

**A meeting of Parwich Parish Council was held on Wednesday, 13<sup>th</sup> October 2021 in Parwich Memorial Hall.**

**Present:** Chair M Compton, M Edge, P Kirkham, J Turnbull, I Manning, Clerk A Martin.

This meeting was preceded at 7:30pm by a video call from Jeremy Mason to brief the Council on the forthcoming Housing Needs Survey which has been requested from Derbyshire Dales Housing.

The formal meeting commenced at 8:30 pm.

#### **10-13-1 Apologies/Councillors' attendance register.**

S Chambers and L Coyne, had sent their apologies which were accepted.

**Resolved:** That the record of attendance should be completed on the Councillors' behalf by the Clerk to avoid circulating the attendance register in the meeting.

#### **10-13-2 Declaration of personal/pecuniary interests of Councillors.**

P Kirkham declared the following interests in relation to item 9, Planning Applications.

1. A pecuniary interest in the application for The Orchards. (Owner)
2. A personal interest in the application for Court House. (Neighbour)

#### **10-13-3 Minutes of the previous meeting.**

The draft minutes of the meeting of 15<sup>th</sup> October had been forwarded to members in advance of the meeting and displayed on the Parish Council's website.

**Resolved:** To accept the draft minutes as a true record of proceedings. The Chair signed a copy of the minutes for the record.

#### **10-13-4 New Councillor.**

The Council had advertised a vacancy to be filled by co-option. An application had been received from Isobel Manning. Isobel has confirmed that she meets the criteria for eligibility as a Parish Councillor.

**Resolved:** There being no other applicants, Isobel should be co-opted onto the Council.

The new Councillor signed the Declaration of Acceptance of Office which was witnessed by the Proper Officer. The Chair welcomed Isobel onto the Council

#### **10-13-5 Public speaking.**

None.

### **10-13-6 Items from public speaking.**

None.

### **10-13-7 Clerk's report.**

Completed

1. Clerk's estimate of time 9 hours per week.
2. Attended Clerk's Zoom meeting 13th October.
3. Confirmed that Clare Wilkins from the Peak District National Park Authority (PDNPA) will attend the meeting in November to brief the Council on Village Plans.
4. Minor maintenance claim submitted for work at Gibbons Bank.
5. Unsafe condition of footbridge on right of way at Nethergreen North. Confirmed with Highways Authority that this will be repaired in timber. Work completed.
6. Agreed with contractor to trim and re-seed bank by tennis court created by drainage improvements. Work completed.
7. Advised Notts DA Caravan and Motorhome Club of fees for 2022 and confirmed booking.
8. Sent out six-monthly requests for rental payments.
9. Road widening and repair to bend chevron at Dales yard corner completed.
10. Reported pothole on downhill approach to Dales yard Corner. Work completed.
11. Replied to Carnival Committee agreeing to use of Parson's Croft for bonfire and fireworks display.
12. Kerb weedkilling.
  - 12.1. Requested mowing contractor to complete suggested kerb weed killing as agreed. (Status unknown)
  - 12.2. Confirmed with Highways that regular DCC weedkilling did take place in April and June and should be done again in October.
  - 12.3. Weeds by wall of Pump Hill have been partially treated by a volunteer.

In hand

13. Further tasks arising from the risk management review.

Waiting response or action

14. Repair to stone kerb between brook and path by Japonica in hand. Not completed as expected. Status unknown.
15. Repair to drive gate onto Pump Hill.
16. Request for Playground signs (Highways)

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17. Request to DDDC regarding reporting of Dog Fouling and visits by dog warden.  
It was noted that a Dog Warden has been on patrol in the village.
18. Response from Land Registry re registration of agricultural land.
19. Signed up written 86 Act tenancy agreement for Parwich Moor North.

Oddfellows benches.

For the avoidance of doubt, and to create a public record the Clerk read the following statement.

20. At the previous meeting it was minuted that no objections were raised by the Council to the Oddfellows proposals to instal benches on its land. Once installation began it became apparent that opinion in the village was divided over their location and style.

