

## **Minutes of the Meeting of the Parton Parish Council.**

**Held on 8<sup>th</sup> January 2020 at Parton Village Hall Parton, CA28 6RJ**

**Starting at 7.30 pm**

**1. Attendance:** Chairman Cllr R. Huck, and Cllrs Mr A. Barton, Mrs K. Barton (arrived 19:57), Mr. D.A. Garrett, Mrs J. Huck, Mrs S. Rogan, Mrs. J.E. Miller, Mr W. Morton, Cllr J Williamson

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Apologies received from: Cllr M Rogan; and Cllr S. Tumelty

Borough Councillors Mr Banks and County Councillor Mr Barbour also present. Councillor Bowman was not present. All had been personally invited by email or hand delivered letter.

Approximately 20 members of the public were present

### **Public Participation. (approx.. 20 members of the public)**

At 7.30pm the Chair welcomed and thanked persons for attending and indicated that before the meeting proper got underway there would be public participation where matters may be raised on issues on the agenda. The Chair explained the Standing Order rule that participants should limit their time to no longer than 2 minutes and that the session should be limited to 15 minutes. Persons wishing to raise an issue were asked to raise their hands and provide their names. There was no guarantee that questions will be answered but that where the Council is unable to do so on the evening then answers would be provided in the minutes. This is a standard protocol across the land.

Mr Hayes asked why names of members of the public asking questions are in the minutes. The National Association of Local Councils has issued advice that *"public participation sessions should be incorporated in the minutes of the council meeting and should, where appropriate, record the identities of those who make comments during this session. Such oral representations made by members of the public could influence a Council's decision on a matter such that their identity and contribution should be accurately minuted. Members of the public who object to their contribution (if appropriate), being minuted are free to express their views on any business to the Council in writing and, if necessary, in confidence. A record of their written representations "in confidence" may however still be disclosable under the Freedom of Information Act 2000 such that that law can require a person's name to be identified even if they have asked for confidentiality and submitted a question in writing."*

Mr Hayes then asked if the statements in the Bullying and harassment Policy can be justified. The answer is "Yes". There has generally been an increase in bullying in the public sector especially from members of the public attacking elected persons whether verbally or otherwise. Social media is a popular medium for such conduct. There has been quite a lot of this evidenced in the News recently against elected Members of Parliament. Even here in Parton it takes place with Councillors property being vandalised and which is presently under investigation. It is quite commonplace for public bodies to have such a policy.

Mr Hayes indicated that responses were given in the minutes of the last meeting but not given on the night. The Chair indicated that written responses are often provided later in any Parish Council and Parton was no different. If you read the last minutes we took up Copeland Councillor Mrs Bowman's suggestion that we respond via the minutes. The important issue here is that the Council listened and provided an answer. Sometimes constraints of time or even a need to research prevents immediate responses. That's the same in any walk of life.

A question was raised as to how will individuals know of responses if they don't have a PC. They can of course write in for a response or leave their name and address and a written response will be provided. This does raise an important issue and helpful. In the future Minutes will be posted on the village notice board

Councillor Morton suggested that Council should answer all questions on the night. This does not actually accord with Standing Orders. In all Councils, they may not be able to respond on the day and that applies in all walks of life. That is why standing orders sets out a sensible approach ensuring that at some time a response will be provided

Jeremy Kyle was not present and flippant comments about him add nothing to the democratic process.

An enquiry was raised as to why the new web site to which the Chair indicated that parts of the former web site were not in accordance with legal requirements. There was a public report on the web site to be considered later in the evening.

The Chair then made a Statement that all Councillors were democratically elected to this council in the May 2019 elections. Anyone could have put their name down for election but very few did. When 4 vacancies arose no one in the village called for an election after there was a public advert asking if anyone wanted an election. Then, when a further public advert asked the village if anyone wished to be co-opted to the Council (and which is the legal process to fill the 4 vacancies if there is no call for an election) 5 applications were received. Inevitably, with 5 applications for four vacancies one person would not be co-opted. Each applicant completed the required statutory application form and members of the Council voted for their preferred choices. That was undertaken in a public meeting so that residents could see that democratic process in action. I was publically mocked ridiculed and humiliated for trying to follow lawful process. As chair of Parton Parish Council I will always be honest and follow the law. (applause).

