EAST COWTON PARISH COUNCIL

Councillors are hereby summoned and Members of the Public invited to attend

the meeting of the Parish Council on Monday 26th September 2022 at 7.30pm in the Village Hall.

AGENDA

1. Apologies for absence

2. Disclosures of personal and prejudicial interests from Councillors on matters to be considered at the meeting.

(The disclosure must include the nature of the interest (i.e. pecuniary or other). If you become aware, during the course of a meeting, of an interest that has not been disclosed under this item you must immediately disclose it. You may remain in the meeting and take part fully in discussion and voting unless the interest is prejudicial. A personal interest is prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest and it relates to a financial or regulatory matter)

3. Minutes of the meeting of the Council held on 11th July 2022 (circulated to councillors)

To determine whether the Minutes are an accurate record

4. Police Report

To note and consider the report received

5. Finance

- a) To receive and consider accounting statements;
- b) To note and authorise cheques
- c) To be updated as to changes in banking arrangements (Minute 2207.05)
- d) To be updated concerning the exercise of public rights and to consider whether or not the Parish Council seeks to opt out of the central procurement scheme.

6. Budget for 2022/23

To consider any changes to the Budget for 2022/23 after consideration of the outturn for 2021/22 and pursuant to Minute 2207.06

7. Asset Inspections

To consider the reports in respect of asset inspections and note the need for further inspections by end of September

8. Make a Difference Grant Funding

To consider progress with the strategy for development of the area proposed immediately outside the play area (Minute 2207.10)

9. Parish Portal

Feedback on the use of the portal to be given

10. Registration of a Community Asset

To receive an update pursuant to Minute 2207.12 and to consider the potential for a further application on behalf of neighbouring parishioners

11. Solar Panels

To receive an update pursuant to Minute 2207.13

12. Request to Install a Bench with Memorial Plaque

Councillors need to give preliminary consideration to a request received and determine whether they would agree to assume responsibility for repair, maintenance, insurance of an additional bench and their observations as to its proposed siting

13. Website Accessibility and Data Protection

To note that a review is now due and to implement accordingly

14. Recruitment of a New Parish Clerk

To determine the steps to be taken

15. Renewal of Permit for Community Shop

No request has been received for renewal, but the current licence expires on 1st December 2022

16. Civility and Respect

To determine whether or not to sign up to the Civility and Respect pledge

17. Planning applications

- a) To report on outcome of application number 22/00810/FUL (OS Field 4600)
- b) To report on site visit and committee meeting 21/02338/FUL (West Lane)
- c) To consider observations in relation to application 22/01906/FUL and 22/01907/FUL (Manor House Farm)
- d) To consider observations to be made in relation to an application numbered 22/02063/FUL (Dragonstone, Raby Lane)

18. Public Participation

19. Date and time of the next meeting

14th November 2022 at 7.30pm is proposed

20. Any other business (urgent or not requiring debate or decision)

Primarily to inform the clerk of items for inclusion on the next agenda

Mrs J Kilsby Clerk to the Parish Council

20th September 2022

At the Chair's discretion and to reflect the level of public response, the running order of agenda items can be altered

SEE OVER FOR SUPPLEMENTARY INFORMATION

Supporting Information

4





North Yorkshire Police Report

East Cowton Parish Council on 08/08/2022

Statistics taken from	11 th July 2022 – 8 th August 2022
Crime Type	
Anti-Social Behaviour	2 Report
Total	2 Report
Arson	0 Reports
Burglary Dwelling	0 Reports
Burglary Commercial/Other	0 Reports
Criminal Damage	1 Report
Theft (inc Theft from Shop)	0 Reports
Violence against the person	2 Reports
Other crimes inc Drugs	0 Reports
Hate Crime	0 Reports
Robbery	0 Reports
Fraud	0 Reports
Total	3 Report

Local News:

Serious collision in Northallerton

A man has suffered serious injuries during a collision in the Lidl store car park in Northallerton.

North Yorkshire Police were called at around 1.50pm on the afternoon of Monday 8 August following the collision that involved a car and a male pedestrian.

The injured pedestrian, who is aged in his 70s, was taken by air ambulance to James Cook Hospital in Middlesbrough where he remains with serious injuries.

