

## CLAXTON & SAND HUTTON PARISH COUNCIL

### MINUTES OF THE PARISH COUNCIL MEETING HELD IN THE VILLAGE HALL, SAND HUTTON ON MONDAY 15 NOVEMBER 2021 AT 7.30 P.M.

#### MEMBERS PRESENT:

Dr Caroline Hall                      Mr Colin Russell                      Mr Peter Stott

#### IN ATTENDANCE:

NYCC/RDC Cllrs Caroline Goodrick  
Fiona Hill – Parish Clerk

#### MEMBERS OF PUBLIC PRESENT:

1 – Jon Rooke

#### 22/31 a) To receive apologies for absence given in advance of the meeting:

Mr Nigel Davies and Mrs Jennie Whiteley

#### b) To consider the approval of reasons given for absence:

Resolved – Approved (Unanimous)

#### 22/32 To record declarations of interest in items on the agenda: None

#### 22/33 To confirm the minutes of the meetings held on Monday 20 September 2021:

Resolved -Approved (Unanimous)

#### 22/34 To discuss matters arising from previous minutes: None

#### 22/35 To consider the ordinary vacancy following the parish elections (Thu02May19):

Resolved – Jon Rooke was coopted onto the Parish Council (Unanimous)

#### 22/36 To receive any matters raised by members of public: None

#### 22/37 To discuss, if necessary, long-standing matters:

- Saturday Social –

This was postponed from Sat04Dec21 to Sat29Jan22 and the theme would be recycling

- Website -

This was discussed at length and the Parish Council would find out if moderators could be limited to specific pages

#### 22/38 To discuss, if necessary, matter raised with/by:

- North Yorkshire County County/Ryedale District Council – Cllr Goodrick gave an update on Local Government Reorganisation

- North Yorkshire Police – NTR

- Parish Liaison Meetings – NTR

#### 22/39 To report and make relevant recommendations on new planning applications:

- 21/01422/CAT - Fell 1no. Austrian Pine, crown reduce 1no. Sycamore @ The Stables Claxton House Main Street Claxton

Resolved – No Objections (Unanimous)

- 21/01443/MFUL - Extension to holiday park to include the siting of 5no. static caravans, 7no. holiday lodges and 6no. glamping pods @ Fox Hill Touring Caravan And Camping Site Claxton To Harton Lodge Road Claxton

Resolved – No Objections (Unanimous)

- 21/01459/CAT - Works to be done to 11 trees: T1 Cherry- To be re1pollarded, T2 Mt. Ash- To be removed to ground level, T3 Prunus- To be formatively pruned long ends drawn back in, T4 Blue Ceder- To be removed to ground level, T5 Birch1To be crown reduced by one third & shaped, T6 Whitebeam1To be removed to ground level, T7 Apple- To be formatively pruned, T8 Purple Lvd. Plum- To have the long ends drawn back by 600mm to shape contain, T9 Apple- To be reduced down to wall height, T10 Winter Flowering Cherry- To be formatively pruned by tipping back the odd long branch and T11 Prunus- To be removed to ground level @ Sawmill House, Upper Helmsley Road, Sand Hutton  
Resolved – Objects, as subject to the advice of the RDC Tree Office, the Parish Council can see no reason for this work (Unanimous)

**22/40 To report any new correspondence received by the council:** None

**22/41 To discuss/grant delegated powers – e.g. planning applications**

The Parish Clerk had contacted YLCA and their guidance is shown at the end of the minutes. The Parish Council would discuss delegating powers at the next meeting.

**22/42 To receive matters raised by members:** None

**22/43 To discuss matters raised by Parish Clerk/Responsible Financial Officer:**

- Bookkeeping records for year ending 31 March 2022 to date  
The Parish Clerk circulated around Cllrs the bank reconciliation totalling £11446.67, along with the cash book and income & expenditure report
- Budget/Precept 2022/2023  
The Parish Council discussed the draft budget ready for approval at the next meeting
- Financial Management:
  - To conduct internal control checks -  
Cllrs conducted the checks and found everything in order
  - To discuss internal audit report for year ended 31 March 2021  
The Parish Clerk continues to work through the report for discussion at a future meeting
- Matters raised with/by Yorkshire Local Councils Association – NTR
- Payment Approval –
 

Defibrillator Pads/Batteries	100394	£94.12
Poppy Wreath	100395	£25.00

**22/44 To discuss/confirm the dates of the future meetings as:**

17Jan22, 21Mar22, 16May22, 18Jul22, 19Sep22, 21Nov22

Thank you for your enquiry in which you request advice, on behalf of Parish Councils regarding the lawful decision making process for local councils.

