

STAPELEY & DISTRICT PARISH COUNCIL

Clerk: Carol Jones

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NOTICE ANNUAL MEETING OF THE PARISH COUNCIL

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

DATE: THURSDAY, 21 MAY 2014

TIME: 7.15 PM OR ON THE LATER RISING OF THE
ANNUAL PARISH MEETING


VENUE: STAPELEY COMMUNITY HALL,
PEAR TREE FIELD, STAPELEY

Enquiries to:

Clerk: Carol Jones

Tel: 01270 812065

Date of issue: 11 May 2015



Signed

To: Members of the Parish Council

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 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

Notes:

- (a) At the elections on 7 May 2015, seven candidates for the ten parish council seats were returned unopposed (ie. one for Batherton and six for Stapeley). Each parish councillor is required to sign a Declaration of Acceptance of Office either before the meeting, or at the meeting. At the time of publication of the agenda, it is intended that Councillors J Davenport, J Hillman, M Malbon and M Theobald will sign their Declarations on 14 May 2015, to enable them to participate in a Neighbourhood Plan Steering Group meeting to be held on the same evening.
- (b) **PART 1** of the agenda is taken in the presence of the press and public and represents the business of the annual meeting of the Parish Council, as set out in Standing Orders;
- (c) **PART 2** represents ordinary business of the Parish Council and is dealt with at this meeting in the interests of expediency; and
- (d) **PART 3** is recommended for consideration in the absence of the press and public for the reasons given.

PART 1

1 ELECTION OF CHAIRMAN

- 1.1 To elect a Chairman to serve until the Annual Meeting in 2016. 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 2016. The Chairman will call for nominations.
- 2.2 The Chairman will sign a Declaration of Acceptance of Office, following which the newly-elected Chairman will chair the meeting.

3 APOLOGIES FOR ABSENCE

Apologies for absence should be notified to the Clerk by noon on the day of the meeting, if possible. **Councillor M Docker.**

4 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.

5 REGISTRATION OF INTERESTS

Parish Councillors are invited to refresh their 'Registration of Member's Interests' forms. These should be completed and returned to the Clerk, either electronically, or by hand at the next meeting. (Copy enclosed)

6 MINUTES

To approve as a correct record the Minutes of the Meeting held on 20 April 2015.

...

7 ELECTIONS – 7 MAY 2015

7.1 Local Elections Results and Vacancies

Following the elections on 7 May 2015, seven candidates were returned unopposed. There are currently three vacancies and the Parish Council is invited to consider co-opting to each.

Peter Groves and Keith Nord (former parish councillors) have expressed interest in being co-opted.

The procedure requires a nomination and seconding of the proposal to co-opt, following which a vote will be taken. The successful candidates will then each be asked to sign a Declaration of Acceptance of Office.

This leaves one vacancy and the Parish Council will be invited to consider this at its June meeting.

7.2 Declaration of Acceptance of Office – Councillor M Docker

Parish Councillor M Docker has sent his apologies for this meeting and also the June and July meetings. His first attendance at a meeting, following the elections will be August (or September if the Council decides to hold a recess in August as it did in 2014).

In accordance with S.83 (4) of the Local Government Act 1972, elected councillors are required to sign a Declaration of Acceptance of Office either before or at the first meeting of the Parish Council (following elections). Failure to do so renders the seat vacant.

At the date of publication of the agenda, it is intended that Councillor Docker will sign his Declaration of Acceptance of Office on 12 May 2015 before the Clerk as Proper Officer.

7.3 Borough Council Elections

To note that Peter Groves and Andrew Martin were elected as Borough Councillors for the Ward of Nantwich South and Stapeley.

8 VACATION OF OFFICE THROUGH NON-ATTENDANCE (The 6-month rule)

Members are reminded that under S.85(1) of the Local Government Act 1972, “.... *if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.*”

The effect of this provision is that the Member automatically ceases to hold office as soon as the six-month period expires if that Member’s Council has not formally approved the councillor’s absence before that date. This means that before the six-month period runs out, the Council will:

- Need know the reason for the absence;
- Must decide (by resolution) whether or not it approves the reason given for that councillor’s absence.

Approval may be given by the Council to an absence in advance; for example, where a member is intending to work abroad for an extended period.

What if the absent member is unable to send his or her apologies (perhaps because the councillor is seriously ill in hospital)? If the Council knows the reason and chooses to approve the absence, it can do so; but in reaching its decision, it may wish to consider how likely it is that the councillor will be able to return within a reasonable period of time and whether the delay will be such that the interests of democracy would be better served by allowing the office to be vacated and seeking to fill the vacant seat with someone else.

