

# STAPELEY & DISTRICT PARISH COUNCIL

Clerk: Carol Jones

Tel: 01270 812065 e-mail: [carol.jones@stapeleyparishcouncil.gov.uk](mailto:carol.jones@stapeleyparishcouncil.gov.uk)

Website: [www.stapeleyparishcouncil.gov.uk](http://www.stapeleyparishcouncil.gov.uk)

## NOTICE OF MEETING OF THE PARISH COUNCIL

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

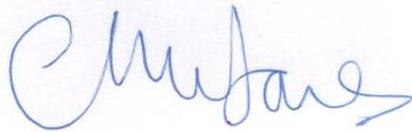
**DATE:** THURSDAY, 6 DECEMBER 2012  
**TIME:** 7.30 PM  
**VENUE:** BROAD LANE METHODIST CHAPEL  
AUDLEM ROAD, NANTWICH

Date of issue: 30 November 2012

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, Maxine Galt, 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)	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.

# A G E N D A

## 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 DISPENSATIONS

**3.1** To receive and consider written requests for dispensation. It should be noted that failure to submit a written request will mean that those parish councillors, who have a disclosable pecuniary interest arising from holding a beneficial interest in land, or a licence to occupy land in the parish, or any other disclosable pecuniary interest as identified in the appendix to the Code of Conduct, will be unable to participate in the discussion of the draft budget proposals for 2013-2014 and will not be able to vote. Written requests are expected from:

Councillors John Davenport, Maxine Galt, Martin Malbon and Raj Samra

**3.2** At its meeting held on 22 November 2012, the Parish Council approved the following dispensations in respect of disclosable pecuniary interests (DPI) to enable Members to participate and vote in respect of the draft budget for 2013-2014:

Councillor Jo Hillman	Exempt by virtue of the fact that she does not live in the parish and has no personal or business interests in the parish which are DPIs.
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Councillor Peter Groves	Exempt by virtue of the fact that he does not live in the parish and has no personal or business interests in the parish.
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The following dispensations were granted on the basis that each councillor lived within the parish and therefore had a beneficial interest in land. Each application stated that *“having regard to all the relevant circumstances, the Parish Councillors considered that without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of that business”*.

Councillor Shaun Clough  
Councillor Mike Docker  
Councillor Sandy Gwinn-Freemantle  
Councillor Keith Nord

### 4 MINUTES

To approve as correct records the Minutes of Meetings as follows:

- 8 November 2012
- 13 November 2012 (Extra-ordinary meeting)
- 22 November 2012 (Extra-ordinary meeting)

...  
...  
...

## 5 SUB-COMMITTEE MINUTES

To receive the Minutes of the Finance and Grants Sub-Committee meeting held on 22 November 2012 and to note: \*\*\*

- (a) A Scheme of Members Expenses has been approved (see agenda item 11.3 below);  
and
- (b) As noted elsewhere on this agenda, the Sub-Committee gave initial consideration to the draft budget for 2013-2014.

## 6 MATTERS ARISING

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

### 6.1 Drainage

During Public Question Time on 13 November, a member of the public referred to drainage issues on Broad Lane. The Clerk made enquiries of Cheshire East Council and has reported to the resident that the matter is now dealt with by Building Control. Initial enquiries indicate that this relates to land drainage which is the responsibility of the landowner.

### 6.2 Land at Talbot Way Conservation Area

The resident who had queried ownership of the fencing has now provided documents from Land Registry and she is of the opinion that the fence surrounding the conservation area is the Parish Council's responsibility. The Clerk has sent these to the solicitors asking for their opinion.

## 7 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.

## **MATTERS FOR DECISION**

### **8 COMMUNITY HALL**

**8.1** To report that completion of the lease between the Parish Council and Cheshire East Council was effected on 23 November 2012 and the Clerk is now in possession of the keys.

The first meeting of the newly-formed Stapeley Community Hall Committee is scheduled for 10 December. The second Monday in each month appears to be the preferred date for meetings. (For information, a draft of the agenda for the meeting is attached; this might require amendment before issue on 4 December.)

The Parish Council might wish to give initial consideration to arranging an opening event and to suggest a date and a format.

#### **8.2 Appointment to the Committee of Additional Named Substitute**

At the extra-ordinary Parish Council meeting held on 13 November, Councillors M Docker, J Davenport and J Hillman were appointed as named substitutes for the Stapeley Community Hall Management Committee. The first meeting is to be held on 10 December and whilst there are, currently three Members who can attend, it is likely that one of them might not be in the parish on that evening. Councillor Maxine Galt, who was not at the Parish Council meeting on 13 November, is willing to act as a “stand-by” in the event of there being only two parish councillors available.

