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**Briercliffe with Extwistle Parish Council**

**Monday April 8th 2024 7.30pm**

**Present:** Councillors Roger Frost (Chair), Vicky Balmer, Michael Greenwood, Libby Lalor, Gordon Lishman, Pippa Lishman, John Marlow, Michael McFarlane, and Richard Sagar.

**Others:** R Greenwood (Temp Clerk), plus 3 residents.

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| The Chair opened the Parish Council Meeting and welcomed all to the meeting. The Chair paid tribute to Kathleen Woodward, who sadly passed away recently. Kathleen Woodward served on the Parish Council and condolences were offered to her family at this time. | | | | | | |
| **Parish Council Agenda** | | | | | **Actions by Clerk** | **Cllr Support** |
| **23/24/083 Announcements** | | | | | | |
| The Meeting was advised that it would be audio recorded for accuracy of the Minutes and training and development purposes only. | | | | |  |  |
| **23/24/084 Apologies for absence** | | | | | | |
| All Councillors were present.  Apologies were received and accepted from both PCSOs | | | | |  |  |
| **23/24/085 Declarations of Disclosable Pecuniary** **Interest** | | | | | | |
| Councillor Roger Frost expressed a general interest in the Planning Applications having worked with the planning department of Burnley Borough Council previously.  Councillor Michael Greenwood declared an interest in hanging baskets. | | | | |  |  |
| **23/24/086 Chairs Update** | | | | | | |
| Councillor Roger Frost stated there would be a private session included in the meeting, he welcomed the temporary clerk and a précis of the decisions taken since the last meeting under SO 25(e) was given. | | | | |  |  |
| **23/24/087 Parish Council Vacancy**  Libby Lalor read a personal statement, following which she was Co Opted onto the Parish Council, accepted the position and was welcomed by all members. (Proposed PL, seconded RS) | | | | |  |  |
| **RESOLVED: Libby Lalor was Co Opted** | | | | | | |
| **23/24/088 Minutes of previous meetings.** | | | | | | |
| * The minutes of the meeting held 21st November 2023 were accepted as a true record and signed by the Chair. * The minutes of the meeting held 23rd January 2024 were accepted as a true record and duly signed by the Chair. | | | | |  |  |
| **23/24/089 Matters Arising from the November minutes:** | | | | | | |
| * The parish council needs to clarify the deposit overpayment for an allotment plot. * Halstead charity – Cllr R Frost has contacted the Charity Commission and will update when further information is available. * Insurance claims for Douglas Way and Roggerham Gate. The Parish Council will renew the fencing with volunteer labour and materials available in the allotment garage stores. For the Roggerham planters damaged by a van with no handbrake, we are stilling reviewing a suitable solution. | | | | |  | P Lishman  R Frost  P Lishman |
| **23/24/090 Matters Arising from the November minutes:** | | | | | | |
| * Induction package and Code of Conduct training - Gordon reported that he was still putting induction material together and the Temp Clerk was asked to pursue CoC training with LALC. | | | | | Temp Clerk |  |
| **23/24/091 Working Party Groups/ Lead Role Reports** | | | | | | |
| * Communication Working Group - the next Newsletter is to be deferred until after the forthcoming election. Facebook admin is to be all Parish Councillors with access. (Proposed PL Seconded RS) * Allotment and Garage Lead – information was given as to the number of allotments and the waiting lists. A request for next month’s agenda was made regarding rental debtors. New gates (£490) and skips (£384) repair of a garage for reletting (£50) repair of a leaking tap (£100) and repair / re-siting of the notice board (£90) were approved.   Following consultation with the National Allotment Society they advised that there is no reason for people outside the Parish boundary not to be allotment tenants. It was agreed that the Allotments Group would make recommendations at the next meeting about the Council’s policy on the matter. (Proposed PL Seconded RS).   * Contractor Lead – two application for grass cutting have been received and are being considered. The person being given the 3-month contract will be informed. * Planning - Rockwood – this application has been refused by the Area Committee of Pendle Borough Council. There is an application for Solar Panels in the Parish. There is an application for a windfarm on the “Oil Road” at Widdop. There is an application about access to the new development off Standen Hall Drive. The Parish Council have been advised that an agent has been looking at a housing development at the site of Springhouse Farm. * Policy – it was proposed that Cllr Lalor replaced Cllr P Lishman on the Policy Working Group. * Projects (Cllr Michael Greenwood left the meeting) Cllr Frost reported the recommendation agreed under Standing Order 25(e) that the parish council would not be co ordinating the selling of the hanging baskets.   Easter Egg hunt: 61 children attended. It was advised that people wanted to donate for the hunt. Consideration was given to local charities to benefit next year. Application to be the charity of choice must be in writing to the Temp Clerk.   * Litter picking group meet on the 1st Sunday of each month on the allotments, anyone would be welcome to join in. * Blooming Briercliffe is the gardening club, they meet on the 4th Tuesday of the month at the Community Centre. All welcome. | | | | |  |  |
