



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: THURSDAY, 6 MAY 2021

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

MEETING TO BE HELD REMOTELY, VIA VIDEO-LINK

PLATFORM: ZOOM

ACCESS DETAILS: Click the link below to join:

<https://us02web.zoom.us/j/83305278227>

Enquiries to: Clerk: Carol Jones

Tel: 01270 812065

Date of issue: 30 April 2021

C M Jones

To: Members of the Parish Council
(Councillors J Davenport, M Docker, S Ford, G Gwinn, J Gibbs, P Groves, A Jacobs,
J Hillman, K Nord and M Theobald)

Notes for Members of the Public:

1. This meeting is being held remotely in accordance with regulations made under S.78 of the Coronavirus Act 2020. There are, therefore, no paper copies of the agenda or the accompanying documents.
2. All documents (other than those which are restricted) can be accessed from the Parish Council's website - www.stapeleyparishcouncil.gov.uk.
3. Members of the public are able to ask a question under the Public Question Time slot by accessing the agenda using the link above.

AGENDA

PART 1

ANNUAL COUNCIL BUSINESS

1 ELECTION OF CHAIRMAN

- 1.1 To elect a Chairman to serve until the Annual Meeting in 2022. 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 2022. The Chairman will call for nominations.

3 APOLOGIES FOR ABSENCE

Apologies for absence should be notified to the Clerk prior to the commencement of the meeting.

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 19 April 2021.

To follow

7 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.

The Parish Council has no standing committees, but it is suggested that the Complaints Committee be re-constituted. Terms of Reference are enclosed, and the Council is asked to appoint three Members and two substitutes.

2

8 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. It should be noted that Councillor Jeremy Gibbs is already a member of this group.
- **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)

9 ANNUAL ACCOUNTS – 2020-2021

Timeline for submission of accounts documentation

The accounts have not yet been submitted to the Internal Auditor (JDH Business Services) Ltd. but John Henry (the auditor) has advised that he will be able to audit the accounts during May/June. The Clerk is currently preparing the accounts which must be audited before approving the Annual Governance Statement (which forms part of the Annual Governance and Accountability (AGAR) form).

The following is the timeline for submission of the accounts, publication of the accounts, and a list of the various documents required.

- The accounts must be submitted to the external auditor (PKF Littlejohn LLP) by no later than **30 June 2021**. In previous years, it has been possible to request an extension, but this has not been offered this year.
- Before **1 July 2021**, the Council must publish on the website, information required under Regulation 15 (2) Accounts and Audit Regulations 2015, and this includes the period for the exercise of public rights giving the name and address of the external auditor and indicating that the accounts are unaudited.
- The Council must receive and note the annual Internal Audit report **before** approving the Annual Governance Statement and the accounts.
Note: The Annual Governance Statement and the accounts can both be approved at the same meeting, but the Annual Governance Statement must be approved first.
- The Clerk/RFO must certify the accounts **before** they are presented to the Council for approval.
- The Clerk/RFO is required to commence the exercise of public rights period as soon as practical after the date of the AGAR approval. This must be 30 consecutive working days and **must include the first 10 working days of July**.

This means that the Council must approve the accounts at a meeting on 21 June, later in the month to be certain that the accounts have been received back from the Internal Auditor. **It is important that at its meeting in June**, the Parish Council assures itself of the effectiveness of the Internal Audit process. If this task is not carried out, it will be criticised by the External Auditor. The checklist of actions will be found on the front page of the Internal Audit report when it is received.

- The Clerk has set the period for the exercise of public rights to commence on **Thursday, 1 July 2021 and conclude on Wednesday, 11 August 2021**.
- Full explanation of significant variances in the accounting statements to be issued to the external auditor (PKF Littlejohn LLP).
- Not later than **30 September 2021** the Council must publish notice of conclusion of the audit which requires Section 2 (External Auditor Report and Certification), and Sections 1 and 2 of the AGAR, including any amendments as a result of the review. It is recommended, as good practice, that the Internal Auditor's report (page 3 of the AGAR) also be published).