Anyone who witnessed the incident or has dashcam footage of the incident and has not yet spoken to the police should call 101 and pass information for incident 12220139886.

The driver of the car involved has been interviewed under caution.

Driver arrested as police appeal for information about A19 crash

North Yorkshire Police is appealing for witnesses and information about a crash on the A19 Southbound, near Osmotherley yesterday (Sunday 7 August).

It happened at 6.20am a single vehicle, a black Land Rover Range Rover.

The vehicle failed to stop at the scene and was located a short distance later away from the A19.

A man in his 30s was arrested on suspicion of driving offences.

Police are appealing for witnesses to the collision, or anyone who recalls seeing the vehicle prior to the collision, to get in touch as soon as possible to assist the investigation.

In particular, we are appealing for dash camera footage from vehicles travelling on the northbound or southbound sections of the A19 at betweet 6.10am and 6.35am.

If you can help, please email <u>Jack.Dodsworth@northyorkshire.police.uk</u> or contact North Yorkshire Police on 101, select option 2, and ask for Traffic Constable 1255 Jack Dodsworth.

Please quote the North Yorkshire Police reference number 12220139061.

Statistics taken from	8 th August 2022 – 12 th September		
	2022		
Crime Type			
Anti-Social Behaviour	1 Report		
Total	1 Report		
Arson	0 Reports		
Burglary Dwelling	0 Reports		
Burglary Commercial/Other	0 Reports		
Criminal Damage	1 Report		

Theft (inc Theft from Shop)	0 Reports
Violence against the person	0 Reports
Other crimes inc Drugs	0 Reports
Hate Crime	0 Reports
Robbery	0 Reports
Fraud	0 Reports
Total	1 Report

5. Finance

5a Accounting Statement at 6 September 2022

		Community Account £ 9,743.89	Premium Account £ 2,988.46
add		,	•
Income			
Interest on Premium Account			£ 1.15
Parish Precept - Instalment 1	£ 3,501.50		
Parish Precept - Instalment 2			
VAT reclaim		£ 3,501.50	
		£ 13,245.39	£ 2,989.61
less			
Transferred to Premium			
Account			
Transferred to Community			
Account			
		£ 13,245.39	£ 2,989.61
<u>less</u>			
Actual Expenditure			
1. Gross Wages	£ 613.35		
2. Contractors	£ 1,144.80		
3. Services	£ 10.00		
4. Sundries	£ 233.12		
5. Insurance	£ 257.60		
6. Repairs/Maintenance	£ 486.95		
7. Rental	£ - £ 261.00		
8. Subscriptions/Training	£ 261.00		
9. Asset Purchases	£ -		
		£ 3,006.82	
		£ 10,238.57	
Bank Reconciliation at 6 S	September 20	22	

В

Current Account balance as statement			£	10,863.24
<u>add</u>				
Payments not yet cleared:	£	-	£	-
			-	
deduct				
Cheques not yet presented for payment	£	624.67	£	624.67

List of Cheques to be Noted/Authorised

Invoice Date		Description	£	Authority
5.9.2022		CE&CM Walker - grasscutting August	254.40	Highways Act 1980, s96 and Open Spaces Act 1906, s10(b
-September 22		Clerk's wages gross	122.67	Local Government Act 1972, s112(2)
20.9.2022		Playsafety Limited play equipment inspection	84.00	Open Spaces Act 1906, Public Health Act 1875 s164
15.07.22	*	PG Window cleaning bus shelter glass cleaning	10.00	Local Government (Miscellaneous Provisions) Act 1954 s4
August 22	*	Clerk's wages August	122.67	Local Government Act 1972, s112(2)
24.07.22	*	ICO	40.00	Local Government Act 1972, s111(1)
1.08.22	*	CE&CM Walker - grasscutting	254.40	Highways Act 1980, s96 and Open Spaces Act 1906, s10(b
25.6.22	*	Wickes paint (reimburse Cllr Simpson) for Play area	30.00	Public Health Act 1875 s 164; Local Govt Act 1972 Sched 14 para 27; Local Government (Miscellaneous Provisions) Act 1976 s19;
08.06.22	*	Defib Warehouse defibrillator battery (reimburse Cllr Simpson)	384.00	Local Government Act 1972, s111(1)
25.06.22	*	Homebase (reimburse Cllr Simpson) more paint for play area	48.00	Public Health Act 1875 s 164; Local Govt Act 1972 Sched 14 para 27; Local Government (Miscellaneous Provisions) Act 1976 s19

