



STAPELEY & DISTRICT PARISH COUNCIL

Clerk: Carol Jones

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www.stapeleyparishcouncil.gov.uk

NOTICE ANNUAL MEETING OF THE PARISH COUNCIL

Parish Councillors are summoned to a meeting to be held on:

DATE: MONDAY, 21 MAY 2018

**TIME: 7.15 PM OR ON THE LATER RISING OF THE
ANNUAL PARISH MEETING (WHICH STARTS AT 7.00 PM)**

**VENUE: STAPELEY COMMUNITY HALL,
PEAR TREE FIELD, STAPELEY**

Enquiries to: Clerk: Carol Jones

Tel: 01270 812065

Date of issue: 14 May 2018

Signed

To: Members of the Parish Council
(Councillors E Boughey, J Davenport, M Docker, P Groves, G Gwinn,
S Gwinn-Freemantle, J Hillman, K Nord, J Putt and M Theobald)

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

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 sufficient 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 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 |
| | | 15 | Conflict with Neighbourhood Plan policies |

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

PART 1 **ANNUAL COUNCIL BUSINESS**

1 ELECTION OF CHAIRMAN

- 1.1 To elect a Chairman to serve until the Annual Meeting in 2019. The Chairman will call for nominations.
- 1.2 The Chairman will sign a Declaration of Acceptance of Office, following which the newly-elected Chairman will chair the meeting.

2 ELECTION OF VICE-CHAIRMAN

- 2.1 To elect a Vice-Chairman to serve until the Annual Meeting in 2019. The Chairman will call for nominations.
- 2.2 The Vice-Chairman will sign a Declaration of Acceptance of Office.

3 APOLOGIES FOR ABSENCE

Apologies for absence should be notified to the Clerk by no later than 6.15 pm on the day of the meeting. If not received by this time, it will not be possible to record them in the Minutes.

4 DECLARATIONS 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 circumstances.

5 MINUTES

To approve as a correct record the Minutes of the Meeting held on 16 April 2018. ✎

6 REVIEW OF DELEGATION ARRANGEMENTS (COMMITTEES)

In accordance with S.101 of the Local Government Act 1972, the Parish Council is able to delegate any of its functions (subject to one exception) to a Committee or Sub-Committee. Notwithstanding that a delegation is authorised, the Council is still able to perform any functions which it has delegated to a Committee.

6.1 Complaints Committee

The only standing committee is the Complaints Committee. The current membership is Councillors M Docker, J Hillman, K Nord and M Theobald.

The Council is asked to appoint five Members to the Committee. A copy of the Complaints Procedure is enclosed. ✎

6.2 Neighbourhood Plan – Delivery and Implementation Group

The Parish Council is invited to set up a Delivery and Implementation Group to monitor the implementation of delivery of the various tasks detailed in the Neighbourhood Plan. Draft Terms of Reference will follow under separate cover.

7 APPOINTMENT OF MEMBERS TO OUTSIDE BODIES

The Parish Council is invited to appoint members to represent the Council either as members of the outside body or to attend their meetings.

- **Stapeley Parish Action Group**

To appoint two Members to Stapeley Parish Action Group. The current Members are Councillors Elizabeth Boughey and John Davenport.

- **Cheshire Association of Local Councils** (various meetings)
There are several meetings throughout the year and it is suggested that one parish councillor be appointed, with one named substitute.
- **Police Cluster Meetings** - one (a substitute can also be appointed)

8 FINANCIAL MATTERS

8.1 Review of the Effectiveness of Internal Audit – 2017-2018

In accordance with the Accounts and Audit (Amendment) (England) Regulations 2006, the Parish Council is required to carry out a review of the effectiveness of the internal audit of the Council's accounting, financial and other operations. The Regulations require that the review of the effectiveness of the system of internal audit precedes the annual governance review. The checklist is enclosed. ✎

A copy of the review report is required by PKF Littlejohn LLP, the external auditor.