The responsibility for ensuring that a member of council does not vacate his or her office through continuous failure to attend meetings rests entirely with the individual councillor. If a Member chooses not to attend Council meetings, but attends a 'meeting of the authority' where the functions of the authority have been delegated, under Section 85(2) this shall be deemed to be attendance at a meeting of the authority.

The responsibility for ensuring that a member of council does not vacate his or her office through continuous failure to attend meetings rests entirely with the individual councillor.

9 ANNUAL REPORT 2014-2015

To receive the Annual Report for 2014-2015. ...

10 PROTOCOLS/POLICIES

The Parish Council is invited to review and approve the following policies and protocols.

(a) Standing Orders and Financial Regulations ...

These have been amended to take into account The Openness of Local Government Bodies Regulations 2014 which came into force in August 2014.

Councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings. While no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio-record a public meeting contact the Clerk, as a courtesy, so that all necessary arrangements can be made for the meeting.

Generally, people attending a Council meeting must be readily able to film or audio-record, take photographs or use social media. However, those undertaking these activities must not act in a disruptive manner, which could result in being excluded from the meeting.

Disruption would include:

- Moving to areas outside the area designated for the public without the consent of the Chairman;
- Excessive noise in recording or setting-up or re-siting equipment during the debate;
- Intrusive lighting and use of flash photography; and
- Asking people to repeat statements for the purposes of recording.

The national rules do not prevent Parish Councillors themselves from Tweeting or Blogging during a Council meeting, but this should be carried out in a way which does not detract from the proper conduct of the meeting. Members will wish to consider whether Tweeting or blogging during a discussion, prevents them from taking note of the whole debate rather than the part which might be of interest on social media.

Other updates have also been included. New changes are highlighted in yellow.

(b) Communications Protocol ...

The Communications Protocol has been amended to include guidance on the use of e-mails.

As the Parish Council is currently using Facebook and Twitter for the Neighbourhood Plan website, Members are invited to consider if this should be extended to the Parish Council's website. The Clerk can submit guidance to the June meeting if required.

11 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.

11.1 Standing Committees

The following are the standing Committees and the Parish Council is asked to review whether appointments should continue to be made. Parish councillors are currently heavily committed to the Neighbourhood Plan process and it is suggested that some of the committees be de-commissioned for the current year.

11.1.1 The following committees are recommended for re-appointment

(1) Complaints Committee

Five Members.

(2) Finance and Grants Committee

Five Members.

(3) Neighbourhood Plan Steering Group

To appoint Parish Councillors to the Neighbourhood Plan Steering Group. The Terms of Reference provide for a minimum of five parish councillors.

Non-parish councillors will be appointed by the Steering Group itself, at its first meeting in the new Municipal Year.

11.1.2 The following committees are suggested for de-commissioning.

(4) Communications Committee

(5) Appointments Committee (Community Hall)

The Parish Council currently has no plans to employ additional staff.

(6) Community Hall Committee

11.1.3 Planning Working Group

In addition to the formal committees, established under S.101 (LGA 1972), the Parish Council recently agreed to set up a small working group of Members to discuss development proposals on land at Haymoor Green.

The Council is invited to appoint Members to this working group.

12 APPOINTMENT TO OUTSIDE BODIES

The Parish Council is invited to appoint representatives to the following outside bodies. Attendance at such meetings shall count as an approved duty and expenses may be claimed in accordance with the Parish Council's Members Expenses Scheme.

- Cheshire Association of Local Councils (various meetings)
There are several meetings throughout the year and it suggested that one parish councillor be appointed, with one named substitute
- Police Cluster meetings - one
- Stapeley Parish Action Group (SPAG) – two if possible

- Wybunbury United Charities – Trustees
Mike Docker and Keith Lawrence are both trustees on Wybunbury United Charities and the Council is asked to re-appoint them.
Both have indicated their willingness to be re-appointed.

13 INSURANCE ARRANGEMENTS

The Parish Council is required to review its insurance arrangements annually. However, at the annual meeting in May 2014, the Parish Council entered into a long-term agreement with Came & Company (for three years) with effect from 1 June 2014 and payment is now due for the year commencing 1 June 2015. At the time of publication of the agenda, the invoice has not been received, but will be available at the meeting.

