

**MINUTES OF THE ANNUAL MEETING OF ODIHAM PARISH COUNCIL  
HELD IN ALL SAINTS CHURCH, THE BURY, ODIHAM ON  
MONDAY 13 MAY 2019 COMMENCING AT 7.35PM**

Present: Cllrs McFarlane (Chairman), Ball, Coffey, Coleman, MacPhee, Raw, Seabrook, Stewart and Verdon

In attendance: Mrs Weir (Executive Officer)

Also present: District Cllr Dorn, County Cllr Glen (arrived later), approximately 30 members of the public

*Cllr Hale opened the meeting as the outgoing Chairman and welcomed everyone to the meeting. After the appointment of the council's new Chairman under agenda item 1/19 he left the table.*

**01/19 ELECTION OF THE CHAIRMAN OF THE COUNCIL AND RECEIPT OF THEIR DECLARATION OF ACCEPTANCE OF OFFICE**

Cllr McFarlane was elected as Chairman of the Council and her signed Declaration of Acceptance of Office was received by the Executive Officer.

*The Chairman proposed to change the order of the agenda to consider agenda items 19/19, 09/19, 44/19, 45/19 and 46/19 at the start of the meeting.*

*The Chairman thanked the former Chairman for transferring the role to her and also thanked all of the outgoing Cllrs for the projects that they had delivered for the parish, noting the amenity projects, the Peace Garden and allotments.*

**02/19 ELECTION OF THE VICE-CHAIR OF THE COUNCIL**

Cllr Raw was elected as Vice-chair of the council.

**03/19 RECEIVE AND ACCEPT APOLOGIES FOR ABSENCE**

Apologies were received and accepted from Michael Killick who has been elected as the Cllr for the RAF Ward. District Cllrs Crookes and Kennett also sent their apologies and County Cllr Glen advised that he would arrive later.

**04/19 RESOLUTION TO DEFER THE SIGNING OF THE DECLARATION OF ACCEPTANCE OF OFFICE BY MICHAEL KILLICK.**

It was agreed to defer the signing of the Declaration of Acceptance of Office by Michael Killick.

**05/19 RECEIVE DECLARATIONS OF INTEREST RELATING TO ANY ITEM ON THE AGENDA**

Cllr Verdon had submitted a written request to the Executive Officer just prior to the meeting for a dispensation for agenda item 44/19 due to her friendship with the Chairman of the Mildmay Court Residents' Association (Appendix 1). She advised that there is no disclosable pecuniary interest and she wished a dispensation to participate in the discussion only, not to vote.

The Executive Officer recommended that a dispensation was not granted as the meeting was quorate and due to the on-going situation, this may cause problems in the future.

It was agreed to approve Cllr Verdon's request for a dispensation for agenda item 44/19.

## **06/19 PUBLIC SESSION**

The former Chairman of the council passed on his congratulations to the new Cllrs on their appointment and wished to apologise to the Executive Officer and office staff for not thanking them at the previous meeting for their support to Cllrs and for all of their hard work with the various projects that they had assisted with. He noted that without the support of the office staff these projects would not have happened.

The former Chair of OPC's Amenity Committee also wished to congratulate the new Cllrs and wished them the very best of luck in their new roles. He also wished to thank the Executive Officer and the office team for the incredible work they do to keep the cogs turning.

He then raised his concerns as a resident about the ongoing situation with regards to the community owned land bordering Mildmay Court, reminding the council that a surveyor and HM Land Registry have confirmed OPC's ownership. He noted the recent advice from OPC's solicitor that given the overwhelming evidence in favour of the council, they find it incredible that the Mildmay Management are still trying it on. He requested to hear how the council will be dealing with the removal of the boundary fence and the lighting of fires by the Chairman of the Association on community land under protected trees (Appendix 2).