NB * cheques despatched by Clerk/RFO using authority from Minute 2104.06 to write cheques for signature by 2 councillors

5d

Under the Local Audit (Smaller Authorities) Regulations 2015, SAAA is responsible for appointing external auditors to all applicable opted-in smaller authorities, for setting the terms of appointment for limited assurance reviews and for managing the contracts with the appointed audit firms. Smaller authorities are those whose gross annual income or expenditure is **less than £6.5 million**.

The next 5-year appointing period runs from 2022-23 until 2026-27 and SAAA has undertaken a procurement exercise to appoint auditors to each County area from 1 April 2022. Now that the submission deadline for the 2021-22 Annual Governance and Accountability Returns has passed, this is to advise you of the option to opt-out of the next round of 5-year audit appointments.

All authorities require an appointed external auditor even if the authority meets the criteria to qualify for exemption, as a Certificate of Exemption is required to be submitted to the external auditor and the auditor must be in place in case of objections from local electors

During the previous 5-year period **all** smaller authorities were 'opted-in' to the central procurement regime managed by SAAA - no authority decided to 'opt-out' and follow the various complex procedures required under statute to appoint their own external auditor. **If** you wish to continue as part of the SAAA sector led auditor appointment regime then no action is required, you will remain part of central scheme.

However, all authorities must be given the option to opt-out of the central procurement and appointment scheme and appoint their own external auditor for the next 5-year period, although the process is onerous for smaller authorities.

This is communication is to advise that whilst all smaller authorities are opted into the central procurement of external auditors by default, any authorities who do not wish to be part of the SAAA arrangements must formally notify SAAA that they wish to opt out within **8 weeks** of this communication but no later than **28 October 2022**; this decision must be communicated to SAAA via e mail.

If notification of your decision to opt out is not received within this 8-week period, then your authority will be regarded as opted-in for the next five-year period beginning on 1 April 2022 and ending on 31 March 2027.

Opting-out

Opting out is a significant decision which requires careful consideration; to assist authorities considering opting out further guidance has been developed to clarify what opting out means in practice. This detailed information can be found at www.saaa.co.uk

An authority that wishes to opt out must formally reach and record that decision in a way that meets the requirements of its own governance framework, by convening a full council meeting or an extraordinary council meeting.

Key implications are:

- an opted-out authority regardless of size (including exempt authorities) **MUST** appoint an appropriate external auditor;
- the appointed auditor **must** be a registered auditor as defined by the Companies Act and a member of Institute of Chartered Accountants (England and Wales).
- an opted-out authority **must** convene an appropriate independent auditor panel which meets the requirements of the Local Audit and Accountability Act 2014 (LAAA). Detailed quidance on auditor panels is available in Schedule 4 of the LAAA Act and from CIPFA;
- an opted-out authority will need to develop its own specification for its external audit contract, will need to negotiate the price for this work on an individual basis and will need to manage the contract, including any disputes, and any independence issues that may arise:
- an opted-out authority must ensure full compliance with the relevant requirements of the Local Audit and Accountability Act and supporting Regulations;
- any opted-out authority that does not successfully appoint an appropriate external auditor in the correct manner and notify SAAA who their external auditor is by 30 November 2022 will have an external auditor appointed for it by the Secretary of State through SAAA. This will result in additional costs of £300 which will have to be met by the authority.

6 Budget

A spreadsheet showing the relevant information is being provided separately

Vehicle Activated Signs (see also briefing from NYC)

In 2019 the YLCA became aware that North Yorkshire County Council, (NYC), had expressed a view to local councils in North Yorkshire, that local councils have a legislative power to pay for or towards vehicular activated signs. The solicitors at NALC disagreed.

The divergence of opinion between NYC and NALC is set out below in the 2019 response from NALC: The question is whether a local council (town and parish council) has the power to provide vehicular activated signs showing speed, as NYCC has stated that such a power exists under section (1)(b) Road Traffic Regulation 1984.

