

**MINUTES OF LOWCA PARISH COUNCIL MEETING  
HELD ON WEDNESDAY 20<sup>TH</sup> AUGUST 2014  
AT 7.30PM IN THE VILLAGE HALL**

**Present:**

**Lowca Parish Councillors**

Mr B Ennis  
Mrs G Strickland  
Mr J Crawford  
Mr F Hollowell  
Mr T Milligan  
Mrs M Moore  
Miss M J Oliver  
Mrs E Walker

**Copeland Borough Councillor:**

Mr B Dixon

**Parish Clerk**

Mr M Milner

**Apologises:**

**Cumbria County Councillor**

Mrs S Hayman

**Absent**

Mrs A Oliver

**Meeting Opened:**

The chairman opened the meeting at 7.34pm, the first item to be dealt with was the separate Annual Meeting Agenda to elect and confirm the chairman of Lowca Parish Council; business that should have taken place in May 2014. The current chairman Mr Brian Ennis, as there were no other candidates, confirmed his willingness to continue in office.

Proposed, Councillor G Strickland  
Seconded, Councillor M Moore  
Vote, Unanimous in favour.

Action, the chairman signed the Declaration of Acceptance form which was then countersigned by the clerk.

The meeting then moved on to the main business of the Parish Council Meeting.

As the meeting commenced the clerk circulated a sheet for signature by all councillors present. Councillor J Crawford asked why a signature of attendance was necessary, the clerk advised it proved attendance and that a quorum was present. C.B.C B Dixon advised that it is common practise to sign an attendance book at all meetings that he attends. The sheet was duly signed and returned to the clerk.

**011.00**

**Declaration of Interest.**

None declared.

**012.00**

**To approve and accept the minutes of the last meeting held on Wednesday 16<sup>th</sup> July 2014.**

C.B.C B Dixon pointed out that in minute 005.09, Mr Ian Barber was not a council employee but an aide to Mr Eric Pickles MP a government minister. The minutes were proposed for acceptance.

Proposed, G Strickland

Seconded, E Walker.

Vote, 7 for 1 against T Milligan.

**The parish Council had invited Diane Ward, Regeneration Officer, for Copeland Borough Council to attend the meeting to discuss the proposed Coastal Path Interpretation board to be situated in Lowca. The formal meeting was suspended to allow Diane Ward to make her presentation.**

She explained that she had already had discussions with councillor Mercia Oliver and the headmistress of Lowca School. She is responsible for a total of 11 boards, but just one would be located in Lowca. Each board would consist of two parts, one part to cover the local vicinity and the other marine litter. This was usually water borne litter brought in by the tide and storms.

The boards would have a facility to react with the user and she was looking for individuals with genuine Cumbrian accents to provide the vocal interaction with the users. All present acknowledged Mercia’s local Cumbrian accent, however they put forward the names of two male members of the community, John Harkness who had been one of the local locomotive drivers who had plenty of old pictures to provide historic authenticity if required. Also mentioned was John Anderson and both would be contacted.

Diane Ward was keen to point out that from all the suggestions she had received that night there would be enough to fill more than one board, so the local community must be selective about picking key points relevant to Lowca and the board’s location.

An area on the headland was chosen as the most suitable site, after a photograph of the area had been studied. The board size was to be A1 paper size and she reassured the councillors that it would stand the strength of the winds experienced where it was sited.

The local community must have a chance to have their say on the final content for the Lowca board, so she was proposing a local "drop in" centre for Friday 12<sup>th</sup> September. The meeting agreed that Lowca School would be the ideal location and Diane would make contact with the headmistress to make the appropriate arrangements. She would be using the local Whitehaven News to promote and advertise the project and the location of drop in centre, but she was looking for help locally to advertise the project.

Her only other concern was the planning application for the board. It would be dealt with quicker if the planning application came from Lowca rather than her, as an employee of Copeland Council, so all the appropriate documents would be prepared and sent to the clerk for him to make the application. Diane would arrange for the internal transfer of funds to cover the planning application costs. After half an hour the presentation concluded.

At the conclusion of the presentation Mercia Oliver left the meeting 8.12pm

**013.00**

**Police Matters.**

013.01. The clerk reported that he had made email contact with Sarah Marshall PCSO 5338, who was the new community police officer for Lowca. She was unable to attend this evening's meeting but would attend the September 17<sup>th</sup> meeting to introduce herself. She had provided an email crime report for July 2014. The councillors agreed that the clerk could provide the PCSO with a list of their names and contact details to facility her getting to know who they were.

