

**MINUTES OF THE ANNUAL MEETING OF STAPELEY & DISTRICT PARISH COUNCIL
HELD ON 21 MAY 2015 AT STAPELEY COMMUNITY HALL, PEAR TREE FIELD, STAPELEY**

PRESENT: Councillor S Gwinn-Freemantle Chairman
Councillor S Clough
Councillor J Davenport
Councillor M Docker
Councillor J Hillman
Councillor M Malbon
Councillor M Theobald

Note: Having been elected to the office of parish councillor at the elections on 7 May 2015, each parish councillor signed a Declaration of Acceptance of Office prior to the start of the meeting.

1 ELECTION OF CHAIRMAN

The Parish Council was invited to elect a Chairman to serve until the Annual Meeting in 2016.

RESOLVED: That Councillor S Gwinn-Freemantle be elected Chairman of the Parish Council to serve until the Annual Meeting in 2016.

(Note: The Chairman signed a Declaration of Acceptance of Office.)

2 ELECTION OF VICE-CHAIRMAN

The Parish Council was invited to elect a Vice-Chairman to serve until the Annual Meeting in 2016.

RESOLVED: That Councillor M Theobald be elected Vice-Chairman of the Parish Council to serve until the Annual Meeting in 2016.

(Note: The Vice-Chairman signed a Declaration of Acceptance of Office.)

3 DECLARATION OF INTERESTS

Members were invited to declare any disclosable pecuniary interest or non-pecuniary interest which they had 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.

No declarations were made.

4 REGISTRATION OF INTERESTS

Parish Councillors were invited to refresh their 'Registration of Member's Interests' forms. Members should complete these and return them to the Clerk within 28 days of having signed their Declaration of Acceptance of Office

5 MINUTES (20 APRIL 2015)

RESOLVED: That the Minutes of the Meeting held on 20 April 2015 be approved as a correct record and signed by the Chairman.

6 ELECTIONS – 7 MAY 2015

6.1 Local Elections Results and Vacancies

Following the elections on 7 May 2015, seven candidates for the ten seats on the Parish Council had been returned unopposed. There were currently three vacancies and the Parish Council was invited to consider co-opting to each.

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

RESOLVED: That former parish councillors Peter Groves and Keith Nord be co-opted onto the Parish Council with immediate effect.

(Note: As neither candidate was in attendance, they would each sign a Declaration of Acceptance of Office prior to the start of the next meeting.)

It was noted that there was one vacancy remaining.

6.2 Declaration of Acceptance of Office – Councillor M Docker

This item was withdrawn from the agenda.

6.3 Borough Council Elections

It was noted that Peter Groves and Andrew Martin had been elected as Borough Councillors for the Ward of Nantwich South and Stapeley.

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

Members were 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 was that the Member automatically ceased to hold office as soon as the six-month period expired if that Member’s Council had not formally approved the councillor’s absence before that date.

A full explanation was provided on the agenda. It was noted that the responsibility for ensuring that a member of council did not vacate his or her office through continuous failure to attend meetings rested entirely with the individual councillor.

8 ANNUAL REPORT 2014-2015

The Annual Report for 2014-2015 was received and noted.

9 PROTOCOLS/POLICIES

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

(a) Standing Orders and Financial Regulations

These had been amended to take into account The Openness of Local Government Bodies Regulations 2014, which came into force in August 2014 and permitted any member of the public to take photographs, film and audio-record the proceedings of public meetings.

(b) Communications Protocol

The Communications Protocol now included guidance on e-mail etiquette.

RESOLVED: (a) That the Standing Orders & Financial Regulations, and the Communications Protocol, as amended, be approved; and

(b) That the Clerk submit to the June meeting, guidance on the use of social media, such as Facebook and Twitter, to enable this to be included in the Communications Protocol.

10 REVIEW OF DELEGATION ARRANGEMENTS (COMMITTEES)

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

10.1 Standing Committees

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

10.1.1 The following committees were recommended for re-appointment

(1) Complaints Committee

Five Members.

(2) Finance and Grants Committee

Five Members.

(3) Neighbourhood Plan Steering Group

Five Members

RESOLVED: (a) That the Complaints Committee, Finance and Grants Committee and Neighbourhood Plan Steering Group be retained for the next municipal year;

(b) That Councillors M Docker, J Hillman, M Malbon, K Nord and M Theobald be appointed to the **Complaints Committee**;

(c) That Councillors S Clough, J Hillman, K Nord and S Gwinn-Freemantle be appointed to the **Finance and Grants Committee**;

(d) That a fifth member of the Finance and Grants Committee be appointed at a future meeting;

(e) That Councillors J Davenport, P Groves, J Hillman, M Malbon and M Theobald be appointed to the **Neighbourhood Plan Steering Group**; and

(f) That it be noted that at its first meeting in the new municipal year, the Neighbourhood Plan Steering Group would appoint volunteer members to the Group, in accordance with the Terms of Reference approved on 20 October 2014.

