

## SOUTH KYME PARISH COUNCIL

Minutes of the Meeting of 24 May 2018 held at Coronation Hall

**DRAFT YET TO BE APPROVED**

**Present:** Cllr Eric Langley (Chairman) Cllr Alex Alexander  
Cllr Steve Coy (Vice Chairman) Cllr Craig Midgley  
Cllr Mervyn Head (Finance Officer)

**In attendance:** Peter Ayre (Clerk) – 3 members of the public

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**18/19-07 Apologies** – Cllr Goode had tendered apologies for absence.

**18/19-08 Approval of Minutes** - Minutes of the last meeting on 22 March 2018 were approved as a true and accurate record and duly signed by the Chairman and Clerk.

**18/19-09 Declarations of Interest** - Cllr Head declared his interest as a member of the Action Group Heckoff in agenda item 14 (Heckington Fen Wind Farm). Cllrs Coy and Midgley declared their interest in Agenda Item 5 (Financial Report - Village Fete donation).

### **18/19-10 Financial Report**

<u>Expenditure approved</u>	<u>Income Received</u>	<u>Bank Balance</u>
<b>1486.02</b> Clerk Salary	5274.95 Council Tax Precept	7620.13
<b>358.20</b> signage	67.24 LCC grass cutting	
<b>168.54</b> PPE equipment	34.05 Council Tax Support	
40.00 Internal Auditor	361.45 VAT reclaimed	
27.50 LALC Training		
49.83 VTG expenses		
20.00 plants village planter		

Cllr Head presented the 2017/18 Annual Governance Report which was unanimously approved.

After some discussion (Cllrs Coy and Midgley abstaining) it was:-

**RESOLVED: That a donation of £500 be made to the Village Fete Committee in respect of the Village Fete and Parish Meeting.**

**Action Cllr Head**

Cllr Head outlined potential Chancel Repair Liability and it was agreed that The Land Registry be approached to determine any liability on land owned by the Parish Council. After some discussion it was agreed that, on behalf of all property owners in the village, the enquiry be extended to cover all property and land within the village.

**Action Clerk**

**18/19-11 Matters arising from the public forum** – Reference was made to the Golf Club's proposals to apply for permission to build 4 houses on Skinners Lane. As no planning application had yet been submitted the Council agreed that comments would be reserved for the appropriate time.

**18/19-12 Councillor Vacancy** – Mrs Micky Clark had expressed an interest in filling the vacancy and it was:-

**RESOLVED: That Mrs Clark be co-opted as a Member of the Parish Council.**

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### **18/19-13 Action Items from previous meetings**

- a) **Village Tidy Group** – It was agreed that Cllr Midgley would liaise with the Council on matters relating to the Tidy Group. LCC policy on grass cutting would be displayed in the container for Tidy Group attention along with the approved and adopted Parish Council policy document (appended) Action Clerk
- b) **Dog Fouling** – Clerk reported on the negative response of NKDC to the Parish Council's wish to establish a PSPO on the riverbank. It was nevertheless agreed that 4 signs be purchased and displayed indicating that dogs must be kept on a lead in the area between the Church and High Street Bridge along the riverbank. Action Cllr Head
- c) **Welcome Letter** – Clerk had circulated a draft for comments and it was agreed that the final paragraph concerning dog fouling be removed. The revised draft would now be referred to the Village Hall Committee with a view to a joint approach. Action Clerk

**18/19-14 Defibrillator** – Further to discussions at the last meeting Council considered that it would not be feasible in practise to involve volunteers in accessing the defibrillator. However, it was agreed that an explanatory leaflet would be helpful and the Chairman would consult the Golf Club with a view to producing such a leaflet. Action Chairman

**18/19-15 Community Speed Watch** – Chairman outlined the scheme involving use of a radar gun operated by volunteers. It was agreed that the Parish Council would join the scheme subject to a sufficient number of volunteers coming forward. Volunteers would be sought at the forthcoming Village Meeting. Cllr Clark requested an update on the approach to Moy Park regarding HGV use of the village. Clerk reported that no response to his letter had been received and it was agreed that approaches be made to the Company's Belfast Head Office. Action Clerk

**18/19-16 Proposed NKDC Logo update** – Cllr Head pointed out the NKDC proposal to update its logo and that comments can be made on the NKDC website.

