

# STAPELEY & DISTRICT PARISH COUNCIL

Clerk: Carol Jones

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## NOTICE OF MEETING OF THE PARISH COUNCIL

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

**NOTE DATE:** TUESDAY, 9 APRIL 2013

**TIME:** 7.30 PM

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

Date of issue: 2 April 2013

Enquiries to: Clerk: Carol Jones

Tel: 01270 812065

Signed



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

Copies: Borough Councillor Andrew Martin (Nantwich South and Stapeley)  
Press: Crewe Chronicle, Nantwich Chronicle, Nantwich Blog, Red Shift Radio, BBC Radio Stoke, Signal Radio, Guardian Series.

**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.

(See overleaf for other notes for members of the public.)

# 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.

### A) Notice of items

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*).

There is no such thing in law as "urgent business" and if any matter is truly urgent because it must be dealt with before the next meeting, a special meeting should be arranged unless there are delegation arrangements in place to allow the Clerk to take certain decisions, in consultation with the Chairman. (S.101(1) Local Government Act 1972).

### B) Exclusion of Press and Public - General Note on Exclusion:

It is sometimes necessary for individuals other than Members or the Clerk to remain in a meeting when the public and press have been excluded. This depends on the role of the individuals concerned; for example, if they have been invited to the meeting to offer technical or professional advice to Members. However, even in these circumstances, caution needs to be exercised as it would be difficult to hold such individuals to account if they subsequently divulged what was discussed at the meeting.

In the case of other individuals who simply have some background knowledge of the issue, it would be difficult to argue that they should be treated any differently from any other member of the public for the purposes of exclusion. It is important for Members not to allow themselves to get into a position where they are selecting who should remain in the meeting; this could lead to an abuse of procedure and bring the Parish Council into disrepute. It would also enable accusations to be made that some individuals were allowed to exercise undue influence.

## 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.

2.3 Planning Grounds (Material Considerations) 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)		
3	Siting	9	Effect on highway safety and parking
4	Design	10	Landscape
5	External appearance	11	Listed buildings
6	Compatibility with street-scene	12	Conservation areas
7	Development affect on neighbouring properties, amenities and privacy	13	Land contamination
		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.

# A G E N D A

## GUIDE TIMES HAVE BEEN INCLUDED

**7.30 pm – 7.50 pm**

### PART 1 (in the presence of the press and public)

#### 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

To approve as a correct record the Minutes of the Meeting held on 7 March 2013. •••

#### 4 MATTERS ARISING

Members are asked to note that this item should only be used for updates in respect of items in the Minutes.

#### 5 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'. Members of the public are reminded that this is not an opportunity for debate.

Where questions are asked, it shall be for the Chairman to respond to the questioner, unless she is of the view that the response should be given by the Clerk or another parish councillor who may possess the relevant information.

Each member of the public is entitled to speak once only in respect of business itemised on the agenda, or on any other matter which falls within the remit of the Parish Council and shall not speak for more than 10 minutes, dependent on the number of speakers in attendance.

If possible, a response shall be given at the meeting; otherwise a written response can be provided to the questioner. Where a statement is made by a member of the public, there is no requirement for a response. There shall be no discussion on any matter raised by questions.

Any parish councillor may move a motion that the subject matter be placed on the agenda of the next ordinary meeting. On being seconded, the matter shall be put to the vote.

The Chairman shall have discretion to extend the public speaking time if she considers it appropriate.

**7.50 pm – 8.30 pm**

**6 CO-OPTION TO THE PARISH COUNCIL**

The Parish Council is invited to consider arrangements for co-option to the casual vacancy caused by the resignation of Maxine Galt.

The vacancy has been advertised in the Parish Newsletter which, at the time of publication of the agenda, has not been distributed.

**Decision**

One resident has put himself forward for co-option and it is suggested that his candidacy be considered at the Annual Meeting in May, along with any other resident who expresses interest following distribution of the newsletter.

**7 STAPELEY COMMUNITY HALL**

**7.1 Minutes of Meeting of the Management Committee held on 11 March 2013**

To receive the Minutes of the Meeting held on 11 March 2013.

