

**EARL SHILTON TOWN COUNCIL
MINUTES of the FULL COUNCIL MEETING**

Held at 7:30 p.m. on
Tuesday 08 September 2020
Vide remote/virtual means on the *Zoom.us* information systems (IS) platform.

MEMBERS PRESENT:

Councillors: M Leman, Deputy Chairman and Deputy Town Mayor,
Mrs A Burton, Ms J Duplock, B Granger, Mrs G Granger, R Hills,
K Lapsley and Ms S Mannion.
County/Borough Councillors: See apologies.

In attendance: Town Clerk: Mr ME Jackson.
Office Clerk: Mrs C Houghton.
Members of public: Two, as recorded.

20/063 *Deputy Chairman's welcome and opening remarks.*

Cllr Leman greeted members as usual and thanked them for their support in attending the meeting.

Noted and received.

20/064 *To receive apologies for Town Cllr member and County/Boro' Cllr absence.*

Town Cllrs: Mrs C Allen*, R Allen*, Ms D Almey, Mrs C Coe and A Darker submitted to the Town Clerk, written and reasoned apologies for their absences in advance of the meeting. These reasoned apologies were recorded by the Town Clerk and brought forward to the meeting for consideration.

Resolved: to accept the tabled apologies for absences with reasons from Cllrs listed above as stated and recorded by the Town Clerk.

County Cllr Mrs J Richards and Borough Cllrs C and R Allen* tabled their apologies with belated ICT connection issues or pressing other Council meeting reasons in advance of the meeting.

Noted with thanks.

20/065 *Declarations of interests. To receive disclosures of member's interests, i.e. the existence and the nature of those interests in respect of items on this agenda. None until planning item 20/077 a. below, Cllr A Burton a pecuniary interest in a house building project application by her husband's company.*

20/066 *To receive and approve as a true record the minutes of the Full Council meeting held on 11 August 2020. Resolved: to accept as a true record of the Full Council meeting of the 11 August 2020; the minutes tabled for the Chairman's ('wet') signature and already distributed in approved draft to members with their agenda packs.*



20/067

Public Participation:

a. *Public speaking protocol – requests received by the protocol deadline to be submitted to the Clerk with details of the agenda item they may wish to address or relate to if any.*

A member of the public, (name recorded) was granted permission to make a representation to Councillors under the protocol. Whilst appreciative of what the Town Council does for residents in terms of general parks provision, specifically the resident wondered if it will be possible for the Council to consider re-opening the closed park play and equipment areas. The resident, having a keen interest in children with special needs and the development needs of all children, explained their heartfelt belief that this course of action; to fully open the parks to all; will be beneficial for mental and physical wellbeing. The Town Clerk as a rejoinder was at pains to explain to the meeting as a whole that the staff resources and limited powers of the Town Council could not ensure that *social distancing* and safe *cleaning regimes* could be put in place that are the conjoint key guidance strategies for reducing and controlling the spread of the pandemic virus. The Council's main aims and objectives to ensure good health and safety are to:

- Ensure the 3 parks staff and any contractors are safe whilst equally;
- Ensuring that the resident public are safe.
- Ensuring that Council's liability insurances are not invalidated because adherence to one or more key government guidelines are not possible.
- Making sure the Council's reputation as a safety conscious entity is maintained so that residents can feel confident when enjoying all parks facilities, particularly during the pandemic, but also after.

All are to note that parks specific signage and requests to the general public to self-clean play equipment and social distance will not prove a defence in law should the Council be litigated against. In other words there will be no automatic dismissal of any claims against the Council rather the Council will have to prove it has/does, at all times and circumstances fully comply with Government guidance as the '*owner and operator*' of the parks.

Cllr Hills asked the member of the public if they will be able to suggest facilities for children that can be easily affordable and safely deployed by Council outside the enclosed play equipment areas. The resident said they will consider the matter and come back to members if possible in due course.

The public representation was noted and received with thanks.

