

# STAPELEY & DISTRICT PARISH COUNCIL

Clerk: Carol Jones

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Parish Councillors are summoned to a  
**MEETING OF THE PARISH COUNCIL**

**DATE:** THURSDAY, 5 DECEMBER 2013  
**TIME:** 7.30 PM  
**VENUE:** BROAD LANE METHODIST CHAPEL  
AUDLEM ROAD, NANTWICH

Enquiries to:

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Date of issue: 29 November 2013



Signed

To: Members of the Parish Council  
Councillors Shaun Clough, Mike Docker, John Davenport, Sandy Gwinn-Freemantle  
Peter Groves, Jo Hillman, Martin Malbon, Keith Nord and Raj Samra

Copies: Borough Councillors Peter Groves and Andrew Martin (Nantwich South and Stapeley)  
Press

**Note:** Members of the public are asked to print their own copy of the agenda from the website. Members of the public without access to the Internet are asked to contact the Clerk by no later than noon on the day of the meeting to ensure that spare copies of the agenda are available.

## NOTES:

### 1 PUBLIC SPEAKING PROTOCOL:

This Parish Council meets and makes its decisions in public. A Parish Council meeting is not a public meeting. It is a meeting held in public and there is no requirement in law which allows members of the public to speak at such meetings. However, the Council is pleased to offer this opportunity to local registered electors to show that it is committed to community engagement.

Please respect the fact that this is a meeting to conduct Parish Council business and interruptions during the meeting are not permitted. If the business is disrupted in any way, the person(s) causing the disruption may be asked to leave.

- Public question time will be for a period of 10 minutes. Any member of the public wishing to speak should notify the Clerk prior to the start of the meeting. As a courtesy, it would be appreciated if 24 hours' notice could be provided.
- The agenda stipulates that public question time will take place following approval of the Minutes and discussion of any Matters Arising. There is a second Public Question Time slot towards the end of the meeting. The period of Public Question Time can be extended at the discretion of the Chairman.
- Members of the public are permitted to ask questions in respect of items on the agenda or any other business of the Parish Council. Questions asked at previous meetings should not be raised within a 6-month period.
- The matter may be addressed immediately; the Chairman or the Clerk will respond to questions. If it is not possible to give a response, a written response can be provided, if appropriate.
- Supplementary questions or comments are only permitted at the sole discretion of the Chairman.
- Members of the public are also able to "address" the Parish Council, ie make a statement, which should also relate to the business of the Parish Council.
- If more than one speaker wishes to speak on the same agenda item, the Chairman shall have discretion to disregard any questions or comments if they are a repetition of those of a previous speaker.
- It is not a good use of the Parish Council's time for members of the public to raise issues about hedges, street lights, pot-holes and so forth during public question time. Such matters should be reported direct to the Borough Council either by phone or using its on-line system of reporting faults. Alternatively, please contact the Clerk who can take action, or report matters as appropriate.

### 2 MEETINGS:

**2.1** When the meeting is held at Broad Lane Methodist Chapel, car parking is available at the rear of the Chapel. Alternatively, you can park in front of the Chapel on Audlem Road. On occasions, members of the press and public will be excluded from the meeting when the business to be transacted is of a confidential nature; for example, matters likely to reveal the identity of an individual, contracts and financial affairs of other parties.

**2.2** The Parish Council cannot lawfully decide any matter which has not been specifically included on the agenda, and there is case law to this effect (*Longfield Parish Council v Wright (1918) 88 LJ Ch 119*).

**2.3** **Planning Grounds** The grounds on which comments can be made on planning applications are as follows –

1	Development Plan in all its aspects	8	Appropriateness of use taking account of local area
2	Government legislation and guidance (PPG)	9	Effect on highway safety and parking
3	Siting	10	Landscape
4	Design	11	Listed buildings
5	External appearance	12	Conservation areas
6	Compatibility with street-scene	13	Land contamination
7	Development affect on neighbouring properties, amenities and privacy	14	Flooding

#### **Non-Relevant Matters**

1	Matters controlled by other legislation	6	Business competition
2	Effects on private rights	7	Personal circumstances – health/finance
3	Provisions in covenants/deeds	8	Ownership
4	Effect on property values	9	Moral issues
5	Private opinions		

Note: If the Parish Council agrees, in principle, with an application, but not in all aspects, suggestions for development conditions can be made, in line with relevant factors.