10 MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 19 APRIL 2021 NOT ALREADY DETAILED SEPARATELY ON THIS AGENDA

This allows an update on matters not finalised at the previous meeting. This should not be used as an opportunity to discuss matters which were disposed of at the meeting.

11 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS – 2021-2022

A calendar of meetings will be submitted, and this will be based on the current practice of meetings on the third Monday in the month; however, it may not be necessary to hold physical meetings on each date, if the amendments to the scheme of delegation are approved. (See item 14.1 below)

To follow

**12 REVIEW OF RISK MANAGEMENT ARRANGEMENTS
(Regulation 4 of the Accounts and Audit Regulations 2011.)
(Deferred from the meeting held on 19 April 2021)**

The Council is required to review its risk management arrangements once a year. At its meeting held on 15 February 2021, a schedule was approved, but it was agreed that Councillors Jacobs and Theobald, who both had previous experience of preparing risk management strategies, should produce a more meaningful document.

Councillors Jacobs and Theobald to report.

**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.

13 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'.

14 FINANCIAL MATTERS

Authorisation of Payments

The Council is asked to authorise the following payments:

£1,025.15	Nantwich Town Council Fee for allotments provision for residents of Stapeley
£285.00	C M Jones – reimbursement for settlement of invoice from ASB Electrical for supply and fit LED light fittings and new [photocell cone unit for outside lights. (Email from ASB enclosed)
£tba	Came & Company – annual insurance premium.
£250.00	Chairman's allowance (Ss 15(5) and 34(5) LGA 1972)

15 REMOTE MEETINGS OF THE PARISH COUNCIL

15.1 The Government has confirmed that legislation permitting remote meetings of local councils will not be extended in England beyond 7 May 2021; this would require primary legislation.

The National Association of Local Councils (NALC) issued a Chief Executive's bulletin on 23 April 2021 in which reference was made to a court hearing in the High Court during the same week.

As NALC is an interested party supporting this court action by Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO), both Jane Moore, acting Head of Member Services and Legal Services Manager attended the session remotely and it was reported on by the [Law Gazette](#).

As Parish Councils are not able to continue to hold remote meetings beyond 7 May 2021, the current scheme of delegation has been revised, to give increased powers to the Clerk.

This will ensure that regular business (mostly financial matters) can be actioned without, necessarily, the need for a Parish Council meeting. This will limit the need for physical meetings of the Parish Council.

The revised scheme is enclosed for consideration.

15.2 Information from the Society of Local Council Clerks High Court delivers judgement on remote meetings

The Clerk received the following notification from the SLCC on 28 April 2021.

It has been announced today that the High Court has ruled against Lawyers in Local Government (LLG), Association of Democratic Services Officers (ADSO) and Hertfordshire County Council and their bid to enable local councils to continue meeting remotely.

The court concluded that:

“... the Secretary of State was correct in November 2016 and July 2019 to say that primary legislation would be required to allow local authority “meetings” under the 1972 Act to take place remotely. In our view, once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being “present” at such a meeting involves physical presence at that location. We recognise that there are powerful arguments in favour of permitting remote meetings. But, as the consultation documents show, there are also arguments against doing so. The decision whether to permit some or all local authority meetings to be conducted remotely, and if so, how, and subject to what safeguards, involves difficult policy choices on which there is likely to be a range of competing views. These choices have been made legislatively for Scotland by the Scottish Parliament and for Wales by the Senedd. In England, they are for Parliament, not the courts”. The judgement can be viewed [here](#).

