

Halwill Parish Council

Agenda

June 2024

There will be a Meeting of **Halwill Parish Council** which will be held on **13 June 2024 at 7.30 p.m. at the Parish Hall** for the purpose of transacting the following business:

2024/Jun/1 Apologies

To receive and accept apologies for absence. Apologies should be made known to the Clerk

2024/Jun/2 Declarations of interest and Requests for Dispensations:

To receive declarations of personal interest and disclosable pecuniary interests (DPI's) in respect of items on this agenda - To consider any dispensation requests. Requests should be made to the Clerk prior to the meeting

2024/Jun/3 Public question time

Deferment of business for Public Question Time. Time allowed at the discretion of the chairman. The public are invited to give their views and ask questions about items on this agenda. They may also raise issues for future consideration which may be made agenda items for a future meeting. Answers may be given in writing.

2024/Jun/4 Order of Business and any items to be discussed with the public excluded

At the discretion of the Chair, to adjust, as necessary, the order of agenda items to accommodate visiting members, officers or members of the public.

To agree any items of a confidential nature to be discussed under part 2 Standing orders. Embarrassing to individuals or the parish council does not make it confidential!

2024/Jun/5 Clerk's & Councillors' announcements

To receive any announcements which the Chair a parish or visiting Councillor or the Clerk may wish to make (for information only)

2024/Jun/6 Parish Council Minutes

To confirm Minutes for the May 2024 Parish Council Meeting and the Annual Parish Council Meeting

2024/Jun/7 Finances

To approve the bills for payment for February. See Appendix 1

2024/Jun/8 Councillor training

Torrige are willing to send someone if councillors wish to receive some training. DALC also offer online courses.

2024/Jun/9 To consider responses to planning applications

Torrige District Council, the determining authority, has asked if we will withdraw our call-in for the following application:

Reference: 1/0221/2024/FUL

Proposal: Extension and alterations to dwelling (amended plans)

Location: High View Halwill Beaworthy Devon EX21 5TR

Any planning applications that the Parish Council is asked to comment on after this agenda has been published will be discussed here though a formal decision cannot be made at this meeting.

2024/Jun/10 Estates: maintenance and replacement

1. Boundaries. Replacing fences
2. New Parish Warden appraisal
3. Car park – Potential EV Charge point site. Removal of old caravan.
4. Benches - To agree design and location of new picnic benches
5. MUGA - progress report
6. Speed sign
7. Gazebo finishing
8. Football club report

2024/Jun/11 Correspondence

Correspondence received and to be written

2024/Jun/12 Date of next meeting

To agree July 11 2024 as the date of the next meeting

Please note that:

- 1. Members of the Press & Public are invited to attend under the Public Bodies (Admission to Meetings) Act 1960. Members of the public may, at the Chair's discretion be given the opportunity to address councillors in attendance as part of the agenda.*
- 2. Under the Openness of Local Government Bodies Regulations 2014, any members of the public or press are allowed to take photographs, film and audio record the proceedings and report on all public sections of the meeting.*
- 3. Under the Local Government Act (LGA) 1972 Sch 12 10(2)(b), Halwill Parish Council is unable to make any decision on matters not listed within the agenda.*

Minutes of Halwill parish council's June 2024 meeting

Held on 13 June 2024 at 7.30pm In the Parish Hall

The meeting started at 7:30pm

Newly elected councillor L Bryan signed his declaration of acceptance of office before the meeting and was welcomed to the council by the chair

Present:

Cllrs J Wilson (Chair), B Mason-Walshaw (B M-W), J Lawlor (JL), R Cristofoli(RC), V Osborne(VO and L Bryan(LB)

In Attendance:

Ward Councillor P Hackett (PH) 3 members of the public (MoP) and the clerk

2024/Jun/1 To receive apologies for absence

Apologies were received from: Councillor R Grocock

2024/Jun/2 Declarations of Interest

Councillor Bryan declared an interest in Item 10.1. It was **resolved** that Councillor Bryan should be granted a dispensation to participate in the debate.

2024/Jun/3 Public question time

A representative from the garden club asked if the Halwill Parish Council ("the Council") would consider helping with the cost of installation and transport for the memorial bench they have ordered for Anne Russell. This was discussed under Items 7 and 10.

2024/Jun/4 Order of business and any items to be discussed with the public excluded

None

2024/Jun/5 Clerk's and Councillors' announcements

Clerk

The clerk reported that we are in a period of "heightened electoral sensitivity" because of the imminent general election. Individual members are entitled to express political views but cannot give the impression that the Council supports a political view.