8.2 Internal Audit Review of Accounts 2017-2018

JDH Business Services Ltd has audited the accounts for 2017-2018 and its report is enclosed. ✎

The Annual Governance and Accountability Return (AGAR) has not yet been signed-off by the internal auditor for the following reasons:

- (i) There was an imbalance of £8.97 and the Clerk was required to amend the 'cash book' and provide a revised bank reconciliation. The specific errors were:
 - Cheque 1081 in the sum of £228.26 had incorrectly been recorded as £228.86.
 - In the Receipts ledger, bank interest of £8.37 had been entered twice.
- (ii) The Clerk had amended the list of assets by removing £50,400 over the 2016/2017 value. This was to reflect the fact that CEC had replaced the street lighting and would be likely to take over responsibility for the maintenance and future repair/replacement of the street lights; however, as there is currently no evidence to this effect, the assets must remain the same.

Even with the revised figure, there was a calculation error. A copy of the revised list of assets is enclosed. ✎

The Clerk has now made the amendments and has forwarded the AGAR to JDH to enable the internal audit section to be signed. If this is available in time for the meeting, the Parish Council will be able to approve the accounts; however, as the Parish Council is required to approve the AGAR **after** the internal audit process, it might be necessary to arrange an additional meeting of the Parish Council. In these circumstances, **Thursday, 31 May** is suggested as the Scouts are not using the Community Hall that evening. Whilst Monday, 28

May would have been preferable, this is a bank holiday and one of the regular users is now increasing her activities to include Monday evenings, except for those dates when the Parish Council holds its meetings. The meeting will be quorate if four Members attend.

A copy of the revised AGAR submitted to JDH, is enclosed for information and an update will be provided at the meeting.

8.3 Annual Accounts: 2017-2018
Section 1 of the Annual Governance and Accountability Return (AGAR)

In the event of the Internal Auditor's sign-off being received prior to the meeting, the Parish Council will be asked to approve the accounts for 2017-2018 for submission to PKF Littlejohn LLP, the external auditor.

The order in which the sections are to be approved is specified. Section 1 (Annual Governance Statement) must be authorised first. In previous years, Clerks would complete the Annual Governance Statement on behalf of their Councils and submit it to the Parish Council for approval. This year, however, PKF Littlejohn LLP, has asked that all Local Councils be specifically asked to approve the following to ensure that Members are fully aware of their responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the accounting statements.

	Section 1 of the AGAR (to be approved prior to Section 2)	Agreed		
		Yes	No	
1	We have put in place arrangements for effective financial management during the year and for the preparation of the accounting statements.			
2	We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.			
3	We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.			
4	We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.			
5	We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.			
6	We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.			
7	We took appropriate action on all matters raised in reports from internal and external audit.			
8	We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.			
9	(For local councils only). Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s) assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A

The period during which electors may inspect accounting records is 18 June - 20 July 2018. A notice to this effect will be added to the website and published in the notice-board.

The AGAR must also be published on the website along with a statement that the Annual Return, as published, may be subject to change. The unaudited AGAR (i.e. prior to external audit) must be published before the start of the inspection period.

In addition to the AGAR, a summary Receipts and Payments statement for the financial year, is enclosed.

8.4 Internal Auditor – 2018-2019

The Parish Council is required to appoint an Internal Auditor on an annual basis.

Members are invited to re-appoint JDH Business Services Ltd. which is the current internal auditor.

9 MEMBERS' ATTENDANCE RECORD – MUNICIPAL YEAR MAY 2017-APRIL 2018

To receive a schedule of Members' attendance for the municipal year 2017-2018. Although the Parish Council is not required to comply with the Transparency Code, this will be published on the Council's website in the interests of best practice.

10 GENERAL DATA PROTECTION REGULATION (GDPR)

At its meeting held on 16 April 2018, the Parish Council considered the Clerk's report which updated Members on matters related to the preparation for GDPR on 25 May 2018. Members may find it helpful to bring their own copy of that report to the meeting.

