

Hilperton Parish Council

9 Beech Grove, Warminster, Wiltshire, BA12 0AB Tel: 01985 213436
Chairman: Councillor Ernie Clark Clerk: Mrs Sarah Jeffries PSLCC CertHE

Minutes of the meeting of Hilperton Parish Council on Tuesday 21st November 2023 at 7.45pm.

Present: Councillors, Ernie Clark, Pam Turner, Robert House, Gary Boreham, Trevor Carbin, Kate Hayes, Chris Prevett, Steph Robinson, Sheila Sawyer, Scott Uncles and Samantha Woodard.

In attendance in person: Parish Clerk Mrs. Sarah Jeffries PSLCC, and 2 parishioners.

7.45pm Public Question Time The Public Bodies (admissions to meetings) Act 1960 s 1 extended by the LG Act 972 s 100.

Unitary Councillor Ernie Clark reported on the progress to date of the 20mph speed limit request, that the metro counts have been installed along Hill Street, Church Street and Marsh Road.

He mentioned that at the recent Rights of Way hearing, he had attended regarding footpath HILP54 that Barratt is wanting to move, the Parish Council didn't object to it but it should be noted that it could be 3-6 months before the decision is known. No questions were put to Unitary Councillor Ernie Clark.

23/011 Acceptance of apologies for absence

Schedule 12 of the Local Government Act 1972 requires a record to be kept of the members present and that this record form part of the minutes of the meeting. Members who cannot attend a meeting should tender apologies to the Parish Clerk as it is usual for the grounds upon which apologies are tendered also to be recorded. Under Section 85(1) of the Local Government Act 1972, members present must decide whether the reason(s) for a member's absence are accepted.

Resolved: Councillor Richard Allan had given his apologies. Council resolved his reason for absence.

23/012 Dispensations

Resolved: noted none had been requested.

23/013 Declarations of interest, members to declare any interest they may have in agenda items that accord with the requirements of the relevant authorities (Disclosable Pecuniary Interests) Regulation 2012 (SI 2012/1464) (NB this does not preclude any later declarations)

Resolved: noted none given.

23/014 Exclusion of the Press and Public Standing Order #1c The Parish Council may exercise their right to exclude the public and press by resolution from a closed meeting due to the confidential nature to be discussed pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960.

Resolved: not required.

23/015 To receive and sign the minutes of the full council meeting held on 17th October 2023 and extraordinary meetings on the 14th of November 2023. (Previously circulated) LGA 1972 Sch 12 para 41(1)

Resolved: that they were a true record of the meetings decisions.

23/016 Chairman's announcements

Resolved: Councillor Ernie Clark reminded Councillors that the Sir William Roger Brown's Coal Charity meeting will be after the Parish Council meeting.

He reported that the second speed indicator post is now up in Marsh Road. A few months ago, it was discussed about having a flashing speed indicator device with slow down etc. Councillor Ernie Clark reported that Wiltshire Police now have a system that they can download the data from these speed indicator devices, he will seek new quotations, one with the addition of Bluetooth and one without and bring them back to the December meeting for discussion.

23/017 Co-option of New Councillor Acceptance of Electronic Summons

Resolved: witnessed the signing of the new Councillors Acceptance of Office and Acceptance of Electronic Summons, the Chairman welcomed Councillor Micheal Linham to the team.

Council noted the Clerks apologies re forgetting to bring the printed Acceptance of Electronic Summons documentation for this agenda item, she had been distracted with printing off the last-minute Trowbridge Town Council Local Plan information. The Clerk will bring these to the December meeting for signing.

Explanatory note

The Local Government Act 1972 Sch 12 para 10(2) requires the proper officer of the Council to send to each member of the Council or committee (as the case may be) a summons to attend meetings of the parish council or the committee at least three clear days before the meeting. The summons must be left at or sent by post to the member's usual place of residence or:

"Where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address."

23/018 Planning

Planning Applications

Application Ref PL/2023/09253 - Householder Application

Address: 57 Wyke Road, Hilperton, Trowbridge, BA14 7NZ

Proposal: Single storey rear extension and dormer window to existing bedroom above garage on rear elevation.

Application Link: <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z00001BtK1S>

Resolved: already discussed on 14th November meeting.

Application ref: PL/2023/08701

Site Address: Knoll Farm, 56 Whaddon Lane, Hilperton, Trowbridge, BA14 7RN

Proposal: Construction of an agricultural building and polytunnel

Application Link: [Planning Application: PL/2023/08701 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/08701)

Resolved: No comment.