Point of Order: at 8.00 p.m. the 'public speaking' member of the public left the meeting completely at this juncture.

b. *That the meeting be adjourned to allow members of the public to make representation about items that are not on the agenda (Electors' Time). N/A.*



20/068 *To note and receive any reports from County and Borough Cllrs including late relevant reports to be tabled since this agenda was set. **None.***

20/069 *To receive any form of Neighbourhood Police report pertaining to Earl Shilton including the local Beat Team report.*

a. No Beat Team report for August has been received.

b. Late item - Vandalism to Mill Lane Cemetery Weather Shelter. A Beat Team officer reported by email, (Sun 06 Sep 20), that a *Community Resolution* by interview has been laid down for the culprit as follows:

- 1) Be banned from Mill Lane Cemetery, Earl Shilton until 06 Dec 20; and
- 2) Not to commit criminal offences or commit or be involved in ASB for 3 months (until 06 Dec 2020); and
- 3) Pay Earl Shilton Town Council £100.00 by 06 Nov 20.

Members of Council expressed their satisfaction with this outcome and look forward to the terms being met in full and on time

All items noted and received with thanks.

20/070 *To note and receive any reports from member representatives to recent (remote/virtual) non-Town Council outside bodies, meetings, events or working parties excluding Police reports and the Town Team Working Group (TTWGp) including relevant late items received since this agenda was published. **None.***

20/071 *To invite/nominate member representatives to attend meetings/events that are not Town Council initiated including remote and late relevant invitations too. **None.***

20/072 *To receive minutes, draft minutes and or a verbal report on Leisure, Parks, Cemetery and Open Spaces (LPCOS) Cttee meetings or business of interest and possible concern plus any immediate recommendations for spending from the annual budget or Reserves.*

Members received the LPCOS draft minutes of the meeting of 01 Sep 20 in their agenda packs. In the absence of the Cttee Chairman, comments on the draft minutes were made by Cttee Deputy Chair Cllr A Burton, the Office Clerk and Town Clerk for parks equipment closures:

a. With one significant spending recommendation at b. below the draft minutes very much speak for themselves and will be promulgated and publicly available next month on the ESTC website.

Noted and received.

b. Quotes for significant tree works for the Borrowdale Close public open space have been received. The works required are advised by a supplementary Leics County Council arboriculture officer report. Safety and spend to save measures will cost several thousand pounds outside this year's precept



budget line. The Cttee recommendation is clear and a motion to complete the works was resolved by Full Council. Additionally, the request by a Limited Company to use Borrowdale Public Open Space for its activities with playschool age children was turned down because of the following resolution.

Resolved: to take up the most suitable quote for works as follows; Leics County Council are to fell 7 poplar trees and stump grind the residue to make good the open space. The costs are as follows £5960 and £1845 respectively. Funding is confirmed to come from the 'Parks' Earmarked Reserve. The Cttee will look holistically at all ESTC Parks, Cemetery and Public Open Spaces with a view to replacing all the trees felled on the recommendation of the recent comprehensive professional tree survey.

c. *Pandemic closure of toddler play parks and pump track.*

Following on from the public speaking protocol at agenda item 20/067 a. there followed some further discussion about whether or not to open up all play equipment areas or to keep it closed for public and staff health and safety reasons.

Resolved: enclosed play and equipment areas in ESTC Parks will remain closed until the pandemic crisis eases more significantly than at present.

20/073

To receive a written and or verbal report from the Chairman of the Events Cttee regarding recent meetings and or pandemic lockdown updates concerning 2020 events.

The latest Cttee meeting took place on Tues 01 Sep 20. It is confirmed that apart from the road closure for *Remembrance Sunday* and *the Christmas Lights* going up and being kept on, hopefully with the addition of a suitable decorated tree, all remaining ESTC calendar events for 2020 have been cancelled.