The Chairman of the Mildmay Court Residents' Association advised the council that he was here today with a fellow director of Mildmay regarding agenda item 44/19 and to represent 40 residents of Mildmay. He congratulated all of the new Cllrs in taking up their official roles and advised that there are two issues at Mildmay that have been ongoing for 14 months. He commented that they had proposed meetings but had been ignored and hoped that the new Cllrs would hear their views or even meet with them (Appendix 3).

*The Chairman thanked the residents for their addresses.*

## **07/19 APPROVAL OF THE FOLLOWING MINUTES:**

Tuesday 30 April

300/18 - 310/18

Cllrs expressed concern about approving minutes for a meeting that took place prior to 9 of them taking office.

The Executive Officer read out advice from the head of legal service at NALC; "When the meeting is approving draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the Chairman or Cllrs were not present at the meeting to which the draft minutes relate".

The Executive Officer advised that the minutes had been circulated and taken as read and no indication of amendment had been received. She advised that if the minutes were not approved then they would remain as draft.

Despite the advice from the Executive Officer and the advice read out from NALC, all Cllrs agreed not to approve the minutes and voted that the minutes would remain as draft.

## **08/19 RECEIVE AND NOTE THE FOLLOWING MINUTES:**

Amenity 4 March	119/18 - 130/18
Amenity 1 April	131/18 - 141/18
Community 4 March	116/18 - 124/18
Community 1 April	125/18 - 135/18
Planning 11 March	183/18 - 197/18

The above minutes were received and noted.

### **09/19 CONSIDERATION IF THE COUNCIL IS ELIGIBLE TO EXERCISE THE GENERAL POWER OF COMPETENCE (GPC)**

The Executive Officer's report advised Cllrs that the GPC gives eligible councils the "power to do anything that individuals generally may do as long as they don't break any laws" and provided details about the criteria required by the council to exercise GPC (Appendix 4).

It was agreed that OPC meets the criteria to be eligible to exercise the General Power of Competence.

### **10/19 CONSIDERATION OF COMMITTEES AND AGREEMENT ON THEIR OBJECTIVES AND INITIATIVES**

The Executive Officer's report outlined the current committees that the council has and included some proposed updates to the current committee objectives and initiatives (Appendix 5).

It was agreed to adopt the same committees as previously and to set up a staffing committee. The proposed updates to the objectives and initiatives for the committees were approved. It was noted that there may be a need for a Finance Committee in the future.

### **11/19 APPOINTMENT OF CLLRS TO THE AGREED COMMITTEES AND APPOINTMENT OF CHAIRS OF THESE COMMITTEES**

It was agreed to appoint Cllrs and Chairs to the committees as follows:

- Amenity Areas: Cllrs Raw (Chair), Ball, Coffey, Coleman, MacPhee and Stewart
- Community: Cllrs Ball (Chair), MacPhee, McFarlane and Verdon
- Traffic and Transport: Cllrs Stewart (Chair), Coffey, MacPhee, Raw and Seabrook
- Planning and Development: Cllrs Verdon (Chair), Ball, Coleman, MacPhee, McFarlane, and Stewart
- Staffing: Cllrs McFarlane (Chair), Raw, Seabrook and Verdon

### **12/19 APPROVAL OF THE TERMS OF REFERENCE FOR OPC'S COMMITTEES**

It was agreed to approve the updated terms of reference for the Amenity, Community, Traffic and Transport and Planning Committees (Appendix 6).

It was agreed to amend the membership of the Odiham and North Warnborough NH Plan MG terms of reference (item 3) to consist of: the Chair of Planning, any other Cllrs who wished to join and were appointed by the full council and to include two members of the public who have an understanding of the context of the NH Plan. Members of the public would also be appointed by name by the full council.

It was agreed that the Executive Officer would draft terms of reference for the staffing committee for approval at the next meeting,

### **13/19 SETTING OF THE DATES, TIMES AND VENUE FOR THE FULL COUNCIL AND COMMITTEE MEETINGS**

The Executive Officer's proposal for meeting dates for the full council and committees, in-line with current meeting practice, i.e. meetings being held on a Monday had been made available prior to the meeting (Appendix 7).