| **Resolved that anyone is eligible to apply for an allotment.** | | | | | | |
| **23/24/092 Public Participation**  **Meeting formally adjourned to allow for public participation.** | | | | | | |
|  | | | | |  |  |
| Public Questions  Submitted prior - in writing.   1. Request for information held about the Hanging basket scheme (Cllr M Greenwood left the room) 2. Request for information regarding the overturning about the Hanging Basket Scheme. (Cllr M Greenwood left the room) 3. Request for information as to where and when was the agenda for the March 2024 meeting published. 4. Request for information as to why the tabling of invoice did not contain totals. 5. Request for information regarding the allotment deposit reduction from £200 to £100 6. Request to provide evidence that the allotment allocation process is being adhered too. 7. Request to provide evidence that the Parish Council have not allowed a tenant back onto their allotment. 8. Request to provide evidence of an eviction notice for an allotment tenant. 9. Request for information as to why a Cllr has been given an allotment. 10. Request as to why powers were used to make decisions under SO 25(e)  * Concerns were raised by a resident regarding irresponsible driving, loud music and nitrous oxide cannisters found on the road up to the picnic site. Cllr R Frost has reported this to the police and C Cllr Townley has also raised the matter.   From attending residents   1. The Councillors were asked about the focus and strategy of the Parish Council in future. The Parish Council will form a Strategy Working Group and consult residents. The person was thanked for their question. 2. A request for support had been made by Briercliffe Football Club. The parish council welcomes the opportunity to work together, items include a new lease acknowledging the club’s charitable status, repairs and investment needed for the club to go forward. The resident was thanked for their input. | | | | |  |  |
| **Resolved a Strategy Working Group will be formed to meet twice a year.** | | | | |  |  |
| Borough Councillor Report (report attached)   * Borough Councillor Gordon Lishman summarised the report that is attached. | | | | |  |  |
| Other Organisations’ Reports   * A Community Centre Annual Financial Report was provided that is attached. * The Bowling Green Committee report was provided and is attached. | | | | |  |  |
| **23/24/093 Formally reconvene the Parish Council Meeting** | | | | | | |
| **23/24/094 Finance** | | | | | | |
| 1. Accounts to be approved for payment - additional bills included an invoice for the Community Centre rent £40 paid with Cheque 1861. LALC subscription £630.47 paid with cheque 1862. Allotment Petrol £7.73 paid with cheque 1863. Garage keys £13.50 paid with cheque 1864. Easter Egg Hunt costs £131.06 paid with cheque 1866 | | | | | | |
| 1.1 | Clerk Salary February | £457.80 | SO | Paid |  |  |
| 1.2 | HMRC January |  |  |  |
| 1.3 | GSA | £468.00 | chq1785 | Paid |
| 1.4 | GSA | £632.00 | chq1799 | Paid |
| 1.5 | Howarth Timber | £126.90 | chq1800 | Paid |
| 1.6 | LITE Christmas lights | £288.00 | chq 1867 | Paid |
| 1.7 | Burnley BC – Election | £6128.60 | chq1865 | Paid |
|  | | | | | | |
| 1. Income received | | | | | | |
| 2.1 | Garage Rent | £ | | |  |  |
| 2.2 | Allotment Rents /Deposits | £ | | |
| 2.3 | Bank Interest |  | | |
| 1. Bank Balances September | | | | | | |
| 3.1 | Current a/c | £11733.49 | | |  |  |
| 3.2 | Garages | £8665.79 | | |
| 3.5 | Business Reserve | £14152.31 | | |
| 3.5 | Petty Cash | £88.00 | | |
| Total | | £ | | |
| **RESOLVED:**   * **The above finances are approved for payment and balances are noted.** * **That the Budget Monitoring Report, Bank Reconciliations, Payments, Receipts and Petty Cash reports are noted.** * **The bank mandate is to be brought up to date with current Cllrs only being able to sign.** | | | | | | |
| **23/24/095 Petty Cash** | | | | | | |
| Petty Cash will no longer be used for the Parish Council. | | | | | All |  |
| * **It was resolved that Petty Cash would no longer be used.** | | | | | | |
| **23/24/096 Email Address** | | | | | | |
| In line with new guidance the Parish Council email addresses will be changing to a .gov.uk suffix. | | | | | | |
| * **It was resolved all existing email addresses will be deleted and new email addresses sourced.** | | | | | | |
| **23/24/097 Gala.** | | | | | | |
| Cllr P Lishman will work with the Gala Committee making a new agreement between the Parish Council as the landowner and the Gala Committee holding the Gala on 29th June 2024 | | | | | | |
| **23/24/098 Allotment Rents** | | | | | | |
| The invoices for the new financial year will be hand delivered on the 20th April 2024. The Working Group were thanked for their work by the Chair. | | | | | | |
| **23/24/099 Path at the Bowling Green – repair** | | | | | | |
| Three quotes for the path will be sourced. | | | | | | |
| **23/24/100 Date of Next Meeting.** | | | | | | |
| The AGM and meeting will be held on Monday 13th May 2024 at 7.30pm | | | | | | |