**18/19-17 Data Processing Policy** – The draft Council policy complying with GDPR was approved and adopted. Clerk requested that Security Compliance Checklists outstanding from 2 Members be returned as soon as possible.

**18/19-18 Highways Walkabout** – Chairman reported on the recent meeting with County Councillors Davies and Young along with officers. It was noted that some additional funding had been obtained and consideration will be given to:-

**Clay Bank/Sidebar Lane** – potholes had been dealt with and partial resurfacing would commence in the next few weeks with an accompanying road closure.

**High Street** – installation of a kerb on the south side of High Street

**Low Road** – despite the poor condition of the surface, Low Road was considered low priority.

**18/19-19 Heckington Fen Wind Farm** – It was noted that the government had required environmental impact assessment from the applicant. No response had yet been received to representations made by the Parish Council. The Planning Authority's response to any action not requiring a new application would likely be to seek Judicial Review.

**18/19-20 Planning Applications** – No new applications had been received.

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**18/19-21 Group Forum not for resolution** – Chairman recognised the contribution made by volunteers keeping the village environment up to a high standard.  
Cllrs Alexander and Clark had agreed to join the Festival Committee to provide assistance.  
An apparently deliberate blocking of a footpath was noted and Cllr Head undertook to make further enquiries.

**18/19-22 Date of next Meeting** – 1930 Thursday 19 July 2018 at Coronation Hall.  
Meeting Closed 2110

## **SOUTH KYME PARISH COUNCIL VOLUNTEER POLICY**

### **1 Health and Safety**

Concerns often arise when people confuse civil law obligations with an organisation's duties under Health & Safety Law. The Health and Safety at Work Act 1974 is criminal law aimed at protecting employees. It does not impose duties on someone who is not an employer, self-employed or an employee. The Parish Council has one employee and it is clear that the Council's duty under Health & Safety legislation applies solely to that employee only and not to any other individual or group. Health & Safety Inspectors have no power to investigate incidents or pursue enforcement action in relation to voluntary activities. The Act and regulations apply only if an organisation, including a voluntary organisation, has at least one employee, and apply to that employee only. Voluntary Groups, Community Groups or Unincorporated Associations are not regulated unless they are employers or a Registered Charity.

### **2 Civil Law**

Volunteers have no obligations under Health & Safety law but are subject to Civil Law which is a matter for the courts. Voluntary organisations and individual volunteers have a duty of care to themselves, each other and others who may be affected by their activities. Individuals may sue for damages under the civil law if they are injured as a result of another individual's negligence. The claimant must show the court that the defendant had a duty to take reasonable care and they have suffered that injury or other damages through a breach of that duty.

The Village Tidy Group is not strictly a group rather a collection of individuals as it has no Management Committee nor does it have a membership register, being made up of an indeterminate number of individuals who happen to attend tidy sessions which are open to anyone without restriction. It is therefore incumbent on each individual to be aware of their responsibilities in civil law and that they are conducting themselves at their own risk of injury either to themselves or others affected by their actions.

### **3 South Kyme Volunteers**

There are many voluntary activities in the village and the Council has shown itself willing to sponsor them financially but has not sought to exercise any control over them. Volunteers organise events like the scarecrow competition – duck race – village fete etc, each of which presents significant risks. The Council often sponsors the events but has no influence over their activities beyond seeking accounts for the public money it donates. These groups, including the Tidy Group, carry out their activities at their own risk and on that basis individuals are free to decide whether they wish to participate in the voluntary activity or not.

### **4 LCC Grass Cutting Contract**

The Parish Council has entered into a contract with Lincolnshire County Council (LCC) for grass cutting in specific areas in the village for the 2018/19 cutting season. LCC anticipates that the Parish Council will engage agents to fulfil the contract and there is no reason why the Parish Council should not ask the Village Tidy Group to carry out the work so long as each individual involved is aware of the requirements of the contract including the LCC Code of Practice. It is a requirement of the contract between LCC and the Parish Council that public liability insurance for £5m is in place and the Parish Council's existing insurance policy provides cover for £10m

The Council defines itself as sponsor of the Tidy Group with no control over its activities. The Council advises the Tidy Group to inform all volunteers that they are operating at their own risk and that they have duties under Civil Law as outlined at para 2 above.