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**MINUTES OF THE MONTHLY HILTON PARISH COUNCIL MEETING HELD ON WEDNESDAY 26TH
MARCH 2014 AT HILTON VILLAGE HALL COMMENCING AT 7PM**

Present:

Cllr Cooper (in the Chair)
Cllr Smith, Cllr Darlington, Cllr Nield, Cllr McDonald, Cllr Spencer

3 District Council Representatives, 1 County Council Representative and 10 members of the public were in attendance.

AGENDA

PART 1 - NON EXEMPT INFORMATION

1. Minute Number 1514/14 - To Receive Apologies for absence.

Apologies were received and accepted from Cllr Fox

2. Minute Number 1515/14 - Co-option of a Councillor

Resolved: Andrew Shackleton and Sian Davies were co-opted on to Hilton Parish Council with immediate effect.

Resolved: In accordance with the Local Government Act 1972 Cllr Shackleton and Cllr Davies read and signed the Declaration of Acceptance of Office before the Clerk.

3. Minute Number 1516/14 -Variation of the Order of Business.

There were no Variations to the Order of Business.

4. Minute Number 1517/14 - Declaration of Members Interests.

Resolved: Cllr Cooper, Cllr Smith, Cllr Darlington, Cllr McDonald, Cllr Spencer, Cllr Nield, Cllr Shackleton and Cllr Davies declared a Personal Interest in all items on the agenda pertaining to the Hilton Village Hall.

Resolved: Cllr Cooper, Cllr Smith, Cllr Darlington, Cllr McDonald, Cllr Spencer, Cllr Nield, Cllr Shackleton and Cllr Davies declared a Personal and Prejudicial Interest in in item 14 Planning Matters for Decision, item c) 9/2014/0013 - HILTON VILLAGE HALL PEACROFT LANE HILTON DERBY DERBYSHIRE DE65 5GH - THE ERECTION OF A DETACHED BUILDING FOR USE AS GARAGES/STORES PLUS ANCILLARY KITCHEN AND OFFICES – The Parish Council were advised by the Clerk that once this came up on the agenda the Council were not to make any comment as the application was for Hilton Parish Council and it would not be appropriate.

5. Minute Number 1518/14 - Public Speaking.

Minute Number 1518/14/A – Public Speaking

Members of the Public raised the following matters:

- Pauline Paton had witnessed an accident where a child was playing around the picnic benches at the Village Hall site on 27.02.2014. The child fell into one of the benches and cut his head open virtually to the bone. An ambulance was called and the child was taken to hospital. The Council were asked to consider the removal of the picnic benches or to fence this area off.

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- Liz Kolkman a former Hilton Parish Councillor asked how much the new garage and office would cost. She was informed that the Parish Council did not have costs for the build yet as we were still in the planning stages. The project had not yet gone out to Tender.

- Kay Baston raised the footpath from Uttoxeter Road to The Mease which goes across the land containing the sheep. She explained that the electric fencing had been moved by the landowner closer to the public footpath. This work had been completed properly by contractors. However under EU regulations it's a legal requirement to install hazard notices at least every 50 meters. She asked if the Council could contact the landowner and request that signage is installed.

It was agreed that the Clerk would establish who the owner was and send a letter requesting that signage be installed.

Minute Number 1518/141B – Police Representatives Report

There were no Police Representative present at the meeting and there was nothing to report.

Minute Number 1518/14/C – District Council Representatives Report

Cllr Plenderleith, Cllr Patten and Cllr Bale were in attendance at the Meeting

Cllr Plenderleith gave her report as follows:

- Attended Full Council on 03.03.14 and agreed a 0% increase in Council Tax for the next financial year.
- Cllr Patten and I took part in the Pancake Races, in aid of Sport Relief, as part of the Conservative Councillors Team. We came 4th out of about 40 teams!
- I attended the Digital Derbyshire event at Matlock on 20.03.14 to hear more about the County/BT/Openreach plans to roll reliable broadband out to rural areas. I asked about the 2 areas of Hilton village that have not yet been upgraded, and hope to have an update next month.
- I spoke to the site manager of Witham Close shops and arranged for the step outside the estate agent to be repaired, and the slabs outside the chemist to be re-layed. Both have been done, with the slabs also being extended. I also reported an abandoned van on the pub side of the Witham Close car park to the brewery.
- Through the course of the month, I have dealt with other residents' queries, attended other parish councils across Hilton Ward, and attended committees at SDDC.

The Chair raised the issue of the broken lighting on Witham Close. Cllr Plenderleith replied that she would report this matter to the brewery as the lighting in this area was their responsibility as the land owner.

Cllr Bale had nothing to report.

Minute Number 1518/14/D – County Council Representatives Report.

Cllr Patten was in attendance at the meeting and gave her report as follows:

- Main Street top dressing is to be carried out in May 2014 on the pavements.
- X50 service from Stoke to Derby to cease.
- Puffin crossing now scheduled to start 14 April.
- Peacroft Court meeting to be rescheduled due to strike today at school.
- A quiz night had been held at The Mease Pavilion by Hilton Harriers who had raised £1200 towards the pitch drainage.
- Ran in pancake race.
- She had asked for the Aldi application to extend to go before the Planning Committee at SDDC with a view to refusing the application.
- Update on St Modwen planning on The Mease. She has asked them to look at entrance on Willington Road. However Highways at DCC have refused this.

The Chair asked Cllr Patten if she had anything to report on the road humps on Main Street as per the complaint from a member of the public three or four month previous. This was in relation to the vibrations and noise that the road humps cause to their property. Cllr Patten was not aware of a complaint and asked the Clerk to let her have any information pertaining to this issue.

