

Tilney St. Lawrence Parish Council

Serving the villages of Tilney St Lawrence, Tilney cum Islington, and Tilney Fen End

Notice is hereby given, and all members of the Council are summoned to attend the meeting of the Parish Council to be held 7pm Monday, 05 June 2023 in the Village Hall.

Information for councillors and members of the public & press:

For the protection of the public, Council members, and staff, the following COVID-19 risk mitigation measures will be in place:

- Please do not attend the meeting if you feel unwell, or if you are required to self-isolate for any reason.
- Please arrive five minutes before the time of the meeting. Late arrivals may not be admitted.
- Councillors are requested to wear their Parish Council identification lanyards.

At the agenda item for public participation, 15 minutes is set aside when a short statement may be made, or a question asked, individual members of the public may speak for a maximum of 5 minutes. If you wish to speak when invited by the chairman, please raise your hand and wait to be asked. A question shall not require a response, nor start a debate. The chairman may direct a written or oral response to be given. Members of the public should not speak at any other time unless otherwise indicated on the agenda.

Please note that the meeting may be recorded, and attendees' images captured.



Clerk: Jackie Christie

Cornwall Lodge, 1, Church Road, Wiggshall St Mary the Virgin. PE34 3EH

Email: clerk@tslclerk.org. Tel: 07855789413.

Agenda

1. To note members' attendance and to receive apologies for absence
2. To approve the [Minutes](#) of the meeting held on Wednesday, 17 May 2023.
3. To receive declarations of interests and to consider any written request for dispensation.
4. **Public Participation**
 - 1) To receive representations relating to matters on the agenda.
 - 2) To receive representations or questions on other matters.
5. **To consider any police matters**

None.
6. **To receive the clerk's matters arising from last month's meeting.**
 - 1) Street Lamps Turning Blue.
Clerk emailed the Clerk at Marshland St James and informed him of the blue lamp in Marshland Road. They only have a few streetlights and he has not been notified of any problems, but will take a look.
The clerk also contacted Tilney All Saints and Terrington St John Parish Clerks to check to see if they are having this problem.
Tilney All Saints only have three streetlights and only changed them to LED in December 2021 and do not have a problem with them yet.
 - 2) New dog bin in Spice Chase – This was put on hold as the dog waste bin in Tilney Cum Islington had lost its lid in high winds and required urgent replacement. The new one purchased for Spice Chase was used as a replacement and the Clerk would purchase another bin and fixing kit as agreed at the May meeting.
The new bin has been received for Spice Chase including the post and fixings at a cost of £164.00 ex VAT.

To discuss when, how and who will erect new bin.

- 3) Burial grounds maintenance grant – the Clerk took advice from NALC as to the Parish Council continuing to provide a grant to an open churchyard.
This seems to be a legal minefield and their response is as follows:
Some time back, we were asked a similar question and we consulted our cemetery expert, Alan Fairchild. This was the response:

Looking forward I would also suggest that given the ongoing legal uncertainty around the powers of parish councils to fund other than the upkeep of open and closed CofE churchyards (Sections 214 (6) & 215 of the LGA 1972) and not contribute towards the cost of CofE church buildings (Section 8 of the LGA 1894) Southery PC is careful to ensure that any maintenance and repair costs it pays for relate to the walls, paths, fences, trees etc. within the closed churchyard which may not necessarily include historic church "ruins".

I should also stress these are my personal views and should not be taken as a legal opinion given on behalf of SLCC which, if an opinion is needed, should be sought from NALC.

From this, I interpret it as PCs should continue in providing funding for the upkeep of churchyards if they so wish unless otherwise directed not to. However, this upkeep should not include capital expenditure.

Leicestershire and Rutland ALC produced this response when asked the same question (**appendix A**)

7. Clerks Report

- 1) *The Clerk requests holidays as follow:*
Friday June 9th 2023
Thursday 10th & Friday 11th August 2023
One week in mid-September to be confirmed.

