.00
Greg Robinson – Lengthsman Service, May 2019 *note	270.00
Greg Robinson – Lengthsman Service, June 2019 * note	180.00
Greg Robinson – Lengthsman Service, July 2019 * note	210.00
Stewart Hirst – Production of an Ecology Survey	200.00
PKF Littlejohn – External Audit Fees, 2018/19 Audit	240.00

* note: these invoices have been paid under delegated authority and are presented for information only.

11. **Date of Next Meeting.** To consider date and time of next meeting.

Derek Whiteway
Parish Clerk
Tel: 01524 64908
Email: clerk@aldcliffewithstoddaypc.org

7th August 2019



Minutes of the Meeting held on 5th June 2019 at 7.00pm

The Friends Meeting House, Meeting House Lane, Lancaster.

Present: Councillor Nick Webster (Chairman)
Councillors Chris Norman, Denise Parrett and Kevan Walton
Derek Whiteway, Parish Clerk
Four members of the public were also in attendance

19/13 Apologies for Absence

Apologies were received from City Councillors Tim Dant and Abi Mills.

19/14 Minutes of the previous meeting

The minutes of the previous meeting, held on 7th May 2019 were approved without further amendment.

19/15 Declarations of Interest

No additional declarations of interest were made.

19/16 Neighbourhood Plan

Councillor Parrett reported that she was due to meet on Friday, 7th June with former Councillor Colin Rogers to arrange a 'hand-over' of the Lead Councillor role on the Neighbourhood Plan Working Group (NPWG). It was understood that Mr Rogers was remaining as a member of the working group.

NPWG members Heather Ward and Brigid Letheren (both in attendance) advised that they had made good progress with an initial draft of the Plan.

It was agreed that progress was now needed to aim for an initial open meeting with parishioners at the earliest opportunity.

Action: Councillor Parrett to liaise with members of the NPWG with a view to refreshing the project and arranging an early 'open meeting' with parishioners.

Councillor Norman reported that he had been provided with the Housing Needs Assessment report which had recently been submitted to Locality. Councillor Norman clarified that this piece of work was being directly funded by Locality. A copy of the report would be made available to all Councillors and members of the NPWG.

Councillor Norman reported that a further 'Late Spring' ecological survey of the Parish's stretch of canal had recently been carried out by consultant Stewart Hirst, at a cost of £250. There had also been discussion about a possible survey of wetlands on land between Lunecliffe Road and the canal.

Resolved: That the commissioning of further ecological surveys of this nature be approved in principle, costs to be funded from the Environmental Support Reserve.



19/17 Banking Arrangements

The Parish Clerk presented a report which highlighted inefficiencies in the Parish Council's current banking arrangements. The Clerk recommended the opening of a new Current Account with online bank Unity Trust to deal with day-to-day banking, and the retention of the Skipton Building Society 'Community Account' to act as a deposit account. In line with financial regulations, the Unity Trust account would enable the Parish Clerk to administer the account, with payments being subject to online approval by two nominated Councillor signatories.

Resolved: That a current account be opened with Unity Trust bank, with a minimum of three Councillors being nominated as signatories to the account.

19/18 Review of Standing Orders and Financial Regulations

The Clerk reported verbally on an annual review undertaken of the Council's Standing Orders and Financial Regulations, which had both been drafted following standards issued by the National Association of Local Councils (NALC). The review had concluded that both documents remained appropriate and fit for purpose and no changes were recommended.

The Clerk did advise that some minor changes to Financial Regulations might be required to accommodate new banking arrangements and payment processes once these are introduced.

RESOLVED: That the Parish Clerk's report is noted and the existing Standing Orders and Financial Regulations are re-adopted without amendment.

19/19 Review of Risk Register

At the request of the Parish Clerk, it was agreed to defer this item to the next meeting.

19/20 Financial Report 2018/19

The Parish Clerk presented a summary report into the financial outturn for 2018/19. General Fund balances at 31st March 2019 had exceeded those projected by £527. The Clerk recommended that £500 be transferred into the Elections Reserve, which had been created in setting the budget for 2019/20.

RESOLVED: That £500 be transferred from General Fund balances to the Elections Reserve to help meet future election costs.

19/21 New Planning Applications

No new planning application consultations had been referred to the Parish Council

19/22 Public Discussion and Updates

Clerk's Report:

- 1) Co-option of Councillors.** Following the election on 2nd May 2019, the Parish Council had one vacancy. The Parish Council had received two expressions of interest in being co-opted on to the Council. Councillors considered the submissions made by the two parishioners.