# AGENDA

**Guide Time: 7.30 pm – 7.50 pm**

## 1 APOLOGIES FOR ABSENCE

Apologies for absence should be notified to the Clerk by noon on the day of the meeting, if possible. Apologies must be received and accepted before the meeting. If received after the meeting they cannot be recorded.

## 2 DECLARATION OF INTERESTS

Members to declare any disclosable pecuniary interest or non-pecuniary interest which they have in any item of business on the agenda, the nature of that interest, and in respect of disclosable interests, to leave the meeting prior to the discussion of that item.

Whilst the Clerk can advise on the Code of Conduct and its interpretation, the decision to declare, or not, is the responsibility of the Parish Councillor, based on the particular circumstances.

## 3 MINUTES

**3.1** To approve as a correct record the following Minutes, the same to be signed by the Chairman.

Minutes of the Meeting held on 7 November 2013. ~  
Extra-ordinary meeting: 21 November 2013 ~

**3.2 Matters Arising (not detailed elsewhere on the agenda)**

## 4 PUBLIC QUESTION TIME (10 MINUTES)

In accordance with the Parish Council's Standing Order No.1, members of the public are able to submit a question, either in writing prior to the meeting, or orally at the meeting, or to make a statement. A copy of the Public Speaking Protocol will be available at the meeting.

Each member of the public is entitled to ask one question or make a statement. Questions or statements must be addressed to the Parish Council as a whole and not to individual parish councillors. This is not an opportunity for engaging in debate with Members.

As a courtesy, questions should be notified to the Clerk 24 hours before the meeting. If this is not possible, the Clerk should be informed of the question prior to the start of the meeting.

The Chairman (or Clerk) will respond to questions, but if the Chairman considers that another councillor might have the information, she will defer to him/her. This slot is for members of the public and councillors should not participate unless invited.

If possible, a response to questions will be given at the meeting. If this is not possible, a written response can be provided to the questioner. In the case of statements, no response is required.

**7.50 pm – 8.00 pm**

## 5 CO-OPTION

The Parish Council is invited to co-opt to the casual vacancy which has been advertised in accordance with electoral regulations.

There is only one candidate, namely Matthew Theobald, who will be in attendance.

The suggested procedure is as follows:

- Mr Theobald to speak briefly (no more than a minute) on his reasons for wishing to take public office.
- Members will then be able to ask questions, which should not be of a personal nature.
- His nomination needs to be moved and seconded, following which a vote will be taken.
- If he is successful, he will be asked to sign a Declaration of Acceptance of Office which requires him to be bound by the Code of Conduct.

**8.00 pm – 8.30 pm**

## **6 CHESHIRE EAST BOROUGH COUNCILLORS**

Borough Councillors A Martin and P Groves to report on Cheshire East matters of interest.

## **7 FINANCIAL MATTERS**

### **7.1 Budget – 2014-2015**

The Finance and Grants Committee met on 21 November 2013 to give initial consideration to the budget proposals for 2014-2015.

The Parish Council is invited to consider the recommendations of the Committee (enclosed) and to take into account **agenda item 18**. ~

The budget can be agreed at the January 2014 meeting if necessary.

#### Exclusion of Press and Public

Note: The Clerk will withdraw from the meeting during discussion of her salary. It would also be appropriate for members of the public and press to be excluded from the meeting during this discussion.

Information about an individual member of staff is confidential between the council and the staff member. The agreed salary will be recorded in the minutes, but the discussion will include matters which relate to the employment of the Clerk and should not, therefore, be discussed openly.

### **7.2 Accounts**

To report that following further work on the accounts, the Clerk has identified the anomaly reported at the previous meeting. The difference was £103.34 which represented an excess of funds. The sum relates to a double-counting of cheque No. 726 in the sum of £103.50 (income) which leaves a balance of 0.16P and an adjustment figure has now been included in the receipts for the time being.

### **7.3 Authorisation of Payments**

The Parish Council is asked to authorise the following payments –

£630.00	Red Wellies Nursery – overpayment of account Red Wellies Nursery (which vacated the hall on 8 November 2013) did not stop its standing order in sufficient time and payment has been made on 11 and 18 November.
£105.40	HM Revenue and Customs – Tax on Clerk's salary
£tba	Nantwich Voices – fee for performing at Community Carols
£150.00	Nantwich and District Band – fee for performing at Community Carols

Other expenditure associated with Community Carols event to be held on 10 December.