Councillor Morton then accused the Chair and his family of telling a pack of lies but offered no evidence to support his allegation. The Council's insurers have confirmed that Councillors have cover for legal costs in any defamation action they may wish to pursue. **This also applies to defamatory comments on social media.**

## **Meeting Proper**

### **Announcements and Apologies:**

The Chair declared the meeting open at 7:47pm following Public Participation

#### **1. Minutes of the meeting of the 11<sup>th</sup> December 2019:**

Proposed by Cllr A Barton  
And seconded by Cllr J Huck  
That the minutes be approved – Agreed

Each page signed by the Chair

#### **2. Matters arising from the approved minutes not otherwise on the Agenda.**

No matters arising that were not dealt with anywhere else on the agenda

**4. Declarations of Interest** – No declaration of Interest were made

**5. Reports from Working Groups or Councillors:**

There was nothing to report

**6. Reports from Copeland Borough and Cumbria County Council Ward Councillors.**

Councillor D Banks verbal report

Lighting ownership

There was currently a survey highlighting differences of opinion as to who owns which lights around Parton and other villages across Copeland. There are two lights on the old colliery site (known as Queenies) a broken lamp and replacement have no supply. The light below has no supply. There are two lights duplicated with the same number 28 and the two lights in-between these have no number references. Duplicate numbers has led to further confusion. Councillor Banks had walked through the village and hadn't seen any others broken. Others recorded by the church path to the waterworks, both the lights are off and this is due to supply problems. It was stated that this will cost approx.. £8,000 to replace lights and £15,000 to replace these lights.

There is an ongoing Copeland Borough Council review regarding this and also what the Mayor of CBC suggests is being discussed. The Mayor has an issue with replacing these lights and is disputing the land ownership with Cumbria County Council. Councillor Banks stated that this may not be appreciated with the Parish Councils having to raise their own precepts to cover it. This would mean Parish Councils would be asked to take on this further responsibility. Councillor Banks said that the Mayor Mike Starkie is not too experienced as far as these matters are concerned and that he and Councillor Barbour continue to scratch their heads at times. Councillor Banks wanted to assure that CBC are looking at things and do their best for Parton.

Councillor Banks has an old report of an archaeological dig in Queenies from 1990's if anyone wishes to see it they are asked to get in touch with him.

Councillor Banks was thanked by the Chair for his verbal report.

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*Kirsty Barton enters the meeting 19:57*

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Councillor Mrs Bowman was not present and no report received.

Councillor Barbour verbal report

Councillor Barbour reiterated what Councillor Banks had said regarding the lighting issues. In his opinion the Cumbria County Council would not take ownership of the Parkers Steps as they were not installed by the County Council. He understood Cllr Williamson's legitimate concerns. They 'may' in the past have been installed by the PCC but that is just an assumption which needs to have further clarification and investigation. Councillor Morton stated that the Parish Council turned this area into steps and its upkeep. It was never a footpath but the Parish Council turned it into steps and paid for it and its upkeep.

The Chair stated that this alleged responsibility needed to be looked into further; perhaps a partnership with CCC for the future, the specific minute relating to this would be found in due course. The Chair stated that the steps were not fit for purpose and working alongside with CCC may be advantageous in the future as to what can be done for the public's safety. The Chair requested that Councillor Barbour to come back with further info at the next meeting regarding this.

The Chair thanked both/all Councillors for their important information

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## **7. Consultation on planning applications referred by Copeland Borough Council.**

House extension at Three Views, Brewery Brow, Parton – reference 4/19/2415/0F1.

Proposed by Cllr D Garrett  
And seconded by Cllr J Huck

Unanimously agreed that the Council does not raise an objection into the proposal

## **8. Finance**

(A) Balance from minutes of previous meeting as shown on bank statement on 30.12.19  
£11,120.46

Cheques paid but outstanding for clearance

*Salary Mr JC Shaw	£720.00
*Expenses Mr JC Shaw	£ 54.61
*GNAA Grant	£150.00

Once Cleared will then show a balance of £10,195.85 .