14 FINANCIAL MATTERS

14.1 Accounts – 2014-2015

The following documents comprise the accounts for the financial year 1 April 2014 – 31 March 2015. Some of the documents referred to have previously been submitted to the Parish Council and are, therefore, not enclosed with the agenda.

At the time of publication of the agenda, the accounts are being audited but will be available from 13 May 2015. The Internal Auditor’s report will be available at the meeting.

(a)	Annual Return	To follow
	The Council is reminded of its duty to ensure that there is a sound system of internal control, including the preparation of the periodic accounting statements, and to confirm that satisfactory arrangements are in place, as shown on Section 2 of the Annual Return (annual governance statement 2014/2015).	
(b)	Balance sheet to 31 March 2015	enclosed
	Accounts ledger showing receipts and payments; this is separated into two separate schedules:	
(c)	Receipts	enclosed
(d)	Payments	enclosed
(e)	A separate schedule for the Community Hall is also enclosed but this cannot be reconciled with bank deposits as the income crosses both financial years: 2013-2014 and 2014-2015.	enclosed
	The accounts are prepared on a <i>receipts and payment</i> basis, rather than an <i>income and expenditure</i> basis. This means that transactions are recorded in the year received/spent, rather than the year in which the transaction might have been authorised.	
	A key feature of income and expenditure accounts is that the accrual method would be used and income and expenditure are recorded as they occur, irrespective of whether cash has actually ‘changed hands’.	
	<ul style="list-style-type: none"> • Budget proposals report showing the process by which the precept was agreed (as submitted to the Council meeting in January 2014). 	
(f)	Schedule of variances and explanation of variances.	enclosed
(g)	Assets Register	enclosed
	<ul style="list-style-type: none"> • Risk Management schedule (for 2014-2015) 	
(h)	VAT Re-claim evidence	enclosed
	<ul style="list-style-type: none"> • Standing Orders and Financial Regulations • Insurance documentation 	

14.2 Appointment of Internal Auditor – 2015-2016

The Parish Council is required to appoint an Internal Auditor on an annual basis. JDH Business Services Ltd. is the current internal auditor. Enclosed is a list of items which are routinely tested.

The Parish Council is invited to re-appoint JDH Business Services Ltd. or ask the Clerk to seek quotations for an alternative provider.

14.3 Authorisation of Payments

The Council is asked to authorise the following payments:

£25.00	MBE Electrics: Call-out to examine central heating system at community hall – overflow pipe leaking.
£420.00	Jof's Mowing – maintenance work at Talbot Way: March – December 2014 £30 per fortnight
£250.00	Chairman's allowance (allowance to meet the expenses of the office ss 15(5) and 34(5) LGA 1972)
£110.00	Johnsons Printers – printing of 100 copies of Annual Report
£776.00	Cheshire Association of Local Councils – affiliation fee
£56.22	Mrs C M Jones – purchase of ink cartridges An expense claim form and receipt has been provided for audit purposes.
£108.00	Viking Stationers – purchase of three convection heaters for use in the Community Hall (£89.97 net plus £18.03 VAT)

The following payments also require authorisation. The amounts will be reported to the meeting.

£tba	Crystal Clean
£tba	HM Revenue & Customs – tax on Clerk's salary and employer's NI contribution.

15 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. ...

16 CALENDAR OF MEETINGS

To approve a calendar of meetings for the year 2015-2016. ...

PART 2

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.

17 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".

There should be no discussion on any matter raised by questions. If possible, a response shall be given at the meeting; otherwise a written response will be provided to the questioner.

18 COMMUNITY HALL HIRING AGREEMENT

At the meeting held on 20 April 2015, Members deferred approval of the revised hire agreement for the Community Hall until clarification had been sought in respect of paragraph 13 and whether it conflicts with clause 21.2 of the lease.

- Revised paragraph 13 states:

The User shall not carry out or permit fly-posting or any other form of unauthorised advertisements for any event taking place at the Community Hall, if such fly-posting and advertisements are displayed within the curtilage of the community hall, and shall indemnify and keep indemnified each member of the Parish Council against all actions, claims and proceedings arising from any breach of this condition. Failure to observe this condition may lead to prosecution by the local authority.

All notices and advertisements must be displayed with prior permission from the Parish Council and in the following manner:

1. Any display within the hall must not be visible from outside.
2. All displays outside the hall must be on the notice board on the wall.