It was proposed at the meeting, without any prior consultation with office staff, to change the day of all council meetings to a Tuesday as some Cllrs present said that they were unavailable on a Monday. It was proposed to change the full council, amenity and community committee meetings to the second Tuesday of the month and to continue holding planning committee meetings every 3 weeks and traffic and transport committee meetings every 6 weeks, on a Tuesday.

The Executive Officer advised Cllrs that members of staff may not be available on a Tuesday and was then asked if a Tuesday was an issue for her. Cllr Stewart commented that if staff couldn't attend the planning committee meetings then a Cllr could take the minutes themselves as they were not hard and Cllr Verdon noted that a member of staff had attended a previous meeting on a Tuesday.

It was agreed, subject to staff availability to hold the full council, amenity and community committee meetings on the second Tuesday of the month and the planning and traffic and transport committee meetings on a Tuesday, every 3 and 6 weeks.

It was agreed to defer the schedule of meetings for the staffing committee until the Terms of Reference had been approved.

#### **14/19 CHAIRMAN'S ANNOUNCEMENTS**

This agenda item was covered under 01/19.

#### **15/19 EXECUTIVE OFFICER'S REPORT**

Due to time restrictions, the Executive Officer didn't read out her report.

#### **16/19 REVIEW OF THE BANK SIGNATORIES FOR ALL ACCOUNTS AND APPOINTMENT OF CLLRS TO BE SIGNATORIES**

The Executive Officer's report detailed the bank accounts held by OPC and reminded Cllrs about the requirement in Financial Regulations; "Cllrs using computers for the council's financial business shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security is used" (Appendix 8).

It was agreed to appoint Cllrs Ball, Coleman, McFarlane and Stewart to all bank accounts.

#### **17/19 APPROVAL OF THE SIGNING OF APRIL'S BANK RECONCILIATION BY THE CHAIRMAN**

**It was resolved** to approve the signing of April's bank reconciliation by the Chairman (Appendix 9).

#### **18/19 AUTHORISATION OF THE LIST OF PAYMENTS AND APPOINTMENT OF TWO CLLRS TO FINISH THE PAYMENT PROCESS**

**It was resolved** to authorise the list of payments circulated to all prior to the meeting (Appendix 10 P&C). Cllrs Coleman and Stewart were appointed to finish the payment process once the signatories had been amended. It is understood that this could take up to 5 weeks.

#### **19/19 REVIEW AND ADOPTION OF STANDING ORDERS**

The Executive Officer's report on Standing Orders and Financial Regulations advised Cllrs that OPC's Standing Order and Financial Regulations are based on NALC's model version and are updated when NALC issue updates. The report advised that the model version incorporates and references many statutory requirements, but that it is impossible to include all statutory or legal requirements (Appendix 11).

The Executive Officer had made suggested changes in blue to the council's current Standing Orders which were available to all prior to the meeting (Appendix 12).

Cllrs present had met prior to the meeting and had in front of them a list of agreed changes which the Chairman read out to the meeting item by item.

The Executive Officer expressed concern that she had not seen the proposed changes and was concerned that she may be unable to carry out her role to advise the council to ensure that they act correctly.

The Executive Officer as Proper Officer to the council provided comments to some of the proposed changes which included a number of items that she was asked to look into. The most concerning proposed changes to the Executive Officer were to item 9 of the council's Standing Orders. Cllrs were advised that the Proper Officer's role is to certify and sign the agenda. She advised that to include an item in Standing Orders whereby if 2 Cllrs request an agenda item it must be on the agenda could open up issues with transparency and colluding and could result in irrelevant items to the business of the council being on the agenda.

Cllrs were advised that due to part-time working hours it may not be possible for staff to respond about proposed motions within 2 working days.