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Invoices Received to be considered for our next meeting (all awaiting further clarification)

CBC Grounds Maintenance	£ 206.57 – awaiting clarification of just which areas CBC cuts
Painting of the War Memorial (J&R Bennett)	£ 318.60

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Payments For Approval

Lowca Footbridge (50% contribution)	£ 148.00 (report on agenda)
CBC Waste Collection. (Parton Foreshore)	£ 24.31
HMRC Inland Revenue (MR JC Shaw Income Tax)	£ 180.00
Website / WordPress (domain & hosting Member re-imburement)	£ 84.00 (report on agenda)

TOTAL. £ 436.31

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Balance of Bank Account (less current pending payments)  
£10,195.85

Balance of Bank Account Les Payments for approval)  
£ 10,195.85  
- £ 436.31  
£ 9,759.54

Balance £9,759.54 (Available funds less orders for payment) It will be noted from the Budget report that the current years precept plus income totalled £9,802.29 such that we have £42.75 available to spend for the rest of the financial year unless we dip into reserves.

Proposed by Cllr J Huck  
And seconded by Cllr A Barton

That the report be noted and payments listed be approved for Payment

All Cheques were signed at this part of the meeting. Counterfoil / stubs were signed by Cllrs A Barton & R Huck as requested by the Chair in front of all council and public.  
Invoices were also signed / initialled.

Councillor B Morton was requested to sign the counterfoil stubs from the previous meetings cheques that he has signed. He was asked twice to do this in order to comply with financial regulations but refused.

**(B) Budget 2020-2021** – Prior to considering the report on the proposed budget Members considered waiving Standing Orders to permit a motion on the Budget to be put

Proposed by Cllr R Huck  
And seconded by Cllr J Huck

That Standing Orders be waived to allow a motion on acceptance of a Budget option to be put  
Agreed unanimously

Council then considered the ten options for the 2020/2021 Budget and Council raised concerns regarding the need for 12 meetings per year which was approx. 50% of the entire budget spent on salary, expenses and administration including meeting room hire. It was moved that only 5 of the 10 options be considered to move the council to bi-monthly meetings instead of monthly meetings saving money for the taxpayer immediately.

Proposed by Cllr J Huck  
And seconded by Cllr D Miller  
Carried

On that basis only 5 of the 10 options were considered. After voting it was clear that the majority view was that Option 9 was the preferred option and the effect of that option was noted. This was proposed and seconded with an amendment. The amendment fell and the original motion was carried to accept Option 9.

Proposed by Cllr J Huck  
And seconded by Cllr J Williamson

Amendment – Cllr D Garrett for option 10 to freeze the precept in that the difference could be raised externally

The Chair then asked for further clarification as to the voting and all voted in favour of the preferred Option of 9.

#### OPTION NINE

Precept as per the Budget with no transfer of the Football Field and no benches and litter bins  
£13,348.52

Charge per Band D property £63.20 per annum

Proposed by Cllr J Huck  
And seconded by Cllr J Williamson  
Budget agreed

### 9. Lowca Footbridge

The Council had in the past contributed to the insurance costs relating to the Footbridge connecting Parton with Lowca. Lowca Parish Council had submitted an account for this years contribution

Proposed by Cllr J Huck  
And seconded by Cllr J Miller  
Carried Unanimously

That half the premium requested by Lowca Parish Council be paid and if necessary that the monies come from reserves and which was agreed

### 10. Play Area

Members considered a report on the condition of the Parish Council's play equipment in Parton and of the need for certain works of maintenance to be undertaken

Proposed by Cllr J Williamson  
And seconded by Cllr D Garrett  
Unanimous

That

1. if the Borough can undertake the work, within budget, it be authorised to do so.
2. If an external contractor is required then quotes should be invited and be reported back to the Council for approval. Councillor Huck wished for it to be noted that the Insurance for the playpark is not adequate and this needs to be looked into as a matter of urgency. The playpark should be checked each week as per compliance with the insurance policy. What has happened in the past has not been good enough.

