WINSTER PARISH COUNCIL

Clerk & Financial Officer: Trisha Dale

Ivy Dene, Main Street, Birchover DE4 2BN

clerk@winsterparishcouncil.gov.uk

MINUTES OF ORDINARY MEETING: 6th February 2023, 7:03pm in the Jubilee Room, Burton Institute, Winster.

These minutes are hereby approved as a true and accurate record of the above meeting following Resolution of the Council at its monthly Parish Council meeting on 6th March 2023

Signed ……. Chair of meeting

In attendance: Cllr. Frederickson (Chair), Cllr. Hatfield (Vice Chair), Cllr. Brown, Cllr. Wood, Cllr. Randles, Cllr. Geddes, Cllr Cooper, Cllr Robinson.

Also Present: Clerk/RFO Trisha Dale, Cllr Swindell and 6 members of the public.

No.	Item	Action Point
02/01/23	**Apologies** Apologies received from Cllr. Spencer, PC Carly Mattison.	
02/02/23	**Declaration of Interests** None	
02/03/23	**Reports:** A: County Councillor's Report: None this month. B: Borough Councillor's Report: None this month. C: Police Report: In PC Carly Mattison absence, the Clerk updated the following: Speeding is a priority again for the next quarter across the Dales so enforcement will be planned in with Parish Councils. There were 6 tickets issued on the 27th January on the B5057 within an hour. Parking is also a priority, the Council were asked to urge residents to report any parking issues via the usual methods so it can be allocated to a member of the team. Speed watch training has been planned for the 20th February with road side session held by PCSO Nixon. D: Chair Report: The Chair informed the Council that the Winster Morris Committee are embarking on a project to digitalise archived documents for security. They are hoping to obtain funding from the Heritage Lottery Fund. The Chair has suggested that the project be widened to incorporate the history Group and other village groups. The Chair and other members of the Council will work with the Winster Morris Committee on this project and will keep the Council updated on progress.	**AP - CLERK**
02/04/23	**Public Participation** As two representatives of Gigaclear were in attendance the Chair brought forward agenda item 02/08/23 I, prior to item 02/02/23 above. A presentation was given by Gigaclear Community Engagement Manager, Sam Christmas. Sam gave an overview of the organisation and the benefits of the fibre broadband installation, which will provide ultra-fast broadband to the village. For full details please see the Parish Council website to view the slides. Updates are available via Gigaclear.com/my community, and contact number for Gigaclear, should there be any issues, is 0370 774 0537. Work already carried out on the common will be addressed and rectified by the end of this week. The intention is then to install the exchange at the	

	preferred site in the car park at the top of East Bank, commencing 23rd February. The Council were assured that due diligence has been adhered to and communication will be received, keeping the Council and residents up to date with the work schedule. Post presentation it was opened up to a question-and-answer session: Councillors asked, if the intention was to use 40% of civils then there are concerns around disruption within the village at essential times, such as Winster Wakes and Secret Gardens, which are extremely important for fund raising to the village. In addition, health and safety concerns with emergency services especially on East Bank as this can be particularly challenging. Sam responded that it is hoped to cause minimum disruption by using the current infrastructure to assist in the installation of fibre cabling, the council were asked to provide a list of key village events so that these can be taken into consideration. Concerns regarding back up power were raised, as this is an existing problem it will need to be resolved in the first instance. It was recommended that this item should be included in the Council Drop-In session to allow other residents to raise any issues, it was agreed that representatives will attend on the 23rd March, with full details of the event to be advised. It was asked if in the future Gigaclear no longer have ownership of the exchange, what is the position/status of the infrastructure? At any point would the Council become liable or forced to take ownership, which would likely involve incurring costs. There was no answer at this stage, it was agreed that Sam would investigate and update the Council, however it was felt that this would be an unlikely event. Resident 1. Questioned if Gigaclear had done their due diligence. If they had why is the scheduled work by Highways on the 20th February to resurface Leacroft not being taken into consideration? Sam was unaware of the work and will investigate. Asked if the existing BT Network had been proven with PIA checked for blockages? And that if obstructions were found then it could be that more than 40% civils would be required? The response being that checks had not been completed yet but would be prior to commencement of work using the rod and rope method, and that all planning is subject to change (as stated in the presentation) depending on obstacles/issues discovered. With regards to communication, the resident was astounded that a community event was not arranged to inform the village of what was planned and to be executed, for example at the Burton Institute. Consideration will be given to an additional event to the drop-in session. Gigaclear ensured that they will continue to update the council and residents. Resident 2. Questioned why the company was using poles, responding Sam said this could be for various reasons but mainly using existing infrastructure was more cost effective. Seeking clarification, it was asked if the exchange also fed to other villages, Wensley and South Darley. It was confirmed that this will be the case. The question over whether the Griffin is common land or a village green was raised. Post meeting Clerk informed the resident that clarification and confirmation was received from the Asset Data Team, Governance, Compliance and Performance Corporate Property, and DCC that the land in question is Common Land and not a village green. Resident 3. Wanted assurance that Gigaclear were aware that Winster is a conservation area and, had this been taken into consideration. In response they are aware with the intention where possible to install POT's, Points of Termination, underground. Gigaclear representative thanked the Clerk for the invite to the meeting with the Parish Council thanking them for attending. A follow up meeting to be arranged. *Gigaclear representatives left the meeting.*	**AP - Clerk**

