

## BRITWELL PARISH COUNCIL

### MINUTES OF THE MEETING OF BRITWELL PARISH COUNCIL HELD ON WEDNESDAY 20<sup>th</sup> MARCH 2019 AT 7.00 P.M. IN THE PARISH COMMUNITY CENTRE

**Present** Cllr J Finn (in the chair)  
Cllrs. R Anderson (part only) , O.Isernia ,P.Murphy and S.Wright.

**In Attendance** : Mr. J. Holder (Locum Clerk) ;

#### **19/43/PC Declaration of Interest**

Cllrs Murphy and Wright noted an interest in respect of agenda item 10.3.

#### **19/44/PC Apologies**

Apologies had been received from Cllrs. M. Carter and Mrs J Finn.

#### **19/45/PC Minutes of the meetings held on 20<sup>th</sup> February & 4<sup>th</sup> March 2019**

The minutes of the Council meeting held on 20<sup>th</sup> February and 4<sup>th</sup> March were **approved** as an accurate record of the meetings and signed by the Chairman.

#### **19/46/PC Matters Arising (not covered elsewhere on the agenda)**

46.1 *Summer Celebration 2019 (item 19/22.1)* - Cllr Wright said that he had confirmed the Fun Fair for the weekend of 22 June.

46.2 *Pool Table (item 19/27.2)* – Cllr wright confirmed that the defective pool table had been disposed of from the bar and given to a local club.

46.3 *Field Hire (item 19/27.3.3)* - Cllr Wright said he would chase Britwell FC for the outstanding £400.  
**Action: Cllr Wright**

#### **19/47/PC To Elect a Vice Chairman**

47.1 It was resolved to elect Cllr Wright as Vice Chairman.

#### **19/48/PC NET & Neighbourhood Police Team**

48.1 There was no report.

#### **19/49/PC Updates from Outside Bodies**

49.1 Cllr Murphy reported that the new roof on the Youth Club had been completed, with a new front door to be installed over Easter. It would be open over Easter. Last evening, there had been 51 present. Get Berkshire Active would be running events in Britwell over the Easter holidays.

*(Cllr Anderson joined the meeting)*

#### **19/50/PC Planning**

50.1 There had been no notice of any applications.

#### **19/51 /PC Community Governance Review 2018: Abolition Order**

51.1 The Locum Clerk said that several issues had been raised at the 4 March meeting (see item 19/38) on which he said he would receive legal advice. Firstly to confirm again the Council itself may incur legal costs. The Council has express power under section 222 of the Local

Government Act 1972 to bring legal proceedings for the promotion or protection of the interests of the inhabitants of its area if it considers it expedient. On the basis that the Council has determined that the interests of parishioners would be better served by the retention of a parish council than by its abolition, and is satisfied that it has proper grounds for challenging SBC's decision, then bringing proceedings was an appropriate use of its funds. Secondly that It is highly unlikely that individual councillors would be held personally liable for the cost of litigation. Counsel is not aware of a case where a court has ordered a member of an authority to pay the costs incurred in litigation where the authority alone was party to the proceedings.

51.2 Counsel confirmed his earlier opinion that Cllrs Anderson and Carter were subject to an obvious and serious conflict of interest. Counsel therefore advised that Cllrs Anderson & Carter recognise that they are conflicted and that a committee be set up, not to include them, which should receive legal advice and have conduct of the litigation. However failing this, If decisions regarding the litigation are taken by the full parish council, and the two councillors are unwilling to abstain voluntarily from discussions and votes on the matter, then to continue with the current authorised position where the full legal advice is received by the Clerk and he then gives councillors a summary of so much of the advice as is necessary for them to make a reasonably informed decision whilst protecting confidentiality as he judges may be required .

51.3 Cllr Anderson said that for conflicted, it would usually be where one cannot vote. However he understood the position and believed it would be better for there to be a committee which should not include Cllr Carter or himself. The Locum Clerk to prepare terms of reference.