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**7.2 Membership of the Committee**

Two of the volunteer members have now resigned (Ann Robbins – moving away from the area) and Deniece Onowighose (personal commitments). There are now seven volunteer members and five parish councillors. The Parish Council is invited to consider if arrangements should be made to fill the volunteer vacancies. This is a matter for the Parish Council as the Committee was constituted under the Parish Council's Standing Orders.

**Decision**

**7.3 Fire Risk Assessment and Associated Documents**

The Fire Risk Assessment and associated documents were e-mailed to Members on 18 March. This featured as an item on the agenda for the Committee Meeting held on 8 April. Members may wish to make observations. The Assessor has been provided with a copy of the Hiring Terms and Conditions and may make suggested changes in the light of his FRA. A further copy is enclosed for ease of reference.

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**7.4 Lease/Hiring Terms and Conditions**

**7.4.1** Members will note from the Minutes of the Meeting held on 11 March 2013 that the Clerk was asked to seek an interpretation of Clause 18.2 of the lease, which prohibits the provision of outside waste bins. The restriction appeared to be based on the likelihood of the area becoming untidy and Members were of the view that this probably did not apply if an industrial-sized waste bin, fixed to the ground, were to be installed.

Confirmation has been received that the Parish Council is not permitted to provide outside waste bins of any sort.

In view of this, it is suggested that under Paragraph 19 of the Hiring Terms and Conditions, the following statement be included:

**"The User shall be responsible for removing all waste from site, including food and other debris, at the end of the hire period."**

**Decision**

**7.4.2** At the meeting, the situation regarding the non-connection of the cooker was discussed, at which time it was agreed (a) that Cheshire East Council (CEC) be asked for permission to re-route or replace the service media (ie electrical wiring) to allow for the connection of the cooker which was recently purchased; and (b) That quotations for the work be sought from three local contractors.

The Clerk sought permission from CEC and the solicitor declined to comment on the basis that she represents the Borough Council and not the Parish Council. The Clerk, therefore, contacted the Parish Council's Legal Adviser who has confirmed that under Clause 3.2, the Parish Council is permitted to connect to service media, but Clause 3.3 makes it clear that it is the Landlord (CEC) which may, at its discretion, re-route or replace any such media, not the Parish Council.

Outside Lighting: Although no decision was made at the meeting, Members were minded to seek quotations for the provision of outside lighting. The issue of CCTV has also been raised in e-mail correspondence subsequent to the meeting, but the Parish Council has already reached a view that such expense should not be incurred until much later in 2013 when the future of the hall is clearer.

Clause 20 (Alterations) States that the tenant shall not make any external or structural alterations or addition to the property. Security lights would be likely to be considered an external addition and are, therefore, not allowed.

**7.4.3** Although the lease is restrictive on the points mentioned above, the Clerk has written to CEC again to seek permission for (a) re-routing of service media; (b) permission to erect a fixed free-standing bin; and (c) add external lighting.

**7.4.4** At previous meetings, there has been a division of views about the effectiveness of outside lighting in deterring anti-social behaviour. The Parish **Council is now invited to consider the principle of the installation of outside lighting, in the event of Cheshire East Council agreeing to this.**

Decision

If the Parish Council agrees that outside lighting would be of benefit, a specification will need to be drawn up and three quotations sought, in due course (dependent upon CEC's decision).

**Member may find it helpful to bring their own copy of the lease to the meeting.**

## **7.5 Long-Term Plans for the Community Hall**

The lease between the Parish Council and Cheshire East Council comes to an end in November 2013. In anticipation of the community hall continuing to be operated as a community asset, the Parish Council is invited to consider what arrangements should be made for the setting up of a Village Hall Committee, or similar, as a Trust, to take on the full responsibility in the event of Cheshire East Council transferring the hall to the Parish Council.

It is suggested that the Legal Adviser be invited to attend a special meeting of the Parish Council to explore various options, including the timeliness of making an approach to Cheshire East Council.

Decision

## **8 COMMUNICATIONS SUB-COMMITTEE**

**8.1** To receive the Minutes of the Meeting held on 20 March 2013.

**8.3** To approve the recommendations.

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### **8.4 Terms of Reference**

The Parish Council is invited to amend the Terms of Reference for the Sub-Committee to allow it greater autonomy in respect of publication of the newsletter. The Terms of Reference give delegated authority to the Sub-Committee to make decisions on many items but the newsletter must be submitted for final approval to the Parish Council. This can sometimes cause

a delay of up to three weeks, and it might be appropriate for the Sub-Committee to be given responsibility for its publication.

