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*For the community...by the community...*

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# EXTRAORDINARY MEETING OF THE PARISH COUNCIL

21 August 2023 – 7pm

## MINUTES

**Present Councillors:** Cllr. Buckenham (Chair), Cllr. Gallop (V/Chair), Cllr. Gale, Cllr. Marshall, Cllr. Snell, Cllr. Berryman.

**Clerk and RFO:** Mr S Baxter    **Members of the public (MOP):** 3

**Meeting commenced at 7pm.** Meeting was held at the North Thoresby Village Hall, North Thoresby.

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### AGENDA ITEMS FOR DISCUSSION AND DECISION

#### 1. CHAIR'S WELCOME

The Chair welcomed everyone to the meeting and thanked the councillors for attending and made everyone aware that the meeting may be recorded.

#### 2. TO RECEIVE APOLOGIES FOR ABSENCE

The Clerk confirmed that he had received apologies from Cllr. Jones, Cllr. Howard and Cllr. Spence who were not available due to prior commitments which the Clerk agreed were of an appropriate nature but the final decision of legitimacy lies with the Council

The Councillors were invited to make any responses to the apology and if there was no objection, for the apologies to be accepted by way of a proposer, seconder and vote.

There were no objections by the Councillors to the absence of the Councillors.

- ***Motion to accept the apologies of Cllr. Jones, Cllr. Howard and Cllr. Spence was proposed, seconded and agreed unanimously. Motion carried.***

#### 3. TO GRANT DISPENSATION TO COUNCILLORS: To receive any declarations of interest in accordance with the requirements of the Localism Act 2011 and to consider any requests for dispensations

The Clerk confirmed that no declarations have been received from any Councillors prior to the meeting - he asked all Councillors if they wish to offer any declarations for any subject of the Parish Council Meeting. The Clerk confirmed that none were offered and thus it can be considered that there is no pecuniary interest of any Councillors which would affect their voting of any motion on the agenda.

#### 4. TO PROPOSE TO EXCLUDE MEMBERS OF THE PUBLIC AND PRESS FROM PARTICIPATION

The Clerk stated that as there were members of the public it would require a formal motion and vote to agree to exclude any members of the public. He stated to the members of the public that with the Chair's consent members of the public may be invited to ask a question or clarify any points.

- ***Motion to exclude the members of the press and community were proposed, seconded and agreed unanimously. Motion carried.***

*The members of the community and press were permitted to remain but were asked to remain silent.*

#### 5. DISCUSSION AND APPROVAL OF PLANS FOR THE FENCING AROUND THE VILLAGE HALL TO INCLUDE DETAILS OF EXPENDITURE

The Chair opened the discussion on the point by stating the current position. He stated that the previous administration applied for a grant from the National Lottery Community Grants earlier this year for £8,000 for fencing around the front of the Village Hall. The initial issue was that the former administration claimed that it was for 'heritage fencing' but in fact we have been told that the grant was given for 'safety and safeguarding fencing' - a distinct difference. There are no current records on the specific background or the former administration applied for the grant.

The grant awarding specification was confirmed by the Clerk from correspondence from the National Lottery Community Fund. He confirmed that if the grant is spent on anything not specifically as detailed in the grant awarding then the Parish Council could face the possibility of using the grant monies and then being forced to repay the grant. This means that the grant has to be spent on safety and safeguarding fencing only.

The Chair continued that the issue this creates is that now unless the fencing is for safety and safeguarding the Parish Council may be left to repay the grant funds to National Lottery Community Fund. The Chair continued that the Councillors have been undertaking extensive research about the historical aspects of the fencing issue and issues associated - and a lot of the research findings have been contradictory. The research included looking at historical photos, planning applications, old minutes and speaking to community residents who had been in the village for many decades.

The Chair stated that the issue for the Council now to decide is how to proceed - not what type of fencing or design: but whether to proceed with spending more Council time investigating the fencing issue or to return the funds back to the National Lottery Community Fund.