8. To receive reports:

- 1) Chairman
2) Footway lighting
3) Footpath and tree
4) Village hall

9. Highways and footways

- 1) *Highways Community Rangers are due to visit in July.*

10. To receive and consider Borough and County Council Issues

None.

11. Financial matters

- 1) To note bank balances as at 31 May 2023 –
- | | |
|--------------------------|-------------------|
| Unity Trust Current | £ 5,978.20 |
| Unity Savings account | £47,203.40 |
| TSB Currrent at 31/03/23 | £ 4,556.39 |
| TSB Savings account | £ 4,110.82 |
| Petty Cash | £ 40.00 |
| Total | £61,888.81 |

- 2) To approve the May Bank Reconciliation - (**appendix B**)

Proposed.....Seconded.....

- 3) To consider Payments to 6th and 23rd June 2023, including any late payments reported by the clerk, and to note the two Councillor signatories to authorise the bank payments. **(appendix C)**

12. To review and adopt the following Policies and Procedures for 2023:

- 1) *Complaints Procedure*
- 2) *Disciplinary Policy*
- 3) *Grievance Policy*
- 4) *Document Retention Policy*
- 5) *Freedom of Information Policy*
- 6) *Payment Authorisation Policy*
- 7) *Press & Media Policy*
- 8) *Appraisal Policy*

These documents have been circulated with the agenda to Councillors via email.

13. **To Discuss CIL Income** (Community Infrastructure Levy)
Total CIL balance = £3929.94

14. **To consider any planning applications.**

- 1) 23/00915/LB - Listed Building Application: Retrospective External and internal works to Listed Building including demolishing works and extensions, erection of garden structure, conversion of storerooms to annexe and works to roof, change of use of land to domestic use. at Duncans Farm House, Lynn Road - **Already circulated previously by email to members as short on time – no comments sent.**

15. **To note Borough Council planning decisions.**
NONE

16. **Progress on School Road junction H Bars.**

Clerk has received a copy of an email from a concerned resident which he emailed to the local police constable – this will be available at the meeting.

17. **To receive and consider any general correspondence.**

- 1) To note the [new mobile library timetable](#).

18. **To resolve on moving into close session on the grounds of confidentiality by virtue of the Public Bodies (Admission to Meetings) Act 1960 s. 1(2).**

19. **To consider items for the next agenda.**

Appendix A

Spending parish council money on your local church (including burials): what are parish councils legally allowed to do?

As we always say in our well-attended and popular Councillor Training sessions, modern parish councils often encounter difficulties operating effectively within a framework of rather older (and dare we suggest outdated) legislation.

As LRALC has previously advised, the Local Government Act 1894, for example, expressly prohibits councils from spending any money on maintaining or improving church property. In practice this includes the church building itself, the churchyard and the church hall.

In this instance, the situation is complicated by the fact that subsequent legislation appears to contradict the earlier 1894 Act. For example, s.214(6) of the Local Government Act 1972 permits a parish council to contribute towards the expenses incurred by any person in providing or maintaining a cemetery and s.215 of the Local Government Act 1972 permits a parish council to maintain a closed churchyard.

Whilst it is widely accepted now that a parish council can legally maintain a closed churchyard there remains a difference of opinion amongst some legal professionals over whether a parish council is permitted to maintain or contribute to the maintenance of an open churchyard. The debate being does s.214(6) of the Local Government Act 1972 override the provisions of the 1894 Act?

Current guidance from the National Association of Local Councils (NALC) accepts that in the absence of caselaw and specific clarification from government there is no definitive answer to the question as to whether a council can legitimately maintain or contribute to the maintenance of an open churchyard. However, as the NALC briefing ([please see here](#)) says, "the 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".

We therefore continue to recommend that any councils considering giving financial assistance to a church should contact for specific legal advice.