RESOLVED: That Mrs Brigid Letheren of Stodday be appointed as a co-opted Member of the Parish Council.

- 2) **Advice for Walkers.** An email had been received from a resident suggesting that, following the establishment of a 'restricted byway' along Aldcliffe Hall Drive, the Parish Council take steps to publicise the Countryside Code and the Dog Walkers' Code.

Action: The Parish Clerk to organise publicity of the Codes via the website, noticeboards and in a future Parish Newsletter.

- 3) **Potentially Hazardous Tree.** City Councillor Tim Dant had submitted an email passing on concerns from a landowner about the safety of a tree adjacent to the 'Accommodation Lane' footpath below properties on Aldcliffe Mews.

Action: The Parish Clerk to investigate ownership of the land in question and seek appropriate advice on assessing the safety of the tree.

- 4) **Communication with Parishioners.** The Clerk had added some new names to his contact list. It was agreed that the contact list should be publicised in the next Parish Newsletter, planned to be issued in July 2019.

Members' Updates

- 5) **Highways** (Councillor Norman)

Cllr Norman had sent a message to the local PCSO asking for assistance with highlighting road safety issues to local farms. He had not yet received a response on this matter.

Action: The Parish Clerk to follow up on this with the local PCSO.

Cllr Norman advised that the Canal and Rivers Trust (C&RT) had now entered into a contract with a parking contractor to introduce parking restrictions along the canalside stretch of Aldcliffe Road between the Haverbreaks bridge and Aldcliffe Hall Drive.

- 6) **Amenity, including the Lengthsman** (Councillor Webster)

Cllr Webster provided details of a new noticeboard that he had purchased and installed on Aldcliffe Hall Road by the entry to Oaklands Court. It was suggested that Stodday members consider options for procuring a suitable noticeboard for the hamlet.

Cllr Webster advised that the Lengthsman and a contractor had been engaged to clear the silted dyke alongside the lane leading from Snuff Mill Lane to the Cycleway on Friday, 7th June.

The Lengthsman had now cleared approximately 75% of the weeds and debris from the stretch of footpath alongside the A588 Ashton Road opposite Pinewood Close. Cllr Webster suggested that the Parish might wish to position an item (flower planter or rural feature) on this footpath to 'introduce' traffic to the Parish.

Action: Cllr Webster and the Parish Clerk to investigate possible features to mark this entry to the Parish.

Cllrs Webster and Walton were scheduled to meet with a spokesperson from United Utilities on Thursday, 13th June to discuss the blockage.



7) Stakeholder Liaison, including United Utilities (Councillor Walton)

Cllr Walton had been in contact with Greencoat Renewables to request a meeting with a senior representative of the company. A response was awaited.

8) BT Openreach (Councillor Webster)

Cllr Webster reported that there had recently been 15 Aldcliffe properties 'out of service'. BT Openreach had now completed the installation of pipework and were aiming to install the cablework and connectors by the end of the week. This should then mean that all properties would be reconnected.

City and County Councillors' Reports

9) No further reports were received.

Public Discussion:

10) Cllr Webster reported that a resident had suggested the Parish Council might investigate the availability of free 'poo bags' and bins from the City Council.

Action: The Parish Clerk to investigate the services available from the City Council.

11) The same resident had also suggested that an approach might be possible to the Landmark Trust regarding East Lodge, with a view to having the property renovated.

Action: The Parish Clerk to investigate the potential for approaching the landmark Trust, or other organisation regarding the future of East Lodge.

19/23 Payments

Payee & Detail	£
Friends Meeting House – hire of room 05/06/19	25.00
Greg Robinson – Lengthsman Service, April 2019	202.50
Derek Whiteway – Parish Clerk Salary April-June 2019	263.20
Derek Whiteway – Parish Clerk Expenses April-June 2019	29.72
HMRC – PAYE April-June 2019	56.60
Councillor Nick Webster – Reimbursement for new notice board and stationery materials	40.97

Resolved: That the above accounts be approved for payment.

19/24 Date and venue for next meeting

The next Parish Council meeting was scheduled for Tuesday, 30th July 2019 at the Friends Meeting House, Lancaster at 7.00pm.