The main issue that the Chair wished the Council to consider is the fire and safety aspect: if there was a fire in the main hall of the Village Hall and a lot of people evacuated the room quickly, would the lack of fencing and the drop off from the wall at the edge of the property cause a significant safety issue with persons being pushed off the wall through crowd surging? Under current safety legislation once a problem is known, the authority must fully investigate the risk of the issue identified and undertake the necessary work to mitigate the risk adequately. He stated that from his extensive experience of managing risk and H&S, he was concerned that the risk was substantial and if the Council did not do anything and something happened (in regard to the drop from the wall) then the Council and thus the community could be liable for prosecution on H&S grounds and any associated fines if found guilty.

There was extensive discussion from the Council who asked about the actual *lack of safety* as detailed by the Chair and would the Council be responsible? Would a review by HSE or Fire Service be needed? How could this be managed?

Cllr Gale also stated that aesthetics was important - possibly as important as the safety issue. She raised the question: would the community appreciate fencing that may be safer but looked unsightly? She continued by stating that could the council justify the fencing that was unaesthetic just to spend the grant?

The Councillors discussed Cllr Gales point but there was some consensus of '*what is aesthetic pleasing*' as it is subjective and not objective and different people have different views on aesthetics. There was in addition no law on aesthetics other than planning rules.

The Chair asked the designated Safeguarding Councillor (who has extensive safeguarding knowledge) about the safeguarding aspect of the fencing near the wall? Cllr Marshall stated that the only fencing that could be considered safe was statute approved fencing and which often does not mean heritage or aesthetic fencing. She continued that it was paramount that the safety problem is not exacerbated by the fencing, rather than solving it. The issue is that children can fall through unsafe fencing and fall off fencing - these need to be considered in the plans as fencing can be attractive to children for playing on.

Cllr Snell (as the Cllr Planning Chair) stated that she had undertaken research and been in contact with the Planners at ELDC. It was confirmed that planning permission would be needed for the fencing - and despite the fact the previous administration was 'ready to go with the fencing' there was no planning permission sought or obtained. If they had proceeded then there would have been a serious issue with the Planning Team who may have forced the fencing to be removed.

Cllr Jones asked about the actual fire exits and what is the law in regard to the amount and placement of the fire exits? The reason is that if the fire exit at the front of the Village Hall is not needed (and there ones at the side and back are sufficient) then the risk of a crowd surge leaving the exit and possibly falling over the wall would be greatly reduced. The Chair and Clerk confirmed that there was no information to hand on the answer of this question and further research would be needed to answer this issue.

Cllr Jones confirmed that her contacts at a voluntary organisation at ACRE (which supports Village Halls) may be able to help as would a review from her contact at the Fire Service. The Councillors agreed that seeking more detailed advice from these contacts would be greatly advantageous to making any decisions on the fencing.

A member of the public asked about the steps that were previously situated outside from the front exit and could they be restored to solve the exiting, risk and fencing issue? It was confirmed that the steps were filled in many years ago through risk of exiting but also to allow a better entrance which was more accessible to all members of the community. It was highly unlikely that steps would be permitted to be restored as there would be insufficient space at the front to then allow wheelchair use.

The Chair also opened the point about the use of the A frames publicising information from the Council could also be considered if new fencing was introduced - possibly with having a place on the fencing for the A frame style boards for minutes etc.

The clerk stated that due to the consensus of the Parish Council, it could be proper that no motion is formally voted and allowed to be moved to the next Full Parish Council meeting or another EOM if the Chair deemed it appropriate.

The Chair agreed that there would be no vote and it would be discussed again (and voted if deemed appropriate) at another meeting.

It was agreed the following actions:

- i) The Clerk would contact the ACRE organisation to ascertain if help could be obtained for guidance on fire exits and fencing
- ii) The Clerk and Chair would look into the actual legal responsibility of safety for the Parish Council
- iii) The Clerk would contact the insurers to ascertain the impact of responsibility of the Parish Council
- iv) The Chair would seek further guidance from the Fire Service on fire exits
- v) Cllr Snell would look further into the planning issues associated with the fencing

There was also consensus that the fencing issue would be discussed further at the next Full PC Meeting for an update and possibly an EOM later in September for a decision making discussion.

The Chair concluded that if legal and safety advice from Fire Service and others resulted in the legal need of having a fence, it would be the responsibility the Parish Council to install a fence around the wall area at the front.

The Chair thanked all the Councillors and the members of the public in attendance and would look forward to further conversations about the fencing subject in due course.

**Meeting was closed by the Chair at 8.10pm.**

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