It is suggested that the first draft of a newsletter be issued to the Parish Council for comment, following which the Sub-Committee could take note of comments and observations made and then be responsible for publication of the final document without the need to refer the final version for approval.

The Terms of Reference for the Sub-Committee state, *inter alia* “Produce quarterly Parish Council newsletters for final approval by Council.” This could be amended to the following, or some other form of words which Members might wish to suggest:

“Produce quarterly Parish Council newsletters, consulting with the Parish Council at the initial stage, giving the Parish Council the opportunity to comment on a first draft.”

Decision

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A copy of the Terms of Reference is enclosed.

### 8.5 Membership

It is proving difficult to achieve a quorum on all occasions and the Parish Council is invited to appoint two other parish councillors to the Sub-Committee, with the quorum remaining as three Members.

Decision

## 9 PARISH NEWSLETTER

To receive for information, a copy of the Parish Newsletter (Spring 2013) which is now being printed for distributed.

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Please note: this is not the final version; there are a number of typing errors which are to be corrected and the bubble text on the last page is too small to be legible.

## 10 PARISH PLAN IMPLEMENTATION GROUP (STAPELEY PARISH ACTION GROUP, KNOWN AS “SPAG”)

Councillor S Gwinn-Freemantle has resigned as a member of “SPAG”. The other Parish Council representative was Maxine Galt who recently resigned as a parish councillor and therefore can no longer be a member of “SPAG” as a representative of the Parish Council.

Decision

“SPAG” has requested the Parish Council to consider nominating to the two vacancies caused by these resignations.

## 11 COMMUNITY CAROLS – DECEMBER 2013

11.1 To agree a date for the Community Carols event, to enable the Clerk to consult the local primary schools and Brine Leas School to ensure that this does not coincide with any Christmas school events.

Decision

11.2 To set up a Working Group to discuss the detailed arrangements for the event.

### 8.30 pm – 8.45 pm

## 12 PLANNING MATTERS

12.1 13/0883N – New dwelling – re-submission of 13/00176N  
Land at 116 London Road, Stapeley

The Parish Council is invited to make observations on the above planning application.

**12.2 Strategic Planning Board Meeting – 3 April 2013  
(Planning Application Nos. 12/3746N and 12/3747N)**

To report the outcome of the Strategic Planning Board meeting at which the Muller Homes planning applications were considered. Councillor John Davenport represented the Parish Council and spoke on the applications.

**12.3 Shortage of Primary School Places**

Members will note from the Minutes of the Communications Sub-Committee meeting held on 20 March that concern was expressed about the current shortage of primary school places and Cheshire East Council's future proposals to ensure that there will be sufficient places available when all planned housing developments are complete.

The Clerk has made enquiries of Cheshire East Council and will report to the meeting.

**13 FINANCIAL MATTERS**

**13.1 Authorisation of Payments**

£105.80	HM Revenue & Customs – tax on Clerk's salary
£200.00	Mr W Armstrong – fee for carrying out fire risk assessment of the Community Hall on 13 March 2013.
£150.00	Broad Lane Methodist Chapel (cost of additional meetings)

A sum of £250 was paid on account in August 2012 to Broad Lane Methodist Chapel for the period August 2012-July 2013. This was a fee and therefore not related to the number of meetings held. Subsequent to that, the Administrators informed the Parish Council that it had revised its pricing structure and would be making a charge of £20 per meeting.

Since August 2012, the Parish Council has held 18 meetings (including Committees and Sub-Committees), one of which was at Pear Tree School. In addition, the former Community Hall Committee held three meetings at the hall (8, 15 and 30 October). The sum owing for the period August 2012 – March 2013, based on the new rates, is a total of £400. As £250 has already been paid, this leaves a balance of £150 for the current financial year.