**FoIs and Questions**

The Council has received 10 questions recently for the Public Participation section of this meeting. Some of them refer to the Freedom of Information Act.

The Parish Council has an agreed policy on Freedom of Information. This includes:

1, No information will be released where it discloses personal information which would breach the Data Protection Act.

2. Requests for information must be in writing to current parish clerk (this includes email) with full description, showing the name and address of the requestor.

4. If Briercliffe Parish Council does not comply with a request within the statutory deadline the requestor can appeal to the Chair of the Parish Council.

The requests we have received do not follow the requirement of 2 above. Nevertheless, we feel in the interest of full transparency that we should answer the points raised, along with similar points which have been raised by one other questioner.

1. **Please provide all information the Council holds on the Hanging Basket Scheme.**

All the relevant information is or will be available in the publicly available minutes of Meetings.  The only two exceptions are, firstly, my statement to the Parish Council budget meeting in January 2023, which reads:

There has been some discussion about whether the Council will go back to offering hanging baskets for sale as they have done in the past since the Council, through Anne Kelly’s work, took over from the previous provider.  However, it is not yet clear whether it will be done and, if so, whether there will be competition which would affect sales.  We have therefore not included a definite item at this stage.  If necessary, it can be undertaken as a project. **Note:** Cllr Greenwood has not participated in discussion on this item and will recuse himself from any discussion by the Council.

And, secondly, the Report to the Parish Council from Cllr Roger Frost following a meeting of the Council’s Project Group, which can be provided.

A further question has been received on his matter:

**Why has Pippa Lishman, Roger Frost and John Marlow been allowed to recommend overturning a legal Council decision on running the hanging basket scheme?**

When the budget was agreed, there was uncertainty about how the project would be managed and the matter was referred to the Council’s Projects Group consisting of Councillors Frost, Pippa Lishman, and Marlow. Cllr Greenwood who is also a member of the Group did not participate because he has declared an interest. The Group reviewed the evidence and recommended to the Council that, as a result of considerable difficulties of administration and other issues, the project should not be carried through. This was recommended to the Parish Council and agreed.