Ward Councillor

Cllr Hackett reported on the Dreybury Lane planning application (reference number: 1/0256/2024/FUL). The application has been refused but the applicant would have liked the opportunity to have their say at the plans committee. They may re-submit.

County Councillor

Councillor J Morrish sent the following report:

Absolutely nothing; not a word have we heard.

2024/Jun/6 To confirm minutes for the May 2024 Parish Council Meeting and 2024 AGM.

The minutes were signed as a correct record by Cllr J Wilson

2024/Jun/7 Finances

1 Bills for payment

It was **resolved** to pay the following bills

Table 1: Table of bills to pay and cheques to be raised at the April meeting

Date	Company	Amount inc VAT	For what
13/06/24	D C Osborne	£402.00	Salary
13/06/24	D C Osborne	£10.00	Expenses: telephone
25/05/24	S J Bowden	£276.00	Brush cutting MUGA
31/03/24	G Letheren	£60.00	Parish Warden final
20/03/24	Halwill Garden Club	£200.00	Bench installation cost

Current Account Total For month inc VAT: £948.00

Current Account Total for month ex VAT £912.00

VAT for month: £46.00

Clerks total: £412.00

2024/Jun/8 Councillor training

It was agreed that councillor training could be helpful. The clerk was asked to get details.

2024/Jun/9 To consider responses to planning applications

Torrige District Council (TDC), the determining authority, has asked if we will withdraw our call-in for the following application:

Reference: 1/0221/2024/FUL

Proposal: Extension and alterations to dwelling (amended plans)

Location: High View Halwill Beaworthy Devon EX21 5TR

TDC have asked us to withdraw our objection to this application as our reasons for objecting have either been addressed by the applicant or are a civil dispute and not a planning matter.

Ward Councillor Hackett felt it likely that the plans committee would grant the application so the call-in would likely just waste TDC time.

It was **resolved** to ask PH to withdraw the call-in.

2024/Jun/10 Estates: Maintenance and replacement of worn out equipment

1. Boundaries. Replacing fences

The clerk reported that the council has been neglecting the issue of boundary fences for many years. The council inherited from the British Railways board the requirement to maintain a stock proof fence on the boundary of the former railway land. Although this is a problem along the whole of the railway embankment the discussion was mainly confined to the boundary with Heath Cottage as Councillor Bryan is acting as an agent for the owner in dealings with the council. The clerk informed Councillor Bryan that he had to make clear in what capacity he was speaking; whether he was representing the electorate or was acting as agent for Heath Cottage. Councillor Bryan knew nothing of the fence at Heath Cottage but would welcome the opportunity to purchase the boundary.

2. New Parish Warden appraisal

There have been a number of complaints from members of the public about the embankment path being overgrown. The pump track is unusable. The outgoing parish warden is willing to help get the grass cutting up to date. The Clerk was instructed to ask the old parish warden to help get things up to date.

3. Car park – Removal of old caravan.

The caravan is still there. The clerk was asked to tell the owner that the council is willing to help move the caravan if that is the issue. Councillor Bryan said he would “have a word” with the owners in person.

4. Benches - To agree design and location of new picnic benches

Carried over

5. MUGA - progress report

Very little

6. Speed sign

The post will be put up on Station Road soon.

7. Gazebo finishing

Best not to ask.

8. Football club report

No one was present from the football club

2024/Jun/11 Correspondence

None

2024/Jun/12 Date of next meeting

The next scheduled ordinary meeting and the Annual parish Council Meeting will be on July 11 2024 at 19:30 in the Parish Hall

The meeting ended at 20:45

APPENDIX 1

Bills for Payment – June 2024

Current Account

Date	Company	Invoice No	Amount ex VAT	Amount inc VAT	For what
13/06/24	D C Osborne	HPC – 230	£402.00	£402.00	Salary
13/06/24	D C Osborne	HPC – 231	£10.00	£10.00	Expenses Telephone
25/05/24	S J Bowden	120	£230.00	£276.00	Brush cutting MUGA
10/06/24	Gary Letheren	100624	£60.00	£60.00	Parish Warden
To be agreed					
08/05/24	Halwill Garden Club	Grant request	£200.00	£200.00	Bench installation cost