(Note: The appointment of Councillor K Nord was subject to his agreement.)

10.1.2 The following committees were recommended for de-commissioning

(4) Communications Committee

(5) Appointments Committee (Community Hall)

(6) Community Hall Committee

RESOLVED: That the Communications Committee, Appointments Committee (Community Hall) and Community Hall Committee be de-commissioned for the current municipal year.

10.1.3 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 was invited to consider appointing Members to this working group.

In view of the fact that developers were currently being consulted on the Neighbourhood Plan to inform the various policies, it was agreed that there was no reason to re-appoint this working group. Moreover, as there were no other housing developers with which the Parish Council was actively engaging, the re-appointment of the group could be perceived as giving preferential treatment to one developer only.

RESOLVED: That the Parish Council decline to re-appoint the Planning Working Group.

11 APPOINTMENT TO OUTSIDE BODIES

The Parish Council was invited to make annual appointments to outside bodies.

RESOLVED: That the following appointments to outside bodies be made:

- Cheshire Association of Local Councils – Crewe & Nantwich Area Meeting
Councillors S Clough, J Hillman and M Theobald
- Police Cluster meetings
Councillors M Docker and S Gwinn-Freemantle
- Stapeley Parish Action Group (SPAG)
Councillor J Davenport
- Wybunbury United Charities – Trustees
Councillor M Docker and Dr K E Lawrence (the current trustees)

12 INSURANCE ARRANGEMENTS

The Parish Council was required to review its insurance arrangements annually. However, at the annual meeting in May 2014, the Parish Council entered into a three year long-term agreement with Came & Company with effect from 1 June 2014 and payment was now due for the year commencing 1 June 2015.

RESOLVED: That payment of £440.30 in respect of the annual insurance, brokered by Came & Company and payable to 'Broker Network', be approved.

13 FINANCIAL MATTERS

13.1 Accounts – 2014-2015

The Parish Council was asked to approve the accounts for the year 2014-2015, acknowledging its duty to ensure that there was a sound system of internal control including the preparation of accounting statements in accordance with Section 2 of the Annual Return.

The Internal Auditor had highlighted the following issues for consideration by the Council.

ISSUE

Receipts and payments are both overstated by £504 as they contain a recharged from the Community Hall to the council. As the Community Hall forms part of the Council accounts, this recharge should be removed from the accounts.

RECOMMENDATION:

The annual return should be amended to remove £504 from both receipts and payments.

Total other receipts:	£10,210
Total other payments:	£23,575

ISSUE:

Guidance note for 2015/2016

An area of potential risk for the Council in 2015/16 is ensuring they meet the requirements of The Pensions Regulator with respect to auto enrolment, or they may face fines.

Even if staff are not eligible to be auto enrolled into a pension scheme, the Council may still have to complete a declaration of compliance.

RECOMMENDATION:

The Council should review this risk if they have not already done so and ensure they meet any requirements of The Pensions Regulator.

RESOLVED: That the accounts for the year 2014-2015 be approved, subject to the removal of £504 from both receipts and payments on the Annual Return in line with the Internal Auditor's recommendation.

13.2 Appointment of Internal Auditor – 2015-2016

The Parish Council was required to appoint an Internal Auditor on an annual basis. JDH Business Services Ltd. was the current internal auditor.

RESOLVED: That JDH Business Services be appointed Internal Auditor for 2015-2016.

13.3 Authorisation of Payments

RESOLVED: That the following payments be approved:

£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 had been provided for audit purposes.
£110.34	Viking Stationers – purchase of three convection heaters for use in the Community Hall
£134.40	JDH Business Services (£112 net and £22.40 VAT)
£400.00	Crystal Clean Ltd. (payment on account as invoice not received)
£10.00	Cheshire Association of Local Councils. Purchase of 10 copies of 'The Good Councillor's Guide'

HMRC Payments

£255.54	HMRC – Month 1 - £206.40 tax and £49.14 Employer's NI contribution
£416.06	HMRC – underpayments as follows for the tax year 2014-2015:
Month 10	£192.82
Month 11	£30.42
Month 12	£192.82

CVS Cheshire East (which managed the payroll service) would be asked to confirm payments and a detailed statement would be submitted to the next meeting.

14 REVIEW OF RISK MANAGEMENT ARRANGEMENTS

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

The Clerk suggested that on line 18, (Unlawful Meeting) 'management of the risk' should include identifying that a quorum was present before a meeting commenced and Members agreed to this change.

RESOLVED: That the Risk Management Schedule be approved as amended at the meeting.

15 CALENDAR OF MEETINGS

RESOLVED: That the calendar of meetings for 2015-2016 be approved.

PART 2

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

16 PUBLIC QUESTION TIME (10 MINUTES)

In accordance with the Parish Council's Standing Order No.1, members of the public were able to submit a question, either in writing prior to the meeting, or orally at the meeting, or to make a statement.