There has been reference to the profit made in the past by the Council on the operation of this scheme. This has arisen from a refund to the Council of money paid in VAT to the provider of the baskets.  We are taking advice on whether this is legal.  That course of action is not available to a private provider. We understand that the current scheme, unconnected with the Council, is being run at cost with labour provided free.

1. **Where has this agenda been published [that is for the March meeting which did not take place] and when, please provide proof, as I have looked for this agenda since last Thursday and it was not available.**

Notices and summonses to the meeting on 19 March were put on the noticeboards on 13 March because the Council decided that more notice than the minimum should be provided.  As usual, the Council did not photograph the notices being put up!

1. **How much are the invoices that have no amounts associated with them, such as the election. It is not legal to table an invoice without an amount associated with it. Where have the expenses over £100 been published as per legal requirements. The agenda asks for the budget monitoring report, bank reconciliations and payments and receipts to be approved. These have not been published so cannot be approved.**

The Council is proceeding legally.   The budget monitoring report, bank reconciliations and payments and receipts are presented for consideration and signing at the meeting.  We are moving to implement a system of online banking which will improve the timeliness and coherence of information to meetings.

1. **Provide evidence that permitted Councillor Pippa Lishman to reduce the allotment deposit from £200 to £100;**

Shortly after she took over responsibility for allotments, Councillor Pippa Lishman wrote to the Chair and Vice-Chair of the Council at 10:23 on Sat 09/09/2023. She pointed out that the £200 deposit did not seem to have been applied despite the Council’s Allotments Policy, agreed in February 2021, stating that “New tenants will be required to pay a £200 (returnable) deposit”. She said that “Looking at the records no one has paid £200 at any point”. [It later transpired that one person had paid the £200]. When the former Allotments Lead offered the new plots in September 2022, his email and the attached tenancy agreement said deposits were £100. Cllr Pippa Lishman proposed that it should continue at the level usually applied which was £100.

Councillor Pippa Lishman received an answer from the then Vice-Chair, Cllr Vincent, agreeing with her proposal, which she then implemented.

1. **Provide evidence that Councillor Pippa Lishman has follows correct Council procedures on allocating allotment according to the waiting list;**

Established procedures have been followed as far as possible.  There has been confusion about lists and one version was not seen until November 2023. However, all the people on those lists have now been allocated tenancies and the names remaining on the list are all recently added and in order from August 2023.

1. **Provide evidence that Councillor Pippa Lishman has not allowed [a named tenant] who was evicted from the allotments because he threatened to “kill” me and Councillor Michael Greenwood, as separate requests.**

The last part of the first question is not clear.  Was Michael Greenwood threatened?

1. **Is it correct that one tenant who was voted by a full council to be evicted is still on his allotment, why?**

The position in relation to the relevant tenant is that Cllr Pippa Lishman and other Councillors have not seen the evidence of the process leading to the decision, despite asking for it, and are therefore not in a position to take action.  This matter could also have been addressed by earlier lead Councillors for the allotments and Parish Council Chairs, including the current questioner, and we have been told that assurances were given that the eviction would not take place.  Current Councillors are not in a position to make a judgement on this matter.

If we have the full details, as previously requested, Council can review this and take any necessary actions.

1. **It appears that a present councillor seems to be getting his old allotment, which he was evicted from again by a full Council vote, ready to start work on it.**
2. **Where has it been agreed that Councillor Michael Greenwood could have his allotment tenancy returned?**

This allegation is incorrect.  It may have arisen because Councillors Greenwood and Pippa Lishman have been using the allotment in question for some of the administration of the allotments.