Cllrs were advised that the proposal to remove item (9) (f) which states the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final shows a misunderstanding of the role of the Proper Officer and legislation. Cllrs were reminded that the agenda belongs to the Proper Officer who must certify and sign it. The Executive Officer asked the council to consider what would happen if the Proper Officer isn't happy with the agenda and therefore couldn't sign it, which may then mean that the scheduled meeting can't go ahead.

*At this point District Cllr Dorn was asked to assist and suggested that Cllrs listen to the correct advice that was being given by the Executive Officer.*

The Executive Officer advised that the proposal that draft minutes would be circulated to Cllrs within 5 working days of the meeting was not a reasonable time scale due to the work involved in preparing minutes and the fact that all staff are employed to work part-time. The Chairman suggested to include the word normally and commented that this would be re-visited after looking into technology to assist with the minutes. The Executive Officer also advised that it would be a breach of the GDPR to retain recordings of meeting indefinitely. She advised that the signed, hard copy of the minutes is the legal record of the meeting.

The Executive Officer suggested that as 8 out of the 9 Cllrs present at the meeting were new Cllrs that they deferred amending Standing Orders, one of the most important documents of a council until they had attended training courses and had a better understanding of the role of Cllrs, the Chairman and the Proper Officer.

It was proposed and agreed by 4 Cllrs to defer the adoption of Standing Orders until the next meeting.

Despite the above suggestion, the advice from the Executive Officer and advice from District Cllr Dorn, the Chairman proposed to accept all the changes in the document prepared by Cllrs and brought to the meeting, except changes to item 9 which would be revisited at the next meeting. This was agreed by all Cllrs.

## **20/19 REVIEW AND ADOPTION OF FINANCIAL REGULATIONS**

The updated Financial Regulations were reviewed and adopted (Appendix 13).

## **21/19 APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

It was agreed to appoint Cllrs as the main contact for outside bodies as follows:

- The Odiham Society: Cllr Verdon

- Basingstoke Canal Society: Cllr Stewart
- Odiham Common: Cllr Coleman
- Neighbourhood Watch: Cllr MacPhee
- Flood Forum: Cllr Stewart. The Executive Officer advised that the next meeting will be held on 20 May at 2pm.
- InOdiham: Cllr Ball. The Executive Officer advised that the next meeting will be held on 5 June
- Odiham and District Over 55 Wellbeing Forum: Cllr Raw
- Hart Youth Forum: Cllr MacPhee. The Executive Officer advised that the meeting will be held on 21 June.

The Executive Officer would inform the outside bodies of the contact details for the appointed representatives.

## **22/19 REVIEW OF THE INVENTORY OF LAND AND ASSETS**

The circulated inventory of land and assets was reviewed and no amendments were made (Appendix 14).

## **23/19 REVIEW AND APPROVAL OF THE ANNUAL SUBSCRIPTIONS/MEMBERSHIP TO OTHER BODIES**

The Executive Officer's report detailed the current annual subscriptions/membership for OPC (Appendix 15).

It was noted that the fee for the Parish News should actually be £9 and not £5. The Executive Officer advised that despite requesting an invoice, OPC had not received one. Cllr Coleman offered to look into this.

It was suggested to look into a Mail Chimp subscription for consideration at the next meeting.

It was agreed to approve the annual subscriptions/membership to other bodies as outlined in the Executive Officer's report.

## **24/19 REVIEW AND ADOPTION OF THE SOCIAL MEDIA POLICY**

The Executive Officer's report outlined that OPC has approved a number of policies to assist with the smooth running of the council and to advise members of the public, staff and Cllrs on how the council will operate (Appendix 16).

It was agreed to adopt the updated Social Media Policy and that the community committee would consider a named moderator for the Facebook account and make any suggestions to the policy in the future for the full council to consider (Appendix 17).

## **25/19 REVIEW AND ADOPTION OF THE RESERVES POLICY**

The updated Reserves Policy was reviewed and adopted (Appendix 18).

## **26/19 REVIEW AND ADOPTION OF THE PROTOCOL FOR PUBLIC AND PRESS REPORTING AT MEETINGS**

The updated Protocol for Public and Press Reporting at Meetings was reviewed and adopted (Appendix 19).