On 26 April 2018, the Cheshire Association of Local Councils (ChALC) informed Clerks that the Government had tabled an amendment to its own Data Protection Bill to **exempt** all parish and town councils and parish meetings in England and community and town councils in Wales from the requirement to appoint a **Data Protection Officer (DPO)** under the General Data Protection Regulation.

On 14 May 2018, ChALC notified Clerks that officials from the Department for Culture, Media and Sport confirmed that whilst all other measures will still apply, the appointing of a Data Protection Officer to support a Council's approach to data protection will be discretionary and may be regarded as good practice. The amendment to the Bill can be accessed [here](#).

The Bill now enters '[Ping Pong](#)' with the House of Lords considering amendments made during the House of Commons stages, although it is not expected that this amendment will be reversed. Officials have advised that they expect Royal Assent and the Bill coming into force by 25 May 2018.

The Clerk is currently working through the Action Plan and has started to complete the Data Audit; this is something which is also required of individual councillors but can be dealt with at a later date. In the meantime, a draft Data Protection Policy is enclosed. Although the action plan and preparation of the complete suite of documents are not yet finalised, there is no reason why a policy intention should not be adopted by the Parish Council.

The following documents are also enclosed. Others will be submitted to the June meeting.

- Consent form
- General privacy notice – there are two versions. One is based on the NALC template and the second is based on an SLCC template. The Council is asked to decide which is the most appropriate.
- Revised Document Retention Policy. This has been up-dated to take account of the requirements of GDPR.

At the June meeting, the Council will be asked to consider:

- (a) Insurance aspects of GDPR.
- (b) Possible revision of the risk assessment/management schedule.
- (c) Purchase of a laptop for use by the Clerk but will remain in the ownership of the Parish Council.
- (d) Use of Cloud technology for storage and retrieval of documents in a secure manner. The Cloud provider would become responsible for data security and data backups. This is likely to require a service level agreement (SLA) between the Council and the provider. Microsoft would appear to be leading the way in terms of GDPR compliance, but Members will be able to consider this at the June meeting.
- (e) Whether an external Data Protection Officer should be appointed. (A copy of the letter from JDH Business Services is enclosed.)

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11 REVIEW OF RISK MANAGEMENT ARRANGEMENTS

The Council is required to review its risk management arrangements once a year. A schedule is enclosed for consideration and approval subject to any amendments which Members might wish to make.

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At the May 2017 meeting, the Clerk was asked to carry out research to identify a process by which risks could be assessed. A report will follow under separate cover.

12 CALENDAR OF MEETINGS

To approve a calendar of meetings for the year 2018-2019.

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**PART 2
ORDINARY PARISH COUNCIL BUSINESS**

The following items represent the ordinary business of the Parish Council and have been included on the agenda for this meeting in the interests of expediency.

14 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. Please see page 2 of the agenda ‘Public Speaking Protocol’.

15 THE GREAT GET TOGETHER – SUNDAY 24 JUNE 2018

To finalise the arrangements for ‘The Great Get Together’ on 24 June 2018.

Item	Report of	Notes
Cake-making	Councillor John Putt	
Provision of other food		
Live Music	Councillor G Gwinn	Confirmed that Stapeley Broad Lane School will participate.
	Councillor M Theobald	Current position regarding Malbank School’s involvement.
PPL Licence	Clerk	Enquiry to apply made twice. Response awaited.
Advertising banner	Councillor M Theobald	

Item	Report of	Notes
Cystic Fibrosis Foundation	Clerk	A volunteer will attend on the day. She will run a tombola stall for fund-raising purposes. This will obviate the need for the Parish Council to fund-raise and addresses the issue of an audit trail as all funds will go direct to the Cystic Fibrosis Foundation.
Community Hall Users' participation	Only one participating	
Local Groups	Clerk	SPAG has confirmed that it will participate. The newsletter is carrying an article inviting other local groups to take part.
Press Release	Clerk	Issued and will be published on 15 May 2018. This will be followed-up nearer to the date of the event for a final 'burst' of publicity.
Car Parking	Clerk	Although there is no longer a need for the car park for hall users, the Clerk has retained use of Pear Tree School car park.
Risk Assessment	Parish Council	
Detailed plans for layout	Parish Councillors	
Setting up on the day	Parish Councillors and others	