Application ref: PL/2023/08729

Site Address: Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR

Proposal: Variation of conditions 2, 4, 5, 6, 7, 8, 9, 10, 15, 17 and 18 relating to application PL/2021/03061.

Application Link: [Planning Application: PL/2023/08729 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/08729)

Resolved: No objection.

Application No: PL/2023/09825

Application Type: Notification of proposed works to trees in a conservation area.

Proposal: Four Lawson Cypress trees - 30% Reduction. One Yew tree - 25% Reduction.

Site Address: Rowan House, 4 Oriel Close, Hilperton, Trowbridge, BA14 7RB.

Application Link: [Planning Application: PL/2023/09825 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/09825)

Resolved: The Parish Council will support the advice of the Tree Officers. (It was felt that the application was of a poor standard).

(In planning matters the Council acts as a consultee of the principal authority. The principal authority being the deciding body for planning applications)

23/019 Planning Decisions

Application ref: PL/2023/07043

Site Address: Plot 5, Church Farm, Church Street, Hilperton, Trowbridge, Wiltshire, BA14 7RG

Proposal: Additional of single timber framed carport with sedum roof to match those approved elsewhere on the development under planning ref. 20/09998/FUL.

Decision: Approve with Conditions. See link below for conditions.

Application Link: [Planning Application: PL/2023/07043 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/07043)

Resolved: noted the decision made by Wiltshire Council.

23/020 Wiltshire Council Local Plan

Resolved: Celia Beckett from the Working Party addressed the Council on her actions to date. She has made the submission to Wiltshire Council. She mentioned that as far as additional policies are concerned, it is up to the Parish Council to submit those.

Following discussions, The PC agreed a submission in the name of HPC re the wording of policy 52.6. It was agreed that another submission would be in Councillor Ernie Clarks name.

23/021 Parish Steward

Resolved: Councillor Ernie Clark reported that the Parish Steward was in the village today and tomorrow, his timetable it seems is not the same as held by the Parish Council. It was noted that he is due to visit again before Christmas. It was reported that the overhanging branches on Trowbridge Road have been cut back.

23/022 Allotments/Community Orchard

Resolved: Councillor Robert House reported he had noted that 11 allotments were maintained in a poor condition. He has emailed the allotment holders and asked if they could act. It was noted that there has been a lot of ill health meaning they have not been able to maintain to their usual standard. 6 have said they are happy for them to be relet. There are 18 people are on the waiting list so he will contact those persons. Some have apologised and will get them back to a better standard in the next few months.

There has been one change of Plot holder, it was noted that the Clerk has actioned the paperwork. He has also completed clearing the brambles. The Chairman thanked him for his report.

23/023 Highways Improvement Requests

Resolved: Councillor Ernie Clark reported on a request from a Trowbridge parishioner for a traffic light operated pedestrian crossing on Elizabeth way and that there also had been a request for the reduction of the speed limit to 30mph. The crossing will be beneficial to Trowbridge residents.

He also reported on the Car park area opposite the Bellway Development. There is a parking area on the right-hand side he had been asked if this could be tarmacked; he had pointed out that this land is owned by Wiltshire Council, and he has put the person in touch with the relevant Wiltshire Council Officer.

23/024 General Data Protection Regulations.

Resolved: noted that since 2018 the Parish Council had needed to be compliant to the General Data Protection Regulations. It was agreed that the Clerk would bring to the Council the draft documentation (Data mapping, an email privacy notice, draft forms etc) to approve at its December meeting.

Councillors agreed to complete the form presented at the meeting so there would be evidence of GDPR training having taken place and an awareness of the need to comply with its requirements.

23/025 Standing Orders

Resolved: noted that the present Standing Orders are outdated 2002 model and require bringing up to the latest model. It was agreed that at the next full Council meeting in December Councillors will be asked to update to the National Association of Local Councils model Standing Orders.

23/026 Financial Regulations update

Resolved: noted that the Clerk had identified that there are no Financial Regulations in place. The Clerk been advised that the model Financial Regulations are being updated by the National Association of Local Councils at present. The Clerk will bring these to the Parish Council when the copy has been finalised as there is a need for a set of up-to-date Financial Regulations to be in place.

23/027 General Risk Assessment

Resolved: noted that the Clerk had identified further items that are required on the General Risk Assessment. The Clerks recommendation that they are brought to the January meeting and adopted, was approved.

23/028 Freedom of Information Charges reviewed.

Resolved: approved the Freedom of Information Policy and agreed the charges for freedom of information copies. Proposed Councillor Ernie Clark Seconded Councillor Robert House. All were in favour.