- Clause 21.2 of the lease states:

The tenant shall not attach any signs to the exterior of the property or display any inside the property so as to be seen from the outside except signs of a design, size and number and in a position that are appropriate to the property and permitted use without the consent of the landlord, consent not to be unreasonably withheld or delayed.

The Legal Adviser's response is awaited but it is expected to be available at the meeting.

19 NEIGHBOURHOOD PLANNING

19.1 The Neighbourhood Plan Steering Group will have updated residents at the Parish Meeting earlier in the evening, but may wish to report additionally to this meeting.

19.2 To receive an update/Minutes of the Steering Group meetings held on 30 April and 14 May 2015.

20 PLANNING MATTERS

20.1 Planning Applications

The Parish Council is invited to submit observations on the following planning application. As this is an application for over 10 dwellings, a paper copy of the application has been provided and will be available for inspection at the meeting.

15/1867N Land at former Stapeley Water Gardens, London Road
Amendment to approval notice 14/2155N for re-plan and plot substitution of Plots 18-21, 56, 57, 58, 60, 61, 63-67, 77, 79-85, 87, 88, 91, 93, 94, 96-98, 111-119, 121-123, 125-136, 139-142, 145-151, 158, 159 and 164-168.

Deadline date for comments: 4 June 2015

15/1756N 59 Talbot Way, Stapeley
Rear extension to replace conservatory and add first floor extension.

Deadline date for comments: 15 May 2015.

The Clerk has requested an extension to the deadline date.

Members are reminded that Parish Councils can only consider the applications before them on their merits. Cheshire East Council (CEC) does not have the capacity to respond to queries from consultees. Following validation of a planning application, CEC, as the Local Planning Authority (LPA) must make a determination as soon as possible, but no later than 8 weeks.

Although time limits on determination can be extended, these are where the applicant and the LPA agree, but cannot be extended for the benefit of consultees.

20.2 Muller Group Homes

To note that Muller Group Homes has applied for judicial review in respect of the following:

- (a) Refusal by Cheshire East Council to grant outline planning permission for residential development up to a maximum of 189 dwellings, local centre, employment development, primary school, public open space, green infrastructure, access points and associated works in accordance with application ref: 12/3747N, dated 28 September 2012; and
- (b) The failure of the [Borough] Council to give notice within the prescribed period of a decision on an application for planning permission for a new highway access road, including footways and cycleway and associated works, in accordance with application Ref: 12/3746N, dated 28 September 2012.

Judicial review is the process by which the lawfulness of the decision is challenged rather than the merits of the decision. The grounds on which the challenge can be made are –

- the public body does not have the power to make a particular decision, or it has used a power which it does have, for an improper purpose;
- the decision is irrational;
- the procedure followed by the public body is unfair or biased;
- the decision taken is in breach of the Human Rights Act;
- the decision taken is in breach of European Community Law;
- the public body failed to comply with one of its legal duties; for example, the public sector equality duties.

21 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.

22 NEW QUALITY SCHEME FOR LOCAL COUNCILS

Members have previously expressed interest in working towards achieving the Local Council Award Scheme which replaces the former Quality Council scheme. This was set up in 2014 and is aimed at celebrating the successes of the very best local councils, and to provide a framework to support all local councils to meet their full potential.

The main criterion is that the Council should have the appropriate mandate which is that at least two-thirds of the seats were achieved by election. For a Council of 10 seats, this is 7 seats, and the Council returned seven councillors, unopposed, at the elections on 7 May 2015. It is now timely if the Parish Council wishes to pursue this.

The attached document has been published by the National Association of Local Councils and Members are invited to consider if this is something which the Council should pursue. ...

The yellow highlighted points indicate where the Council might not be able to demonstrate that it currently complies.

There are three levels of award:

- The **Foundation Award** demonstrates that a council meets the minimum requirements for operating lawfully and according to standard practice.
- The **Quality Award** demonstrates that a council achieves good practice in governance, community engagement and council improvement.
- The **Quality Gold Award** demonstrates that a council is at the forefront of best practice and achieves excellence in governance, community leadership and council development.

PART 3

23 EXCLUSION OF THE 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 item owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

24 QUOTATIONS FOR PERIMETER FENCING

The Clerk has contacted three further companies for quotations for perimeter fencing at the community hall. (One quotation was available at the 17 November 2014 meeting.)

No responses have been received at the time of publication of the agenda. The enquiries have been followed up, and will be followed up again week commencing 11 May. It is unlikely that in the time available, the companies will be able to make site visits to measure and submit quotations, but the Clerk will report to the meeting.