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KIRBY MUXLOE PARISH COUNCIL

MINUTES of the EXTRAORDINARY MEETING of the PARISH COUNCIL

Held at 7.00 pm on
Thursday 11th April 2022
At Kirby Muxloe Parish Council, Station Road, Kirby Muxloe

MEMBERS PRESENT:

Councillors:	B Atkinson	N Beck	C Frost
	M Fox	J Johns	M Mulholland
	F Quilliam	W Wernick	

In Attendance: Parish Clerk
Members of Public - Fifteen

COU/218/21-22

Chairman's Welcome

The Chairman welcomed all to the meeting

COU/219/21-22

To receive apologies for absence

Apologies for absence were received from Cllrs. C Ball, R Ford, S Michaels and J Stafford

COU/220/21-22

To receive any declarations of pecuniary and non-pecuniary interests to any matter pertaining to the agenda and to consider dispensations
Cllr C Frost declared a non-pecuniary interest as a Blaby District Councillor

Cllr N Beck declared a pecuniary interest in The Byways, Court Close as a result of her neighbouring property

COU/221/21-22

To confirm the minutes of the meeting held on 24th March 2022 are a true and accurate record.

PROPOSED by Cllr M Fox and SECONDED by Cllr N Beck

It was **RESOLVED** that the minutes of the meeting held on 24th March are a true and accurate record.

The closed session minutes of the meeting held on 24th March 2022 are to be confirmed at a future meeting.

COU/222/21-22

Public Participation

(15 minutes are set aside for members of the public to raise issues and ask questions)

(A member of the public attempted to lead the meeting by focussing on matters which arose several years ago, and which differed considerably from matters highlighted in the current Public Interest Report concerning governance.)

The member of public concerned questioned whether recommendations from previous Public Interest Reports had been undertaken.

A further member of the public advised that she had not attended a council meeting previously and questioned whether they were always so hostile, to which it was confirmed was most unusual.

The only Councillor who was part of the Council at the time the member of public referred to, confirmed that past recommendations had been undertaken and emphasised that the current Public Interest Report concerns governance.

COU/222/21-22

To discuss the Auditor's Public Interest Report for the year ended 31 March 2021 based on representations concerning 'Confidential Business, Transparency and Accountability, Freedom of Information Act 2000, Determination of Council Tax Precept and Consultation on Planning Applications' and to consider associated recommendations

The chairman verified that prior to the meeting, the required steps in accordance with Schedule 7 of the Act, had been undertaken, which the Clerk confirmed was the case.

It was noted that the outstanding audits since 2014/15 onwards have been a constant concern for the Parish Council, which they had requested were progressed on several occasions and were shocked this situation had been permitted to continue over such a long period of time.

The recommendations contained within the Public Interest Report for the year ended 31 March 2021 were considered.

The first concerned 'Confidential Business', whereby it was recommended that the Council adopts and applies clear standards for the minuting of meetings, including in particular:

i. Resolutions for exclusion of the public

It was noted that:

In accordance with the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972 ss100 and 102, members of the public and press are likely to be excluded from the meeting at this point due to the confidential nature of the business

is stated on the required agenda's and is always **PROPOSED, SECONDED** and **RESOLVED** to move into closed session, before doing so.

It was stated that the main agenda items which warrant moving into closed session are:

- (i) To discuss and consider Freedom of Information Requests and associated matters, and
- (ii) To receive an update on Staffing and to discuss and consider current matters

It was emphasised that these items are discussed in closed session due to confidentiality, as item (i) largely concerns two residents responsible for submitting an 'unreasonable' amount of Freedom of Information Requests over a period of approximately ten years and item (ii) concerns matters relating to members of staff.

PROPOSED by Cllr N Beck and **SECONDED** by Cllr W Wernick

It was **RESOLVED** that this recommendation is already being undertaken

Members of the public questioned whether the copious Freedom of Information requests made by two residents within the village, could be published on the website, if appropriate details were redacted, as it was felt this would enable openness and transparency and believed that larger Organisations take this approach.

Council noted that they have previously been advised that information submitted cannot be shared with third parties, but this matter is to be verified with the Information Commissioner's Office.

- ii. **Recording resolutions adopted when the public are excluded**
It was noted that until recently, the agenda item concerning Freedom of Information Requests was simply an update and therefore a resolution wasn't required. However, as matters have

become more involved, all resolutions are recorded in the closed session minutes.

PROPOSED by Cllr M Mulholland and SECONDED by Cllr J Johns

It was **RESOLVED** that this recommendation is already being undertaken.

