

**MINUTES OF A VIRTUAL MEETING OF KEDINGTON PARISH COUNCIL  
TUESDAY, 16 FEBRUARY 2021 – 7.30 p.m.  
MEETING HELD BY ZOOM PLATFORM**

**Present:** Cllr Ann Naylor (Chair)  
Cllr Karen Barber  
Cllr Tracey McAllister  
Cllr James Stranger  
Cllr Stella Wilsher  
Cllr Terry Wheeler  
One vacancy; two vacancies pending

**In attendance:** Ms Marion Farrant – Parish Clerk

**Also in attendance:** Suffolk County Councillor David Roach, West Suffolk Councillor Karen Richardson; West Suffolk Councillor Marion Rushbrook; Father Chris Giles Parochial Church Council; Mary Upton Parochial Church Council; Four Parishioners present.

Meeting held under Regulation 6 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020.

- |          |  | <b>ACTION</b> |
|----------|--|---------------|
| <b>1</b> | <b>Parishioners Question Time and to acknowledge agenda items of interest to members of the public present</b><br>Father Chris Giles and Mary Upton expressed an interest in agenda item 14.1  |               |
| <b>2</b> | <b>Welcome, apologies and resignations</b><br>The Chair welcomed all present; there were no apologies for absence. The Chair informed the meeting the Vice-Chairman, Councillor Joe Harrison had resigned and the formal resignation had been received from Councillor Carre-Skinner. This leaves the Parish Council with one vacancy and two vacancies pending.   |               |
| <b>3</b> | <b>Election of Vice-Chair {LGA 1972, ss15 (6) and 34 (6)}</b><br>No nominations were put forward. Councillor Wilsher put herself forward for the position of Vice-Chair and this was seconded by Councillor Barber. Unanimous vote.  |               |
| <b>4</b> | <b>To receive members' declarations of Disclosable Pecuniary Interests and Local Non- Pecuniary Interests in accordance with the Suffolk Code of Conduct (and section 106 of the LGFA 1992) and receive any applications for dispensations on agenda items</b><br>Councillor Wheeler declared a Non-Pecuniary Interest in agenda item 15.  |               |
| <b>5</b> | <b>To agree and sign as a correct record the minutes of the virtual meeting of Kedington Parish Council held on 26 January 2021 and to agree that delegated authority be given to the Chair to sign the minutes outside of the meeting</b><br>A resolution was put forward by Councillor Wilsher and seconded by Councillor Wheeler that the minutes of the virtual meeting of Kedington Parish Council held on 26 January 2021 be agreed as a true record and for the Chair to sign the minutes outside the meeting. There were no other resolutions; unanimously agreed. |               |

## 6 Receive Visitor's Reports

### **Suffolk County Councillor David Roach**

County Councillor Roach stated nothing to report from Suffolk County Council at the present time as not a lot was happening. Councillor Roach's Highways Locality Funding had now ceased until after the May 2021 elections. There is to be a new recycling centre in Haverhill at a cost of 1½ - 2 million pounds; this will replace the old site on Chalkstone Way; the new site will be located on the Industrial Estate. Councillor Roach reported a new mobile ANPR system is being deployed across the county to provide mobile enforcement for speeding vehicles, non-taxed or uninsured vehicles. Councillor Roach said he was happy to fund the purchase of a new computer for the Parish Council Office from his Locality Budget. The Chair thanked him for this.

### **West Suffolk District Councillors Karen Richardson and Marion Rushbrook**

A joint report from West Suffolk Councillors Karen Richardson and Marion Rushbrook had been emailed to all Councillors and is attached to these minutes as Annex 1.

Annex 1

## 14.1 With Councillors permission, the Chair brought forward agenda item 14.1.

### **Cutting grass in the Churchyard at St Peter & St Paul Church, Kedington:**

The Chair addressed the meeting and stated following some training she had recently received it had come to her attention that the Parish Council did not have the power/statue to cut the grass in the Churchyard at St Peter & St Paul Churchyard in Kedington. The Chair said she had sought advice from Suffolk Association of Local Councils who confirmed the current legal advice from National Association of Local Councils is that *"The powers of the LGA 1894 prohibit councils' involvement in property relating to the affairs of the Church, e.g., the maintenance or improvement of buildings or land or contributing to the costs"*. The advice goes on to state *"the question often asked is whether that prohibition still applies or is it overridden by legislation made after the 1894 Act. Examples of such legislation are s214(6) of the Local Government Act 1972 which provides that councils which are burial authorities may contribute to another person's expenses (e.g., the PCC or synagogue) in providing a cemetery in which residents in the council's area may be buried"*. The Chair said she had been in contact with other Parish Councils within our area and none of them maintained their burial grounds within a Churchyard. Cutting in the old and new churchyards costs the Parish Council £4,250 per year for 17 cuts between March and October..