Funds in the precept budget were minuted at Cttee item 20/22. The Cttee recommend and request that Full Council consider setting up an Earmarked Reserve at the end of the 2020/21 Financial Year to ring fence the latest predicted underspend of funds. Understandable and prudent cancellation of planned and costed events due to the COVID19 pandemic will cause any underspend this year. Members in consultation with the Town Clerk as *Responsible Financial Officer* agreed to the recommendation on the basis that ESTC Financial Regulation 4.3 will be amended as follows: simply delete from '*with*' in line 2 to '*year*' in line 5 This procedure will be normal practice and in line with the end of year funding for other EMRs such as for vehicle replacement. It will also make budget/precept setting more transparent and manageable year to year.

Resolved: the RFO is to create an Earmarked Reserve titled 'Public & Civic Events and amend ESTC Financial Regulations so that any overall end of year surplus in this income/ spending block is transferred to the said Reserve.

All Cllr's meeting hard copy packs included a calendar for ESTC 2021 Events.



20/074 Correspondence received including: relevant late items received:

a. *ES Town Cricket Club – sincere note of thanks for a grant funding award. Earl Shilton Town Cricket Club – ‘Club Chairman’s note of thanks for ESTC grant funding.*

Noted and received.

b. *LRALC Training Update August 2020 – ESTC Deputy Chairman’s advice.*

Cllr Leman was at pains to suggest that all cllrs should attend the basic training available to members to better enable them to serve the community especially now the training can be delivered to cllrs through their home computers.

Noted and received.

c. *Footpath maintenance responsibility – email re High St to Maughan St.*

The Town Clerk tabled an email trail to members that demonstrates the confusion of who owns and is responsible for maintaining this apparently unadopted footpath but clearly this is not the Town Council, particularly as it is without the resources to do so. As Cllr R Allen is named in the correspondence the Town Clerk will confer with him as and when the member is available.

Noted and received.

d. *Late relevant items.*

None.

20/075 To receive the Town Clerk’s Finance Report including late relevant items.

a. *Announcement: The Local Government Services’ Pay Agreement 2020/21.*

Members agenda packs included notification of the Local Government National Joint Council (NJC) promulgated pay award with effect from 01 Apr 20. Members were informed by the Town Clerk that the award, if endorsed by members, even if backdated to 01 Apr 20, will fall comfortably within the budgeted precept.

Resolved: to award members of the permanent staff and payroll clerk the revised NJC rates of pay for their individual scale points backdated to 01 Apr 20.

b. *AGAR Part 3 Yr Ending 31 Mar 20 – Receipt from External Auditor & Notice of Public Rights.*

The Town Clerk informed members that the centrally appointed External Auditor has formally acknowledged receipt of ESTC AGAR for the FY year ending 31 Mar 20. Additionally, the Clerk re-assured members that Council are legally compliant with the need to post ‘public rights’ notices physically and on the ESTC website. The ‘public rights’ notices inform residents or entitled others of the procedures should they wish to inspect the accounts, independent Internal Audit Report etc.

Noted and received.

c. *Late relevant items - Small Business Grant of £10k received.*



Members having been informed at the August 2020 Full Council that the Town Clerk had been (unsolicited) invited to apply for this central government grant through the Borough Council, were notified that the application has been successful and the sum of £10k paid into the account of ESTC. Some members prior to the meeting made known their disquiet about receiving the grant on the basis the Town Council as an entity do not sit within the normal definition of a 'small business' and not one that has suffered financial loss. The Clerk pointed out that entitlement to this grant has been verified and signed-off at Director level of the Borough Council therefore transparency and separation of fiscal duties needs have been met. There then followed some general discussion about what this windfall sum could be used for. Cllr Burton suggested Community Groups should benefit but will have to declare an interest if any is allocated to *Earl Shilton in Bloom* (ESiB). Cllr Leman suggested setting up pockets of wild bee friendly green spaces that could be designed and located on suitable ESTC land areas.

Resolved: to keep the £10k windfall grant and decide its use at a later date or absorb it into Earmarked or General Reserves.