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Anything come back about the container. Julie found out who owns it does belong to the travellers. Enforcement have spoken to them about 2 weeks ago there was a family bereavement but they have promised will be removed by the end of the month. Julie to keep her eye on this.

5. **Minute Number 1519/14 - To confirm the Non-Exempt Minutes of:**

- a) **The monthly Hilton Parish Council Meeting held on 26th February 2014.**

Resolved: The Non-Exempt Minutes of the monthly Hilton Parish Council Meeting held on Wednesday 26th February 2014 having been circulated were approved and signed as a true record.

- b) **The Extraordinary Hilton Parish Council Meeting held on 18th March 2014**

Resolved: The Non-Exempt Minutes of the Extraordinary Hilton Parish Council Meeting held on Tuesday 18th March 2014 having been circulated were approved and signed as a true record.

6. **Minute Number 1520/14 - Chairperson's Report**

The Chair gave his report as follows:

- The Chair thanked Cllr Smith for standing in as Chair on his behalf at the Extraordinary Parish Council Meeting held on 18.03.2014.

7. **Minute Number 1521/14 - Committee Reports**

A) **Minute Number 1521/14/A - Community Services - To be discussed by full Council at their meeting**

- Community Information and Publicity.
There was nothing to report.

B) **Minute Number 1521/14/B - Finance - Cllr Cooper, Cllr Smith, Cllr McDonald, Cllr Nield, Cllr Fox, Cllr Darlington, Cllr Spencer and the Clerk to Hilton Parish Council**

- Fees for the use of Parish Council Facilities
- Suggested Amount of Annual Precept
- Regular Scrutiny of the Accounts
- Audit of the end of year Financial Accounts

The Clerk reported that she had received the Annual Return for the Financial Year ending 31.03.2014. She explained that this year Hilton Parish Council had been selected for a full Interim Audit. The Clerk explained that over the next month or so she would be working very hard to make sure that the Audit is completed and this would take priority over all other matters.

The Clerk asked the Council if they were happy to approve the reallocated budget for 2013/2014 as per the information provided at the meeting by the Clerk to the Councillors. This would be completed under virements, an administrative transfer from one part of the budget to another

Resolved: Hilton Parish Council approved the reallocation of the budgets for the financial year 2013/2014, to complete an administrative transfer of funds from one part of the budget to another.

The Clerk asked for a Councillor not currently on the bank mandate to be given Delegated Powers to visit the Parish Council Office and sign the Bank Reconciliations against the Bank Statements for 2013/2014. The Clerk also asked if the same Councillor could be given Delegated Powers to do the same for the 2014/2015 accounts on a quarterly basis. The Clerk explained that this was good practice and would satisfy Hilton Parish Councils Internal Controls. It would safe guard the Clerk and Hilton Parish Council now and in the future.

Resolved: Cllr Darlington was given Delegated Powers to sign the Bank Reconciliations and the Bank Statements for 2013/2014 and for the Financial Year 2014/2015.

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C) Minute Number 1521/14C - Environment and Green Space – To be discussed by full Council at their meeting

- Maintenance of Public Footpaths, Cycle Paths, Greenway, Verges, Open Space, Trees and Hedges
- Environmental Issues
- Recycling Facilities
- Dog and Litter Bin Provisions
- Lengthsman's Report

1) Groundsman and Lengthsman Report from Sam Bevins

Please see separate report under Groundsman Report on the Hilton Parish Council website: www.hiltonparishcouncil.org.uk and follow the correct link.

D) Minute Number 1521/14/D - Village Infrastructure - To be discussed by full Council at their meeting

- Planning matters including the Village Plan
- New Road Adoptions
- Traffic Management and Parking
- Street Lighting
 - **Partial Street Lighting consultation –Previously reported under minute number 1496/14/D – Village Infrastructure.**

Resolved: The Clerk to respond to the Partial Street Lighting Consultation objecting to the lighting being completely turned off on The Mease by the Pig Farm. This was due to the fact that live stock had been stolen in the past and this is an area prone to flooding.

- Public Transport Provision

E) Minute Number 1521/14/E - Recreation and Leisure – To be discussed by full Council at their meeting

- Provision and maintenance of sport and leisure facilities
- Children play equipment
- Parish Council owned Parks and Landscaping
 - a) **Approval to purchase Planters for the pavements between the trees at the Village Hall Site.**

Resolved: Hilton Parish Council agreed to purchase 6 planters.

Resolved: The Clerk to order the planters.

Resolved: The Groundsman and Lengthsman to plant them out.

F) Minute Number 1521/14/F - Hilton Village Hall Management Committee – All members of Hilton Parish Council and the Parish Clerk/RFO

- a) Approval to release information that has remained Private and Confidential since 23.02.2011, as it is deemed within the Public Interest to do so after the Extraordinary Parish Council Meeting held on 18.03.2014.

Resolved: Hilton Parish Council resolved to release extracts of a Private and Confidential Report from 23.02.2011 as follows:

The majority of the information contained in blue below was at the time PRIVATE and CONFIDENTIAL and not for PUBLIC RELEASE.

The majority of the information below was discussed in Part 2 – Exempt Information under item a) Clerks Reports, at the Hilton Parish Council Meeting held on: 23.02.2011

However, in light of some comments made at the Extraordinary Parish Council Meeting held on 18.03.2014, it has been decided that the majority of the information discussed on 23.02.2011 should be released into the Public Domain along with extra information for clarity and support, as there is a strong Public Interest in this matter, especially now the Parish Council have agreed to financially support the Hilton Village Hall.