**8.30 pm – 8.40 pm**

**8 PUBLIC INQUIRY – MULLER HOMES**

**8.1** Members will recall that the Clerk contacted four legal practices seeking quotations for the cost of a planning specialist solicitor to represent the Parish Council at the Public Inquiry. Two of those have advised that as the Parish Council wishes to appeal on highway grounds and an experienced consultant has been engaged (Hindhaugh Associates), a barrister with experience of cross-examination of highway witnesses would be more appropriate. One has commented that the subject can be a “technical minefield” and an appropriate barrister would ensure that the best case is made.

The Clerk will now try to make progress by discussing the matter with the Parish Council's Legal Adviser with a view to instructing a barrister.

The date of the Inquiry is to be 18 February 2014 for four-days.

A broad indication of costs is as follows:

- |  |        |
|--|--------|
| • Preparation of brief (which includes attendance at day one)  | £4,500 |
| • Refresher days @ £1,250 per day (3 additional days)  | £3,750 |
| • Conferences/site visit (£200 per hour)   | £1,000 |
| • Solicitor's fees (for instructing barrister) (guesstimate)   | £2,500 |
| • Hindhaugh Associates (£1,500 original fixed fee)   | £2,630 |
| ○ payment in November for additional work (£380)   |        |
| ○ approval at extra-ordinary meeting 21 Nov 2013 for review of re-submitted planning applications (£750) |        |

<u>TOTAL</u>	<u>£14,380</u>
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**8.2 Strategic Planning Board – Application Nos. 13/4384N and 13/4390N**

The date of the Strategic Planning Board (SPB) at which these applications are to be considered, has not yet been arranged. It could be 9 December. The Parish Council is asked to authorise Councillor Nord, as the representative at the Public Inquiry, to speak on these applications on behalf of the Council at the SPB meeting, subject to his availability.

**8.3 Independent Safety Audit**

At the extra-ordinary meeting held on 21 November, it was suggested that the Parish Council consider whether to commission an independent safety audit to counter the arguments submitted by Singleton Clamp and Partners.

The Parish Council is invited to consider the matter.

**8.40 pm – 9.00 pm**

**9 PUBLIC DEBATE**

The last public debate was held in September 2012. The proposed debate(s) for 2013 were delayed until the situation regarding the Muller Homes applications had become clearer.

Given that the date of the Public Inquiry has been notified, the Parish Council is invited to consider arranging a public debate either at Pear Tree School or in the Community Hall in January 2014. This will give Members the opportunity to explain to local residents the arrangements for representation at the Inquiry and to allow residents to express their own views about the Parish Council's proposals to fight the appeal.

## **10 COMMUNITY HALL**

### **10.1 Nantwich Town Council Assistance**

At the previous meeting, the Parish Council agreed to allocate a sum of £5,000 for assistance in managing the community hall (to be carried out by Nantwich Civic Hall staff). Nantwich Town Council's Finance Committee has now agreed to recommend that Nantwich Town Council assist in operating the community hall.

The Clerk's report, detailing the arrangements, is enclosed. ~

### **10.2 Policy – Regular Bookings**

The volunteers on the decommissioned Community Hall Committee made arrangements with regular users whereby they allowed them sufficient time to clear away any equipment and depart the premises without including this within the hire period. As these relate to the on-line bookings made by the users themselves, it has caused difficulties in scheduling cleaning outside bookings. In some cases, this adds at least half an hour to the booking.

The new cleaner works late evenings around the finish times of regular users. On occasions, she has waited for half an hour before the regular users have cleared away their equipment/waited for parents to collect children. This adds to the cost of cleaning.

This arrangement means that some users are having free use of the hall outside their booking. The Parish Council is invited to consider this –

- There may be insurance implications if someone is injured outside the hire period but is on the premises at the time of the incident.
- To remain beyond the hire period amounts to free use.

The Parish Council could allow this free use, if it wished, as a clear-down time. This would need to be applied equitably and each regular user would be allowed an additional half hour at each end of their booking, without charge.

### **10.3 New Lease**

The new lease is not yet in existence. The Parish Council is currently occupying the hall at will.

### **10.4 Re-decoration of the Hall**

Following a "walk-through" with a CEC Officer, the Clerk has been advised that the hall should be re-decorated as soon as practicable. This will require painting walls and skirtings, following which a CEC Officer will inspect the completed work. Ideally, this should have been carried out before the end of the lease which terminated on 23 November.

The Clerk is seeking quotations which will be submitted to the January meeting.

### **10.5 Keys to Community Hall**

The Clerk has asked the insurance company about the number of keys which are permitted to be given to regular users. At present, there are six keys which have been given out (five to regular users and one to the cleaning company). The Chairman has one and the Clerk has one.