The Associations can confirm that, by virtue of the Local Government Act 1972 Schedule 12 paragraph 39 (1) 'every decision of a local council must be made by members present and voting'; that is, all decisions made must be at a meeting of the council; this means the display of a public notice, a legal summons and specified agenda (which states all items of business to be transacted at that meeting) to councillors for a meeting which is open to the public with minutes taken which are retained in perpetuity; a parish council comment to the Local Planning Authority on a planning application (as in this instance) is a decision of the council.

Although the decision making power cannot be delegate to any one councillor (not even the Chairman) or councillors, the same legislation does provide, in section 101, for decision making powers of a parish council to be delegated to either a properly constituted committee, sub –committee or an officer of the council. This is the only power of delegation (please find attached NALC Legal Topic Note 1 – Councils Powers to Discharge Functions).There is nothing in law which makes provision for lawful decision making using the process you have described in your enquiry.

## Delegation to the Officer of the Council/Clerk

In terms of efficiency it is very sensible for a council to agree that the clerk will be authorised to take decisions on behalf of the authority between meetings. These can be simple decisions such as reporting highway issues to decision which carry more responsibility such as getting invoices paid for work which the council has already authorised and has been carried to a satisfactory standard by a contractor or non-controversial planning application responses. A council can resolve to delegate any of its functions to an officer apart from deciding the precept to be levied and an amount to be borrowed if the council is taking out a loan. In making the decision to delegate decision making a council should set terms of reference for the clerk to work to – what that person can do and how far the power can be taken. If the delegation is minor, e.g. perhaps just dealing with highway matters; the decision and the remit in which the clerk will work can be recorded in the minutes.

However, if the delegated responsibility is wide ranging the council may wish to establish a formal scheme of delegation; although I would add that this tends to happen in larger authorities. Delegation is absolutely subjective and the remit that the Council sets for the clerk to work within should be as detailed as is reasonably possible so that both Council and Clerk fully understand the extent of the role and responsibilities that are being delegated. The council must be mindful that delegation to the clerk means that the clerk makes the decisions within the specified remit. The law does not provide for delegation by consultation.

## Delegation to a Committee:

A council may delegate planning decisions (or other decisions) to a committee of a local council; Section 102 of the Local Government Act 1972 states that if a council has formed committees, those bodies should have terms of reference laid down by full council as the appointing body. This is sensible because the councillors who have been appointed to the committee need to know the remit in which they are working, other councillors and the public too, need to be aware of these details. The terms of reference should contain provisions for the number of councillors appointed to the committee, when their term of office on the committee will end, whether the committee will elect a chairman, who will take the minutes, whether the committee will ratify its own minutes or will they go to full council for ratification, the actual remit of the committee – what is its purpose and under which circumstances will it have decision making powers as opposed to powers of recommendation. Council must hold any committee meetings in a public place, the meetings must be treated in exactly the same way as a full council meeting, i.e. a notice showing the date, time and place of the meeting must be posted in a conspicuous place in the parish at least three clear days prior to the meeting. Additionally, a summons and agenda should be produced and delivered/mailed to each member of the planning committee, once again at least three clear days before the meeting. Minutes of committee meetings must be kept and meetings must be open to the press and public.

The only alternative to the above, in ensuring decisions of the parish council are lawful, is for the Chairman to convene an extraordinary meeting of the council to discuss specific items which arise in between scheduled ordinary meetings of the council. Again, such meetings must be treated in exactly the same way as a full council meeting, i.e. a notice showing the date, time and place of the meeting must be posted in a conspicuous place in the parish at least three clear days prior to the meeting. Additionally, a summons and agenda should be produced and delivered to each member, once again at least three clear days before the meeting. Minutes must be kept and meetings must be open to the press and public.