The Clerk stated that Kedington Parish Council had cut the Churchyard, both old and new since 1994 under s214 (6) of the Local Government Act 1972. A graveyard primarily refers to a burial ground within a Churchyard. For clarity, the Parish Council is not classed as a Burial Authority. NALC have stated there is no "case law" which challenges the 1894 or 1972 Local Government Acts and it would be possible for Parliament to clarify the point with a specific provision in new legislation, but Government's current view on the legal issues is that there is no need for any further legislation as they believe the 1894 Act restrictions do not override the provisions in later Acts of Parliament (1972 LGA). NALC's view is *"there is no consensus on this issue, a council that considers making a payment in these circumstances needs to consider whether it is prudent to take a course of action that it cannot be certain is legally valid"*.

Father Chris Giles said it was his understanding that the old churchyard was a "closed" churchyard and legislation permitted Parish Councils to maintain this. Mary Upton (Church Warden) said the old churchyard has never been officially closed and to do this, an application would need to be made to the Ministry of

Justice under s1 of the Burial Acts 1952. Mrs Upton said she had records dating back to 1976, whereby the Parish Council cut the Churchyard with a grant being given to them by the then Borough Council to carry out this work.

The Chair said that if the Parish Council did not do the cutting, the Church could ask West Suffolk Council to take on this responsibility as they are the burial authority.

The Chair asked for Councillors comments and discussion ensued. Councillor Wheeler put forward a suggestion that as the precept for 2021/2022 had already been applied for and cutting the Churchyard formed part of this, could the cutting not continue for the present time and a working party with the Parochial Church Council be formed to try and work through this issue.

County Councillor David Roach suggested the Church could form a "Friends Group" such as they have at St Marys Church in Haverhill. He agreed to provide Mrs Upton with a named contact.

The Chair stated she had sought advice from SALC as to what other ways the Parish Council could legally help the Church and they confirmed NALC Legal have said that the Parish Council could fund the Church's insurance and electricity costs under s137, LGA 1972 and a grant could be provided for this from the Parish Council.

A resolution was put forward by the Chair and seconded by Councillor Wilsher that as the Parish Council did not have the statutory powers to continue cutting the Churchyard, they cease doing this. There were no other resolutions; three votes for this resolution, two abstentions and one against; resolution carried.

A further resolution was put forward by the Chair and seconded by Councillor Stranger that the Parish Council provide a grant of £3,350.00 to St Peter & St Paul Church towards their insurance and electricity costs under **Sn 137, LGA 1972**. There were no other resolutions; unanimously agreed. It was further agreed that the grant would be paid in the new financial year and if necessary a transfer from Reserves would be made to top up the Grants budget heading.

## **7**

### **Clerks' Report – to include noting of correspondence received**

The National Association of Local Councils (NALC) is working with a number of national bodies to press the Government to extend the regulations to allow virtual meetings to be held beyond 7 May 2021. However, at the current time, Government has no plans to extend these regulations and so councils should start preparing for the real possibility of face to face meetings from May 2021.

Government have said there are no plans to extend the legislation brought in last April (2020) that enables the holding of virtual meetings and for the Annual Meeting of Parish/Town Councils to be cancelled or delayed. Whilst NALC and the Local Government Association and other bodies continue to press for the legislation to be extended (or even possibly be permanent) Annual Meetings of Parish/Town Councils and Annual Parish Meetings should be scheduled for 2021 in the normal way. If it is intended to hold such meetings by remote technology then the Annual Meeting of Parish/Town Councils must be held between 1-6 May 2021 and the Annual Parish Meeting from 1 March – 6 May 2021. Should the legislation be extended in the interim then there would be extra flexibility.

Documents for 2021/2022 Local Government Finance Settlement have been laid in the House of Commons; it has been confirmed that council tax referendum principles will not be extended to local councils for 2021/2022.

### **Correspondence received and emailed to Councillors:**

- Anglian Water – Strategic water network programme – route planning in your area
- West Suffolk Council Planning Department – February 2021 Parish Council Newsletter