Comments made, and questions raised, since have indicated a significant risk that the manner in which the Council functions is not always well understood.

The following comments seek to clarify any misunderstanding. They are made in good faith by the Council's Proper Officer; part of whose responsibilities are to advise the Council on correct practice. This advice is provided to the best of my ability, and where appropriate its source is referenced. None the less it does not, and cannot, constitute a legal opinion. Should the Council feel that it requires further advice or clarification, professional advice might have to be sought.

21. It does not matter that the minutes of the previous meeting had not been published, approved or signed or that installation began before formal confirmation of the Council's decision had been given to the Oddfellows. It has been confirmed by the Derbyshire Association of Local Councils (DALC) that a Council's decision is regarded as effective as soon it is made.
22. Knowledge that the Oddfellows had ordered the benches before the last Parish Council meeting took place does not affect the validity of the decision taken. This was a risk the Oddfellows chose to take and was their business not the Council's.
23. The Council did not choose to confirm if the Oddfellows would maintain the benches in the future. That was a risk the Council accepted in agreeing to the request. It may be a matter of opinion whether or not this decision was wise, but

it was a valid decision.

24. The Council did not choose to undertake wider, or more detailed consultation regarding the location of the benches. That was a risk the Council took in agreeing to the request. It may be a matter of opinion whether or not this decision was wise, but it was a valid decision.

It may be noted that the Oddfellows were understood to have consulted with both their members, and the wider community, via a post on the Village blog on the 16th of July in which they said that they welcomed suggestions for suitable locations.

25. The Council did not choose to undertake a risk assessment prior to the installation of the benches. That was a risk the Council took in agreeing to the request. It may be a matter of opinion whether or not this decision was wise, but it was a valid decision.

The possibility with any action that is not subject to a risk assessment is that the Council might subsequently either be found to be negligent or face difficulty making a claim on its insurance. But there is no explicit requirement that Councils carry out risk assessments for everything.

26. The Council did not choose to obtain planning or conservation advice specific to this installation prior its decision. That was a risk the Council took in agreeing to the request. It may be a matter of opinion whether or not this decision was wise, but it was a valid decision.

It may be noted that when the Council previously requested advice on erecting an installation on a Village Green in the Conservation Area the response of the Planning Authority was that this was permitted so long as it did not exceed 4m in height or 200 cubic meters in volume.

Should the Planning Authority subsequently decide that it had grounds, and wished in the public interest, to object to the installation it would be for them to determine if any action should be taken, (such as requiring a retrospective application or restoration of the site).

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27. Failure to declare a disclosable pecuniary interest is a criminal offence. For a definition of disclosable pecuniary interests please see Appendix A of the Council's Code of Conduct published on its website. It is the individual responsibility of each Councillor to decide if they have a disclosable pecuniary interest (Confirmed by DALC). The Clerk cannot determine this for you.

It may be noted that although this definition of disclosable pecuniary interest mentions land, it does not mention goods (e.g. benches).

28. Requirements to declare other interests (pecuniary or not) are described in the Council's Code of conduct. It is the individual responsibility of each Councillor to decide if they should make a declaration of a non-disclosable interest. The Clerk cannot determine this for you.

If any person considers that the Code of Conduct has been breached, they can raise this with the Monitoring Officer at Derbyshire Dales District Council. Only the Monitoring Officer can determine if the Code of Conduct has been breached. (Confirmed by DALC).

29. Council decisions are not invalidated because 'something that occurred in the process of making the decision involved a failure to comply with the code' (of conduct). (DALC Legal Topic note 80 para 20 quoting from S.28 (4) of the 2011 Localism Act). So, a decision would not be void even if the Monitoring Officer took the view that there had been breach of the Code of Conduct as a result of a non-disclosable interest not having been declared.
30. Neither the Clerk's contract of employment, nor the Council's Standing Orders require the Clerk to declare interests, even if they have them. The Clerk would not have a conflict of interest when it is the Council, not the Clerk, which is making decisions.

The Council may if it chooses delegate decisions to its Clerk. If it does so it may wish to be mindful that no conflict of interests will occur.