PLEASE NOTE THAT THE INFORMATION BELOW IS ONLY AN EXTRACT OF A PRIVATE AND CONFIDENTIAL REPORT GIVEN AT THE PARISH COUNCIL MEETING HELD ON 23.02.2011, OTHER SUPPORTING INFORMATION HAS BEEN ADDED FOR CLARITY AND SUPPORT, BUT THE RESOLUTIONS PASSED BY THE COUNCIL REMAIN THE SAME OTHER THAN FOR THE NAME OF A FORMER COUNCILLOR BEING REDACTED.

SOME DATA PROTECTED INFORMATION HAS ALSO BEEN REMOVED TO PROTECT THE IDENTITY AND PRIVACY OF ANY INDIVIDUALS CONCERNED.

THE ORIGINAL REPORT IN ITS ENTIRITY WILL REMAIN PRIVATE AND CONFIDENTIAL AND WILL NOT BE RELEASED FOR PUBLIC CONSUMPTION.

- 1) The purpose of the report was to raise matters that had arisen with regard to a mini Internal Audit/Examination that was completed on the Expenditure File for Hilton Village Hall.
- 2) This Audit/Examination was completed to satisfy the Council that everything was in order before the Parish Council Audit to be completed in April 2011.
- 3) This Audit/Examination was done In accordance with the Hilton Parish Council's Financial Regulations given below.

16 CHARITIES

16.1 Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.”

And in conjunction of the power given in the Charities Act 1993 order of 23.02.2007 Scheme known as Hilton Village Hall Charity (520547), whereby Hilton Parish Council were and are the Sole Trustee of the Hilton Village Hall Charity.

In brief:

Charity Trustees are the people who serve on the governing body of a charity. In short Charity Trustees are responsible for the general control and management of the administration of a charity.

Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the benefit of the public for which it has been set up.

Trustees must ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law.

Trustees must ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there.

Trustees must comply with the requirements of other legislation and other regulators (In this case being the Parish Councils Standing Orders, Financial Regulations and anything else which governs the Parish Council) which govern the activities of the charity.

Trustees are accountable for the charity's solvency, continuing effectiveness and the preservation of its endowments. They must exercise overall control over its financial affairs. They should ensure that the way the charity is administered is not open to abuse by unscrupulous associates or employees; and that their systems of control are rigorous and constantly maintained.

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- 4) The extract above from the Hilton Parish Council Financial Regulations and the Governing Documentation for the Charity gave the Clerk/RFO and Proper Officer to Hilton Parish Council the powers to view documentation pertaining to Hilton Village Hall at any time that may be necessary, this included payroll and financial accounts. Therefore the Clerk had carried out her duties in accordance with the Council's Financial Regulations and the Governing Documentation for the Village Hall, following the Charity Commissions guidelines.
 - 5) Once completed the Audit/Examination of the Village Hall expenditure file and the findings were then passed to the Chair of both the Parish Council and the Village Hall Committee for their personal comments prior to a report going to Hilton Parish Council on 23.02.2011.
 - 6) Unfortunately this Private and Confidential Report and attached information was then passed onto a third party without the knowledge or permission of the Parish Council Clerk or Chairman.
- 7.8.8) On 21.02.2011 it came to the attention of Hilton Parish Council that the Annual Return for Hilton Village Hall ending March 2010 had been filed with the Charity Commission in January 2011. The Annual Return showed a new board of 6 Trustees who did in fact not exist, 2 of which were Parish Councillors at that time, 4 which were members of the Village Hall Committee at that time and the Booking Clerk to Hilton Village Hall at that time. This document with a new board of Trustees was filed without the knowledge or consent of Hilton Parish Council as the existing Sole Trustee.

The documentation filed with the Charity Commission stated the following:

Please note the Board of Trustees **has changed** due to **the definition** of Trustees on your website. Hilton Parish Council **are also** Trustees however it is not involved with the **management and administration** of the charity. They **are as** follows:

It then gave a list of current Hilton Parish Councillors at this stage. (The names have been removed to protect the identities of the people listed).

The document then went onto say the following:

The Charity Trustees are the people responsible for controlling the management and administration of the charity according to the Charity's Governing Document.

Hilton Parish Council can confirm that Hilton Parish Council were and still are until 01.04.2014 the only organisation holding the Governing Documentation for the Hilton Village Hall Charity as the Sole Trustee and have held this since February 2007. A few members on the Village Hall Committee at the time the Annual Return was filed were not aware of its content to amend the Trustees until after the event.

The above matter was reported to the Serious Incident Team at the Charity Commission on 25.02.2011 by Hilton Parish Council as soon as it was brought to their attention by the Parish Council Clerk. At this point neither Hilton Parish Council nor the Charity Commission had establish how and why this has been amended, or more importantly under whose authority, as this had not been authorised by Hilton Parish Council.

Correspondence between Hilton Parish Council and The Serious Incident Team at the Charity Commission continued between 25.02.2011 until 17.03.2011. Whereby the Parish Council finally had the Annual Return ending 31.03.2010 removed, corrected and refiled. Hilton Parish Council then received the following email from The Serious Incident Team at the Charity Commission stating the following:

EXTRACT OF EMAIL FROM THE SERIOUS INCIDENT TEAM:

Thank you for your emails, in connection with the Hilton Village Hall Charity.

We appreciate the prompt attention of the Council in acting to regularise the administration of the Charity, together with your own assistance in identifying and reporting the matter.

Based on the actions of the Council, once they became aware of the problems, we are satisfied that they have acted fully and appropriately within their role as Sole Trustee.

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We would advise that should the Council identify any further inaccuracies within the 2010 accounts submitted to the commission, they raise this with us, and if necessary submit the correct accounts for that period to replace those we have already filed.

Our thanks for your assistance.