1. **Section 25(e) can only be used via the Clerk, so all these decisions are illegal, {you cannot appoint a temporary Clerk using SO s25 (e), therefore none of these decisions are legal]**

The relevant Standing Order says:

e) Should it prove necessary to vote on a motion between meetings, *the chairman* may ask councillors to vote electronically i.e. using the internet. Such votes will require, at least, five councillors to vote in favour and a clear majority of three. Should this not be achieved, the resolution will be carried forward to the next council meeting.

The preceding Standing Order says:

d) The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

**Councillor Gordon Lishman made two further statements:**

1.      Some of the above questions appear to part of a sustained and personal attack on Councillor Pippa Lishman replicated in a similar manner by attacks on social media.  Those attacks have passed the threshold of criminal bullying and harassment, which the police have acted upon. They have also passed the threshold of civil liability.  Councillors Greenwood and Marlow have also been targets of similar abuse. All members of the Council take this opportunity to condemn these personal campaigns against some of our members and we expect that local residents, will share our view.

As a *personal*opinion, I would add that these attacks have been aggressive, unjustified, hurtful, misogynistic, cowardly, and deeply unprofessional.

2.      **“Investigations” into the actions of individual Councillors including allegations of “corruption”:**

It may be helpful to comment on allegations, repeated in the local press about these allegations.

The allegation into “corruption” has been assessed by the Borough Monitoring Officer who responded, “I do not consider the complaint is serious enough to merit any action and the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and there is no overriding public benefit in carrying out an investigation. The Council’s Independent Person agreed with this outcome”. As there was an allegation of criminal wrongdoing, the police were invited to comment and they said they “had not found and evidence of illegal activity in the information provided”.  There have been similar outcomes to a number of other complaints about Councillors during the last 20 months.

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|  | Briercliffe Community Centre 2023 Balance Sheet | | | |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | **Income** | £ |  | **Expenditure** |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  | 2023 | 2022 |  | 2023 | 2022 |  |  |
|  | Rent | 4419 | 3904 | Gas | 1733.35 | 1095 |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  | c in h 1/1/23 | 174.43 |  | Electricity | 583.93 | 494 |  |
|  |  |  |  | Water | 426.69 | 331 |  |  |
|  |  |  |  | Cleaning | 141.76 |  |  |  |
|  |  |  |  | Maintenance | 1555.37 |  |  |  |
|  |  |  |  | Cleaner | 875.99 |  |  |  |
|  |  |  |  | Insurance | 872.79 |  |  |  |
|  |  |  |  | Sundries | 85.31 |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  | Total | 6275.19 |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | Bank 1/1/23 | 11416.38 |  | Bank 31/12/23 | 9727.49 |  |  |  |
|  |  |  |  | c in h | 7.13 |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | Balance | **16009.81** |  | Balance | **16009.81** |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | Bank |  |  |  |  |  |  |  |
|  | 01/01/2023 | 11,416 |  |  |  |  |  |  |
|  | 31/12/2023 | 9727.49 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  | Change | -1,699.89 |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |

**Briercliffe Parish Council**

**Borough Councillors’ Report – March/April 2024**

There continues to be a problem of cars parking on **Burnley Rd** near where the lollipop lady takes children across the road for school. We have asked for pedestrian crossings in the past but been turned down by the County. **Councillor Anne Kelly** has asked Parking Enforcement to go to Briercliffe school in the morning between 8:30 and 9:00 and afternoons 3:00-3:30. However, experience tells us that what tends to happen is that the issue improves for a few weeks then it’s back to normal! We also getting receive complaints from residents who frequently have their drives blocked and receive an abusive response when they speak to drivers. Could the County Councillor ask for some more prominent signs on the main road?

**Councillor Maggie Lishman** has arranged for the Council’s Enforcement Officer to visit the shops around the Spar. They have been reminded of their responsibility for litter behind their premises and their liability for fines if it isn’t cleared. They were advised to put a bin there. We also asked for some re-surfacing to the parking area.

There have been some serious **fly tipping** incidents, including 4 cases on Widdop Road, near the Coldwell reservoir, near to the garages at the back of 170 Burnley Rd and on Ridehalgh Lane.