We do not consider that the phrase used in section 72 of the 1984 Act 'warning of the existence of a danger' covers a sign notifying drivers of their speed. 'A danger' means something such as a concealed entrance or dangerous junction.

NYCC accepts that the signs covered in the Regulations divide into two types – those that warn of specific dangers and those to do with speed.

Just because both types are included in the Regulations and protocol, does not make them the same category of sign. There is a difference, as NYCC accept, between signs warning of a danger and speed signs and section 72 of the 1984 Act only covers the former not the latter'.

'The bottom line is that vehicular activated signs showing speed do not fit any of the possible definitions in local council direct powers".

As advised by NALC and YLCA previously, a local council is recommended to consider utilising the power provided by section 137 of the Local Government Act 1972 to incur expenditure on such signs (within the financial limits applicable).

What councils have now is the opinion of two solicitors, neither of which are tested in the courts. It is for a council to choose which opinion it will rely on and to remember there is a risk assessment exercise to be done in this regard in relation to the appropriate use of public funds.

YLCA would add that the use of power given by Section 137 of the Local Government Act 1972 is a safe power to use and, assuming that a council is satisfied that the criteria of using this Section to incur expenditure are met, it is a financially low risk option. One of the issues of course is that the current annual allowance of £8.82 pence x electors (2022/2023) on the electoral register on 1 April in the year, may make purchase and/or provision of these signs difficult for smaller councils. Any grant from another organisation to the parish council towards the VAS must be included within this calculation. Therefore, irrespective of where the money comes from, if the money comes into the parish councils account before being expended, it is subject to the legislative power being used to make the expenditure

Questions posed to NYC by the Parish Clerk in July 2019 and its replies

- 1. If the Parish Council was looking to proceed in conjunction with one or more Parish Councils, can a request be made by them acting jointly or must they form a joint community group so that the County Council deals only with one body, bearing in mind in particular the reference to a legal agreement and deployment schedule? I anticipate that for insurance purposes and to avoid duplication of cover, a joint community group might be necessary but confirmation of the County Council's position would be appreciated. Parishes should join together into a community group but either option is acceptable.
- 2. Is there a charge for the site assessment? No officer time is provided free of charge

- 2. At what point must proof of funding be demonstrated and what evidence is required? A signed legal agreement (by the community group and County Council) will be sufficient
- 3. What is the cost (over and above the £500 installation charge) for the provision of sockets on a) existing lighting columns and b) stand alone signposts? Brackets will be required for mounting on lighting columns (minor cost) and only the £500 cost is applicable for signposts.
- 4. At what stage in the process does the consultation with neighbouring properties take place? When a site has been approved by myself it would be courteous of the parish council to inform any nearby residents. Best to locate the signs away from windows where they can be seen regularly.
- 5. What proof of local support is required? Verbal proof is fine.
- 6. What is the charge for removal of an unwanted VAS? The sign would be yours so there would be no charge if you removed it. There would be no charge for the removal of a post.
- 7. Can a 7 day speed survey be requested by the Parish Council before deciding whether or not to initiate the process? Yes, I can arrange this for you and this is proving to be a popular way forward. The charge is £110 + VAT
- 8. Is there an ex-gratia speed survey that can be requested? Annabel has suggested that the Parish Council may be entitled to one on the basis that it has not had such a survey in the last 3 years. No, all surveys will be charged at £110+VAT each. You can order as many as you like but every location/occurrence must be charged to cover the costs.

Secure emails

With both GDPR and the need for public records, Parish Councillors and the clerk are discouraged from using personal email accounts for council business so as to mix council business with their own. Councillors will note, however, that the Clerk seeks to avoid circulating by e-mail anything that is data sensitive; that her Clerk's current e-mail account is used exclusively for the purpose of Parish Council business; that the Chairman holds the log on details in the event that access by a third party is necessary. Some emails are also saved as pdf files on the Parish Council's laptop.

There are two main types of accounts: namely **hosted email accounts** where the email address uses your domain name eg clerk@ECPC.org.uk. **or free web-based accounts** such as Outlook or Gmail. The Clerk uses her free Yahoo account for Parish Council business

With hosted accounts, messages are stored on the server; you can access your email from any device connected to the internet; the council can request the removal of an account and deletion of messages if a Councillor or clerk leaves the council but may have no control over those which a councillor or clerk has downloaded or copied onto their own device. There is a cost to set up and maintain the accounts including for storage space for the email messages

Free accounts have limited support and may be scanned to serve advertising needs which can have privacy implications. Neither Gmail nor Outlook are supposed to be so scanned.