The Annual Return ending 31.03.2010 then had to be removed and refiled a further two times there after due to the fact that the Former Booking Clerk requested that their signature be redacted from the Annual Return/Accounts after the Trustee information was amended to the correct Trustee information on advice. No amendments were made to the original accounts at this stage. (Please see Hilton Parish Council Minutes dated 28.03.2012 minute number 1666/12/A – Public Speaking. 1667/12/G – Hilton Village Hall Management Committee, item a, and 1677/12 – Exempt Information, item b, of the same meeting. Also see the Hilton Parish Council minutes dated 18.04.2012 minute number 1694/12 - Exempt Information item b.

With regards to the removal of the Former Booking Clerks' signature from the accounts ending 31.03.2010 from the Charity Commission website. Hilton Parish Council took the decision to change the Trustee information contained within the accounts ending 31.03.2010 as the information regarding the Trustee of Hilton Village Hall was incorrect. When this was discovered in February 2011 the Hilton Parish Council Clerk/RFO contacted the Charity Commission immediately. Based on the advice subsequently received from the Charity Commission's Serious Incidents Team and the new Independent Examiner, it was agreed at the time to replace the incorrect information with a minimum of fuss and publicity for all of those concerned. This made the Annual Return and Accounts for Hilton Village Hall 367 days late on the Charity Commission Website.

- 7.8.9) At the Hilton Village Hall Meeting held on 20.07.2010, minute number 257/VH/2010, Hilton Village Hall Staff Contracts of Employment were redrawn including new Disciplinary and Grievance Procedures using an Original Contract of Employment as a template, the original Contracts were put in place by Hilton Parish Council as the Sole Trustee. The staff concerned were then asked to resign the new Contracts of Employment without the knowledge or consent of Hilton Parish Council.
- 7.8.10) At the Hilton Village Hall Meeting held on 19.08.2010, minute number 266/VH/2010, new Financial Regulations for Hilton Village Hall were adopted by the Hilton Village Hall Committee at that time. Hilton Parish Council's Financial Regulations were used as a template to produce this document. Again this was done without the knowledge or consent of Hilton Parish Council.
- 7.8.11) At the Hilton Village Hall Meeting held on 20.12.2010, minute number 305/HV/2010, new Standing Orders for Hilton Village Hall were adopted by the Hilton Village Hall Committee at that time. Hilton Parish Council's Standing Orders were used as a template to produce this document. Again this was done without the knowledge or consent of Hilton Parish Council.
- 7.8.12) At the Hilton Parish Council Meeting on 22.12.2010 (please see the Parish Council website and follow the link to the minutes of the meeting) it was reported on page 1025 minute number 1144/10/A – Community Services. Item 1) Clerk Report – Information requested from the Hilton Village Hall Management Committee, access not being granted to Hilton Parish Council as the Sole Trustee. This report was suspended due to the fact that once the Village Hall Committee at that time, were aware of the report, the requested information was provided, some items being received on 21.12.2010 just one day prior to the Parish Council Meeting.

On receiving the requested information the Parish Council then became aware of the further breaches by the Village Hall Committee at that time, and the documentation that had been used to produce new documentation for the management of Hilton Village Hall. All new documentation gave no mention to Hilton Parish Council as the Sole Trustee. It was thought at that time that this may have been a way of try to remove the Parish Council as the Sole Trustee.

In Summary:

The Audit/Examination was complete in accordance with the Hilton Parish Council Financial Regulations, the Charities Governing Document and the Data Protection Act 1998.

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The Audit/Examination was done to protect the interests of Hilton Parish Council as the Sole Trustees, The Hilton Village Hall Committee and members of staff. It was completed to satisfy Hilton Parish Council that all matters pertaining to Hilton Village Hall were in order before the Parish Council Audit to be completed in April 2011

Recommendation:

Recommendation 1 & 2 have been removed to protect the identity of individuals.

- 3) Does Hilton Parish Council as the Sole Trustees to Hilton Village Hall wish to amend the Financial Regulations as follows:
 - a. Do you wish for Section 16 Charities item 16.1 to remain in the Hilton Parish Council Financial Regulation to allow the Council as the Sole Trustees to be confident that they have control over all matter pertaining to Hilton Village Hall.
 - b. or do you wish for this to be struck out of the Hilton Parish Council Financial Regulations which would leave the Council as Trustees in a position whereby they would have no come back or any powers of redress should anything go wrong. They would also not be satisfying their responsibilities as Sole Trustees.

Resolved: Item a. Section 16.1 to remain in the Hilton Parish Council Financial Regulations to allow the Council as the Sole Trustees of Hilton Village Hall to be confident that they have control over all matters pertaining to Hilton Village Hall.

- 4) Hilton Parish Council as the Sole Trustees to Hilton Village Hall need to consider if they wish for the Clerk/RFO and Proper Officer to Hilton Parish Council to be reinstated as the RFO to Hilton Village Hall to protect the interests of the Parish Council as Trustees, due to the nature of inaccuracies found.

Resolved: The Clerk to Hilton Parish Council to be reinstated as the RFO to Hilton Village Hall with immediate effect to protect the interests of Hilton Parish Council and Hilton Village Hall.

Resolved: A former Councillor abstained from voting. (The name of the Councillor has been redacted to protect their identity).

- 5) Hilton Parish Council as the Trustee to Hilton Village Hall need to consider if they wish the Clerk/RFO and Proper Officer to Hilton Parish Council to be reinstated to complete all payroll matters and oversee all of the day to day running of the Village Hall, again to protect the Parish Councils interests as the Sole Trustee.

Resolved: The Clerk to Hilton Parish Council to be reinstated to complete all Payroll Functions and oversee all of the day to day running of the Village Hall to protect the interests of Hilton Parish Council and Hilton Village Hall.