**Action: Locum Clerk**

51.4 Mr Holder said that as envisaged at the last meeting, Slough BC had not agreed to withdraw their Abolition Order, as requested in the Letter before action and that accordingly the previous Friday, 15 March, the Council had filed its application for judicial review. The grounds for the application followed those expressed in the Letter before action. Shortly before this evening's meeting started, he had received notice that Slough BC had acknowledged service of the application and had filed Grounds of Resistance; he had not had an opportunity to view these.

51.5 Mr Holder had written a further letter to staff to update them on the current position.

51.6 Mr Holder noted that if the Council were successful in its application for judicial review and the Abolition Order were to be revoked, because of Slough BC's decision not to provide for the Precept, there would be no Precept expected for 2019/20. Counsel had advised that in such circumstances, the Council should in its Precept request for 2020/21 claim also then for the precept otherwise due for 2019/20. It was **agreed** that a) moneys required to meet legal and associated costs relating to the Abolition Order and judicial review be *vired* from General Reserves and b) that all costs required for the year 2019/20, in the absence of the Precept, be *vired* from General Reserves.

## **19/52/PC      Community Centre and Sports Ground**

52.1 *Premises Repairs* – It was noted that the revised quote for the perimeter fencing was not complete and further details were required. **Action: Locum Clerk**

52.2 *Pilates*– Cllr Murphy noted that whereas the boxing had not been successful, the Pilates class by Active Slough on a Wednesday afternoon was and it was **agreed** it should continue on the same basis. Cllr Murphy would confirm actual dates. **Action: Cllr Murphy**

52.3 *Field Maintenance* – Cllrs Murphy and Wright declared an interest and left the room.

Mr Holder said that the agreement with Cllr Murphy expired at 31 March 2019. In light of the Abolition Order it was not appropriate to re-tender but maintenance was required. Cllr Anderson said the existing agreement should be extended on the same terms. It was **agreed** that the existing agreement should be extended on the same terms and if the Council were successful in its application for judicial review, this could be subsequently reviewed.

*(Cllrs Murphy and Wright returned to the meeting)*

**19/53/PC Finance**

53.1 *Income & Expenditure* - The income and expenditure and bank reconciliation for February 2019 were **approved**. Mr Holder noted in the Cashbook the return of the Petty Cash and also account being taken of the two deposit cheques each for £150 which had not been cashed by Mr Chaudri .

53.2 Mr Holder said that as he had chased Castle Water as they had not invoiced for almost a year. They had then advised that the Council was some £946 in credit; Mr Holder had requested that this be repaid to the Council.

53.3 It was **agreed** to ratify the approval of the following cheques which had been issued since the last meeting but prior to this meeting:-

- £150 to Mr O'Brien to reimburse Hall deposit for 23 February;
- £150 to Venkat Vennam to reimburse Hall deposit for 2 March.

53.4 In addition to bank payments and direct debits, it was **agreed** to approve the following cheques:-

- £69.62 to Cllr Murphy for reimbursement of toilet products,
- £190.51 (consisting of two invoices respectively for £96.24 and £94.27) to Slough BC for business rates 2019-20;
- £2,070.00 (inc VAT) to Manorcott Legal & Business Services for Locum Clerk's services;
- £150.00 to S Powell to reimburse £150 Hall deposit for 16 March .

**19/54/PC Chicken Ranch Bar**

54.1 The issue of outstanding payments had been referred to solicitors. It was **agreed** that following the meeting, the Council should collect on account all pool takings.

**19/55/PC Any Other Business**

55.1 There was none

**19/56/PC Next Meeting**

Subject to the outcome of the Judicial Review, whenever that might be held, the next Full Council Meeting to be at 7.00 pm on Wednesday 17<sup>th</sup> April 2019.

The meeting closed at 8.21pm.

Signed as a true record of the meeting

.....Chairman

Dated.....