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	Normal Council meeting agenda reinstated. Resident 4. The Council were asked to think seriously about repairs to the pathway from Florence Gladwin close to the play area as it is extremely dangerous. People have been seen on hands and knees climbing up the pathway, and perhaps the installation of recycled plastics could be used for steps. Additionally giving access to the Doctors surgery would be helpful, as this would negate the need to use the main street and likely obstacles of parking vehicles on pavements. There was a brief discussion around an agreement reached with the Housing Manager at the time the flats were built, with some believing that there was an agreement that the agreement covered the repairs to the pathway, whilst others believe it was to the boundaries of the flats only. It was agreed that the Clerk would investigate and locate the agreement for clarification. Resident 5. Reassurance was requested regarding the ongoing issue with the traffic signage on East Bank, that all was in hand as information regarding process seems to be fragmented. An email has been received for Highways giving approval for road markings but signage still needs to be reinstated. The resident stated that the current sign is on the wrong post and that there are obviously not enough signs, as trucks still try to use the road. The Chair has been liaising with Cllr Spencer who is hot on this subject and knows Highways. For signage the Traffic Regulation Orders need to be processed, unfortunately this takes time with a long period of consultation. The Chair will contact Cllr Spencer for further advice. Resident 3. Reported that the road sign on the triangle opposite the Miners has been knocked down. Clerk to report. Resident 6. Asked the Parish Council if they would consider a monument, a stone seat, to be installed on the Griffin in honour of the late Freda Forster. Freda was a Barnardo's girl with no family and a well-respected resident of Winster, bequeathing crafts and furniture to Village residents. The Councillor agreed to consider the request. Clerk to scan presented document and circulate to Councillors. An invite has been received to attend a festival covering Pentecost from Mouterubbiano, twin-towned with Winster, on the 28th May. This hasn't happened for a number of years and though airfares are expensive an attending group is being organised. It was asked if a member of the Council would join and attend the festival in an official capacity, this would be greatly appreciated. Resident 1. It was felt that following the presentation by Gigaclear there were still unanswered questions. The Parish Council was advised to be very careful in their dealings with the organisation. It was asked on what powers the Parish Council agreed to allow installation of the exchange on the carpark. There was some confusion as to what powers could be used (see item 02/08/23 I below), at this point it was stated no powers were used. It was also asked about using plastic covers for bales, when cut and collect was taking place, and when the missing bollards where being replaced as no responds to these questions had been given. The Parish Council were unaware that a response was required as this was given when the questions were first raised. With regard to the plastic covering for bales, an alternative to plastic is to be discussed with the Grounds Maintenance contractor when the contract is agreed. The missing bollards are to be installed as soon as possible. *Cllr Swindell and 3 residents left the meeting*	**AP – Clerk** **AP – Clerk** **AP – Clerk** **AP – DR, SW**
02/05/23	**Members Questions to the Chair** The Chair was asked if a letter could be sent to a resident who is driving over the verge between number 11 & 12 Leacroft causing damage to the area. It was agreed that the Clerk will write to the individual concerned.	**AP – Clerk**
02/06/23	**Minutes of Last Meeting and Matters Relating Thereto** A: The minutes of the previous Parish Council meeting held on 9th January	

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2023 were considered and approved. (Prop JG, 2nd MR, unan).

02/07/23

Finance

A: To note the Council's monetary assets: Bank of Scotland, the Chair of the meeting examined, approved and arranged to sign the bank reconciliation and latest current account statements.

	As at 6th February 2023	As at 9th January 2023
Balance brought forward 1st April 2022	£28,747.95	£28,747.95
Total Income	£23,004.99	£22,915.86
Total Expenditure	£26,388.74	£25,688.57
Balance	£25,364.20	£25,975.24
Last Statement Balance as at 30th December 2022	£25,973.20	£27,552.12
Less un-presented cheques	£609.00	£1,576.88
Add uncleared deposits	£0.00	£0.00
Available Balance 6th February 2023	£25,364.20	£25,975.24

B: To approve and instruct the payment by cheque, of presented invoiced items, including the following

i) T. Dale – Salary and expenses - £379.00
ii) Emily Smith – Cleaning- £120.00
iii) Waterplus – Utilities - £18.81 (DD)
iv) ICO Subscription - £35.00 (DD)
v) SEE, Electricity - £117.36 (DD)
vi) DM Payroll Services - £66.00
vii) In addition, a late submission from PD Street – Window Cleaning at Bus Stop - £9.50.