### 11. Fixing seven acres (Parker's) steps

Safety concerns relating to the condition of the steps were discussed as per the report submitted to Council

Proposed by Cllr J Williamson  
And seconded by Cllr D Garrett

That the County and Borough Councils be approached as suggested and their views be reported back – agreed Unanimously

## **12. Appointment of Clerk**

Members considered the detailed report on the appointment of the new Clerk, the terms and conditions of appointment and salary scale.

Proposed by Cllr J Williamson  
And seconded by Cllr A Barton  
Unanimous

That the post be advertised on the basis of the terms set out in this report and that the book recommended by CALC be acquired if the Council does not presently hold a copy - agreed

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## **13. Parton Outfall Pipe**

This has been a long standing issue since last August time. The flap valve for the main culvert is hanging off and needs to be replaced. Copeland has it in hand but other matters are presently taking priority and so it is likely that any work will be in the next financial year

Proposed by Cllr J Huck  
And seconded by Cllr D Garrett

That the update be noted – agreed unanimously

## **14. Web Site**

Members considered the Chair's report on the new Parton Parish Council web site (<https://partonparishcouncil.com/>) and were complimentary on its form and content

Proposed by Cllr A Barton  
And seconded by Cllr J Miller  
Carried

1. That the action taken be noted and that the expenses incurred in the sum of £84 be reimbursed to the Chair - agreed
2. That advertising be allowed on the web site subject to compliance with the conditions set out in the report. Any such advertising to be reported back to Council - agreed

The conditions being that all adverts must

- adhere to the codes of conduct laid down by the Advertising Standards Authority and not conflict with the council's aims and priorities.

- meet the national advertising standards code (CAP code) applied by the Advertising Standards Authority (ASA). The code covers taste and decency in the depiction of religion, race, gender, alcohol and products aimed at children.
- be legal, decent, honest and truthful
- not bring advertising into disrepute, in addition must not bring the council into disrepute
- conform to the Code
- respect the principles of fair competition.
- be subject to the Code of Practice on Local Government Publicity and the requirements of the Financial Services Authority.

It should be made clear on the website that

- Parton Parish Council does not support or endorse any company or organisation advertising on its website.
- The council is not responsible for the quality or reliability of the product or services offered within any advertisement.
- The council would never knowingly run an advertisement that is misleading, offensive, untrue or fraudulent.

## **15. Bullying and Harassment Policy**

Members considered the report from the Chair highlighting recent examples of bullying and harassment towards elected members. The report included a suggested policy common to many Local Authorities. In particular it was highlighted that it is an offence to prevent a Council from transacting the business that Members had been summoned to discuss

Proposed by Cllr J Huck  
And seconded by Cllr D  
Garrett  
Carried

Councillor B Morton voted against the adoption of this policy

1. That the Policy be adopted - agreed
2. That the Clerk (the Chair until such time as a Clerk is appointed) be authorised to refer to the Police any party who prevents the Council from transacting its business – agreed

## **16. Councillor Matters:**

The following matters were raised:-

Councillor R Huck – There has been further considerable damage by trucks and wagons from Network Rail. The damage has been reported at the Village Green. It is happening all too often year on year. Parked cars are also a cause for concern. Parking is part owned by the Council and part owned by Network Rail. Yellow lines may be an option to consider but can't be enforced and are more of a deterrent. Perhaps the council should consider meeting with network rail – future agenda item request to look into a future solution.

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Councillor R Huck – VE Day Celebrations – The Government have moved the bank holiday from the Monday to the Friday at this time. The lettering needs re-gilded and also professionally cleaned so this needs to be an agenda item at some point. Algae has grown on the memorial. There are lots of things to be organised and the Chair stated he is underway with liaising with suppliers in order to get things ready for organising. Possible agenda item for a future meeting was proposed. Perhaps look into a street party and entertainment.