The Parish Council is asked to appoint Councillor Galt as a named substitute on the Stapeley Community Hall Management Committee.

#### **8.3 Calendar of Meetings for the Committee**

Parish Council Members of the Committee are asked to note the meeting dates for January-April 2013:

14 January, 11 February, 11 March and 8 April

### **9 NEWSLETTER**

The timetable for issue of the newsletter has slipped, principally because of the extensive Parish Council business which has been necessary during November.

The attached is a first draft (‘skeleton’) of a newsletter which can be considered by the Sub-Committee at a meeting yet to be arranged. The articles are not in the correct order and will be adjusted at a later date. Members might wish to make comment and suggest articles for inclusion in the newsletter. An issue date of early February is likely to be the earliest that this could be published.

### **10 PLANNING MATTERS**

**10.1** To report on the Strategic Planning Board’s proposed consideration of planning application Nos. 123746N and 123747N.

#### **10.2 Update on Parish Council’s Observations on the Muller Homes’ Applications**

Simon Boone will be in attendance to provide an update in respect of the Parish Council’s objections to the Muller Homes planning applications Nos. 12/3746N (New highway access road, including footways, cycleway and associated works – land off Peter de Stapleigh Way) and 12/3747N (Application for access to be taken off Audlem Road/Broad Lane, but submitted with an indicative master-plan proposing outline application for development including 189 dwellings).

### **10.3 Street Naming: New Development on the former Stapeley Water Gardens Site**

Cheshire East Council has invited the Parish Council to suggest up to eight road names for the site of the former Stapeley Water Gardens which is being developed by David Wilson Homes. The Borough Council would normally try to promote names reflecting the history of a site, but are interested in any ideas which Members might have from a local perspective. It should be noted that there is no requirement for Cheshire East Council to accept the suggestions; however, the name “Peter de Stapleigh Way” was suggested by a former parish councillor who had researched the area and discovered that “Peter of Stapleigh” was one of the founders of the parish.

### **10.4 Planning Application**

The Parish Council is invited to make observations on the following planning application:

12/4258N            52 Mottram Drive – single-storey rear extension (deadline date for comments: 3 December. An extension has been requested.)

### **10.5 Planning Appeal (12/2908N) – 60 Clonners Field**

The applicant has appealed against the Borough Council’s refusal of the above planning application to move an existing garden wall closer to the boundary edge whilst adding an additional driveway. The existing wall is to be demolished and the new wall is to be built exactly as the former and in keeping with the area. The matter is to be dealt with on the basis of written representations.

**10.6 Parish Planning Conference** (jointly arranged between the Cheshire Association of Local Councils and Cheshire East Council) - 12 December – Middlewich Community Church (7.00 pm – 9.00 pm).

The Clerk has reserved one place for this conference which is free of charge.

## **11 FINANCIAL MATTERS**

### **11.1 Authorisation of Payments**

The Parish Council is asked to authorise the following payments:

£105.40	HM Revenue & Customs – Tax on the Clerk’s salary
£75.00	Nantwich and District Band – deposit for the Community Carols’ event.
£435.00	Jof’s Mowing – work carried out June – October 2012 (Inv #0612)
£1,500.00	Bob Hindhaugh Associates Ltd. – fee for conducting technical review of transport data which accompanied planning application Nos. 12/3746N and 12/3747N.
£608.00	Hall, Smith,Whittingham – legal expenses fee for acting as the Parish Council’s Legal Adviser in respect of the lease for the Community Hall between the Parish Council and Cheshire East Council. (set fee of £500; Land Registry fee £8.00; VAT £100)
£28.05	Councillor M Docker – travel expenses and purchase of ink cartridges.
£7.99	Councillor S Gwinn-Freemantle – ink cartridges

### **11.2 Delegation to Clerk**

The Parish Council is invited to authorise the Clerk to settle all accounts for expenditure incurred at the Community Carols event to enable payment to be made before the January meeting, to a maximum of £500. This is in accordance with Financial Regulation No. 6.5.

### 11.3 Members Expenses Scheme

As noted above, at its meeting held on 22 November 2012, the Finance and Grants Sub-Committee approved a Scheme of Members Expenses which replaces the Scheme of Members Allowances due to terminate in December 2012. This is a four-year scheme and is enclosed for Members' information. ■■■

### 11.4 Additional Signatories

The Parish Council is invited to add three signatories to the Parish Council's bank accounts. The main reason is to enable any payments authorised by the Stapeley Community Hall Committee to be paid without delay.

The current signatories are Sandy Gwinn-Freemantle, Mike Docker and Keith Nord. Sandy Gwinn-Freemantle and Keith Nord are both Members of the Committee, but it would be preferable if additional signatories were authorised in the event of Councillors Nord and Gwinn-Freemantle being unable to attend a particular meeting. It is suggested that Councillors Peter Groves, Martin Malbon and Raj Samra be added as new signatories.