**014.00**

**Planning Matters.**

041.01, The clerk reported that amongst the myriad of paper work passed on from the previous clerk, he had found a planning application, 4/14/2239/0F1, dated the 9<sup>th</sup> June covering an application for the erection of a double garage and domestic store at SEABREES, Lowca. Obviously the time for the parish council to report on the application was long overdue, so no further action was necessary. The councillors queried the address and on studying the location map supplied, noted that it was formally The Ship Inn.

**015.00**

**Matters concerning District and Ward Councillors.**

015.01. Parish Notice Board, C.B.C B Dixon apologised that an email on the matter had got misplaced in his email filing system, but he would in the morning be straight on to Copeland Council to resolve the issue.

015.02. The legal position in respect of the land transfer, which the re-sited war memorial stood on, was still not resolved. However C.B.C B Dixon reported that Clinton Boyce solicitor had the matter in hand and that it was expected the issue would be resolved within 14 days. The documentation had been looked at and there seemed to be no points of contention.

015.03. The chairman reported that bank account for the War memorial Fund, held at HSBC Whitehaven had been suspended because of no activity. He arranged with Councillor J Crawford the other counter signatory on the account to visit the bank and get the account brought back to active status.

015.04, C.B.C B Dixon reported that he had made some progress on the question that had been asked by councillor G Strickland about Distington Hall crematorium costs and donation funds. He was still awaiting further clarification to his questions. Councillor T Milligan advised the meeting that he had been to Copeland Council along with C.B.C John Bowman and met with Janice Carroll, the Interim Head of Copeland Services about the Distington Hall Crematorium fees and charges.

8.27pm Councillor F Hollowell left the meeting, he had work commitments. Others followed meaning a quorum was not maintained so meeting temporarily suspended. 8.33pm meeting resumed.

Councillor T Milligan continued relaying the figures obtained from his meeting. He advised that the crematorium machinery was not emission free, the cost of the installed equipment was £400k and it would have required additional £100/150k expenditure to meet the clean air requirements. This was why there was a £50.52 CAMEO tax which is set nationally and an additional charge for deleterious material of £50. His providing this information resulted in a discussion which Councillor G Strickland she was was the authorised parish councillor to deal with such matters, not him and the chairman asked on whose authority he had gone to the Copeland Council to source the information. C.B.C B Dixon also pointed out that he had emailed Janice Carroll for that information on 17<sup>th</sup> July the day after the last meeting and produced the email to that affect. The intensity of the discussion meant that at 8.50pm Councillors G Strickland and M Moore left the meeting. The chairman ruled that there had been a breach of conduct and C.B.C B Dixon would be contacting Janice Carroll asking why he had not correctly been invited to the meeting at the council with T Milligan.

At 8.52pm Councillor T Milligan stopped his report and at 8.54pm Councillors G Strickland and M Moore return to the meeting. The meeting requested that the clerk make contact with Janice Carroll and request her to attend the next Lowca meeting. The chairman also requested that it was minuted that Councillor G Strickland was the parish council member who dealt with the Distington Hall Crematorium matters.

015.05. The clerk reported having received a communication from C.B.C John and Jackie Bowman who were not present at the meeting. He read out the salient points concerning the costal path and Lowca schools involvement with the information boards and they acknowledged the good work of Mercia Oliver on the project. They mentioned ongoing Home housing issues and the quality of the workmanship by the main contractor Wilmot Dixon.

They advised of a National Grid presentation on 3<sup>rd</sup> September for all District Councillors. One of the proposed routes for the power transmission lines will run from Sellafeld north to Carlisle with pylons near to the existing grid pylons. The Pope report is now available on the Highways Agency website and finally they advise that United Utilities and Network Rail have completed the repair work on the road down to Lowca beach making pedestrian and vehicular access passable.

Councillor J Crawford, who had initially interrupted the clerk’s report from the Bowmans, but the chairman had insisted it was recorded, wanted to know why as the parish council had in the past refused to accept correspondence from the Bowmans and report it, the change to agreed parish council practice.

The clerk advised the councillors that it had become evident to him at the July meeting, his first as clerk, that there was a communication problem between the Bowmans, the chairman and the parish council. He himself felt that it was important that the parish council should work with district and county councillors and therefore wanted to try and broker some sort of reconciliation if possible.

The report he had read out was an abridged version of a communication received 10 days prior to the meeting. He had spoken at length with the chairman about the communication when it was first received and the chairman had agreed if the initial sentence and the first complete paragraph on the second page were removed he would allow the Bowmans August update circulated to all councillors with the August agenda. A positive change of attitude towards the Bowman communications. This amendment though was not acceptable to the Bowmans so the report was not included in any form with the agenda.

The clerk had received an email from the Bowmans on Friday 15<sup>th</sup> August 2014 in which the Bowmans “insisted” that the clerk over rule the chairman and if necessary the parish council and read the August Update they had submitted in full without interruption. The clerk had responded to that request pointing out that he was an employee of the parish council and unless they were going to do something illegal, which they were not doing, he had no authority to interfere with their actions.