Councillors have previously queried the availability of gov.uk email addresses for councillors.

Parish Councils are eligible to apply for a domain name and the steps are outlined on the gov.uk website

Councillors will note the costs of registration and a need to provide a hosted domain which will incur costs as above.

In addition to the Clerk's Yahoo account, the Parish Council (PC) also has Gmail and Outlook accounts, neither of which are used. It would potentially be more convenient for the Clerk and more secure to switch to the Outlook account if councillors are not minded to explore the hosting of the Parish Council's own domain.

If councillors wish to explore further the setting up and hosting of the Parish Council's own domain, advice from an expert will presumably be required and both that and the cost implications will need to be considered at a subsequent meeting.

March 2021

2103.16 Secure E mail Addresses

It was resolved that this matter be considered by the PC further at its June meeting.

NALC advice is that local councils (Town and Parish) of all sizes should ideally obtain an appropriate GOV.UK domain name for their council, and equally importantly, a secure and centrally-managed email system to sit behind it. The reasons are:

- 1. It demonstrates the council's official local government status to help build trust, credibility and visibly demonstrate authenticity.
- 2. The importance of having a secure, centrally managed email system with built-in security.
- 3. Ability to:
 - I. add, edit, and remove users as appropriate
 - II. suspend user access in an emergency
 - III. search all data contained within the system for effective compliance with Data Subject Access Requests and Freedom of Information Requests.

What are the options?

1. Free email address for each Councillor

Google, yahoo, etc., provide free email addresses. However, they use public servers which can be easily accessed by third parties, e.g., advertisers, hackers.

Each email address will need secure password protection and the device used to send and receive PC information will require protection from malware, spyware, and viruses, which readily attach to emails for ease of spreading.

The number of devices that need protecting will depend on the number of Councillors and the number of devices they use to access emails e.g., PC, Laptop, Smartphone. Councillors may have

their own anti-virus software for their own devices, but the ECPC will need to ensure that the level of protection is uniform.

2. Obtain a Gov.uk domain name

Parish Councils are eligible to apply for a Gov.uk domain name. The email is hosted by the domain. Emails are kept on a secure server and the PC has control over all email accounts and can request the removal of an account and deletion of messages if a Councillor or clerk leaves the council.

However, there is a cost. ECPC will need to appoint a registrar to register and manage the domain. A list of approved registrars is available on the Gov.uk, which is quite lengthy. A trawl of local PCs using the .gov.uk domain shows a variety of web hosts being used to varying degrees. It is not clear whether the web hosts also applied for the .gov.uk domain.

As suggested by the NALC, the YLCA should be able to offer advice and support in this area and it is recommended that advice is obtained from them in the first instance. An attempt has been made to access guidance from the YLCA website, but the writer does not have the required access permissions.

What is the cost?

1. Free email requiring device protection The following is a selection of protection software:

Norton:

Basic protection for one device - £14.99 for 1 year and £34.99 per year thereafter

Comprehensive malware etc. protection:

- a) one device £69.99 for 2 years and £65.00 per year thereafter
- b) five devices £89.99 for 2 years and £85.00 per year thereafter
- c) ten devices £101.99 for 2 years and £95.00 per year thereafter

McAfee Total Protection:

- a) one device £24.99 for one year and £59.99 per year thereafter
- b) one device £39.99 for two years and £59.99 per year thereafter
- b) five devices £44.99 for two years and £79.99 per year thereafter
- c) ten devices £54.99 for two years and £89.99 per year thereafter

2. Domain name and email

The baseline cost for a new domain name from the current registry provider is usually £80 + VAT for the first 2 years. The renewal fee every 2 years after that is £40 + VAT.

The provider is also likely to charge a markup depending on the level of service they provide e.g., website and email hosting. It has not been possible to obtain an exact price for this. It depends on the provider and what they are providing, and for anything other than website development plus email hosting, it is price on application. It is understood from various sites that YLCA may have access to appropriate discounted web hosting, but it is not clear whether this includes applying for the gov.uk domain.