Councillor R Huck – had looked further into the possibility of getting a bus shelter for the top of Brewery Brow as exposed and busy stop. There was a specific designated person that deals with bus shelters at CBC whom could be contacted in the future. – future agenda item request.

Councillor R Huck – Memorial weeding & bulbs have been planted by the Bennett brothers and the invoice has just been received. This will need to be actioned at the next meeting.

Councillor D Garrett – Councillor Garrett stated that the village would benefit from a litter pick / tidy with volunteers. Especially the weekend before VE day. This was greatly received by councillors and in fact not solely for VE day celebrations but something like this is needed now. Councillor D Garrett was thanked by the Chair for his input.

J Williamson – Stated that the grass on the beach towards the bridge is overgrown in the near the beck / brambles. Possible agenda item for future meeting. Councillor J Williamson was thanked by the Chair for his input.

Councillor Janice Miller - asked how the traffic calming measures were being furthered. In particular the speeding issues in and around the village. Signs needed to be re placed and that these 30mph signs are looking to be updated by highways but Councillor Miller wanted to know when this would happen. The County Council were looking into various other marking issues. The Chair stated that road markings were none existent outside the school. The Chair replied that he has met with Kevin Cosgrove at County Council and those details can be found in previous minutes. County Councillor Barbour interjected to say that Parton is on the list. Councillor J Miller was thanked by the Chair for her input.

Councillor Billy Morton – wanted to know why there was a Police presence at the meeting. Other Councillors stated it was awful atmosphere and scary at the last meeting. The Chair stated it was a very volatile meeting compared to anything he had experienced and he wanted to make sure that all people felt safe coming to the meetings. Councillors suggested that police presence has worked. Another Councillor stated that the Police presence has made a real difference and that business was finally being transacted. The Chair stated that the public refused to leave at the last meeting, and matters had not been helped by Councillor Billy Morton who was disruptive and preventing business from being transacted on behalf of the Parton residents. The Chair stated that he wanted no repetition of last months behaviour. It is against the law to prevent council business from being conducted s1(2)of the public meeting act 1908. Councillor J Huck reiterated that Councillor Billy Morton or anyone that prevented business from being transacted could face 6 months in jail for acting in such a criminal manner. The chair stated that the public had been asked to leave numerous times at the last meeting and explained it was against the law not to leave.

Councillor J Huck – reiterated the need for traffic calming measures outside the village school.

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**17. Exclusion of the Press and Public** – The Chair read put the Motion – That, in accordance with the provisions of s1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from this meeting at this point in view of the confidential nature of the business specified in items 4 and 5, it is advisable in the public interest that the press and public be temporarily excluded, and they are instructed to withdraw as the public interest at this time in maintaining the exemption in para 1 outweighs the public interest in disclosing the information.

Proposed by Cllr R Huck  
And seconded by Cllr J Huck

That the motion be approved – agreed

The Chair thanked all attendees for their contributions and then the public courteously and politely left the meeting

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**18. Subject Access Request** – Council considered a Subject Access request submitted under the terms of the Data Protection Act 2018

Proposed by Cllr D Garrett  
And seconded by Cllr J  
Williamson

That

1. The fee of £50 be approved but to be reviewed once the volume of work is known - agreed
2. The Chair proceeds to deal with the SAR and to determine whether any third party data should be redacted - agreed
3. Any documents that fall within the ambit of the guidance of the High Court be not disclosed at this time which is to include any documents that may be required in any legal proceedings by the applicant - agreed

**19. Appeal Members** considered a request to appeal against dismissal.

Proposed by Cllr J Williamson  
And seconded by Cllr D Garrett

- a. That the report be noted -agreed
- b. That the procedure set out in Appendix 2 be approved. - agreed
- c. That the Chair be authorised to liaise with the appellant on a date for the appeal subject to the appellant firstly providing the contact details of the Council's Internal Auditor

The Chair requested and stressed the confidentiality of the matters subject to appeal

NOTE: Since the meeting the appeal has been withdrawn

**The Chair thanked all Councillors for their attendance and the meeting was closed at 8.50 pm**

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