The councillors were advised that the clerk would report the salient points of any future correspondence from the councillors Bowman, provided they were sent to him. He would continue to circulate the Bowmans with minutes of meetings and agendas appertaining to Lowca, which as local district councillors were the least they should expect. He concluded the topic by reminding the councillors that the Bowmans, like others, were invited guests to council meetings and had no specific rights to speak at all. C.B.C B Dixon left the meeting.

**016.00**  
**Matters arising from the last minutes.**

None

**017.00**

**Confirmation of Audit and internal audit for the year ending 31<sup>st</sup> March 2014(To then be passed to the Audit Commission)**

017.01, The clerk had circulated the relevant page of the audit document along with the financial report as prepared and signed by the previous clerk Roy Adams. The clerk showed the councillors the signed page confirming that the internal auditor who had audited previous years accounts had audited and signed off the figures presented to him, based on the documentation he was provided with.

Councillors J Crawford and T Milligan were not happy with the figures or the report. There was discussion about the fixed assets figure, what that included, and then the monies received and the purchases made.

Finally Councillor G Strickland proposed that they be accepted and that was seconded by Councillor M Moore.

The vote was 3 in favour, 1 against and councillor J Crawford abstained. The chairman did not vote.

**018.00**

**Matters of Report**

None

**019.00**

**Clerk, Job description, Health and Safety, Salary and Contract of Employment. Registration with HM Revenue and Customs.**

019.01, The chairman said everyone had been circulated with the relevant documentation and invited comments before confirming the clerks contract.

Councillor J Crawford had many objections to the contract. The clerk explained that from April 2011 HM Revenue and Customs had made all parish clerks employees of the parish council they served and could no longer be classed as self-employed as had been the practice. As an employer the parish council had to issue the employee with a contract of employment, which was part of employment law. That contract has to refer to a job description and also be governed by various health and safety laws and procedures. Therefore the clerk had had to write the job description, then the 2 health and safety documents and finally the contract of employment. All of which had been approved by CALC before he had circulated them. The pay scale was based on nationally agreed wage scales approved by all the UKs councils and authorities, and based on those pay scales and advice from CALC, the clerk was requesting that he was paid at the lowest rate on the pay scale recommended by CALC. That currently would mean an hourly rate of £9.01.

Councillor J Crawford asked what the previous clerk was paid, and the clerk replied £62.50 per month, which was just not appropriate, and that no potential clerk would accept. The question was asked how many hours would the clerk work? He advised that for the past month he would book 30 hours, he had worked more than that, but from this time onwards he would keep a work time schedule to present to the council to show his time spent on council business.

He told them to check the local paper where it reports parish council minutes and they would see that parish councils of a similar size were paying their clerk's £180 per month, which is a net figure after tax, meaning a gross figure in excess of £220 per month. He expected to work about 6 hours a week, but his time record would confirm that.

The chairman confirmed that all pay scales and documents had been approved by CALC. Councillor J Crawford wanted the notice period either way to be one week not one month, which was pointed out to be unacceptable, the clerk said the contract allowed the parish council to give him one month's notice but he, if he resigned, agreed to remain in office until a replacement was appointed. Councillor Crawford also objected to the clauses about sick pay, holiday pay and that the clerk could purchase items for his use to fulfil his job. As the chairman pointed out legally a contract had to have clauses about sick pay and holiday pay, although this appointment was part time and nothing was stipulated and all clerks in the past had authority to buy ink, paper and other stationery and postage, which is what would continue to be normal practise and buying large items would be impossible as the clerk was not a signature to the council cheques.

Councillor G Strickland proposed that the clerk's contract be approved, this was seconded by Councillor M Moore, the vote was three in favour and one against, the chairman did not vote.

**020.00**

**Correspondence.**

020.01, the clerk reported no actually written correspondence, but he had received from CALC confirmation that as of 6<sup>th</sup> August 2014, all council meetings at whatever level could be recorded both audio or visually and provided that those recording the proceedings considered correctly people's privacy rights, the recordings could be uploaded to social media sites such as twitter and Facebook.

**021.00**

**Cheques for signing.**

Cheque number 100289. M Milner clerk, expenses for previous month £127.09  
Cheque number 100290. R Adams retired clerk, final salary and expenses £265.00  
No salary payment for M Milner as registration with HMRC to enable tax to be deducted had not been received. Two months due at next meeting.

**022.00**

**Date and time of next meeting**

Wednesday 17<sup>th</sup> September at 7.30pm Lowca village hall.

Meeting closed at 9.55pm