Current Account Total For month inc VAT: £948.00

Current Account Total for month ex VAT £912.00

VAT for month: £46.00

Clerks total: £412.00

WHAT EXEMPT AUTHORITIES NEED TO DO TO ADVERTISE THE PERIOD DURING WHICH ELECTORS AND INTERESTED PERSONS MAY EXERCISE RIGHTS RELATING TO THE ANNUAL ACCOUNTS

The [Local Audit and Accountability Act 2014](#) and the [Accounts and Audit Regulations 2015](#) require that:

- 1) The statement of accounts prepared by the authority (i.e. the Annual Governance & Accountability Return (AGAR) Form 2), the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested, during a period of 30 working days set by the smaller authority and including the first 10 working days of July.
- 2) The period referred to in paragraph (1) starts with the day on which the period for the exercise of public rights is treated as having been commenced i.e. the day following the day on which all of the obligations in paragraph (3) below have been fulfilled.
- 3) The responsible financial officer for an exempt authority must, on behalf of that authority, publish **(which must include publication on the authority's website)**:
 - a) the Accounting Statements (i.e. Section 2 of the AGAR Form 2), accompanied by:
 - i) a declaration, signed by that officer to the effect that the statement of accounts will not be audited on account of that authority's self-certified status as exempt, unless either a request for an opportunity to question the auditor about the authority's accounting records under section 26(2) or an objection under section 27(1) of the Act, results in the involvement of the local auditor;
 - ii) the Annual Governance Statement (i.e. Section 1 of the AGAR Form 2); and
 - iii) the Certificate of Exemption (i.e. Page 3 of the AGAR Form 2); and
 - b) a statement that sets out—
 - i) the period for the exercise of public rights;
 - ii) details of the manner in which notice should be given of an intention to inspect the accounting records and other documents;
 - iii) the name and address of the local auditor;
 - iv) the provisions contained in section 25 (inspection of statements of accounts etc), section 26 (inspection of documents etc) and section 27 (right to make objections at audit) of the Act, as they have effect in relation to the authority in question;

HOW DO YOU DO IT?

You will meet statutory requirements if you fully and accurately complete the notice of public rights pro forma in this document; and publish **(including publication on the smaller authority's website)** the following documents, the day before the public rights period commences:

- a) the approved Sections 1 and 2 of Form 2 of the AGAR; and
- b) the completed Notice of Public Rights and Publication of Annual Governance & Accountability Return (Exempt Authority). Please note that we have pre-completed it with the following suggested dates: Monday 3 June – Friday 12 July 2024. (The latest possible dates that comply with the statutory requirements are Monday 1 July – Friday 9 August 2024); and
- c) the notes which accompany the Notice (Local authority accounts: a summary of your rights).

HALWILL PARISH COUNCIL

NOTICE OF PUBLIC RIGHTS AND PUBLICATION OF ANNUAL GOVERNANCE & ACCOUNTABILITY RETURN (EXEMPT AUTHORITY)

ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2024

Local Audit and Accountability Act 2014 Sections 25, 26 and 27
The Accounts and Audit Regulations 2015 (SI 2015/234)

NOTICE

1. Date of announcement Friday 10th May(a)

2. Each year the smaller authority prepares an Annual Governance and Accountability Return (AGAR). The AGAR has been published with this notice. It will not be reviewed by the appointed auditor, since the smaller authority has certified itself as exempt from the appointed auditor's review.

Any person interested has the right to inspect and make copies of the AGAR, the accounting records for the financial year to which it relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested. For the year ended 31 March 2024, these documents will be available on reasonable notice by application to:

The Parish Clerk, Halwill Parish Hall, Halwill Junction, EX21 5XU
email: halwill.parish.clerk@hotmail.com

commencing on **Monday 3 June 2024**

and ending on **Friday 12 July 2024**

3. Local government electors and their representatives also have:

- The opportunity to question the appointed auditor about the accounting records; and
- The right to make an objection which concerns a matter in respect of which the appointed auditor could either make a public interest report or apply to the court for a declaration that an item of account is unlawful. Written notice of an objection must first be given to the auditor and a copy sent to the smaller authority.

The appointed auditor can be contacted at the address in paragraph 4 below for this purpose between the above dates only.

4. The smaller authority's AGAR is only subject to review by the appointed auditor if questions or objections raised under the Local Audit and Accountability Act 2014 lead to the involvement of the auditor. The appointed auditor is:

PKF Littlejohn LLP (Ref: SBA Team)
15 Westferry Circus
Canary Wharf
London E14 4HD
(sba@pkf-l.com)

5. This announcement is made by D Osborne, Clerk & RFO Halwill PC

LOCAL AUTHORITY ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all relevant smaller authorities, including local councils, internal drainage boards and 'other' smaller authorities.