### **10.6 Security**

Mark Cotton has reviewed security at the community hall and has agreed to submit a report to the Parish Council.

**9.00 pm – 9.10 pm**

**11 PLANNING**

**11.1 Planning Applications**

The Parish Council is invited to comment on the following planning applications:

13/4648N Re-plan of plots 110-120 at former Stapeley Water Gardens' site  
For David Wilson Homes  
Deadline date for observations: 11 December 2013

134717N The Barn, Batherton Lane, Batherton  
Addition of Garden Room  
Deadline date for observations: 18 December 2013

**11.2 Pre-Submission Core Strategy and Non-Preferred Sites Documents**

The Parish Council is invited to comment on these documents. A hard copy will be available at the meeting but Members are encouraged to view the documents on-line at [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

Comments are required by 16 December 2013.

**9.10 pm – 9.40 pm**

**12 LAND AT TALBOT WAY**

**12.1** Councillor Hillman to report on her inspection of Talbot Way.

**12.2 Fencing**

Quotations are expected to be available at the January meeting.

**13 REPORT OF MEMBERS APPOINTED TO OUTSIDE BODIES**

Members appointed to outside bodies are invited to report on any recent meetings.

- The Minutes of the Parish Plan Implementation Group meeting held on 4 November 2013 are enclosed. (Stapeley Parish Action Group) ~

**14 COMMUNITY CAROLS**

To confirm arrangements for the Community Carols event. Attached is a copy of the programme for the evening. ~

**15 NOTICE OF MOTION (Submitted by Councillor M Docker)**

Councillor Docker has submitted the following motion for consideration by the Parish Council –

*“To consider whether Standing Order No.10, which forbids the Council to re-visit a decision within 6 months of the date of that decision, should be removed from the Parish Council’s Standing Orders.”*

Councillor Docker’s reason for the motion is as follows:

*“The Standing Order, while included in the Model Standing Orders issued by NALC, is not a statutory requirement, merely deemed to be best practice, and the Council can decide to have this removed from the Parish Council’s own Standing Orders.*

*While fully accepting that, in the vast majority of instances, there should, in the normal course of events, be no reason to revisit recent decisions, there can occasionally occur an instance when new information is presented prior to expiry of the 6 month period. To have Standing Order No.10 presented as a barrier to revisiting such decisions is, I believe, against the best interests of the community.”*

For ease of reference, a copy of the Parish Council's Standing Orders is enclosed. ~

**16 COMMUNITY HALL/BROAD LANE METHODIST CHAPEL  
LUNCH CLUB FOR OLDER PERSONS**

At the Loneliness and Isolation meeting held on 11 November (attended by the Chairman and Councillor M Docker) Roger Millns, Chairman of Audlem and District Community Action (ADCA) outlined his work in respect of a project to tackle loneliness and isolation. His organisation is introducing a coffee/tea club for older persons for two hours each Monday morning, commencing in the New Year. These will be held at Broad Lane Methodist Chapel.

As this is a scheme about which the Chairman has previously expressed a keen interest, the Clerk has contacted Mr Millns about a partnership arrangement between the Chapel and the Parish Council whereby the community hall could also be used, possibly on alternate weeks.

In this way, there would be no competition for “clients” and the community hall would be a more convenient location for the residents on the Cronkinson development and some parts of London Road.

Mr Millns has spoken with his Broad Lane Methodist Chapel colleagues and ACDA and they are keen to work in partnership with the Parish Council. Alternating venues did not find favour, but ACDA envisages scope for a weekly tea club at the Chapel and a luncheon club at the community hall on a different day in the week, or fortnightly.

The next stage would be for a discussion with a Parish Council representative with Mr Millns and the co-ordinator, Ronni Briggs who has previously worked with Age UK.

In the meantime, there is an initial meeting to be held at Broad Lane Methodist Chapel on 9 December at 10.30 am (this is not related to the Clerk's request to Mr Millns) and the Parish Council is invited to nominate a representative to attend. A representative from Nantwich Town Council, together with an NHS representative will also be invited.

**9.40 pm – 10.00 pm**

**17 CORRESPONDENCE**

To report the following item of correspondence.

- Meeting with Police and Crime Commissioner – John Dwyer – 9 December 2013 (one representative invited)
- The ChALC Executive Board is meeting with John Dwyer on 10 December and the Parish Council is invited to submit items for consideration.
- E-mail from local resident about Muller Homes planning applications.