Resolved: A former Councillor abstained from voting. (The name of the Councillor has been redacted to protect their identity).

- 6) Hilton Parish Council as the Sole Trustees to Hilton Village Hall need to consider if they wish to retain Section 16 Charities item 16.1 within the Financial Regulations, do you require the Clerk/RFO and Proper Officer to Hilton Parish Council to complete checks on the Financial Accounts for Hilton Village Hall on at least a quarterly basis to protect the interests of the Council as Trustee.

Resolve: The Clerk of Hilton Parish Council to complete checks on the Financial Accounts on a quarterly basis to protect the interests of Hilton Parish Council and Hilton Village Hall.

- 7) Hilton Parish Council as the Sole Trustees to Hilton Village Hall needs to consider the position of the current committee. Does Hilton Parish Council wish to dissolve the current committee in favour of making the Village Hall a sole committee of the Parish Council to enable you as Trustees to have proper control of the management and administration of the Charity, which as Trustee is in fact Hilton Parish Councils responsibility.

Resolved: It was agreed that Hilton Village Hall should be brought back into line with the Committees of Hilton Parish Council. Hilton Village Hall has always been a committee of Hilton Parish Council and has always been governed by not only Charity Commission Law but also the Council Policies and Procedures. All decisions relating to Hilton Village Hall should have been brought back to the Parish Council for decision. However over the past 12 months this has not been the case.

Resolved: A former Councillor abstained from voting. (The name of the Councillor has been redacted to protect their identity).

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Resolved: The Clerk to contact as a priority, all current committee members explaining that the current Village Hall Committee has been dissolved with immediate effect due to recent issues surrounding the management of Hilton Village Hall, explaining that the Village Hall will now revert back to being a committee under the Parish Council.

Resolved: Cllr Bates, Cllr Carter, Cllr Smith and Cllr McDonald were duly elected as the Committee Members along with the Clerk to Hilton Parish Council

Resolved: The Clerk to arrange with the former Councillor to obtain a new bank mandate form for the current signatories to be taken off and new signatories to go on.

Recommendation 8 has been removed to protect the identity of individuals.

8. Minute Number 1522/14 - Reports from Councillors that have attended any other Meetings.

- Etwall Area Meeting & Safer Neighbourhoods – **The Chair and Vice Chair**

There was nothing to report.

- Toyota Liaison – The Chair and Vice Chair

There was nothing to report.

- Derby Airfield Consultative Committee – To nominate a representative when required.

There was nothing to report.

- The Mease Management Committee – Cllr McDonald

There was nothing to report.

- Marston on Dove Relief in Need Charity – The Chair and Vice Chair and the Clerk to Hilton Parish Council.

There was nothing to report.

- Hilton Dog Walking Group – Cllr McDonald

There was nothing to report.

- Flood Liaison – To nominate a representative when required.

There was nothing to report.

- DCC – Parish and Town Liaison Forum – Cllr Nield – **NEXT MEETING 01.05.2014 AT COUNTY HALL MATLOCK COMMENCING AT 6PM TO 8PM**

Resolved: Cllr Spencer to attend on behalf of Hilton Parish Council in Cllr Nield's place.

- SDDC - Joint Meetings with Parish Councils - To nominate a representative when required.

There was nothing to report.

9. Minute Number 1523/14 - Clerk's Reports

- a. What Hilton Parish Council will do for the 2014 commemoration to mark the centenary of the Great War. As directed by a Downing Street directive - Previously reported under minute number 1233/12, 1250/12, 1267/13, 1301/13, 1318/13, 1360/13, 1377/13, 1394/13, 1396/13, 1413/13, 1431/13, 1447/13, 1464/13, 1481/141499/14 – Clerk Report. [War Memorials – Power to maintain, repair, protect and adapt war memorials – War Memorials \(Local Authorities' Powers\) Act 1923 - s.1](#)

- a. Approval for Cllr Darlington to approach Tesco and Aldi for ingredients towards the buffet for the commemoration celebration.

Resolved: Cllr Darlington was given delegated powers to approach Aldi and Tesco as above.

- b. Approval of £50.00 for the bugler

Resolved: Hilton Parish Council approved £50.00 to pay the bugler on the day.

- b. Police Office Lease agreement – Previously reported under minute number 1377/13, 1394/13, 1396/13, 1413/13, 1431/13, 1447/13, 1464/13, 1481/14, 1499/14 – Clerks Report [Parish Property and documents – Power to receive and retain – Local Government Act 1972 – s.226](#)

There was nothing to report.

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- c. Request from the Hilton and Marston History Group with regards to obtaining permission to put a memorial on Roma's Garden – Previously Reported under minute number 1431/13, 1447/13, 1464/13, 1481/14, 1499/14 – Clerks Report. – update on 115E LICENSE FROM DERBYSHIRE COUNTY COUNCIL War Memorials – Power to maintain, repair, protect and adapt war memorials – War Memorials (Local Authorities' Powers) Act 1923 s.1 and Highways – Power to plant trees and shrubs and to maintain roadside verges – Highways Act 1980, - s.96.

There was nothing to report.

- d. Complaint from a resident with regards to dog fouling and a request to have one area in the village that does not allow dogs, to allow children to play safe – suggestion to fence off an area at the VH site – Previously reported under minute number 1481/14, 1499/14 – Clerks Report. – Recreation – Power to provide a wide range of recreational facilities – Local Government (Miscellaneous Provision) Act 1976 –s.19

Resolved: Cllr Shackleton was given delegated powers to look at both the Village Hall site and the Mill Lane/Main Street Playing Area, to see which area would be the most suitable for no dogs.