The basic position

The [Local Audit and Accountability Act 2014](#) (the Act) governs the work of auditors appointed to smaller authorities. This summary explains the provisions contained in Sections 26 and 27 of the Act. The Act and the [Accounts and Audit Regulations 2015](#) also cover the duties, responsibilities and rights of smaller authorities, other organisations and the public concerning the accounts being audited.

As a local elector, or an interested person, you have certain legal rights in respect of the accounting records of smaller authorities. As an interested person you can inspect accounting records and related documents. If you are a local government elector for the area to which the accounts relate you can also ask questions about the accounts and object to them. You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the smaller authority form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

The right to inspect the accounting records

Any interested person can inspect the accounting records, which includes but is not limited to local electors. You can inspect the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records. You can copy all, or part, of these records or documents. Your inspection must be about the accounts, or relate to an item in the accounts. You cannot, for example, inspect or copy documents unrelated to the accounts, or that include personal information (Section 26 (6) – (10) of the Act explains what is meant by personal information). You cannot inspect information which is protected by commercial confidentiality. This is information which would prejudice commercial confidentiality if it was released to the public and there is not, set against this, a very strong reason in the public interest why it should nevertheless be disclosed.

When smaller authorities have finished preparing accounts for the financial year and approved them, they must publish them (including on a website). There must be a 30 working day period, called the 'period for the exercise of public rights', during which you can exercise your statutory right to inspect the accounting records. Smaller authorities must tell the public, including advertising this on their website, that the accounting records and related documents are available to inspect. By arrangement you will then have 30 working days to inspect and make copies of the accounting records. You may have to pay a copying charge. The 30 working day period must include a common period of inspection during which all smaller authorities' accounting records are available to inspect. This will be 1-12 July 2024 for 2023/24 accounts. The advertisement must set out the dates of the period for the exercise of public rights, how you can communicate to the smaller authority that you wish to inspect the accounting records and related documents, the name and address of the auditor, and the relevant legislation that governs the inspection of accounts and objections.

The right to ask the auditor questions about the accounting records

You should first ask your smaller authority about the accounting records, since they hold all the details. If you are a local elector, your right to ask questions of the external auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do so. For example, the question might be better answered by another organisation, require investigation beyond the auditor's remit, or involve disproportionate cost (which is borne by the local taxpayer). Give your smaller authority the opportunity first to explain anything in the accounting records that you are unsure about. If you are not satisfied with their explanation, you can question the external auditor about the accounting records.

The law limits the time available for you formally to ask questions. This must be done in the period for the exercise of public rights, so let the external auditor know your concern as soon as possible. The advertisement or notice that tells you the accounting records are available to inspect will also give the period for the exercise of public rights during which you may ask the auditor questions, which here

means formally asking questions under the Act. You can ask someone to represent you when asking the external auditor questions.

Before you ask the external auditor any questions, inspect the accounting records fully, so you know what they contain. Please remember that you cannot formally ask questions, under the Act, after the end of the period for the exercise of public rights. You may ask your smaller authority other questions about their accounts for any year, at any time. But these are not questions under the Act.

You can ask the external auditor questions about an item in the accounting records for the financial year being audited. However, your right to ask the external auditor questions is limited. The external auditor can only answer 'what' questions, not 'why' questions. The external auditor cannot answer questions about policies, finances, procedures or anything else unless it is directly relevant to an item in the accounting records. Remember that your questions must always be about facts, not opinions. To avoid misunderstanding, we recommend that you always put your questions in writing.

The right to make objections at audit

You have inspected the accounting records and asked your questions of the smaller authority. Now you may wish to object to the accounts on the basis that an item in them is in your view unlawful or there are matters of wider concern arising from the smaller authority's finances. A local government elector can ask the external auditor to apply to the High Court for a declaration that an item of account is unlawful, or to issue a report on matters which are in the public interest. You must tell the external auditor which specific item in the accounts you object to and why you think the item is unlawful, or why you think that a public interest report should be made about it. You must provide the external auditor with the evidence you have to support your objection. Disagreeing with income or spending does not make it unlawful. To object to the accounts you must write to the external auditor stating you want to make an objection, including the information and evidence below and you must send a copy to the smaller authority. The notice must include:

- confirmation that you are an elector in the smaller authority's area;
- why you are objecting to the accounts and the facts on which you rely;
- details of any item in the accounts that you think is unlawful; and
- details of any matter about which you think the external auditor should make a public interest report.