Payments agreed and endorsed. (Prop, DF, 2nd SW, Unan)

C: Noted the income and receipts of the Council:

i) Bank Interest - £39.13

D: Clerk asked the Parish Council to agree to the engagement of internal auditor, it was resolved as agreed.

E: The Clerk explaining that preparations were underway for the 2022/23 audit. As such was seeking clarification on agreement for the costs of the ground's maintenance. For the avoidance of doubt clarification was given that the item in the April minutes item 04/08/22 E, covered all grounds maintenance costs. (Prop DR, 2nd DF, Unan)

F: The Risk Assessment Policy was reviewed. The Parish Council thank the Clerk for the work completed. The Chair stated he wished the policy to be reviewed on a quarterly basis to accommodate any unforeseen changes. The policy was agreed and signed by the Chair post meeting. (Prop DG, 2nd MR, Unan)

G: Post agenda being distributed, the Clerk informed the Parish Council that, after a lot of work liaising with various organisations, Councillors, DALC and Finance experts the advice provided was as follows:

Overall, this clearly looks like a Parish Council receiving new equipment installed on its own land, owned by the council and freely available to the public. The project group didn't receive any direct benefit and the equipment wasn't supplied to them; they are simply volunteers assisting the council with fundraising. The only uncertainty was whether the council ordered the equipment.

	An email order was placed, allegedly on behalf of the council in September 2020. It is not clear whether the individual had authority to place that order, but the council subsequently agreed in October to receive the funds and accept the delivery of the equipment (which occurred in January 2021). At no point does the council appear to have disowned the order and by its subsequent actions of engaging with the supplier and accepting the delivery they appear to have operated on the basis that they ordered the equipment. The suppliers certainly appear to have believed that they were contracting with the council by accepting the order. The council is unlikely to be challenged in reclaiming the VAT as non-business. Following this advice, the Clerk asked the Parish Council if they agreed that the VAT be claimed, with one caveat; that the Clerk write to a resident who had previously raised concerns over the payments asking that, apart from the above, did they believe there was anything else that should be considered. The reason for the caveat being that should the claim be challenged via external audit then there would be an addition costs incurred by the Council. A Councillor questioned why would a resident challenge something that would be of benefit to the Village. The claiming of the VAT was agreed, with Clerk being instructed to process and communicate with the Resident. (Prop JG, 2nd MR, Unan)	**AP - Clerk**
02/08/23	**Council Matters:** A: Update for repairs on Woodhouse Lane, covered by Public Rights of Way Grant was deferred. Clerk to add to next agenda. B: Update on repairs to the pathway on Woodhouse Lane (other than those in item A) was deferred. Clerk to add to next agenda. C: A specialist tool is required to tightening of bolts to Outdoor Gym Equipment which is currently being sourced. Clerk to add to agenda. D: Update on Playground replacement and funding was deferred. Clerk to add to next agenda. E: An update on the wild flowering of Leacroft verge was provided, an article was placed in the village magazine asking for feedback. To date a couple of responses have been received supporting the initiative but raising some questions regarding the carnival event, it is however not expected to be an issue. As there has been no objections the intention is to go back to DDCC to agree specifications. DDCC will do the cut and collect but funding will be required for the seeding. It was requested that donations for the seeding be ringfenced for this purpose. A request for volunteers will be issued for late March seeding. A meeting to be arranged to discuss other funding options. Cllr Robinson has produced a draft document for the tree planting. The trees will be donated therefore no cost to the Parish Council. An article will be produced for the village magazine and websites, and requesting views and feedback. Following this, it will involve a tremendous amount of work that needs to be considered in smaller chunks. The Parish Council were asked to endorse the above, which it agreed. (Prop DR, 2nd DF, Unan) F: A brief discussion took place on the drop-in session to be held on the 23rd March. Suggesting Wildflower Verge, Tree Planting, Bus Services, No Cold Call Zone, Traffic issues and the instalment of Fibre Broadband, Gigaclear invited to attend. (see 02/04/23, Public Participation) G: A brief update was given on concerns relating to the Derbyshire Fire & Rescue Community Risk Management. An ex-Chief Officer was contacted and shares some of the concerns raised (see 9th January Minutes 01/05/23, Members Question to the Chair). A request under the Freedom of Information Act has been requested giving details of call outs, response times etc. A further meeting will be arranged with feedback given to the Parish Council.	**AP - Clerk** **AP - Clerk** **AP – Clerk, DR** **AP - Clerk** **AP – Clerk, DR, MR** **AP – Clerk, JG, DF**