**Councillors Gordon and Maggie Lishman** jointed the tree planting event behind Lydgate. Maggie was particularly pleased because she has been promoting planting throughout Burnley of which this is just one example.

**Planning:** We were delighted by the decision by Pendle Council’s Area Committee to turn down the Rockwood Wedding Venue application. **Gordon and Maggie** have supported and advised the campaigners. There appear to be some moves to start the development behind **Standen Hall**. An application is expected for a car park development behind **Horning Crescent**. There is an early indication that a development might be proposed around the **Springhouse Farm** site between Nelson Road and Briercliffe Park.

The Councillors are constantly nagging LCC about **the appalling state of the roads and** pavements and reporting particular problems. The road repairs at Cockden Bridge were welcome, but it doesn’t look as if they will last.

We are pleased to see the Kiddy Kids children’s play area opening in **King’s Mill**.

**Councillor Anne Kelly** reported that the surface on the Bowling Green Park was slippery and green. It was cleaned very quickly.

Bowling Green Report

1. Opened for new season in March, and have first game tonight
2. Winter maintenance has been ongoing, - the work is completed by volunteer members with costs from members subscriptions and  includes
3. cleaning the slippy MOSS AND REPLACING ALL THE ROTTEN BOARDS AROUND THE GREEN
4. feeding and maintaining the green
5. service and maintain mowing equipment
6. In all the leagues have been previously
7. Membership is around 38 at the moment - always welcome new members who can come along whenever open to try out and talk to members.  Come along for a trial and use the club equipment.
8. We meet Monday, Thursday and Friday evenings, and Tuesday and Saturday afternoons

**Briercliffe Parish Council**

**Record of Informal Meetings of the Parish Council and exchanges between members; agreed by all Councillors in accordance with Standing order 25(e)**

**Matters to Report to the Public session of the Council**

1. It was agreed to appoint R Greenwood as Temporary Clerk.
2. It was agreed that minutes would be taken at a high point in agenda as normal practice and that the Action column would be re-instated. It was agreed that revised, accurate minutes will be presented to the March meeting for approval.
3. It was agreed that the Staffing Group would agree the temporary contract. The Temporary Clerk would have access to the Council’s email and Facebook accounts and the website. The Staffing Committee would consider the form of the timesheet used in relation to the Temporary Clerk’s work and sign-off arrangements.
4. It was noted that the Parish Council is obliged to use a .gov.uk suffix on emails and other material. This would be raised at the next meeting. Councillor G Lishman will investigate whether Burnley Borough Council will be able to assist. The Council approved the necessary cost.
5. It was noted that action is required in relation to the Council’s AGAR (Annual Governance & Accountability Return). The Temporary Clerk will follow up in consultation with the Council’s Officers.
6. Councillors considered the Council’s approach to filling the vacancy which has arisen on the Council and agreed that the next meeting will decide on what to do.
7. It was noted that the Borough Council is considering the establishment of regular meetings for Parish and Town Councils in the Borough area and this was welcomed.
8. It was agreed that the Council would consider the use of a Petty Cash account and cash payments with a view to stopping them.
9. It was agreed to establish a programme for the review of the Council’s policies which would start with the Chairmanship & Standing Orders Policy.
10. It was agreed to consider the relationship with Briercliffe Football Club and the premises they currently occupy and to agree a new lease or licence as the current one has expired. This may include providing a grant, which may be achieved by accessing grants. It was agreed to seek advice from LALC and to ask a solicitor to review the draft.
11. It was agreed to pay the Borough Council‘s bill for the recent bye-election.
12. It was agreed to conclude the Agreement with the Gala Committee for the use of the Recreation Ground on 29 June. It has been discovered that a formal Agreement was not signed last year. Cllr P Lishman is discussing with the Committee.
13. It was agreed that the Temporary Clerk would check the position in relation to Declarations of Interest and would arrange for them to be put on the Council’s and Borough Council’s websites.

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| **The meeting closed at 22.18hrs** |  |  |