Quote from Leicestershire and Rutland ALC

**Appendix B
Bank Reconciliation – May 2023**

31 May 2023 (2023)

Tilney St Lawrence Parish Council

Prepared by: _____ Date: _____
Name and Role (Clerk/RFO etc)

Approved by: _____ Date: _____
Name and Role (RFO/Chair of Finance etc)

| | | | |
|--|---|------------|------------------|
| Bank Reconciliation at 31/05/2023 | | | |
| | Cash in Hand 01/04/2023 | | 40,996.53 |
| | ADD Receipts 01/04/2023 - 31/05/2023 | | 28,080.44 |
| | | | 69,076.97 |
| | SUBTRACT Payments 01/04/2023 - 31/05/2023 | | 7,188.16 |
| A | Cash in Hand 31/05/2023 (per Cash Book) | | 61,888.81 |
| Cash in hand per Bank Statements | | | |
| | Petty Cash | 31/05/2023 | 40.00 |
| | Unity Savings Account | 31/05/2023 | 47,203.40 |
| | TSB Deposit Account | 31/05/2023 | 4,110.82 |
| | TSB Current Account | 31/05/2023 | 4,556.39 |
| | Unity current Account | 31/05/2023 | 5,978.20 |
| | | | 61,888.81 |
| | Less unrepresented payments | | |
| | | | 61,888.81 |
| | Plus unrepresented receipts | | |
| B | Adjusted Bank Balance | | 61,888.81 |
| A = B Checks out OK | | | |

**Appendix C
Payments to Authorise**

**Tilney St Lawrence Parish Council
PAYMENTS (AWAITING AUTHORISATION) LIST**

| Voucher Code | Date | Minute | Bank | Cheque No | Description | Supplier | VAT Type | Net | VAT | Total |
|--------------------------------|------------|--------|-----------------------|-----------|----------------------------|----------------------|----------|-----------------|--------------|-----------------|
| 22 Grass Cutting | 06/06/2023 | | Unity current Account | BACS | Grasscutting | Heronwood Landscapes | X | 217.00 | | 217.00 |
| 23 Grass Cutting | 06/06/2023 | | Unity current Account | BACS | Grasscutting | Heronwood Landscapes | X | 40.00 | | 40.00 |
| 24 Grass Cutting | 06/06/2023 | | Unity current Account | BACS | Grasscutting | Heronwood Landscapes | X | 13.00 | | 13.00 |
| 25 Data Protection | 12/05/2023 | | TSB Current Account | DD | Data Protection | ICO | E | 35.00 | | 35.00 |
| 26 Outside Operative Salary | 06/06/2023 | | Unity current Account | BACS | Erica Wages | Outside Operative | X | 125.04 | | 125.04 |
| 27 Litter Picking Expenses | 06/06/2023 | | Unity current Account | BACS | Outside Operative Expenses | Outside Operative | S | 6.88 | 1.37 | 8.25 |
| 28 Clerk Salary | 06/06/2023 | | Unity current Account | BACS | Clerk Salary | Clerk | X | 650.87 | | 650.87 |
| 29 Subscriptions | 06/06/2023 | | Unity current Account | BACS | Adobe subs x 2 months | Clerk | S | 8.32 | 1.66 | 9.98 |
| 29 Clerks Office | 06/06/2023 | | Unity current Account | BACS | Clerks office allowance | Clerk | X | 52.00 | | 52.00 |
| 29 Stationary/Postage/Printing | 06/06/2023 | | Unity current Account | BACS | Lanyard for Cllr R Day | Clerk | S | 10.16 | 2.03 | 12.19 |
| 29 Subscriptions | 06/06/2023 | | Unity current Account | BACS | Main domain renewal | Clerk | S | 16.99 | 3.40 | 20.39 |
| 29 Travel Expenses | 06/06/2023 | | Unity current Account | BACS | Clerks mileage | Clerk | X | 3.60 | | 3.60 |
| 30 Bins | 23/06/2023 | | Unity current Account | BACS | Dog Bins | Earth Anchors Ltd | S | 164.00 | 32.80 | 196.80 |
| Total | | | | | | | | 1,342.86 | 41.26 | 1,384.12 |