It may be noted that should the Council, as a whole, feel that the Clerk was in breach of their contract, or not performing adequately, it would be for them to address the matter in their capacity as employer with due regard to relevant

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employment law.

31. The Council's Standing orders set out conditions for the calling of extraordinary meetings, the placement of specific motions on an agenda and the reversal of previous decisions. The conditions have not been met for any of these actions in relation to the approval of the installation of the benches.
32. And finally, The Clerk has been approached by local representatives of the Oddfellows asking if the Council had replied to correspondence, they believed had been sent by their head office. It has been confirmed that no such correspondence has been received by the Clerk or brought to the attention of the Clerk having been received by a councillor.

Local representatives of the Oddfellows have advised that a letter containing various complaints had been sent to their head office. It appears that this may have given the impression that the complaints originated from the Council. It should be stressed that it is not known if any letter sent gave this impression deliberately, allowed this impression through lack of care or was simply misinterpreted.

### 10-13-8 Items of account.

On-line payments approved by Clerk since last meeting

Payee	Item	Amount
Nigel Davis Solicitors	Fees for August.	£ 369.60

On-line payments due.

Payee	Item	Amount
Contractor	Hedge cutting	£ 92.40
AXA Insurance UK Plc	Policy cover increase	£ 204.04
Contractor	Mowing – October. (waiting invoice)	£ 850.00
Contractor	Clearance of pond (in April but just invoiced)	£ 200.00

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Contractor	Other works and grass seed (if completed)	£ tbd
Parwich Memorial Hall	Room Hire. July and September.	£ 30.00

**Resolved:** These invoices were approved for payment. Invoices outstanding for items recorded above to be paid at the discretion of the Clerk when received.

### Receipts

Paid by	Item	Amount
Tenant	6 months' rent for Parwich Moor North. Cheque paid in.	£ 1175.00
Western Power Distribution	Wayleave payment. Cheque to be paid in.	£ 24.69

### Receipts due

Paid by	Item	Amount
Tenant	6 months' rent for Parwich Moor South. Overdue since 28 <sup>th</sup> September. Reminder to be sent.	£ 1630.00

- Balance at 7 October 21. £ 18,867.24.

### 10-13-9 Planning applications.

New requests for comment from the Peak District National Park Authority Planning Department.

1. The Orchards. Dwelling extension. P Kirkham left the meeting for discussion of this item.

**Resolved:** To reply supporting this application on the grounds that it is a sympathetic improvement to the housing stock in the village.

2. Parwich Lees. Orangery. Including Listed Building consent.

**Resolved:** To reply supporting this application on the grounds that it is a sympathetic replacement for the existing conservatory.

3. The Old Smithy. Dwelling extension.

**Resolved:** To reply supporting this application on the grounds that it is a sympathetic improvement to the housing stock in the village.

4. Rookery House. Garden Room and move of LPG tank.

**Resolved:** To reply supporting this application on the grounds that it is a sympathetic improvement to the housing stock in the village.

5. Court House. Creamery Lane. Single Storey side extension. P Kirkham took no part in the discussion of this item.

**Resolved:** To reply supporting this application on the grounds that it is a sympathetic improvement to the housing stock in the village and noting the helpful presentation of three dimensional before and after images of the proposal.

#### PREVIOUS

6. White Park Barn. Cattle shed. Replied supporting application. Permission granted.

7. End Cottage. Summer House. Replied supporting application. Waiting decision.

8. Peakway Farm. Dam Lane. Change of use from ancillary accommodation to short term holiday let. Replied supporting application. Waiting decision.

At this point, noting the pressure of time, the Chair chose to bring forward certain items on the agenda.
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#### **10-13-10 Pump Hill Garden.**

No feedback was available regarding contact with the Community Payback team. Signs have been placed in the garden promoting the Village clean-up day.

The Council had received a request, via the blog, from a former resident wishing to make a memorial donation in support of planting. Contact details have been requested so that this can be followed up.