**27/19 CONSIDERATION IF OPC SHOULD HAVE A REMUNERATION POLICY FOR CLLRS OR IF CLLRS SHOULD JUST CLAIM EXPENSES AS PER THE CLAIMING OF CLLR EXPENSES POLICY**

The Executive Officer's report explained that councils have the option to pay elected members an allowance based on the recommendation from its Parish Remuneration Panel (Appendix 20). The report advised that previously OPC decided not to pay allowances, but adopted a policy to allow for Cllrs to claim back expenses.

It was agreed that Cllrs would not have an allowance, but would be able to claim back expenses only. The policy for the claiming of Cllrs expenses would be reviewed at the next meeting.

**28/19 REVIEW AND ADOPTION OF THE DATA PROTECTION POLICY**

The updated Data Protection Policy was reviewed and adopted (Appendix 21).

**29/19 REVIEW AND ADOPTION OF THE FREEDOM OF INFORMATION POLICY**

The updated Freedom of Information Policy was reviewed and adopted (Appendix 22).

**30/19 REVIEW AND ADOPTION OF THE MEDIA RELATIONS POLICY AND COMMUNICATION GUIDELINES**

The updated Media Relations Policy and Communication Guidelines were reviewed and adopted (Appendix 23).

**31/19 REVIEW AND ADOPTION OF THE POLICY AND GUIDANCE FOR DEALING WITH PERSISTENT, VEXATIOUS AND UNREASONABLE CUSTOMER BEHAVIOUR**

With some Cllrs expressing concern over the name of this policy, it was agreed to defer the review and adoption of the current Policy and Guidelines for Dealing with Persistent, Vexatious and Unreasonable Customer Behaviour.

**32/19 REVIEW AND ADOPTION OF THE PRINCIPLES GOVERNING OPC'S ENGAGEMENT AND CONSULTATION PROCESS**

The updated Principles Governing OPC's Engagement and Consultation Process were reviewed and adopted (Appendix 24).

**33/19 REVIEW AND ADOPTION OF THE COUNCIL'S PRIVACY NOTICES**

The updated Privacy Notices for the Council were reviewed and adopted (Appendix 25).

**34/19 REVIEW AND ADOPTION OF THE HEALTH AND SAFETY POLICY**

The updated Health and Safety Policy was reviewed and adopted (Appendix 26).

**35/19 REVIEW AND ADOPTION OF THE SUBJECT ACCESS REQUEST POLICY**

The updated Subject Access Request Policy was reviewed and adopted (Appendix 27).

### **36/19 REVIEW AND ADOPTION OF THE CODE OF CONDUCT**

The Executive Officer's report included the highlighting of a number of points from the Monitoring Officer at Hart DC following on from two Code of Conduct complaints about a former OPC Cllr. The suggested updates had been incorporated into the updated Code of Conduct (Appendix 28).

It was agreed to accept the suggested updates to the Code of Conduct.

### **37/19 REVIEW AND ADOPTION OF THE TREE MANAGEMENT POLICY**

The updated Tree Management Policy was reviewed and adopted (Appendix 29).

### **38/19 RECEIVE THE NOTES FROM THE HART DISTRICT ASSOCIATION OF PARISH AND TOWN COUNCILS FROM 9 APRIL 2019**

The notes from the HDAPTC from 9 April were noted and would be circulated to all Cllrs (Appendix 30).

### **39/19 REVIEW OF THE ACTUAL TO BUDGET FOR THE FINAL QUARTER OF THE FINANCIAL YEAR 2018-2019**

The actual to budget for the final quarter of the financial year 2018-2019 (P&C), a report showing the explanation of the material variances and the petty cash expenditure had been circulated prior to the meeting and was noted as reviewed (Appendix 31 P&C).

It was agreed to accept the report on the actual to budget for the final quarter of the financial year 2018-19.