A recommendation concerning 'Transparency and Accountability' was considered, whereby it was recommended that

- iii. **Council routinely publishes agenda papers on its website**
It was noted that agendas have always been published on the Council's website, whereas agenda papers haven't as this not a statutory requirement. It was highlighted that only on one occasion in the past six years, which was fairly recently, has this been requested by one of the two residents previously mentioned. While this may be deemed 'advantageous', this would impact further on the two staff members currently employed, whose workload is already considerable.

PROPOSED by Cllr M Mulholland and SECONDED by Cllr J Johns

It was **RESOLVED** that agendas will continue to be published on the Council's website, but agenda papers will not.

Recommendations regarding 'Freedom of Information Act 2000' was considered, whereby it was recommended that

- iv. **Council undertakes a systematic review to confirm that information that it specified in its Publication Scheme would be available on its website**
While the Council has a Publication Scheme, there have been difficulties with the website, largely due to the amount of available staff/time to transfer and upload the required information since creation of the new website.

It was noted that the Parish Council have been working with the ICO to develop an Improvement Plan, largely to ensure the statutory deadlines for responding to the copious ongoing Freedom of Information requests from the two residents can be achieved. The final stage of which, is to ensure that the information specified in the Publication Scheme is available on the website

PROPOSED by Cllr M Fox and SECONDED by Cllr J Johns

While this task is ongoing, it was **RESOLVED** that the information specified in the Publication Scheme will be published on the website.

- v. **This exercise is repeated annually**
PROPOSED by Cllr F Quilliam and Cllr M Fox

It was **RESOLVED** that once the website is fully updated, this will be reviewed on an annual basis.

Recommendations concerning 'Determination of Council Tax Precept' was considered, whereby it was recommended that

- vi. **Council in determining its annual precept, considers its level of reserves**

The Council did perform the necessary calculations to be able to generate the required precept for 2020-21, i.e.

- (i) It estimated its expenditure for the next year and made an allowance for contingencies
- (ii) It estimated non precept income for the year
- (iii) The Reserves are considered. At least a third of these are earmarked for the outstanding audit fees. It should be noted that as a result of objections from one of the two residents, the accounts since 2014/15 onwards remain uncertified. The remaining reserves are earmarked for future projects.

PROPOSED by Cllr M Fox and SECONDED by Cllr J Johns

It was **RESOLVED** that this recommendation is already being undertaken

- vii. **Council sets out the specific items to support the determination of the precept specified in applicable legislation in the agenda papers and minutes**

It was noted that a spreadsheet is presented at all budget meetings, substantiating the required precept and furthermore precept information is passed to Blaby District Council for inclusion on their website.

It was noted that once the outstanding audits since 2014/15 onwards have been undertaken by the External Auditor/s, the Council will be better placed to consider their level of reserves.

PROPOSED by Cllr M Fox and SECONDED by Cllr C Frost

It was **RESOLVED** that this recommendation is already being undertaken

Recommendations concerning 'Consultation on planning applications' was considered, whereby it was recommended that Council establishes a register to record

- viii. **Each planning application on which it is consulted**
The Council has a systematic approach regarding planning applications and records each application on which it is consulted.

PROPOSED by Cllr J Johns and Cllr M Fox

It was **RESOLVED** that this recommendation is already being undertaken

- ix. **The date of the Council's consideration of each planning application**
The Council has a systematic approach regarding planning applications and notes the date of the Council's consideration of each planning application

PROPOSED by Cllr M Fox and SECONDED by Cllr N Beck

It was **RESOLVED** that this recommendation is already being undertaken

- x. **The view the council took**
The Council has a systematic approach regarding planning applications and notes the view that Council took.

PROPOSED by Cllr M Mulholland and SECONDED by Cllr F Quilliam

It was **RESOLVED** that this recommendation is already being undertaken

- xi. **The date of communication of the view to Blaby District Council**

information, but instead issue a Public Interest Report, whereby the recommendations made are largely already in place.

A member of the public suggested that the Report appears to have been 'cut and pasted' from previous reports and was deemed disgraceful.

PROPOSED by Cllr C frost and SECONDED by Cllr N Beck

It was **RESOLVED** that a copy of PKF Littlejohn's Complaints and Appeals Procedures be requested.

Throughout the meeting, members of the public appeared to gain a clear understanding of the matters contained within the Public Interest Report, which resulted in the Parish Council being thanked for continuing to function with all the troubling issues they have to contend with.

Residents were advised that there are currently two Councillor vacancies within the Council, should they wish to consider being co-opted.

COU/223/21-22

To note any other business

(This item should only be used to register future agenda items or items that are solely for information only. No issues requiring a decision or with a financial implication can be raised)

Due to there being no further business, the meeting closed at 8:08 p.m.

COU/224/21-22

To confirm the date and time of next meeting

The next meeting will be held on Thursday 14th April at 7 p.m.

Chairman's Signature _____

Date _____