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	Clerk to add to the next agenda. H: Update on quote for the repairs to the toilet door received; the original quote covered replacement like for like, made of hard wood and painted. Other options to consider would be a door made of soft wood however due to the difficulties of using this material there would be little difference in price. Another would be a composite door at a cost of £1,300, which would not be in keeping with the structure. The Council to look at the possibility of a further long-term repair, the door to be assessed for this possibility and costs. Regarding a way forward being agreed, agreement to be reached on funding from Property Reserve. Clerk to add to agenda. I: Following on from the discussions earlier in item 02/04/22, further discussions took place. The Parish Council requested that the Clerk write a letter of complaint to DCC with regards to their process of providing permits. They provided a permit for work to be carried out of the verge not taking into account that the work would involve installing an exchange in the middle of Common Lane owned by the Parish Council, at no point were the Parish Council contacted by either DCC or Gigaclear prior to the commencement of work being carried out. On becoming aware of the work in progress the Clerk contacted DCC and Gigaclear to stop work immediately until the situation could be investigated and resolved. Following investigation, it became apparent that an amendment to the Commons Act 2006 allows for the installation of electronic communications apparatus to be installed as an exemption. Commons Act 2006 Part 3 works 38. Prohibition on works without consent (6) The prohibition in subsection (1) does not apply to— (d) works for the installation of electronic communications apparatus for the purposes of an electronic communications code network. The above was further checked with NALC legal department, who responded that there was no wriggle space regarding the rights over telecommunications on common land: “As the Parish Council has identified, Section 38(6)(d) permits anyone that provides an electronic communication system can undertake work on common land without the normal permission. The Parish Council can, of course, seek to negotiate with the equipment installer about the location of it but it will have no power to insist on any requirements.” Based on the above, permission from the Parish Council is not required. The Parish Council has however gained agreement that the exchange will not be placed on the Common Land (Griffin) but is to be sited in a less conspicuous place at the Carpark. The Parish Council thanked the Clerk for negotiating the relocation of the exchange. Further meetings and discussions will continue with the Council being updated. Clerk to add to next agenda and arrange the next meeting with the Gigaclear Network Access Officer Lead. J: The discussion regarding the request under Freedom of Information for housing within Winster was deferred to the next meeting. Clerk to add to next agenda K: A brief discussion took place regarding celebrations for King Charles III coronation. The Parish Council were made aware that a resident has communicated via Facebook, that they are seeking volunteers to join a group to organise an event. The Clerk was asked if there was any funding available, as yet nothing has been communicated. Clerk will check and update the Parish Council.	**AP - Clerk**

	A Resident left the meeting. L: There were no urgently required items to discuss.	
02/09/23	**Planning:** A: The following was discussed, considered and instruction given to the Clerk to report the Council's views. The Council agreed to include for consideration as the closing date is prior to the next meeting. i) NP/DDD/0123/0022 - The Dower House, Main Street, Winster. Listed Building consent - The installation of a vent from the second-floor bathroom through the wall to the north elevation. This is to enable the removal of moisture laden air from the bathroom **(No Objection)** ii) NP/DDD/1022/1248 - Mews Cottage, Elton Road, Winster. Garage conversion into a home office, raising the roof to have a pitch, replacement of windows and doors at the property and replacement gate. **(No Objection)** In addition, due to deadlines the following was also considered. iii) NP/DDD/0123/0073 - Heathcote House, Main Street, Winster. The proposed alterations are confined to the later ancillary buildings and comprise the widening of an existing doorway between the kitchen and pantry, the replacement of a modern concrete tile roof with one of Staffordshire blue tiles and the removal of a modern brick chimney of the kitchen. **(No Objection)** B: Noted planning decisions as notified by the Peak District National Park Authority: None this month	**AP - Clerk**
02/10/23	**Correspondence & Circulars:** Correspondence received and pre-circulated to Members by email, unless otherwise indicated, including the following, i) DCC – Community news, Parish and Town Council Liaison Forum, road closures, bins, District and Parish Council Elections. ii) Rural Services – Various. iii) PPPF – 2023 NPA Parish Member Election. iv) DALC – Newsletters. v) Public Sector Executive – various. vi) Derbyshire Police and Crime Commissioner – Newsletter, Budget, Annual Report. Following communication advertising a meeting regarding 20s Plenty Cllr Brown to attend	**AP DB**
02/11/23	**Items for the Village Magazine:** Tree Planting Scheme	**AP – DB**
	Next Parish Council Meeting **The next Parish Council Meeting will take place at 7.00pm on Monday 6th March 2023, at the Jubilee Room, Burton Institute, Winster.** **Meeting closed at 9.00pm.**	

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