

CASTLE EATON PARISH COUNCIL

**EXTRA-ORDINARY MEETING held on APRIL 11,
2017, in the VIILLAGE HALL at 7.00pm**

MINUTES

PRESENT

Cllr W Hughes (chairman)

Cllr D Sainsbury (vice-chairman)

Cllr S Gruszka

Cllr L Saunders

Cllr D Naidu

Mr S Taylor (SBC)

Mr R Core (SBC)

1 resident

A Gorton (clerk)

1 APOLOGIES FOR ABSENCE

There were no apologies given.

2 DECLARATIONS OF INTEREST

No declarations of interest were made at this point.

3 TRANSFER OF SERVICES FROM SWINDON BOROUGH COUNCIL

3.1 The chairman thanked Messrs Taylor and Core for attending and he introduced the topic with a brief report of the recent history of correspondence and discussion.

3.2 The chairman drew attention to the difficulties facing the Parish Council in adopting the services suggested for transfer, ie it consists of 5 volunteer Councillors, with no premises, no equipment, no employees except for a part-time clerk, and it is not therefore in a position to take on many further responsibilities. The Parish Council had agreed to take responsibility to maintain the grass verges as per the plan in Appendix 2 of the draft Deed for which budget provision had been made for the financial year 2017-2018 and a contractor appointed.

3.3 The chairman referred to the current revision of the draft Deed, declaring his concerns about signing a 20-year term, accepting responsibilities for which they were not elected, and inability to maintain a workforce. He considered the Deed placed an unreasonable burden and liabilities on the Parish Council, and would discourage current Councillors from remaining in post and others from applying to become a Councillor.

When the Parish Council had agreed to accept responsibility for maintenance of the verges there was no mention at that time of a Deed or a 20-year term, or indemnification of SBC.

The chairman referred to the Schedule of services one by one,

- a hedge as per the plan in Appendix 2 does not exist
- the playing field which has never been an SBC responsibility
- the play park which is not owned by SBC, nor maintained by SBC, but was provided by and is maintained by a Village Community Committee
- street cleaning, which lacks definition though it is assumed this includes hard surfaces which are not part of the highway but requires clarification
- litter picking, which no one can recall it ever having been done by SBC; the ditches alongside the roads are full of discarded rubbish accumulated over about 20 years but which the Parish Council is now expected to clear
- emptying dog waste bins, of which there are none in the village so SBC has never emptied any
- emptying the 3 litter bins (R Core pointed out that these come under the 'street cleaning' heading)
- graffiti and fly-posting removal, which cannot be predicted or budgeted for
- fly-tipping removal, for which the Parish Council lacks resources to identify or dispose of the rubbish so every instance is 'beyond the capability' of the Parish Council, while there is indication that this on-going problem will worsen; there is conflicting advice about what is classified as fly-tipping and what is just litter: how does the Parish Council dispose of this litter?
- washing road signs, now the wording has been changed from having responsibility to "permission if the Council wishes to do it" in the latest version of the Schedule; the Parish Council assumes this includes the village name signs and the 'gates' at the entrances to the village
- responsibility for footpaths, bridleways and public rights of way had been removed, either by omission or commission..

The chairman raised the question of the alternative, should the Parish Council not accept the responsibilities and not sign the Deed, how would these services be provided and statutory duties fulfilled?

The most recent email from Mr Leon Barrett of SBC StreetSmart indicated that the Parish Council could contract SBC to continue as before April 1, 2017, but had not given any costings so the Parish Council could not budget for this contingency. There had been some indication

that larger Parish Councils may help or provides services to the smaller ones, but the latter had not been given any information.

Moreover, the financial figures given in the letter and those accompanying the Deed differ. The chairman hoped that SBC could appreciate the Parish Council's reluctance to take on responsibilities for which they cannot properly provide and in some cases don't know what these are.

4 Mr Taylor set the context for the policy, beginning from the standpoint that he had been asked by Parish Councils to provide a standard Deed with Schedules specific to each Parish Council. This he had done. A Deed was necessary because a function exercised by SBC under the Local Government Act 1972 was giving a legal basis to Parish Councillors as local stewards of the parish.

Parish Councils could make budgetary provision for 5 years as the life of a Parish Council is 4 years, so a 5-year break clause was included in the Deed.

Indemnity of £10million was acceptable as it covered SBC insurance.

On the matter of larger Parish Councils helping smaller ones, Mr Taylor felt sure they would help where and when they could, and mentioned Haydon Wick and Stratton as examples.

5 Councillors raised a number of questions which were answered by Messrs Taylor and Core, viz.

What if some of the services in the Schedule do not apply or if the Parish Council does not wish to take responsibility for them? Cross them out.

What happens if a service is taken out of the Schedule? Not a lot, as not a lot is being done now.

Is there a minimum standard the Parish Council must achieve? That standard is the standard set by provision by SBC currently.

With a backlog of work accumulated over a period of 20 years in some instances, would SBC expect it to be undertaken immediately? It will be onerous on the Parish Council, but the Parish Council can take on as much as it wishes. The Deed has now given the tools to the Parish Council to do what it wants to the extent it wishes.

Fly-tipping removal can be a major problem but can SBC guarantee that it will always do it? If the rubbish is on the highway, SBC has a statutory duty to clear it and will continue to do so. If the Parish Council signs the Deed promising to undertake services which it has no resources to carry out, how can it do that work and do it properly? Activities such as a Village Clean-up can help, when SBC will assist with the Health & Safety aspects, risk assessment, etc. A change of wording in the Deed from 'the Parish Council shall discharge ...' to 'the Parish Council has permission ...' would help

6 The chairman thanked Messrs Taylor and Core for attending and assisting the Parish Council in its deliberations. It would help further if some form of communication can be started with other Parish Councils willing and able to help smaller ones. Also, if services such as litter-picking could be defined.

The Parish Council will now have to decide what it wishes to do: this will not be an instant decision this evening, but the Councillors are much better prepared to make this decision.

Mr Taylor suggested that the Deed should be signed as soon as possible. SBC will give any help it can on the financial figures, on wording and on the Schedule.

Mr Core stated that if the Parish Council decides to undertake litter-picking, SBC will provide two bins which will be emptied every fortnight by refuse collectors, at no cost to the Parish Council.

Messrs Taylor and Core left the meeting.

7 The chairman considered that the Parish Council is now in a different situation from that which Councillors had previously been led to expect. Importantly, if they could not accept responsibility for any service in the Schedule, it could be struck out though in the knowledge that it would probably not get done.

The current version of the Deed is more acceptable. Major fly-tipping removal and maintenance of footpaths and bridleways has already been removed from the Schedule. There is nothing to stop the Councillors from organising a Village Clean-up. If one or other of the larger Parish Councils can undertake work on Castle Eaton's behalf that should be considered also. In some instances and with some of the services almost anything the Parish Council can do is better than SBC has been providing. The ditches are a problem: it may be possible to employ some-one to undertake litter-picking them and clear them over a number of years.

8 The chairman proposed that the clerk should now write up the Minutes, circulate them and allow for a period of reflection. He will study the Deed again to ensure everything has been dealt with. Mr Core should be asked to reconcile the financial figures.

This was AGREED and the Meeting concluded..

Signed (chairman)

..... (clerk)

..... (date)