

Shobrooke Parish Council

Notice of Meeting of Parish Council

Dear Councillors

I hereby give notice that an Extraordinary meeting of the above-named Parish Council will be held on Wednesday 3 February 2021 at **7.30pm via Zoom**

All members of the Council are hereby summoned to attend for the purpose of considering and resolving upon the Business to be transacted at the meeting set out hereunder.

Dated this 28 January 2021

Signed



Clerk to the Parish Council

Jane Hole

shobrookepc@outlook.com

01392 851148

Public Participation – members of public can join the zoom meeting with the following details:
<https://us02web.zoom.us/j/81091132501?pwd=RWt1bUpnSUFweEhUUzdJdTidlc4Zz09>
Meeting ID: 810 9113 2501; Passcode: 339911

Public Participation

Members of the public are invited to give their views and ask questions on issues on this agenda or to raise issues for future consideration by the Parish Council. Limited to 15 minutes.

Formal Business

(Members of the public may not take part in the formal business of the Parish Council except under special circumstances)

01/02/21 Apologies

To receive apologies

02/02/21 Declaration of Interest

2.1 Register of Interests (ROI). Councillors to update as required

2.2 Personal Interests (PI). Councillors must declare any personal interest in items on the agenda and their nature.

2.3 Disclosable Pecuniary interest (DPI). Councillors must declare any pecuniary interest in items on the agenda and their nature and they must leave the meeting for that agenda item.

03/02/21 Minutes of the last meeting held on Tuesday 20 January 2021 (previously circulated)

To be agreed and signed as a true record

04/02/21 To consider the Councils compliance with the Insurance Policy relating to the play park – see below. Full details of the council's insurance policy have been circulated

05/02/21 Minor Matters and Items for Future Agenda

Each Councillor is requested to use this opportunity to report minor matters of information not included elsewhere on the agenda and to raise items for future agendas. Councillors are respectfully reminded that this is not an opportunity for debate or decision making.

06/02/21 Date of next meeting: Wednesday 17 March 2021, at 7.30 pm, via zoom

End of formal business

Agenda item 04/02/21

Email from Cllr B Curle - 26 January 2021

Both myself and Councillor Ingham have grave concerns over the continued lack of play park equipment inspections. The absence of these inspections has potential consequences for the Parish Council and the elected Councillors alike. As such Councillor Ingham and myself wish to request an Extra Ordinary meeting of the Parish Council in accordance with the timescale as set out in section 6 of Standing Orders.

Reason for request

- 1) The failure to comply with the conditions set out by the Council's insurers renders the Council and the Councillors liable for any damages arising from the use of the play park equipment.
- 2) The Parish Council is not acting in good faith in so far as allowing parents to believe that their children are insured when using the play equipment.

Regards

Councillor Brian Curle
Councillor John Ingham

As section six calls for two Councillors to sign the request for the Extraordinary Meeting both parties will forward this e-mail to you for recording purposes, we trust that this will be acceptable to you.

Please see conditions from **Insurance Policy in A**

Please see extract from **CPALC document in B**

Please see **note C**

A Playgrounds

The terms of the Council's insurance policy section - Special Events and Activities please see below : -

In respect of all playground equipment and other amusement devices the Insured must

- a) Inspect all playground and amusement devices at least every seven days. Any damage or defect must be rectified as soon as possible. Defective equipment which is a risk to health and safety must be taken out of use immediately and repaired as soon as possible.
- b) Erect suitable signs detailing any information that is necessary for the safe use of the equipment device or facility and clearly stating any restrictions on its use.
- c) Determine where supervision is necessary and ensure that it is provided whenever the play equipment device or facilities are in use.

B CPALC Advice

Briefing Note from CPALC

Can Town and Parish Councillors be liable?

Yes, Town and Parish councils are corporate bodies defined by statute.

As such they are not exempt from or above the law

The "buck stops with the council and councillors" not with the town or parish clerk who is a local government employee

The parish clerk's role is to advise the council which is the legal decision-making body and to implement the decisions and policies of the council.

Town and parish councillors are elected, the clerk is not.

Many parish councillors believe that the law does not apply to them as they think of themselves as volunteers or that it is the council which is responsible.

They frequently fail to understand that they are "the Council".

If a town or parish council make an illegal decision which is implemented . . . It is the council and councillors who are liable not the clerk who was implementing the decision

C Possible Impact on Councillor's

The term jointly and severally indicates that all parties are equally responsible for carrying out the full terms of an agreement, in this case the Council's insurance policy. In a personal liability case, for example, each party named may be pursued for repayment of part or the entire amount due.