- e. Hilton Bicycle Pump Track – Previously reported under minute number 1493/14/A – Public Speaking and 1499/14 – Clerks Report. –Recreation – Power to provide a wide range of recreational facilities – Local Government (Miscellaneous Provision - Act 1976 –s.19

- a. Request to provide a letter of support

Resolved: Hilton Parish Council agreed to give a letter of support.

Resolved: The Clerk to complete the letter as soon as possible.

- f. Bloomfield Close entrance – Previously reported under minute number 1499/14 – Clerks Report. Recreation – Power to provide a wide range of recreational facilities – Local Government (Miscellaneous Provision - Act 1976 –s.19

The Clerk explained that she had looked into the removal of condition 3 to reopen the gates. However she had contacted the Highways department at DCC and had been informed that it was very unlikely that this would be granted.

Resolved: The Clerk to take no further action in relation to this matter.

- g. Replacement of bollards between the Scout Hut and the Skate Park – Previously reported under minute number 1499/14 – Clerks Report. Recreation – Power to provide a wide range of recreational facilities – Local Government (Miscellaneous Provision - Act 1976 –s.19 at a cost of £427.02

Resolved: Hilton Parish Council agreed to this above work being completed.

Resolved: The Clerk to contact Aucuba Landscapes for the work to be completed.

- h. Safer Neighbourhoods Funding Application to upgrade the CCTV – Previously reported under minute number 1499/14 – Clerks Report. Crime Prevention – Power to spend money on crime detection and prevention measures – Local Government and Rating Act 1997 – s.31

There was nothing to report.

Resolved: The Clerk to take no further action at the moment.

- i. HATS Constitution

It was reported that as part of HATS Constitution, if they were to fold the Assets and Bank Accounts would be transferred to the Parish Council. It was agreed that the Parish Council were unaware of this fact until recently and would prefer that this did not come to the Parish Council should they fold.

Resolved: Hilton Parish Council would like to be taken out of the HATS Constitution.

Resolved: The Clerk to inform HATS with regards to this matter and suggest that they have another organisations of the same or similar interests to pass the items over to should they fold.

- j. Request from Hilton Village Hall Management Committee for funding under Charities Duties in respect of - Power to act as charity trustees - Local Government Act 1972, - s.139 (1), Conference facilities - Power to provide and encourage the use of facilities - Local Government Act 1972, - s.144, Community center's - Power to provide and equip buildings for use of clubs having athletic, social or educational objectives - Local Government (Miscellaneous Provisions) Act 1976 - s.19, Power to acquire, provide and furnish community buildings for public meetings and assemblies - Local Government Act 1972, - s.133. For the refurbishment of the Village Hall kitchens.

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Resolved: Hilton Parish Council approved to give £25,000.00 towards the refurbishments of the Village Hall kitchens.

Resolved: Any money not spent after the refurbishment to be given back to the Parish Council.

- k. To approve to continue to pay the Insurance for Hilton Village Hall for a further 12 months as we do for the Mease Football Pavilion. [under Charities Duties in respect of - Power to act as charity trustees - Local Government Act 1972, - s.139 \(1\), Conference facilities - Power to provide and encourage the use of facilities - Local Government Act 1972, - s.144, Community center's - Power to provide and equip buildings for use of clubs having athletic, social or educational objectives - Local Government \(Miscellaneous Provisions\) Act 1976 - s.19, Power to acquire, provide and furnish community buildings for public meetings and assemblies - Local Government Act 1972, - s.133](#)

Resolved: Hilton Parish Council agreed to continue to pay the insurance cover for the Village Hall for a further 12 months to be reviewed next year.

- l. SDDC request for free usage of the Astro Turf in May 2014 for the Street Games. [Recreation – Power to provide a wide range of recreational facilities – Local Government \(Miscellaneous Provision - Act 1976 – s.19](#)

Resolved: Hilton Parish Council agreed to allow SDDC to use the Astro Turf free of charge for the Street Games in 2014/2015.

- m. Proposed new Play Equipment for the Mill Lane Play Area – Previously reported under minute number 1396/13, 1413/13, 1431/13, 1447/13, 1464/13, 1507/14 – Clerks Report. [Recreation – Power to provide a wide range of recreational facilities – Local Government \(Miscellaneous Provision - Act 1976 –s.19](#)

It was reported that the Clerk had completed an Awards for All application to obtain £10k funding towards the project which should start in June 2014.

- n. Internal Control Policy to be adopted – New 2013/2014

Resolved: Hilton Parish Council adopted the new Internal Control Policy.

- o. Financial Regulations to be adopted – New 2013/2014

Resolved: Hilton Parish Council adopted the new Financial Regulations.

- p. The Mease Committee request to change the motors in the shutters around
 - a. Inspection/examination of the premises to be approved

Resolved: The Clerk to contact the Chair of The Mease Management Committee and arrange a date for the inspection to take place, preferably in the evening after 6.30pm.

It was reported that the motor on the front door was slow and The Mease Management committee had asked for permission to change this with the office shutter motor.

Resolved: If the motor is not broken there is no reason why this cannot be swapped, however a proper contractor would need to complete the work.

- b. Copy of the sinking fund accounts including the bank statements to be requested

Resolved: The Clerk to request a copy of the last Financial Accounts including copies of the final Bank Statement for confirmation of the balance.

- c. Lease Agreement to be amended to include the extension

Resolved: Hilton Parish Council agreed to the Lease agreement being amended in relation to the extension. The Clerk to ask the Chair of The Mease Management Committee if they still required the lease agreement to be extended as this could also be completed at the same time. If so The Mease Management Committee to be asked to split the legal bill 50/50.

