



## 5. BUDGET REVIEW & PRECEPT PLANNING

The Clerk had prepared a spreadsheet in advance for the Committee to consider which was broken down by individual sub heads, this showed the outturn for the previous three full years and the spend to P5, and also the anticipated outturn for this financial year. The Clerk then confirmed what the Precept figures had been for the previous years.

The Committee then considered each line in turn and agreed adjustments to recommend to Full Council.

The Churchyard subhead was deferred to the end as it required in depth discussion against the request submitted.

Cllr Lumbers agreed not to participate in the discussion on the Churchyard maintenance requests for this financial year or the request for next year which had been received, because of his membership of the PCC.

Cllr Detsiny circulated the paperwork received for the Committee to consider.

Cllr Detsiny advised that the costs requests for the remainder 08/09 and for 09/10 did not all fall within in the Councils lawful remit. He asked the Clerk to advise the Committee on the detail.

The Clerk suggested that initially consideration to the amounts should be set aside as the Committee should focus on the items that were listed and the areas in which support was requested. The Clerk advised that the Council has no statutory powers to provide financial assistance for another land owners trees, they also had no statutory powers to pay for another's electricity supply or maintenance of lights, nor did they have any statutory powers to pay for private refuse collections or the removal of wasps' nests. As the mower was Council property and on the Councils asset register, the Council should continue to pay directly for its annual service, as it had already done this year.

The Council did have statutory powers to assist in contributing towards the re-pointing of the churchyard wall, and assisting in the mowing and general maintenance of the churchyard however this could not extend to paying the Sextons wages as this would have Tax, NI and employer implications for the Council. BALC had confirmed to the Clerk that this advice was correct. The Clerk stated that she did not wish for the relations between the Council and the PCC to take a retrograde step and revert to as they had been recently, however she also did not wish for Council to become unlawful by default by acting in a way that although appeared justifiable it was outside of the statutory powers bestowed upon it.

Cllr Coulter asked for clarification as to why the maintenance of the trees was excluded. The Clerk advised that this had to be put into context, the Parish Council did not own the land and therefore not the trees either, it was not the burial authority, the churchyard was not closed and so the Council had no statutory obligations or responsibilities with regard to the churchyard.

Cllr Coulter stated that he believed that this would indeed cause further friction. The Clerk re-iterated that the most important criteria for the Council was to remain within its lawful remit even though it may cause regrettable friction as a consequence. Cllr Wright confirmed that Council had no responsibility towards the churchyard and the statutory powers available only allowed the Council to assist.

The Clerk stated that if the churchyard had been closed and an Order served on Council then the situation would be quite different, but that could only apply to the old part of the churchyard and not the extension area as that is clearly still in use.

Cllr Coulter stated that this would need to be discussed by Full Council and not glossed over. Cllr Detsiny stated that it would be discussed because the budget will have to be recommended to Full Council. The Clerk advised that this discussion could occur, however it would not change the statutory powers available to Council than those that had been already outlined to the Committee, which were those available to Council to assist.

Cllr Coulter stated if they were the statutory powers available then Council would have to accept this, although he was surprised at the interpretation. Cllr Wright did re-iterate that at the time of the discussions with the PCC she had said that the skips were not maintenance and also that she did say that not only did the understanding arrived at with the PCC need to be lawful, but that the Council could only assist with the payment of lawful items within its statutory powers.

Cllr Detsiny suggested that perhaps a buffer amount be included in case some other item, which was within the Councils lawful remit occurred within the 09/10 year as a one off, then the PCC, could perhaps submit a further request for consideration. The Clerk advised that it was intended under S214(6) that it be a one off payment for the year and that the PCC then managed the amount as the Council could not be involved in any part of the management of the churchyard. This was confirmed by Cllr Wright. Cllr Detsiny felt that a buffer was an amicable way forward, but did not wish to go against the words of Cllr Wright or the Clerk. Cllr Wright stated that this was not the issue, but that of what the Council is lawfully allowed to do.

Cllr Coulter stated he did not dispute the advice given by the Clerk, but he felt this would cause a difficult position between the two Councils. But based on the advice given he could not challenge the budget line detail, and therefore he would have to agree with it, but with the caveat that it will cause a difficult situation and regretfully he was not aware that this would be the outcome during his discussions with the PCC.

Cllr Detsiny agreed that these were the figures that had to be agreed to, and that the advice given was totally sound and legitimate.

Cllr Wright and Coulter suggested and agreed that a compromise would be that the buffer amount be included within the contingency subhead; Cllr Detsiny concurred and added that only if it was for legitimate purposes and that the Full Council were aware of this. This to allow Full Council to resolve the Precept figure to be set for 09/10.

Cllr Coulter stated that when Council did ultimately set the Precept then it should reflect the ongoing running costs for Council and the reserves should not be used to subsidize these ongoing costs. The Committee agreed that the Precept itself will be debated at the next available meeting.

There being no further business the meeting closed at 9:35

Signed..... Date.....  
(Chair)

**Action:** Clerk to redraft spreadsheet with amendments and comments for Full Council's Precept consideration. Done