7.1	<b>Consider further action (on action taken or reports received since last meeting):</b> None.	
8	<b>Finance Committee</b>	
8.1	<b>Ratify budget statements effective 31 January 2021 (emailed to all Councillors):</b> Financial position at 31 January 2021 satisfactory with £61,133.52 (72.72%) of the budget spent, leaving a balance of £22,936.48. Additionally, £67,510.79 is held in Reserves. Financial statements and payments effective 31 January 2021 were ratified under a resolution put forward by Councillor Stranger and seconded by Councillor Wheeler and that cheques will be signed outside of meeting. There were no other resolutions; unanimously agreed. Budget statements attached to these minutes as Annexes 1 – 4.	Annexes 1 - 4
8.2	<b>Precept and Local Council Tax Support Grant for financial year 2021/2022:</b> Clerk confirmed that Kedington Parish Council's precept application had been sent to West Suffolk Council. The precept applied for the financial year 2021/2022 for Kedington Parish Council for is <b>£84,070.00</b> . This included a one off Local Council Tax Support Grant of <b>£522.00</b> . Budget sheet and precept application for 2021/2022 are attached to these minutes as Annex 5 and 6.	Annexes 5 and 6
8.3	<b>Section 137, LGA 1972 expenditure limit for 2021-2022:</b> Clerk reported notification had been received that the appropriate sum for the purpose of s137 (4)(a) of the Local Government Act 1972 for Parish and Town Councils in England for 2021 – 2022 is £8.41 per elector an increase of 9 pence on the previous year.	
8.4	<b>Agree payment of Zoom subscription by Direct Debit:</b> A resolution was put forward by the Chair and seconded by Councillor Wheeler that the monthly subscription of Zoom to facilitate virtual meetings be paid by Direct Debit from Nat West Bank plc current account. There were no other resolutions; unanimously agreed.	
8.5	<b>Elect new members to Finance Committee:</b> Clerk reported that due to resignations from the Parish Council, the Finance Committee currently only has two members, Councillor Naylor and Councillor Wheeler. A resolution was put forward by the Chair and seconded by Councillor Barber that Councillor Wilsher and Councillor Stranger join the Finance Committee. There were no other resolutions; unanimously agreed. Both Councillors agreed to join the Finance Committee but another member is still needed to comply with Kedington Parish Council Financial Regulations.	
8.6	<b>Bank signatories:</b> A resolution was put forward by Councillor Wheeler and seconded by the Vice-Chair that the bank signatories on both the Bank of Ireland UK and Nat West Bank plc, deposit and current accounts, be updated to incorporate Councillor Stanger and Councillor Wilsher. There were no other resolutions; unanimously agreed.	
8.7	<b>Finalise and agree action on gratuity payment for Clerk:</b> Deferred to agenda item 21.	
8.8	<b>Grants: Sn 137, LGA 1972</b>  <b>8.8.1. Uptake:</b> None.	

## **8.8.2 Applications:**

### **8.8.2.1 1<sup>st</sup> Kedington Sea Scout Group**

With the Chair's permission the Clerk read out a letter from 1<sup>st</sup> Kedington Sea Scout Group requesting a grant from Kedington Parish Council towards the cost of their membership fees to the Scouts Association. The letter explained that although the group have been unable to meet because of Covid-19 restrictions, they still have to pay their membership costs. Following discussion, a resolution was put forward by Councillor Barber and seconded by Councillor Stranger that a grant of £500.00 be awarded under Sn 137, LGA 1972, as being of benefit to local people. There were no other resolutions; unanimously agreed.

### **8.8.2.2 Citizens Advice West Suffolk**

With the Chair's permission the Clerk read out a letter from Citizens Advice West Suffolk requesting support to help their organisation continue to offer free confidential and impartial advice to residents and workers in West Suffolk. Following discussion, a resolution was put forward by Councillor McAllister and seconded by Councillor Wilsher that a grant of £100.00 be awarded under Sn 141, (2A) (a), LGA 1972. There were no other resolutions; unanimously agreed.

### **8.8.2.3 Dedham Vale AONB & Stour Valley Project**

With the Chair's permission the Clerk read out a letter from Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project requesting support to further their work from 01 April 2021. Following discussion, a resolution was put forward by the Chair and seconded by Councillor Barber that a grant of £100.00 be awarded under Sn 137, LGA 1972, as being of benefit to local people. There were no other resolutions; unanimously agreed.

## **9 Agree appointment of Parish Council Accountant for financial year 2021/2022**

A resolution to agree the appointment of the current Parish Council Accountant, Mrs B Turner, for the financial year 2021/2022 was put forward by Councillor Wheeler and seconded by Councillor Stranger. There were no other resolutions; unanimously agreed.

## **10 Agreement appointment of Internal Auditor to audit accounts for financial year 2020/2021**

Clerk reported that under the Local Audit & Accountability Act 2104 Part 3, Section 7, an authority must appoint an Internal Auditor to audit their accounts. Clerk stated that for the past three years the Internal Audit has been undertaken by Mr Trevor Brown, CPFA. The Chair requested that the Clerk contacts the Clerk at Thurston Parish Council who undertakes Internal Audits for SALC, before any decision is made.