- q. Request from the Scouts Group to extend the Scout Hut

Resolved: The Clerk to contact the Chair of the Scout Hut and request further information before a decision can be made. The Parish Council would like to see some rough draft plans and the reasons as to why an extension is required.

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r. Serious Injury to a child on 27.02.2014 – re picnic benches and tables

Resolved: Cllr Shackleton was given delegated powers to look at the state of the picnic benches and report his findings at the next meeting.

s. Request from the Hilton Dog Walking Group for the Parish Council Staff to help install Dog Fouling Signs whilst on their rounds

Resolved: Hilton Parish Council agreed to the staff installing the signs whilst out and about on their duties.

Resolved: The Parish Council staff to continue to spray the dog fouling orange to highlight that there is a real issue of dog fouling within the village.

Resolved; The Clerk to contact the SDDC Community Warden and request Dog Fouling stenciling at the Village Hall Site.

10. Minute Number 1524/14 - Derbyshire Association of Local Councils

Resolved: Hilton Parish Council noted the following information.

- a) Circular 05/2014
- DALC Subscription Renewals
 - NALC Policy Consultation PC01-14
 - Quality Council Scheme Portfolios
 - Are you satisfied with your bank and banking arrangements?
 - The Big Allotment Challenge
 - Clerk Vacancy – Clipstone Parish Council, Mansfield
- b) Circular 06/2014
- Repeal of s.150(5) Local Government Act 1972 – Implementation (England)
 - Ways to pay PAYE/NICs: HMRC Expectations
 - Accounting for Council Tax Support Grant in a Council's Annual Return
 - CIL Demystified
 - HMRC Employment Allowance
 - Local Audit and Accountability Act 2014

11. Minute Number 1525/14 - Finance

Resolved: Hilton Parish Council approved the following payments.

a) Accounts for Payment.

Cheque No	Payee	Description	Amount
002631	Hilton Village Hall	Insurance Claim Refund	£863.00
002632	Flint Bishop Solicitors	Legal Fees	£600.00
002633	Cancelled		
002635 to 002639 & 002648	Salaries, Tax and NIC's		£9,289.49
002640 to 002646	Parish Allowance		£1,976.00
002647	Cancelled		
002649	Information Com	Subscription	£35.00
002650	Viking Direct	Stationery	£168.97
002651	Rigby Taylor	Seeds	£23.40
002652	Aucuba Landscapes	Maintenance	£180.00
002653	DALC	Subscription	£837.97
002654	Hilton Village Hall	Room Hire,/admin support	£282.38
002655	Cromwell	Equipment	£157.72
002656	Aucuba Landscapes	Maintenance	£448.30
002657	Sterilizing Services	Water Testing	£81.00
002658	Cromwell	Equipment	£62.71
002659	Hilton Village Hall	Donation to kitchens	£25,000.00

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12. Minute Number 1526/14 - Items for Information

Resolved: Hilton Parish Council noted the following information:

- a) SDDC – Pre-Submission Local plan Part 1
- b) SDDC – press release – Local youngsters grow in Eureka Park
- c) SDDC – press release – Volunteer Walk Leader Training
- d) Sharpe's Pottery Museum – Standby your mixing bowl t Sharpe's Pottery Museum
- e) SDDC – Area Forum and Safer Neighbourhood Dates May/June 2014
- f) SDDC – press release – Final Consultation on the Local Plan
- g) SDDC – press release – It's the final countdown for Sports Relief 2014, join in the fun and games
- h) SDDC – press release – Photocall 10.03.2014 at Maurice Lea Memorial Park from 10am
- i) Clerk and Council Direct Magazine March 2014
- j) Toyota – Together newsletter

13. Minute Number 1527/14 - Items for discussion

There was nothing to report.

14. Minute Number 1528/14 - Planning Matters for Decision

- a) 9/2014/0252 - HILTON BUSINESS PARK UNIT 1 LOWMAN ROAD HILTON DERBY DERBYSHIRE DE65 5LJ - THE VARIATION OF CONDITION 2 OF PLANNING PERMISSION 9/2005/0839 (RESTRICTION OF WORKING HOURS) TO AMEND THE WORKING HOURS AT THE SITE TO MONDAYS - FRIDAYS 06:00 TO 22:00, SATURDAYS 06:00 TO 18:00 AND SUNDAYS 06:00 TO 13:00

Resolved: Hilton Parish Council did not agree to the extended hours in a residential area due to the extra traffic and noise pollution that this would cause.

- b) 9/2014/0154 - 75 EGGINTON ROAD HILTON DERBY DERBYSHIRE DE65 6NP - THE ERECTION OF AN EXTENSION (REVISED SCHEME TO PREVIOUSLY APPROVED 2013/0481) APPROVED

Resolved: Hilton Parish Council had no objections to the above planning application.

- c) 9/2014/0013 - HILTON VILLAGE HALL PEACROFT LANE HILTON DERBY DERBYSHIRE DE65 5GH - THE ERECTION OF A DETACHED BUILDING FOR USE AS GARAGES/STORES PLUS ANCILLARY KITCHEN AND OFFICES

Resolved: Hilton Parish Council made no comment on the above planning application due to the fact that the Applicant was Hilton Parish Council.