16 AUTHORISATION OF PAYMENTS

The Council is asked to authorise the following payments:

£tba	Crystal Clean Ltd. – Cleaning of Community Hall.
£201.60	HMRC – Tax on Clerk's salary
£520.00	Came & Company – annual insurance premium. (1 June 2018 – 31 May 2019).
£205.00	Jof's Mowing – grounds maintenance work – 23 Feb to 16 April 2018.
£250.00	Chairman's allowance (Ss 15(5) and 34(5) LGA 1972)
£30.00	Boot Property – hire of room at Stapeley House on 27 March 2018 for working group meeting.
£25.50	Shire Pay Services Ltd. Payroll service for the first quarter in 2018-2019.
£96.00	Dynorod – drain repairs at Community Hall.
£505.93	Water Plus – water services at Community Hall

17 PLANNING APPLICATIONS

The Parish Council is invited to submit observations on the following planning applications.

18/1994N Buttercup View, 4 Mill Lane, Batherton, CW5 7QN
Extension to kitchen and new wing extension

Deadline date for observations: 23 May 2018

18/2309N The Gables, 58 London Road, Stapeley, CW5 7JL
Proposed single-storey extension to existing two-storey residential
annexe

Deadline date for observations: 4 June 2018

18 CONSULTATION – STAPELEY BROAD LANE SCHOOL EXPANSION

Cheshire East Council has a statutory duty to provide sufficient school places for children resident in its area. An analysis of the latest pupil forecasts has identified the need to provide additional primary school places in Nantwich in response to increasing pupil populations and new housing. If approved, the proposal will provide an additional 105 places across the school and increase the Published Admission Number (PAN) from 30 to 45 per year group from September 2020.

Following discussions with CEC, the governing body of Stapeley Broad Lane has considered the need for extra school places in the area and has resolved to publish an expansion proposal. Consultation on this proposal started on 26 April and concludes on 24 May 2018.

The link to the Borough Council's website is -

https://www.cheshireeast.gov.uk/schools/school_organisation/stapeley-broad-lane-c-of-e-primary-school-proposed-expansion.aspx

In addition, the school has provided the enclosed three documents.

If the Parish Council is minded to comment on this proposal, it is suggested that if any Member has prepared detailed observations, they be brought to the meeting to ensure that the Clerk accurately reflects those observations, both in the Minutes and also when submitting them to Cheshire East Council.

19 NANTWICH NEIGHBOURHOOD PARTNERSHIP/NETWORK

Cheshire East Council is opening discussions for the formation of a Nantwich Neighbourhood Partnership/Network. A drop-in session has been arranged for Wednesday, 30 May 2018, from 2.00 – 7.00 pm at The Tables, 55 Beam Street, Nantwich CW5 5NF.

Enclosed are documents provided by CEC.

20 CHESHIRE EAST BOROUGH COUNCILLORS' REPORTS

Borough Councillors Groves and Martin to report on any Cheshire East matters which may be of interest to the Parish Council.

21 INFORMATION ITEMS/UPDATE ON OUTSTANDING MATTERS

To note that under separate cover, the following items were issued to Members.

- Minutes of a Stapeley Parish Action Group meeting held on 12 February 2018 were sent to Members on 26 April 2018.
- On 25 April 2018, Councillor M Docker issued his summary of the Police Cluster meeting held on 16 April 2018.

The following are outstanding matters:

- Councillor Putt to report on installation of the defibrillator in the cabinet at the Cronkinson Farm Pub.
- The damaged steps adjacent to the MUGA have not yet been repaired. These were first reported to CEC, together with photographs, in October 2017. Despite several follow-up e-mails, no action has been taken.
- The Clerk has completed a form for assessment of water usage, by Water Plus.

22 DATE OF NEXT MEETING

18 June 2018