**18 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)**

At the previous meeting, it was suggested that the Parish Council consider the purchase/acquisition of an automated external defibrillator (AED) unit for the parish.

Mr Hussey, North-West Ambulance Trust has confirmed that he will attend the January meeting to make a presentation to Members. In the meantime, the following is provided for information.

AEDs save valuable time between the time of a heart attack and the arrival of an ambulance. (The response standard for ambulance arrival is within 8 minutes.)

When a heart stops there is only a 2% chance of survival without a defibrillator and a 74% chance of survival with a defibrillator. The location of a defibrillator is crucial and should be in a place which allows 24-hour access and is within 1-2 minutes away from whoever is having the crisis. It is important for one person remains with the patient whilst another person collects the defibrillator.

Defibrillation is a common treatment for life-threatening cardiac arrhythmias and other heart-related conditions. It comprises delivering a therapeutic dose of electrical energy to the affected heart with the portable device. This allows the heart to be re-established to the normal rhythm. Lay people are able to use them successfully with some training. Each device contains a fail-safe so that it is impossible for a lay person to deliver an electrical charge accidentally.

Technical information:

- The defibrillator uses a Lithium battery which does not need charging
- Battery life is 5 years (cost of £150-£300) and would last 7 years if not used
- Pads are £25-75 per set. Those costing £75 would last 5 years, the less expensive pads would last approximately 2 years.
- The defibrillator will last 20-30 years and the software is automatically updated.

Full training of 4 hours a session can be provided and is usually at no charge but this would need to be confirmed with NWAT. Less formal “awareness sessions” can also be arranged, at no charge to the Parish Council. The unit to house the AED can be polycarbonate or steel and requires hard-wiring to enable it to be heated to a specific temperature.

Members might wish to consider appropriate locations.

Members should note that if this is not factored into the budget proposals for 2014-2015, and the Parish Council is required to purchase the AED, this will need to wait until 2015-2016.

## 19 PUBLIC QUESTION TIME

This is a further opportunity for members of the public to ask a question or address the Parish Council.

## 20 SHARED ITEMS

Parish Councillors are invited to share information or request the inclusion of items on the agenda for the next meeting. Where items are requested, Members are asked to frame these in the form of a motion setting out the purpose of the item, the matters to be taken into account and the decision required.

- Parish Boundaries  
Following an enquiry from the Chairman of a neighbouring parish, to the Parish Council Chairman, about a parish boundary review, the Clerk made enquiries.

Cheshire East Council's Constitution Committee decided in 2011 that it would conduct a community governance review of all parishes, but agreed that this would not commence until all the community governance reviews for the un-parished areas in the borough had been completed. The last review to be undertaken is that for Macclesfield which is likely to be completed in May 2014. At that time, the Constitution Committee will need to decide if it wishes to conduct a review of parish boundaries.

A parish boundary review is overdue; it is considered good practice for principal councils to undertake a review every 10-15 years and this would be an opportunity to consider the parish boundary anomalies (presumably following re-organisation in 2009) and to review those parishes where parish councils experience difficulty in identifying sufficient people to stand for election.

- Social Media to Support Parish Councils  
The Clerk and Councillor J Hillman recently attended a Social Media training session (organised by ChALC) at which time the legal implications in respect of, eg Facebook and Twitter were outlined.

A suggested policy will be submitted to a future meeting. In the meantime, Councillor Hillman will report on the session.

## 21 NEXT MEETING

**Date:** 9 January 2014

### **Agenda items:**

- Pre-agenda presentation on Automated Defibrillator Units
- Budget proposals 2014-2015 (finalisation)
- Social and Media Policy (or February meeting)
- Community Hall Management Arrangements
- Quotations for fencing at Talbot Way
- Quotations for decoration of Community Hall

**10.00 pm – 10.15 pm**

## 22 EXCLUSION OF PRESS AND PUBLIC

In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council is invited to **RESOLVE** that the press and public be excluded from the meeting during consideration of the following items owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

## 23 INDEPENDENT SAFETY AUDIT (Supporting evidence for the Public Inquiry)

Dependent on the decision made in item 8.3 above, the Parish Council will be invited to consider three quotations to commission an independent safety audit as part of the Parish Council's evidence for the Public Inquiry (Muller Homes).

Two quotations have been received; a third is awaited. The three quotations will be issued under separate cover.

### Reason for Exclusion

The information is commercially sensitive and it is not in the public interest to reveal the identities of the companies, nor the quotations.

The Minutes will record the name of the company which is awarded the contract.