15. Minute Number 1529/14 - Planning Matters for Information

Resolved: Hilton Parish Council noted the following information:

- a) 9/2014/0063 - 8 DALE BROOK HILTON DERBY DERBYSHIRE DE65 5JH - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED EXTENSION – **HAS BEEN GRANTED**
- b) 9/2014/0055 - 13 DOVE RISE HILTON DERBY DERBYSHIRE DE65 5GN - THE ERECTION OF AN EXTENSION – **HAS BEEN GRANTED**
- c) 9/2014/0043 - OLD TALBOT INN 1 MAIN STREET HILTON DERBY DERBYSHIRE DE65 5FF - APPLICATION FOR LISTED BUILDING CONSENT FOR THE ERECTION OF REPLACEMENT TIMBER BUILDING FOR USE AS A SMOKING SHELTER – **HAS BEEN GRANTED**
- d) 9/2014/0041 - OLD TALBOT INN 1 MAIN STREET HILTON DERBY DERBYSHIRE DE65 5FF - THE ERECTION OF REPLACEMENT TIMBER BUILDING FOR USE AS A SMOKING SHELTER – **HAS BEEN GRANTED**
- e) 9/2014/0036 - 7 MAIN STREET HILTON DERBY DERBYSHIRE DE65 5FF- THE ERECTION OF A GARAGE AND PHYSIO ROOM – **HAS BEEN GRANTED**

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16. Minute Number 1530/14 - Date of the next Meeting

Resolved: The date of the next Hilton Parish Council Meeting was confirmed as 30th April 2014 at Hilton Village Hall commencing at 7pm.

Resolved: In view of the confidential nature of the business to be transacted, it was advisable in the public interest, that the press and public be temporarily excluded and were instructed to withdraw from the meeting.

AGENDA

PART 2- EXEMPT INFORMATION

Minute Number 1531/14 – Exempt Information.

All items in Exempt Information are covered under the Local Government Act 1972, schedule 12A – This legislation covers Engagement, terms of service, conduct and dismissal of employees, terms of tender and quotes, proposals and counter proposals in negotiation of contracts, preparation of cases in legal proceedings and the early stages of any dispute.

- a) Proposed PC Garage and Office extension update – Previously reported under minute number 1439/13, 1455/13, 1472/13, 1489/14, 1507/14 – Exempt Information

There was nothing to report.

- b) Banking matters and bank mandate – Previously reported under minute number 1489/141507/14 – Exempt Information

Resolved: Cllr Nield and Cllr Fox to be added to the Bank Mandate as soon as possible.

- c) Administration issues

It was reported that Hilton Parish Council had received a call on 04.03.2014 from an officer at SDDC with regards to a rather large complaint that had been received from a former Councillor, the complaint included copies of Hilton Parish Council's minutes and agendas from the Parish Council website.

It was reported that the same or similar complaint had already been received by the Parish Council on 31.01.2014 by the same former Hilton Parish Councillor via email. This was replied to by the Parish Council Clerk on 03.02.2014 as reported at the meeting on 26.02.2014, minute number 1507/14 – Exempt Information.

The Parish Council had been informed by the officer at SDDC that they would be replying to the complainant directing the former Councillor to the appropriate legislation that applies to Exempt Information, also informing them that if they required any further information in relation to this matter or any other matter relating to Hilton Parish Council, they would need to contact Hilton Parish Council directly.

The Parish Council now want it on record within the minutes, that they have tried tirelessly since February 2012 to stop all issues relating to two former Councillors but all attempts, policies and procedures put into place have failed. Hilton Parish Council have received correspondence which has been perceived as potentially bullying, defamatory and harassing, especially towards the Hilton Parish Council Clerk as there appears to be an unreasonable fixation on her as an individual by both former Councillors. Some correspondence received, in Hilton Parish Council's opinion, has appeared to contain mingling accusations and complaints about the Hilton Parish Council Clerk and in some instances Hilton Parish Council itself.

Hilton Parish Council can only draw the conclusion that the two former Councillors may be working together. This is also impacted by emails which have been received from both former Councillors which contain the same or similar content. They also attend Parish Council Meetings together when they feel the need to.

In the hope of stopping the above matters continuing and for the safety and wellbeing of our Parish Council Clerk, Hilton Parish Council have tried many things including:

- Invoke Section 5.0 of the Hilton Parish Council Vexatious and Repeated Request Policy on Restricted or withdrawn contact with a member of the public or group of people, which was in existence at that time.
- Hilton Parish Council refused to acknowledge any further contact, whether in writing, email or telephone other than where a statutory right existed.

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- The two former Councillors were banned from Parish Council and Village Hall Meetings for a period of 3 months from 28.03.2013.
- Legal advice had been sought and is still ongoing.

In the last 12 months alone from 01.04.2013 to 26.03.2014 the cost to the Tax Payer in officer's time dealing with these matters has been £1,534.95.

Resolved: Hilton Parish Council agreed that under Exempt Items only and not during Public Participation the 2 former Councillors would not be named. However a Private and Confidential note is to be drawn up to support the minutes containing all information in relation to these ongoing matters naming the two former Councillors. This is in preparation for any further issues/proceedings.

- d) Motion required to change current legislation in relation to stopping the intimidation, harassment, bullying and persecution of Town and Parish Clerks and Councillors by members of the public.

Resolved: Hilton Parish Council agreed, that in light of the ongoing issues with 2 former Councillors, motion was passed to try and change current legislation in relation to stopping the intimidation, harassment, bullying and persecution of Town and Parish Clerks and Councillors by members of the public.

Resolved: The Clerk to seek advice from DALC on how the motion should be worded.

Resolved: The Clerk to then file the motion with DALC in time for their AGM.

- e) Staff Appraisals

It was reported that staff appraisals had been completed and were very good. Hilton Parish Council had a really good team. The only appraisal outstanding was the Clerks and this would be completed prior to the next meeting.

Resolved: Clerk Appraisal to be added to the meeting for April 2014.

Resolved: Hilton Parish Council agreed with the appraisals completed and agreed for the salary increases to go ahead. The Clerks appraisal and salary increase would be discussed at the next meeting.

Signed.....Dated.....

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