### **10-13-11 Autumn clean-up day.**

This has been advertised on the blog for 10:00 am on Sunday the 24th of October and will focus on Pump Hill.

A resident had requested that efforts be concentrated on clearing the paths and digging up invasive weeds.

The Memorial Hall management committee had requested assistance with ferrying garden waste from the hall garden to the bonfire at the same time.

#### **Resolved:**

1. Precise tasks to be determined on the day depending on weather and volunteers.
2. Volunteers to provide own equipment.
3. Risk assessment to be prepared by the Clerk.

### **10-13-12 Pond clearance.**

A tender to undertake this work is expected but not received yet.

**Resolved:** To delegate to the Clerk authority to allow this work to commence at his discretion.

### **10-13-13 Marquee funding.**

The Parwich Horticultural Society had requested a donation of up to £1,000 for the hire of a marquee to support their bid to host BBC Radio 4's Gardeners' Question Time during their 70<sup>th</sup> Anniversary Year. It was noted that the society has in previous years donated much of the funds raised from Open Gardens' Day to various projects in the village rather than build up its own reserves.

**Resolved:** To pledge support of £1,000 towards a marquee should the bid be successful.

### **10-13-14 Remembrance Day.**

**Resolved:** Councillor M Edge will place a wreath at the War Memorial on behalf of the Parish Council.

### **10-13-15 Asset Register.**

A revised asset register reflecting updated sums insured had been circulated in advance of the meeting

**Resolved:** To approve publication of this asset register on the Council's website.

### **10-13-16 Clerk's salary.**

At the previous meeting an increase in the Clerk's paid hours had been agreed but the date it was to become effective had not.

**Resolved:** The increase will be effective from the beginning of the current financial year.

### **10-13-17 Housing needs Survey.**

The video call from the Derbyshire Dales Housing Enabler, Jeremy Mason, at the start of the meeting had highlighted that the population of Parwich is quite small for accessing the necessary support to implement an affordable housing scheme. Planning consent will only be granted in the National Park if a survey demonstrates a sufficient level of local need. The merits of conducting a Housing needs Survey including some neighbouring parishes had been discussed. Noted that it is unlikely that Brassington would be included in this survey as its Parish boundary is not adjacent to Parwich's.

Jeremy has undertaken to establish the current ownership of property previously built as affordable housing in the village to establish a true picture of what is currently available.

**Resolved:**

1. The Clerk to establish the population of the following parishes.
  - 1.1. Ballidon
  - 1.2. Newton Grange.
  - 1.3. Eaton and Allsop
  - 1.4. Hartington nether Quarter.
2. Where a Parish Council, (or Parish Meeting) for each of these exists the Clerk will approach them to see if they would be willing to be included in the survey.
3. The Council confirmed its support for carrying out a survey and willingness to promote it within the village.

This process is expected to mean that the survey cannot take place until the new year.

No proposals for an affordable housing scheme will be considered, or even possible, unless the survey demonstrates sufficient local need.

### **10-13-18 Parson's Croft.**

Hedge cutting has been largely completed.

**Resolved:** To note the Council's gratitude to the contractor for the quality and quantity of work undertaken and to P.Kirkham for assisting with clearing the site afterwards.

### 10-13-19 Village Survey.

No further discussion had taken place.

### 10-13-20 Playground inspection.

M Compton briefed the meeting, having carried out an on-site review of the latest inspection report. The various observations in the report were discussed. It was suggested that a number of these reflected very minor concerns. None were highlighted as high risk.

**Resolved:** A proposed list of tasks to be carried out to be prepared by M Compton for approval at the next meeting. These to include painting of the roundabout seat which has become necessary since the inspection report was prepared.

### 10-13-21 Pavilion.

Further weather damage to the pavilion roofing felt has been reported. Advice had been sought regarding the condition of the roof and prospects for its repair. This can be summarised as follows.