23/029 Internal Audit Check by a Councillor

Resolved: resolved that Councillor Pam Turner would action a check of the accounts, 4 times a year (it was noted that this is a check of the financial figures and invoicing) She will report back to Council her findings to be added to the minutes as evidence of an internal check for the audit. It was agreed that this position would be until the May 2024.

23/030 Budget Preparations Council to agree its objectives for next year.

Resolved: noted that Councillors needed to contact the Clerk with any motions they wished to be put forward as possible projects.

23/031 Approval and signing of Parish Accounts for the month of October 2023 Internal Audit Accounts & Audit Regulations 2003 reg 2.

Resolved: approved and signed the accounts. The balance for the Account at month ends 31st October 2023 was not reported as a copy of the bank Statement had not been received. (it was noted that at present the Clerk did not have access to the Bank Account).

Council reviewed and approved the items of expenditure listed below:

Invoices

Wages December [LGA 1972 s111](#) £TBC (it was noted that the Payee reference number was still to be received) Council agreed to delegated to the Clerk, to action her salary in conjunction with the Staffing Committee.

Heat, Light etc. December 2023 [LGA 1972 s111](#) £20.75

(Clerk Reimbursed) Coates & Palmer Stationary Items [LGA 1972 S111](#) £9.34

(Clerk Reimbursed) postage [LGA 1972 S111](#) £3.20

(Lesley House Reimbursed) Plants War Memorials ([Local Authorities Powers](#)) Act 1923s.1 £66.82.

Idverde Grounds Maintenance and Planters [Open Spaces Act 1906 ss.9-10](#) £121.80.

Mr Gerald Kells Specialist Advice Wiltshire Local Plan [LGA 1972 S111](#) £1640.00

Receipts: To note receipt of income

CCLA The Public Sector Fund £456.70

Retrospectively

Cloudy IT LGA 1972 S111 £2,496.00

Payments £TBC

Retrospectively £2496.00

Income £456.70

Total £TBC

23/032 Unity Bank setup and Online Payments

Resolved: agreed to set up a new account with Unity Trust Bank to enable online banking to be actioned. The Clerk was instructed to confirm the FSA was £85,000.

23/033 HMRC PAYE

Resolved: noted that the Clerk has setup an online HMRC Payee system for Hilpertton Parish Council as none was present. The Clerk has yet to receive a reference number for the Parish Council, hence the Clerk is unable to confirm her salary for November under payments. Delegation was given to the Clerk to action her salary as soon as the reference was received.

23/034 Meetings for Councillors to consider.

Resolved: noted that at the time of producing this agenda there were no meetings to advise Council of.

23/035 Correspondence received.

CPRE Membership Renewal

Resolved: agreed to renew at the £60.00 as they have supported the HAAG with CPRE figures and information. Proposed Councillor Ernie Clark seconded Councillor Robert House. All in favour

Booklets and Brochures on the below list were also received.

The Clerk Magazine

Clerks & Councils Direct

Countryside Charity Wiltshire Voice issue 38 Autumn 2023

All the below email correspondence received by the Clerk has been emailed to Councillors.

14th November 2023 Extraordinary Meeting Agenda.

23/036 Clerks Report

Staffing Committee

Resolved: approved retrospectively up to May 2024 the implementation of the Staffing Committee and putting the Terms of Reference in place.

It was agreed that Chairman Councillor Ernie Clark, Vice Chairman Pam Turner and Councillor Robert House would be the Staffing Committee.

(It is important that a committee of three are set in place to manage the Clerks employment. This takes the onus off the Full Council having to have additional meetings on small employment issues, as they will also manage the Clerks holiday etc.) All agreed.

Council Information Technology

Resolved: noted the below report from the Clerk. Council retrospectively approved the Staffing Committee actioning the purchase of a laptop, monitor and infrastructure to implement a fully functioning business suite for the Clerk and Councillors to use. It was agreed that the Clerk draft an accessibility statement for the December meeting.

The Parish Council at present was totally paper based, under the Public Sector Bodies (websites and mobile applications) (No. 2) Accessibility Regulations 2018, which came into force on 23 September 2018, implemented the EU Directive on the accessibility of the websites and mobile applications of public sector bodies (the directive). The Parish Council noted that it should have at this point put in place computer technology.

The directive is designed to allow citizens, particularly those with disabilities, to gain better access to public services by making public sector bodies' websites and mobile applications more accessible.

It works harmoniously with varying accessibility standards within the European Union and, in particular, the statutory duties imposed on public sector bodies under the Equality Act 2010 and the Disability Discrimination Act 1995 to make reasonable adjustments for people with disabilities.

'Accessibility' refers to the principles and techniques to follow when designing, building, maintaining, and updating websites and applications, to make them easy for people to use, especially those with disabilities.