20/076 *To receive the Town Clerk's general report including relevant late items received since this agenda was published.*

a. *Former staff member's recent bereavement.*

The Town Clerk briefed members on the matter and described what condolences and notifications had been expressed on behalf of Council to the former employee and his former colleagues too. Cllr Burton kindly provided and paid for the condolence card sent on behalf of all at ESTC.

Noted and received.

b. *Late items.*

None.

20/077 *Planning applications/correspondence received as a Town Council 'consultee' from HBBC, adjacent Districts and or LCC as Local or County Planning Authorities. Also to:*

a. *Note a Planning Cttee Chairman's report and possibly, discuss and receive non-private session items from the Planning Cttee; e.g. draft Planning Cttee minutes of the 01 Sep 20 meeting, especially regarding the Council's response to the Government's Planning White Paper; **Planning for the Future.***

In the absence of the Planning Cttee Chairman and Deputy Chairman, the Town Clerk briefed members on routine applications from HBBC as the LPA. Only one application required 'Consultee Comments' to the LPA and this required Cllr Burton to make a pecuniary declaration of interest – see minute 20/065 above.

Resolved: Cllr Burton may stay in the meeting but not speak or vote regarding HBBC planning application 20/00816/OUT.



The main aim and objective of the Cttee meeting was to discuss a corporate Town Council response to the Ministry of Communities & Local Government consultation survey regarding the August 2020 White Paper titled *Planning for the Future*. Members received a full verbal brief of the 6 main points to be woven into the Council's responses to the Ministry Survey. All members were commended to read and note the draft minutes of the Planning Cttee of 01 Sep 20, (already sent to members), which will be made public when promulgated in Oct 20.

Noted and received.

b. *Late relevant items to be reported since this agenda was set.*

None.

Confidential Items – in accordance with the Public Bodies (Admissions to Meetings) Act 1960, the press and public will be excluded from the agenda items below by reason of the confidential nature of the business to be discussed and will be requested to withdraw. Members will resolve to go into 'Private Session'. So resolved.

Point of Order: at 8.53 p.m. the remaining member of the public left the meeting completely at this point.

20/078 *Planning matters which should be heard in private session:*

To consider the issues/updates from the Chairman/Town Clerk/Members or others regarding the:

a. *The Premises projects – update re new Library Office facility and public toilet.*

Cllr Leman and the Town Clerk met with County Cllr Mrs Janice Richards plus officers from LCC and HBBC to walk and talk any snag list items regarding the ESTC Office move into the Library and the commissioning of the Public Toilet facility. Both Cllr Leman and Mr Jackson expressed their satisfaction with the progress made. Instructions to solicitors for the 3 parties to finalise the back to back leases, (HBBC, ESTC and LCC), can now proceed with the hope that toilet will be open soonest and the Office move will take place in the mid to late Autumn 2020.

Noted and received.

b. *Late relevant confidential items received since this agenda was set.*

None.

20/079 *Staffing Cttee issues including:*

a. *Legacy legal matters updates including – Employment Tribunal setting of final hearing date.*


A former Cllr and Chairman of the Staffing Cttee has confirmed he still will attend the final Employment Tribunal hearing date of 21 Oct 20 on the side of ESTC. This individual will on the day be supported by Cllrs and the Town Clerk.

Noted and received.

b. *Staff sick absence report from Town Clerk.*




Members received a verbal report from the Town Clerk. One staff member

REDACTED FOR PUBLIC WEBSITE. 

Noted and received.

c. 2020 pay rise

REDACTED FOR PUBLIC WEBSITE. 

Noted and received.

d. Relevant late items received since this agenda was published.

None.

20/080 Mill Lane Cemetery grave space deed issue – legal correspondence received and response required.

REDACTED FOR PUBLIC WEBSITE



Last Item.

The Chairman closed the meeting at 9.21 p.m. thanking members for their attendance and contributions.