The meeting closed at 8.45pm

ALDCLIFFE with STODDAY PARISH COUNCIL



Clerk of the Council

Chair

Date:

Draft

Agenda Item 6 Financial Matters – Section 137 Spending Powers

Report of the Parish Clerk

1. Powers and Duties

Generally speaking, local Councils are only able to act where they have a specific power to do so. The attached appendix, extracted from the NALC document “The Good Councillor’s Guide” sets out an indicative list of powers and duties. I have highlighted in green those that I believe the Parish Council has, or is currently using and those that may be relevant are highlighted in orange. Many powers are not relevant due to the nature and size of the parish and its relative shortage of public assets.

2. Blocked drain and flooding, lower Snuff Mill Lane

I recently advised the Chairman, prior to commissioning work to clear the troublesome drain on the lower Snuff Mill Lane path, that in the absence of a specific legal power, it would be reasonable for the Parish Council to rely on Section 137 powers. Having since reviewed the attached list of powers, I now feel that this course of action is actually covered under the item titled ‘Nuisances – power to deal with offensive ditches’ (Public Health Act 1936, s260).

3. Section 137 Powers

Section 137 (1) of the Local Government Act 1972 is a statutory power, which gives councils the power ‘*to incur expenditure for purposes not otherwise authorised.*’ It is only used when there is no other specific power available; as a ‘*power of last resort*’. Reliance on S137 to justify a particular action or expenditure must demonstrate a clear benefit to some or all inhabitants (and not an individual), and the power cannot be applied retrospectively.

S137 was amended in s36 of the Local Government and Housing Act 1989. The amendment stipulates that expenditure and benefit must be balanced, i.e. the benefit must equal or outweigh the cost.

Examples of common purposes within Parish Councils include the operation of a local ‘community grants scheme’ and a donation to Royal British Legion for a wreath.

The legislation applies an index-linked limit on the annual amount that a local council may spend under S137 payments. The limit is based on a figure per head of population per the electoral roll. For 2019/20 the per-head figure is £8.12 and the number on the electoral roll at May 2019 was 222. This therefore gives a limit for 2019/20 of £1,800.

I have adjusted the financial records to meet a requirement that they show a separate account for S137 spending, should this become necessary. NB. This level of analysis is not required in the statutory annual financial return (AGAR).

Recommendations.

1. That the report is noted.
2. That, when considering any course of action, Councillors consider and remain mindful of the powers available and the potential need to apply S137 powers in certain circumstances.

Derek Whiteway, Parish Clerk

6th August 2019

Function	Powers & Duties	Statutory Provisions
Allotments	Powers to provide allotments.	Small Holding & Allotments Act 1908, s.23
	Duty to provide allotment gardens if demand unsatisfied and if reasonable to do so	
Borrowing money	Power for councils to borrow money for their statutory functions or for the prudent management of their financial affairs	Local Government Act 2003, Schedule 1, para. 2
Baths (public)	Power to provide public swimming baths	Public Health Act 1936, s.221
Burial grounds, cemeteries and crematoria	Power to acquire and maintain	Open Spaces Act 1906, Sections 9 and 10
	Power to provide	Local Government Act 1972, s.214
	Power to contribute towards expenses of cemeteries	Local Government Act 1972, s.214 (6)
Bus Shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s.4
Byelaws	Power to make byelaws for: Places of public recreation	Public Health Act 1875, s.164
	Cycle parks	Road Traffic Regulation Act
	Public swimming baths	Public Health Act 1936, s.223
	Open spaces and burial grounds	Open Spaces Act 1906, s.15
	Mortuaries and post-mortem rooms	Public Health Act 1936, s.198
Charities	Duties in respect of parochial charities	Charities Act 2011, ss.298–303
	Power to act as charity trustees	Local Government Act 1972, s.139 (1)

Function	Powers & Duties	Statutory Provisions
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed Churchyards	Powers to maintain	Local Government Act 1972, s.215
Commons and common pastures	Powers in relation to inclosure, regulation, management and provision of common pasture	Inclosure Act 1845; Small Holdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage use of facilities	Local Government Act 1972, s. 144
Community Centres	Power to provide and equip buildings for use of clubs having athletic, social or educational objectives	Local Government Act 1972 (Miscellaneous Provisions) Act 1976 s. 19
	Power to acquire, provide and furnish community buildings for public meetings and assemblies	Local Government Act 1972, s. 133
Crime Prevention	Power to spend money on crime detection and prevention measures	Local Government and Rating Act 1997, s. 31
Ditches and ponds	Power to drain and maintain ponds and ditches to prevent harm to public health	Public Health Act 1936, s.260
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, S.145
Environment	Power to issue fixed penalty notices for litter, graffiti and offences, underdog control orders	Clean neighbourhoods and Environment Act 2005, s.19, s.30, Part 6
General Power of Competence	Power for an eligible council to do anything subject to statutory prohibitions, restrictions and limitations which include those in place before or after the introduction of the general power of competence	Localism Act 2011, ss 1–8

