

CLERK'S REPORT – 17th July 2017

Agenda Item 6 – Parish Sweeper Employment matters.

The Parish Sweeper has hitherto been employed on a self-employed basis, however this has been questioned by B&NES Council when they did the Parish Sweeper review, and by the Auditor at the most recent audit because there were no invoices to support the work.

It is thought that the parish Sweeper does not have Public Liability Insurance, and there are doubts about whether appropriate National Insurance contributions are being made.

Further research of the matter suggests that the parish Council may be paying less than the minimum wage, and the current arrangements are denying the employee his rights under the Workplace Pension Act. It is also questionable whether the Parish Councils Employers Liability Insurance would cover the Parish Sweeper with the current arrangements.

All of the above matters can and would be addressed by putting the employee on to standard PAYE employment. He would not pay Tax (unless he has substantial other earnings elsewhere) and he would not pay National Insurance. An identified Pay Rate set against National pay scales could be applied so if anything he would receive more net pay rather than less.

The Parish Council needs to urgently meet with the employee, to employ him with the standard contract of employment on PAYE. The Parish Council might further consider what remedial action is appropriate depending on the individual's National Insurance record.

Agenda Item 6 – Missing Footpath.

The actual footpath in question no longer exists, indeed there is no trace of it.

I believe it has more recently been accessed via the pedestrian gate that was removed when 16/04871/FUL Field Parcel 4385, Summer Lane, Monkton Combe, Bath - Erection of timber field gate for the purposes of agriculture - was carried out.

When the pedestrian gate was in existence and the parcel of land unfenced, people walked down through the field to BA16/1, and did not use the footpath in question, crossing Mr. Horler's land in the process.

It is a plausible suggestion that the footpath in question would have been used by workers at the DeMontalt Mill to shortcut across the fields keeping to the contour rather than going further up Summer Lane only to descend again. This footpath is shown to exit next to De-Montalt Mill, however there is a continuous fence line, that has been in place for a considerable period, that extends from the lowest wicket gate to halfway up the steps. So in short there is no exit point for the path anywhere near where it should be. What openings and gates exist further up are those used by Wessex Water to access the area and they lead nowhere.

At the Summer land end the potential start point of the path has now been blocked, however I believe the original access point was the now removed pedestrian gate. Mr. Horler has therefore arguably blocked a hole in his fence rather than a footpath, especially given there is no real trace of a path the other side. It is more the case that the development of the Field Parcel 4385 has blocked the access, if any existed, to this original path. It is the case that the development of the Field Parcel 4385 has blocked the access to the unpermitted access down through Mr. Horler's field to BA16/1.

Mr. Horler very clearly does not want to permit this unofficial access, so the only question that remains is whether the original path should be re-instated. This I think would be a significant undertaking requiring stiles at both ends, and detailed surveying and cutting of the route through what is now very dense growth.

However, you will also need to bear in mind that the path is entirely outside of the Parish, rather it is entirely in Combe Down.

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Agenda Item 6 – Phone Box Church Lane / Mill Lane Junction.

The telephone box is now formally owned and adopted by the Parish Council. It remains to determine its use going forward.

Agenda Item 9 – Meetings.

The new Bathavon Forum inaugural meeting is on 19th July at St. Gregorys School at 18:00.

Dates for Future Meetings – Agenda Item 12

Dates for future meetings need to be agreed, the following suggestions are made:-

Monday 11th September 2017

Monday 13th November 2017

Monday 8th January 2018

Monday 5th March 2018

Annual Parish Meeting: Monday April 9th 2018

Annual Parish Council Meeting: May 14th 2018