Other than it must be in writing, there is no set format for objecting. You can only ask the external auditor to act within the powers available under the [Local Audit and Accountability Act 2014](#).

A final word

You may not use this 'right to object' to make a personal complaint or claim against your smaller authority. You should take such complaints to your local Citizens' Advice Bureau, local Law Centre or to your solicitor. Smaller authorities, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, one of a series of factors the auditor must take into account is the cost that will be involved, they will only continue with the objection if it is in the public interest to do so. They may also decide not to consider an objection if they think that it is frivolous or vexatious, or if it repeats an objection already considered. If you appeal to the courts against an auditor's decision not to apply to the courts for a declaration that an item of account is unlawful, you will have to pay for the action yourself.

For more detailed guidance on public rights and the special powers of auditors, copies of the publication [Local authority accounts: A guide to your rights](#) are available from the NAO website.

If you wish to contact your authority's appointed external auditor please write to the address in paragraph 4 of the *Notice of Public Rights and Publication of Unaudited Annual Governance & Accountability Return*.

APPLICATION

Organisation Name: Halwill Gardening Club.	
Contact:	Title: Mr/Mrs/Ms/Miss/Other
	Name: Pennie Channing
Address:	[Redacted]
	Halwill
	Beaworthy
	Devon
	Postcode [Redacted]
Phone No:	[Redacted]
Mobile No:	[Redacted]
E-mail address:	[Redacted]
Sum required:	£ 200
Reason for request:	
	Halwill Gardening Club members would like to install a Memorial bench at Halwill Playing fields in memory of a former Chairwoman Anne Russell. The sum of £500 was put aside for this but cost of delivery + installation have taken it over.
How do you propose to use this money:	
	To pay for the cost of delivery + installation of the bench - £200. (Bench - £400. Delivery - £75. VAT - £95. Installation £125. Brass Plaque £13.)
To whom should the cheque be written out? Halwill Gardening Club.	
Attach any supporting information if required	
A basic income and expenditure account for the last tax year, to include any reserves held, to be attached please	
Signature:	[Redacted]
	Date: 08/05/24
Name in capitals:	P. A CHANNING

NOTICE OF ELECTION

Torrige

Election of a Parish Councillor

for the Parish listed below

Parish	Number of Parish Councillor to be elected
Halwill	One

1. Forms of nomination for the Parish Election may be obtained from Clerk to Parish Council or Riverbank House, Bideford, Devon, EX39 2QG from the Returning Officer who will, at the request of an elector for any electoral area prepare a nomination paper for signature.

2. Nomination papers must be delivered to the Returning Officer, Riverbank House, Bideford, Devon, EX39 2QG on any day after the date of this notice but no later than 4 pm on Thursday, 16th May 2024.

3. If any election is contested the poll will take place on Thursday, 13th June 2024.

4. Applications to register to vote must reach the Electoral Registration Officer by 12 midnight on . Applications can be made online: <https://www.gov.uk/register-to-vote>

5. Applications, amendments or cancellations of postal votes and amendments or cancellations of proxy votes must reach the Electoral Registration Officer at Riverbank House, Bideford, Devon, EX39 2QG by 5 pm on Wednesday, 29th May 2024 . You may apply online or download a form at <https://www.gov.uk/apply-postal-vote> or contact the Electoral Registration Office direct.

6. Applications for a Voter Authority Certificate (free voter ID, or an Anonymous Elector's Document valid for this election, must reach the at Riverbank House, Bideford, Devon, EX39 2QG by 5 pm on Wednesday, 5th June 2024.

7. New applications to vote by proxy at this election must reach the Electoral Registration Officer at Riverbank House, Bideford, Devon, EX39 2QG by 5 pm on Wednesday, 5th June 2024. You can find information and dependent upon your proxy type apply online at <https://www.gov.uk/how-to-vote/voting-by-proxy>

8. Applications to vote by emergency proxy at this election applied for on grounds of physical incapacity, where that physical incapacity occurred after 5 pm on Wednesday, 5th June 2024, must reach the Electoral Registration Officer at Riverbank House, Bideford, Devon, EX39 2QG by 5 pm on Thursday, 13th June 2024.

Dated Wednesday 8 May 2024

Steve Hearse
Returning Officer