The Clerk has followed up with the bank the setting up of a new account. This is a more complicated procedure than had been envisaged and is likely to take several weeks before it is established. In the meantime, the Clerk has requested a new cheque book on the current account, and proposes that this be used for community hall purchases only as a means of separating the accounts until the new account is opened.

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At this point in the proceedings, if there are no members of the public in attendance, the Parish Council will take a short refreshment break.

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### 11.5 Draft Budget 2013-2014

The Finance & Grants Sub-Committee gave initial consideration to the draft budget for 2013-2014 at its meeting held on 22 November 2012.

The Clerk's report (attached) has been amended to reflect the discussions and the Parish Council is invited to consider those recommendations. Attached to the report are two appendices; (1) is the draft budget proposals; and (2) is the variance analysis. ■■■

The Borough Council will require a request for a precept by the end of January. The Parish Council can, therefore, if it wishes, defer its decision to the January meeting.

## 12 CHRISTMAS CAROLS EVENT – 18 DECEMBER 2012

The Parish Council is asked to finalise arrangements for the Christmas Carols event to be held on **Tuesday, 18 December 2012 at 7.00 pm at the Cronkinson Farm Pub (in the Beer Garden).**

To note/consider the following:

- The completed booking form has been issued to the Secretary of Nantwich & District Band requesting that the band be reduced to 10 Members (as agreed at the informal meeting after the special meeting held on 1 November).
- Carols Sheet – printing costs and design of sheet
- Programme for the evening
- Food purchases (as noted above, the Parish Council is asked to authorise the Clerk to settle any accounts for food purchases. In the event of receipts being provided in advance of issue of the agenda, these will be included for authorisation.)
- Plastic drink receptacles

- **Publicity:** The Clerk will place a poster on the two Parish Council notice-boards and at the Cronkinson Farm Pub; a press release will be issued and a post will be added to the website. The two primary schools and Brine Leas School have been provided with a poster and asked to give publicity to this event in their newsletters. This coincides with one of the events which Stapeley Broad Lane School has arranged, but the Head Teacher will publicise the event in the school's newsletter.

### **13 CONSULTATION – FUTURE PLANS FOR CHESHIRE FIRE AND RESCUE SERVICE**

This item was briefly discussed at the meeting held on 8 November when Members agreed to re-consider the issue at this meeting.

Cheshire Fire Authority has now published its annual plan, the draft Integrated Risk Management Plan (IRMP) for 2013/14 and the years beyond and launched a 12 week consultation period on 24 September, which runs until 17 December.

This draft plan is the most significant in the Fire Authority's 15 year history, as it sets out a number of far-reaching proposals, which have been developed so that it can maintain and improve the services it provides to the local community and make most effective use of its reduced funding.

The Parish Council is invited to submit comments by 17 December.

**Members are asked to bring their own copies of the consultation document issued with the agenda for the meeting held on 8 November 2012.**

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## **MATTERS FOR INFORMATION**

The following are matters for information. If the Chairman considers it appropriate, Item 12 can be scheduled for earlier in the meeting to allow Borough Councillor Andrew Martin to leave the meeting following his item.

### **14 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.]

### **15 PARISH COUNCILLOR REPORTS**

Parish Councillors to report on attendance at any outside bodies to which they have been appointed.

### **16 LAND AT TALBOT WAY**

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

### **17 WEBSITE**

Progress on the uploading of the new website.

### **18 SPEED WATCH SCHEME**

To update the Parish Council on the Speed-Watch scheme.

**19 PARISH PLAN IMPLEMENTATION GROUP  
[STAPELEY PARISH ACTION GROUP – SPAG]**

To report that the refreshed Parish Plan has now been published.

**20 CORRESPONDENCE**

To report receipt of correspondence received since the last meeting all of which have been forwarded to Members.

Cheshire East Council

- Minutes of Nantwich LAP Highways Group 17 October 2012
- CEC Highways Satisfaction Survey (deadline date for completion 23 November).  
The survey can be completed by individual parish councillors and has been forwarded by e-mail (18 November).

Cheshire Association of Local Councils

- Council Tax and Local Precepts – Power-point presentation slides from recent conference held at Cheshire West and Chester Council (which also apply in Cheshire East).
- Technical reforms of planning appeals.

**21 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)]

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

The Parish Council is invited to consider any questions from members of the public in accordance with the Parish Council's Standing Order No. 1.

**23 DATE OF NEXT MEETING**

**10 JANUARY 2013**

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**PART 2** (taken in the absence of the press and public)  
There are no Part 2 items.