£52.43	Mrs C M Jones – reimbursement for the following stationery items –
£19.73	2 x robust folders (Ghall Ergnmic 4 prong binder for retention of Parish Council Minutes and Community Hall accounts)
£14.70	HSE – purchase of Accident book and Health and Safety poster (£12.25 + £2.45 vat) [Community Hall expenditure]
£18.00	HSE Book on Management of Legionnaires' diseases (£16.33 + £1.67 vat) [Community Hall expenditure]

**13.2 Ratification of Payment**

The Parish Council is invited to ratify the following payment. The cheque was made out and has been issued, but there is no record of the transaction in either the Parish Council minutes or the Community Hall Committee minutes.

£479.98	Pinningtons of Nantwich – purchase of Indesit cooker £209.99 plus £60 delivery, installation and connection; and Indesit larder fridge £209.99
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**14 Cheshire Community Action**

The Parish Council is invited to consider joining Cheshire Community Action (formerly Cheshire Community Council) with effect from 2013-2014. The organisation has already

provided useful guidance for the Community Hall Committee (health and safety guidance) and can provide advice about the setting up of village hall committees as trusts.

The fee for a medium parish council (1,000 – 5,000 electors) is £50.

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**8.45 pm – 8.55 pm**

**MATTERS FOR INFORMATION**

The following are matters for information. If the Chairman considers it appropriate, Item 13 can be scheduled for earlier in the meeting to allow Borough Councillor Andrew Martin to leave the meeting following his item.

**15 BOROUGH COUNCILLOR REPORTS**

Councillor Andrew Martin to update the Parish Council in respect of any Cheshire East Council matters of interest.

[Note: Parish Councillor Peter Groves, who is both a parish councillor and a Borough Councillor will also provide updates.]

**16 LAND AT TALBOT WAY**

**16.1** Councillor Hillman to report on her inspection of the land at Talbot Way.

**16.2 Ownership of Fencing**

To report that this matter is currently being pursued by the Parish Council's solicitor who acted on behalf of the Parish Council when the land was purchased. The owner of a property adjacent to the land who has complained about the state of the fencing has been informed.

**17 CORRESPONDENCE**

To report receipt of correspondence received since the last meeting.

- The slides from the presentations made at the Town and Parish Council Conference on 20 March have been e-mailed separately to Members.
- ChALC April newsletter.
- Highway Schemes planned and in progress.
- CVS Cheshire East – training courses
- CEC April edition of PACE newsletter

**18 SHARED ITEMS**

Parish Councillors are invited to share information.

Members are reminded that if they wish to request an item for inclusion on the agenda, it should be notified to the Clerk at least 5 clear days before the meeting. [Standing Order 4(a)]

**19 PUBLIC QUESTION TIME (10 MINUTES)**

This is a second opportunity for members of the public to ask a question or address the Parish Council in accordance with the Parish Council's Standing Order No. 1.

**8.55 pm – 9.10 pm**

**20 NEXT MEETING**

**20.1 Date** 9 May 2013

**20.2 Venue** The meetings are the Annual Parish meeting and the Annual Meeting of the Parish Council. These are usually held at one of the schools. It is suggested that, subject to availability, the meetings be held in the community hall.

**20.3 Agenda Items**

**Parish Meeting**

- Youth Leader required to lead activities for young people at the community hall

**Parish Council Meeting**

- Nomination of trustees to Wybunbury United Charities
- Views on the use of social media as a communication tool for the Parish Council

**21 EXCLUSION OF PRESS AND PUBLIC**

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

**22 WEBSITE: NEW CONTRACT FROM JUNE 2013**

To give consideration to the Communications Sub-Committee's recommendations in respect of the contract for the website which is due for renewal with effect from 30 June 2013.

**Decision**

It is suggested that the enclosed specification be approved, subject to any amendments made at the meeting, to allow quotations to be sought by 25 April.

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**9.10 PM – 9.30 PM**

**23 COMMUNITY HALL MATTER**

**Costs Associated with an Abortive Booking**

**Decision**

To consider the Clerk's report.

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**24 REIMBURSEMENT FOR CLERK'S OVERTIME**

To consider the Clerk's report in respect of additional hours worked as a consequence of the Parish Council leasing the community hall.

**Decision**

Note: The Clerk will withdraw from the meeting during discussion of this item.

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