SLCC Chief Executive, Rob Smith said ‘This is a huge disappointment for local councils. The ability to meet remotely has seen a significant increase in public engagement and awareness of the important work carried out by this tier of local government and it is a shame that on a purely logistical level, legitimate concerns of officers and councillors are not being taken into account. Our members will have prepared for this eventuality and will continue to lawfully serve their communities within current guidelines. LLG, ADSO and Hertfordshire County Council are to be applauded for their hard work in bringing this legal action and I would encourage local councils to consider joining SLCC in contributing to the considerable cost involved by [visiting their crowdfunding page here](#). Looking to the future, I would also urge members to complete the government consultation on the future of remote meetings [which can be found here](#).’

16 COMMUNITY HALL

16.1 Re-opening

The Clerk has contacted all hall clients to ask if they wish to resume their activities and also to request copies of their risk assessments by 6 May 2021. Unfortunately, the Clerk did not email clients until 30 April 2021, but apologised for the delay, as the email was in the drafts folder only.

The risk assessments will be forwarded to the working group as soon as they arrive.

Members may wish to review arrangements for the re-opening.

16.2 Fencing Repairs

Councillor Hillman has taken photos of the fencing where it has recently been repaired and is of the opinion that it is sub-standard. She will forward the photos under separate cover

Given that the cost of the repairs was £589.68 (£491.40 net and £98.28 VAT) the Parish Council is asked to consider this matter.

**17 COMMUNITY GOVERNANCE REVIEW
(Deferred from the meeting held on 19 April 2021)**

At its meeting held on 15 March 2021, the Parish Council received a copy of the Community Governance Review draft document which was considered by Cheshire East Council's (CEC) Community Governance Sub-Committee at its meeting held on 26 February 2021.

At its meeting held on 26 March 2021, the Constitution Committee (the Sub-Committee's parent Committee) was asked to approve the Sub-Committee's recommendation which was *That the draft proposals attached at Appendix B to this report be formally agreed for the purposes of consultation, and consulted-upon for a 12-week period.*

Borough Councillor David Marren proposed an amendment, which was carried, the effect of which was to require CEC to carry out a household referendum (not a referendum of individual electors) in those parishes where there was a proposed change of name for the parish and/or households would be transferred from one parish to another. Although this referendum is to be conducted by Cheshire East Council, it will be at the request of the appropriate Parish Council and the results of the referendum will be binding on Cheshire East Council.

There are some issues about the costs of referenda and the legality of binding CEC to the results. It is understood that this matter has now been referred to full Council.

**18 WEBSITE – MONTHLY REVIEW
(Deferred from the meeting held on 19 April 2021)**

The Website Group is asked to report on its review of the website.

**19 PARISH NEWSLETTER
(Deferred from the meeting held on 19 April 2021)**

To consider the first draft of the newsletter. (Issued with the agenda for the meeting held on 15 March 2021).

20 INSURANCE ARRANGEMENTS – FROM JUNE 2021

The Clerk to report in respect of insurance arrangements with effect from 1 June 2021.

21 PLANNING MATTERS

21.1 Planning Applications

The Parish Council is invited to submit observations on the following planning applications. If there are significant comments to be made, Members are asked to provide these to the Clerk prior to the meeting to ensure that an accurate record is made.

21/2041N 136 London Road, Stapeley, CW5 7JN
Single-storey flat-roofed extension comprising dining/family
Kitchen room, built-in matching facing brick and UPVC bi-fold
Doors to rear garden.
Demolition of existing single storey kitchen and conservatory
Prior to construction.

Deadline date for comments: 26 May 2021

21.2 Draft Housing Supplementary Planning Document ('Housing SPD')

The Draft Housing SPD has been published for consultation purposes and provides further guidance on the implementation of policies in the Local Plan, including SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs', of the Local Plan Strategy. This is the first stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **26 April 2021 to 5:00pm on 7 June 2021**. Further information is available on the council's website at:

<https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

22 CHESHIRE EAST BOROUGH COUNCILLORS' REPORTS

Councillors Andrew Martin and Peter Groves to report on Cheshire East Council matters.

23 DATE OF NEXT MEETING

21 June 2021