There should be an Accessibility statement: public sector bodies must publish an accessibility statement and keep the statement under regular review.

Therefore, the Parish Council has an obligation legally to move forward with implementing an IT system and an accessibility statement.

Parish Online Mapping

Resolved: approved the Clerk's recommendation that is applies for a subscription to the Parish Online mapping service. This will allow the Clerk/Councillors to map assets, allotments and bring up areas for discussion at meetings and print off maps for projects. It can be used for highways purposes and holds historical data in its data mapping layers.

See link [Parish Online - Digital Mapping Software \(parish-online.co.uk\)](http://parish-online.co.uk)

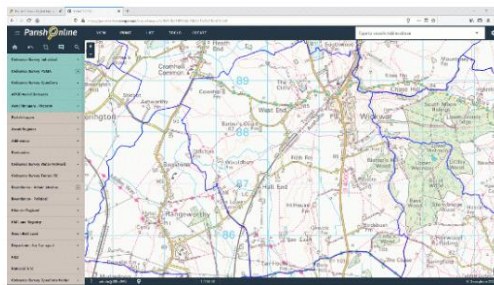
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£ 243.00	£ 48.60	£ 291.60

Society of Local Council Clerks Membership

Resolved: noted that the Hilperton Parish Council Clerks membership had lapsed in 2019. Council approved the payment of the fee of £242.00 with effect from 1st January 2024.

9.25pm Councillor Trevor Cabin joined the meeting and took part in the resolutions from this point.

General Power of Competence

Resolved: noted that the Clerks employment alongside the Councils fulfilment of a ¾ elected Council means it would be able to use the General Power of Competence, the details of the requirements below were noted.

Councils no longer need to ask whether they have a specific power to act. GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they don’t break other laws. It is a ‘power of first resort;’ this means that when searching for a power to act, the first question you ask is whether you can use GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can’t put someone in prison – and neither can a local council (although, like an individual, the council can press for a prosecution).
 - An individual can’t impose taxes on other people – so a local council can’t use GPC to raise taxes.
- on the other hand, an individual
- could run a community shop or post office (provided they abide by relevant rules) – so a local council can do likewise.

- can set up a company to provide a service. GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose.

Sometimes a council can do things that an individual can't do – such as creating byelaws, raising a precept, or issuing fixed penalty notices – but it must do so using the specific original legislation. GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

The Government hopes that GPC gives local councils confidence in their legal capacity to act for their communities. It encourages councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. The council can lend or invest money; it can trade; it can even sell energy to the National Grid. If another authority has a statutory duty, then it remains their duty to provide that service (e.g., education, waste collection, social services) but local councils can still help. For example, a local council can support a school in many ways, just as an individual might. It could even help a community trust to run a local school.

The council can undertake activities using GPC anywhere – not just in the parish (s1(4a)). It isn't necessary to worry whether the activity is for the benefit of the council, the area, or the community (s1(4c)) although, in practice, parishioners might object if they can't see the benefit! And unlike the Local Government Act 1972, s137, it doesn't matter whether there are any other specific powers permitting the council to take action (s1(5)). So, for example, a council can use GPC to build a sports facility even though there is another power enabling it to do the same thing (Local Government (Miscellaneous Provisions) Act 1976 s19).

As always, the council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

Council agreed that it makes this resolution at the January meeting when the updated Standing Orders will be in place.

23/037 Parish Clerks Delegated Powers. [LGA 1972 s101.](#)

Resolved: noted that at present there are no delegations in place, and that when the new Standing Orders are set in place these will be reported at this point on the agenda.

23/038 Notice of items to be taken into consideration at the next meeting.

Resolved: the below list.

- Reserves, Contingency and General Reserves
- Preparation Budget/Precept
- 106 Agreements

- Risk Assessment Additional Sections
- Standing Orders

Councillors noted that if they have been approached by parishioners with an issue/item for Council to investigate, or if they have an item they wish to be discussed, Councillors needed to complete an Agenda item reporting form and send it to the Clerk within 6 clear days of the next meeting. If Councillors wish motions to be included on the next Agenda, they need to be sent to the Clerk before the 10th of November 2023.

23/039 Items for Notice Boards or Publication

Resolved: draft minutes on noticeboard and website

23/040 Date for the next Parish Council Meeting

Resolved: Council noted that Tuesday 19th December 2023 would be the date of the next Parish Council Full Council meeting. It will start at 7.45pm. All are welcome to attend.

Chairman mentioned a Christmas get together after the December meeting.

Finished at 9.30pm

Signed..... Date.....