It was commented that it may be useful to have a conversation about the budget in private to allow Cllrs to understand it further.

### **40/19 RECEIVE DETAILS OF REQUESTS FROM MEMBERS OF THE PUBLIC FOR INFORMATION**

The Executive Officer's report detailing the requests from members of the public for information was noted (Appendix 32).

### **41/19 AGREEMENT ON ANY REPRESENTATIONS THAT OPC MAY HAVE ON HOOK PARISH COUNCIL'S NH PLAN SUBMISSION CONSULTATION**

Details on Hook's NH Plan submission consultation were available to all prior to the meeting (Appendix 33).

It was agreed that OPC had no representations to make.

### **42/19 RECEIVE CORRESPONDENCE FROM HCC CHILDREN'S SERVICES REGARDING THE PROPOSED SAFE ROUTE TO RMS FROM HOOK**

The correspondence received from HCC Children's Services and the letter sent from OPC regarding the proposed safe route to RMS from Hook were available to all prior to the meeting and was noted as received (Appendix 34).



**43/19 AGREEMENT ON ADDRESS NAMES REQUESTED BY HART DC FOR THE DEVELOPMENT AT THE CHILLI PAD/LAND AT THE REAR OF CASTLEBRIDGE COTTAGE, HOOK ROAD**

Details on the correspondence received from Hart DC regarding address names for the development at the Chilli Pad/land at the rear of Castlebridge Cottage, Hook Road were available to all prior to the meeting (Appendix 35).

It was agreed to suggest that the road be named Jolly Miller Close.

**44/19 RECEIVE AN UPDATE ON THE SITUATION REGARDING THE LAND BETWEEN MILD MAY COURT AND THE CEMETERY AND TO RECEIVE NOTIFICATION FROM A RESIDENT OF MILD MAY COURT THAT THEY ARE PUTTING OPC ON "NOTICE" THAT THERE IS A BOUNDARY DISPUTE IN EXISTENCE AND AGREEMENT ON THE NEXT STEPS**

The Executive Officer's report on the situation regarding the land between Mildmay Court and the cemetery included the fact that a resident of Mildmay Court had been burning his rubbish on council land whilst OPC's contractor was installing the fence and the fact that OPC's fence had now been removed by an unknown person (Appendix 36).

The report also advised that OPC's solicitor had commented that "given the overwhelming evidence in favour of the council, they find it incredible that they are still trying it on and can assist if required".

It was agreed that Cllrs McFarlane and Stewart would invite representatives from Mildmay to a meeting regarding the situation regarding the land between Mildmay Court and the cemetery.

**45/19 RECEIVE AN UPDATE ON THE SITUATION REGARDING THE RECENTLY INSTALLED HEADSTONE AT THE CEMETERY WITHOUT OPC'S PERMISSION AND AGREEMENT ON THE NEXT STEPS**

The Executive Officer's report gave an update on the situation on the recently installed headstone at the cemetery without OPC's permission and included the details that OPC had requested from the owner of the Exclusive Rights in the approved correspondence to them (Appendix 37).

The report also reminded Cllrs of the legal advice, the advice from OPC's insurance company and the fact that the council had recently agreed to remove the headstone if the owner didn't.

It was agreed that the owner of the Exclusive Rights would be invited to a meeting with OPC. Cllr Raw as Vice-Chair of the council would lead the meeting and Cllr Verdon would be present. Cllr Ball offered to assist if needed.

**46/19 RECEIVE AN UPDATE ON ARMED FORCES DAY AND APPROVAL OF THE PROOFS FOR THE GIFTS FOR THE PARADE**

The Executive Officer's report provided an update on Armed Forces Day which included the news that the MOD have agreed to issue a grant of £1500 for specific items and that Hart DC have agreed to contribute £1000 to the celebrations (Appendix 38).

It was agreed to approve the proofs for the tankard and scrolls for the parade.

**There being no further business the meeting closed at 9.30pm.**

Signed.....

Date.....