Function	Powers & Duties	Statutory Provisions
Gifts	Power to accept	Local Government Act 1972, s.139
Highways	Power to repair and maintain public footpaths and bridle-ways.	Highways Act 1980, ss. 43, 50
	Power to light roads and public places	Parish Councils Act 1957, s.3; Highways Act 1980, s.301
	Power to provide parking places for vehicles, bicycles and motor cycles.	Road Traffic Regulation Act 1984, ss. 57, 63
	Power to enter into agreement as to dedication and widening	Highways Act 1980, ss. 30, 72
	Power to provide roadside seats and shelters	Parish Councils Act 1957, s. 1
	Power to consent to a local highway authority stopping maintenance of a highway or stopping up/ diverting a highway	Highways Act 1980, ss. 47, 116
	Power to complain to district council about the protection of rights of way and roadside waste	Highways Act 1980, s. 130
	Power to provide certain traffic signs and other notices	Road Traffic Regulation Act 1984, s. 72
	Power to plant trees and shrubs and to maintain roadside verges	Highways Act 1980, s. 96
Honorary Titles	Power to admit to be honorary freemen/ freewomen of the council's area persons of distinction and persons who have, in the opinion of the authority, rendered eminent services to that place or area.	Local Government Act 1972, s. 249

Function	Powers & Duties	Statutory Provisions
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s. 11
Land	Power to acquire by agreement, to appropriate, to dispose of Power to accept gifts of land	Local Government Act 1972, ss. 124, 126, 127
Litter	Provision of bins	Litter Act, 1983, ss. 5, 6
Lotteries	Powers to promote	Gambling Act 2005, s. 252, 258
Markets	Power to establish or acquire by agreement markets within the council's area and provide a market place and market building	Food Act 1984, s. 50
Mortuaries and post-mortem rooms	Power to provide mortuaries and post-mortem rooms	Public Health Act 1936, s. 198
Neighbourhood Planning	Powers to act as lead body for a neighbourhood development plan or a neighbourhood development order	Localism Act 2011, Schedule 9; Town and County Planning Act 1990, ss. 61E-61Q, Schedule 4B; Planning and Compulsory Purchase Act 2004, s. 38A
Newsletter	Power to provide information relation to matters affecting local government	Local Government Act 1972, s. 142
Nuisances	Power to deal with offensive ditches	Public Health Act 1936, s. 260
Open spaces	Power to acquire and maintain land for public recreation Power to acquire and maintain land for open spaces	Public Health Act 1875, s. 164 Open spaces act 1906, ss. 9 and 10

Function	Powers & Duties	Statutory Provisions
Parish Property and documents	Power to receive and retain	Local Government Act 1972, s. 226
	Duty to deposit certain published works in specific deposit libraries	Legal Deposit Libraries Act 2003, s. 1
Public buildings and village hall	Power to acquire and provide buildings for public meetings and assemblies	Local Government Act 1972, s. 133
Public Conveniences	Power to provide	Public Health Act 1936, s. 87
Recreation	Power to provide a wide range or recreational facilities	Local Government (Miscellaneous Provisions) Act 1976, s. 19
	Provision of boating pools	Public Health Act 1961, s. 54
Right to challenge services that are provided by a principal authority	The right to submit an interest in running a service provided by a district, county or unitary authority	Localism Act 2011, ss. 81–86
Right to nominate and bid for assets of community value	The right to nominate assets to be added to a list of assets of community value and the right to bid to buy a listed asset when it comes up for sale	Localism Act 2011, ss. 87–108
Town and Country Planning	Right to be notified of planning applications if right has been requested	Town and Country Planning Act 1990, Sched. 1, para. 8
Tourism	Power to encourage tourism to the council's area	Local Government Act 1972, s. 144
Traffic Calming	Power to contribute financially to traffic calming schemes	Local Government and Rating Act 1997, s. 30

Function	Powers & Duties	Statutory Provisions
Transport	Powers to spend money on community transport schemes	Local Government and Rating Act 1997, s. 26–29
War memorials	Power to maintain, repairs, protect and adapt war memorials	War Memorials (Local Authorities' Power) Act 1923, s. 1
Water	Power to utilise wells, springs or streams for obtaining water	Public Health Act 1936, s. 125
Websites	Power for councils to have their own websites	Local Government Act 1972, s. 142

NOTES