1. Construction
  - 1.1. The roof is supported on timber trusses.
  - 1.2. Asbestos panelling is attached to the inside of these timbers
  - 1.3. Plywood is attached to their outside
  - 1.4. Felt is attached to the plywood.
2. Damage
  - 2.1. No damage to the main supporting timbers was noted.
  - 2.2. Some damage to the plywood was noted.
  - 2.3. Some damage to the roof felt was previously repaired.
3. Further repair
  - 3.1. This could be attempted where damage is evident.
  - 3.2. New felt can be fixed locally with bitumen.
  - 3.3. New plywood can be fixed locally as required.
4. Risks
  - 4.1. The extent of repairs that might be required is not known.
  - 4.2. How long repairs will last cannot be guaranteed.
  - 4.3. The integrity of areas not exposed during repair cannot be guaranteed.
  - 4.4. If work exposed damaged asbestos panelling, or risks damaging it, it might have to stop pending possible inspection and repair by a specialist contractor.

**Resolved:** To delegate to the Clerk authority to allow work to commence at his discretion to affect a repair before further damage occurs. Should it become apparent that this is likely to

incur costs exceeding a day's labour plus materials the Clerk will consider referring the matter back to the Council.

### **10-13-22 Ivy on walls at Nether Green.**

No report or proposal was presented at the meeting.

**Resolved:** To consider this matter at a future meeting.

### **10-13-23 Toilets.**

Parwich School, values the use of the toilets at Parsons Croft both for their own pupils and because it allows them to host events involving other schools. They have requested that the toilets remain open for the remainder of the term, weather permitting.

**Resolved:** To delegate to the Clerk authority to make, at his discretion, suitable arrangements with the school and Bowls Club to facilitate the use of the toilets.

### **10-13-24 Bus shelter decoration for Christmas.**

A request had been received to allow the Christmas decoration of the bus shelter by children.

**Resolved:** The Council supports this proposal.

### **10-13-25 Correspondence and communication.**

Items not covered elsewhere

1. State of bench installation on the Green.
2. Decision to allow the Oddfellows to install benches on Parish council Land. (2 off)
3. Safety at Dales Yard corner.
4. Ginnel by Bankside cottage.
5. Bankside. Road sign removed.
6. DDDC. Waste & recycling update.
7. DDDC. Public Space Protection Orders - public consultation.
8. DDDC. Community safety survey.
9. DCC. Lamp Post Poppy Campaign 2021.
10. DCC. Free Stop Smoking Services.
11. DCC. Community news. X 2
12. DCC. Closure of Bradbourne Road Parwich for Water Pipe Repair.
13. DCC. Derbyshire Day 2021.
14. DALC. Newsletter.
15. DALC. Webinar reminder.
16. DALC. Online Training. HR Staff Appraisals.

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17. DALC. Resilience, Wellbeing and Mental Health Training.
18. DALC. Papers in preparation of the 75th AGM.
19. DALC. Basic Survey & Tree Inspection Training Course.
20. PDNPA. New litter picking kits help visitors.
21. PDNPA. Withdrawal of Bakewell Neighbourhood Plan.
22. PDNPA. Parishes Day Notes 2021.
23. Rural Services Network. Bulletins x 4 + funding digest.
24. Rural Action Derbyshire. Briefing for village halls - COVID-19.
25. Boundary commission. Ward change consultation. Plus a reminder.
26. Planning Survey for MSc. Reminder.
27. Rehab 4 Addiction. Website request.
28. Neighbourhoodalert.co.uk. Booklet from The Rural Crime Team.
29. Came & Co. Name change to Gallagher. X 2

To reduce the amount of unwanted marketing material received by the Clerk and the Council the Clerk's e-mail address continues to be unsubscribed from a number of mailing lists.

### **10-13-27 Items for the next agenda.** (Not mentioned elsewhere)

1. Village Plans speaker from PDNPA.

### **10-13-28 Date of next meeting.**

The next meeting will be held on Wednesday 17th November at 7:30 pm in the Memorial Hall.

A request had been made to move the meeting of the 20<sup>th</sup> of `April next year.

### **Resolved:**

To consider this nearer the time in light of the availability of Councillors to attend on a different date.

The meeting was closed at 10:15 pm.

A Martin  
Clerk to Parwich Parish Council  
14 October 2021