MF

## **11 Policies, Procedures and GDPR Training received by Chair and Clerk (update)**

The Chair reported that a further meeting of the Policy and Procedures Committee took place on 10 February 2021. The Chair said that both she and the Clerk had received training on General Data Protection Regulations and this was one of the main areas for the Committee to focus on. The Chair said that a Management of Information Policy and Grants Policy were also ones that needed to be worked on.

## **12 Receive further information on provision of Councillor Mailboxes to comply with GDPR**

A Parishioner present at the meeting was invited to speak after he had contacted the Chair following the last Parish Council meeting and the discussion/decision taken regarding Councillors not having designated mailboxes. The Parishioner said he would donate designated mailboxes to the Parish Council for Councillors to receive Parish Council emails and information only, instead of using personal email addresses. The Parishioner added that he had secured up to 25 email boxes for £30 for the current year, rising to £35 next year with the domain name costing £0.99 for the current year, rising to £10 next

year. The mailboxes are totally secure and comply with GDPR. A resolution was put forward by the Chair and seconded by Councillor Stranger that the Parish Council should accept the Parishioner's offer. There were no other resolutions; five votes in favour; one against; resolution carried.

### **13 Play Equipment**

#### **13.1 Receive defect report(s) (if any); agree action:**

Play Inspection Report for January 2021 received. Any defects noted on the report are in hand for repair.

#### **13.2 Junior Goals on Old School Field:**

Clerk reported that she had taken advice West Suffolk Council regarding reinstatement of the ground in front of the goals. The advice was that one post on each of the goals should be moved round to give the ground chance to repair and to reseed the area. A resolution was put forward by the Chair and seconded by the Vice-Chair that Mortimer Contracts Ltd should be asked to carry out this work when on site repairing the overhead see-saw. There were no other resolutions; unanimously agreed. **Statutory Provision: Public Health Act 1875, s164/ Local Government (Miscellaneous Provisions) Act 1976**

### **14 Environmental / Grounds Maintenance Matters**

#### **14.1 Cutting grass in the Churchyard at St Peter & St Paul Church, Kedington:**

Already discuss, agenda item brought forward.

#### **14.2 Agree renewal of grounds maintenance contracts carried out by M D Landscapes (Anglia) Ltd from 01 April 2021 – 31 March 2024:**

Clerk reported that the three yearly grounds maintenance contract was up for renewal and as the Parish Council were very pleased with the current contractors, M D Landscapes (Anglia) Ltd, who have carried out the contracts for the past twelve years, there was no need to go out to tender. M D Landscapes (Anglia) Ltd have confirmed there will be no price increase from the last contract (the Churchyard will not be included):

Grounds Contract 'A' £2486.40 per annum

Grounds Contract 'B' £867.00 per annum

Grounds Great Meadow £1,387.20 per annum

Grounds Calford Green £520.20 per annum

There are 17 cuts for each contract from April – October each year with the total cost of the contract being split into 12 monthly payments. A resolution was put forward by Councillor Wheeler and seconded by Councillor Stranger that the contract should be awarded to M D Landscapes (Anglia) Ltd for a further three years. There were no other resolutions; unanimously agreed.

#### **14.3 Discuss Strimming Contract for 2021 growing season:**

Clerk reported that RMS Tree Services have said they would be prepared to carry out the Strimming Contract again for the 2021 season and the cost would be the same as last year at £2,712.66 (no VAT). Councillor Wheeler oversaw the contract last year and said no changes would need to be made to the specification but the Parish Council would need to ensure that the specification is strictly adhered to by checking the work on a monthly basis. A resolution was put forward by Councillor Wheeler and seconded by the Chair that RMS Tree Services should be awarded the contract for the 2021 season and no other tenders need to be sought. There were no other resolutions; unanimously agreed.

#### **14.4 Poplar Tree at entrance to Silver Street Park – receive further information:**

Deferred.

**14.5 Any other environmental/grounds maintenance matters:**  
None.

**Non-agenda item guillotine**

With the time at 9.45 p.m. it was agreed under a resolution put forward by Councillor Wheeler and seconded by the Chair that the rest of the agenda be deferred in order articles needing to be raised under Agenda item 21 can be discussed in closed session.

**21 To resolve that under the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the meeting due to the confidential nature of the business to be discussed as publicity of the discussion is likely to prejudice the commercial interests of the parties involved**  
**RESOLVED**

**8.7**

[REDACTED]

**16**

[REDACTED]

[REDACTED]

[REDACTED]

**17.4**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The meeting closed at 10.20 p.m.

The date of the next meeting of Kedington Parish Council will be **Tuesday, 16 March 2021** commencing at 7.30 p.m. The meeting will be held virtually by Zoom platform.

Signed .....

Dated .....