Conclusion

The current practice of ECPC disseminating council information to Councillors' personal email addresses poses various data protection and security issues. Urgent consideration needs to be given to providing centrally controlled, dedicated email addresses for Councillors to use for PC business. There are essentially two options, each bearing an additional cost, which is a relevant factor given the size of the PC. However, it is clear that further investigation of the YLCA is needed to establish the gov.uk domain as a viable alternative, and whether obtaining the domain is independent of web hosting to obtain the secure email.

Recommendation

Investigate further with YLCA:

- a) the viability of a gov.uk domain for a small PC
- b) registrars to apply on behalf of ECPC for a gov.uk domain
- c) whether an application for a gov.uk domain is independent of web hosting in order to obtain the secure email.

September 2021

2109.19 Secure E-mail

It was resolved that a provision of £500 be made in next year's budget to enable the acquisition of a hosted domain, gov.uk name and secure email provision.

Councillors to consider: what are the risks in not proceeding asap; what do other local parish councils do; how will the domain be hosted; is £500 sufficient; what will be the ongoing cost going forward?

7 Asset inspections

A report is being circulated separately summarising the regular inspections undertaken The annual inspection of the play equipment has also taken place and the report indicates no need for immediate action but draws attention to the state of wood on the multiplay and balance beam whilst warning of the longer term risks from strimmer damage

10. Community Assets

It is understood that in addition to the application that has already been minuted and is being pursued an approach is to be made to the PC concerning premises in the Parish of South Cowton and in relation to which councillors' preliminary views will be sought

12. Memorial Bench

A request has been made to the PC regarding the placing of a memorial bench ideally on the village green. The Clerk has responded to indicate:

My understanding is that the green to which you refer is adopted by North Yorkshire County Council (NYCC) and is essentially public land. Nevertheless, if you seek to proceed as you have outlined, as a matter of courtesy it may, of course, be prudent to consult with adjoining residents.

Before doing so, however, I would refer you to the details on NYCC's website concerning street furniture. The link is <u>here</u>.

You will see that if Parish Councillors agree with your request then the Parish Council must seek a street licence from NYCC; conditions can be imposed including as to design and materials and accredited contractors must be used. Placing a bench on the green will, of course, require an appropriate base to be constructed and you would need to provide for this in addition to a bench and plaque.

Because the Parish Council becomes responsible for the upkeep, repair and maintenance of the bench it too first needs to consider in detail your proposal. At the present time the Council is lacking funding for the repair of at least one bench on the village main street and you may wish to consider as an alternative the repair or replacement of that bench. This would avoid the need to obtain a street licence or undertake groundworks.

Perhaps you would like to consider the position further in light of the information I have supplied as well as that on NYCC's website. In the meantime, I shall ask Parish Councillors for an indication of their views regarding any application for a street licence to place a bench on the green as well as to a commitment by the Parish Council for the maintenance and insurance of an additional bench.

The Clerk has made the applicant aware of the meeting on 26th September and that it is open to the public to attend but has also undertaken to respond with an indication of councillor's views subsequent to the meeting.

14 Recruitment of a Clerk

The Clerk has given notice of her resignation and steps for the recruitment of her replacement now need to be agreed and undertaken as well as arrangements for a handover.

16. Civility and Respect

Details of the Civility and Respect pledge have previously been circulated to councillors together with a new Dignity at Work policy to replace the Bullying and Harassment policy, and an overview of the Civility Training programme. The Pledge is easy to sign up for and is designed to help define the right behaviours within councils to prevent bullying and to support councils demonstrating high standards of conduct. All local councils have been asked to consider taking the Pledge and all parish councils were asked to put the item on the agenda for their next meeting.

Councillors need to consider any implications in signing/not signing and whether there is a need to adopt a Dignity at Work policy. Although the council has grievance and disciplinary policies it does not have a Bullying and Harassment policy. The clerk is the council's only employee.

17 Planning

See Hambleton District Council's planning website for full details

18 Public Participation

Dangers of blind corner at Birkby railway bridge and lack of repairs to bridge over Wiske have been raised by email

19 Date of Next meeting

The second Monday in November (14th November 2022) is proposed pursuant to Minute 2205.14