There were no members of the public in attendance at this point in the proceedings.

17 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 conflicted with clause 21.2 of the lease.

- Revised paragraph 13 stated:

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.

The Legal Adviser clarified as follows:

Paragraph 13 prohibits fly posting (which by definition is unauthorised) or other form of unauthorised advertisements. It states that any notices or advertisements must be displayed with prior permission from the Parish Council and restricts those notices and advertisements. It prohibits internal displays which are visible from outside. It states that external displays must be on a notice board on the wall.

- Clause 21.2 of the lease stated:

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 clarified as follows:

Under the Lease, external signs and internal signs visible from outside require the consent of the landlord (ie Cheshire East Council), unless they are of a design, size, number and position that are appropriate to the property and the permitted use. If the landlord wanted to control all signs, it would have said so. By providing an exception, that leaves the signs within the exception within the control of the tenant (ie the Parish Council). Therefore it is for the tenant to make a decision as to what is appropriate by reference to design, size and number of signs which are on the exterior, or internal signs visible outside.

The Hire Agreement is more restrictive than the Lease. The Hire Agreement allows notices on the external notice board with the prior permission of the Parish Council, which can exercise its discretion as to whether such notices are appropriate, bearing in mind the provisions of clause 21.2 of the Lease.

RESOLVED: That the hire agreement for users of the Community Hall, as amended by the Legal Adviser, be approved.

18 NEIGHBOURHOOD PLANNING

18.1 The Neighbourhood Plan Steering Group updated the Parish Council in respect of progress on preparation of the Plan.

A total of 520 responses had been received to the recent consultation. The results were now available and tabled at the meeting. Members discussed the best format for presenting the information to the community. The Clerk reported that both Nantwich News and Nantwich Chronicle had agreed to publish the results.

18.2 Minutes 30 April and 14 May 2015

The minutes of the Steering Group meetings held on 30 April and 14 May 2015 were submitted.

The Group had excluded members of the public from the meeting held on 14 May 2015. Andrew Thomson (Planning Consultant) had advised the Group that Neighbourhood Plan Steering Group meetings were private meetings. The Clerk advised that the Neighbourhood Plan process should be open and transparent. If members of the public and press were excluded, this should be recorded in the minutes together with the reason for their exclusion [in accordance with Public Bodies (Admission to Meetings) Act 1960].

18.3 Resignation of Volunteer Member

It was reported that Andrew Cliffe (Head Teacher, Brine Leas School) had resigned from the Steering Group owing to a conflict of interest.

18.4 Project Plan

It was noted that the Project Plan had omitted the Parish Council's involvement at two key stages in the process, namely (i) prior approval of the Draft Plan before it was issued for consultation and (2) following receipt of comments during the statutory consultation period the Parish Council to approve the revised Draft Plan following which it would be submitted to Cheshire East Council.

The Clerk had included an additional Parish Council meeting in the calendar for 2015-2016 (29 June 2015) to enable the draft Plan to be considered and approved. To comply with public notice requirements, this would need to be delivered to the Clerk by no later than close of business on 24 June 2015.

18.5 Decisions for the Parish Council

The Parish Council was asked to make decisions in respect of the following matters which had emerged at the meeting on 14 May 2015.

- (i) Agree to a Housing Needs Survey being undertaken to inform the Draft Plan and providing a firm evidence-base.
- (ii) Commission a report from Cheshire Wildlife Trust to form part of the evidence-base; and
- (iii) Publish the results of the second round of consultation to provide feedback to the community.

RESOLVED: (a) That a housing needs survey be commissioned, to be carried out by a consultant, up to a maximum of £3,000;

(b) That Cheshire Wildlife Trust be commissioned to prepare a report to inform the evidence base for the Neighbourhood Plan; and

(c) That the results of the second round of consultation be published in Nantwich News, Nantwich Chronicle and other local media.

19 PLANNING MATTERS

19.1 Planning Applications

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

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.

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

RESOLVED: That no comments be made on planning applications Nos. 15/1867N and 15/1756N.

(Note: Councillor S Clough withdrew from the meeting during discussion of the planning applications.)

19.2 Muller Group Homes

It was noted that Muller Group Homes had applied to the High Court for a 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.

20 CHESHIRE EAST BOROUGH COUNCILLORS' REPORTS

There were no Borough Councillors in attendance.

21 NEW QUALITY SCHEME FOR LOCAL COUNCILS

Members had previously expressed interest in working towards achieving the Local Council Award Scheme which replaced the former Quality Council scheme. This was set up in 2014 and was 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 was that the Council should have the appropriate mandate which was that at least two-thirds of the seats were achieved by election. For a Council of 10 seats, this was 7 seats, and as seven councillors had been returned unopposed on 7 May 2015 it was timely to consider this.

No specific decision was taken, but Members were minded to take steps towards achieving an award under the scheme, in due course.

22 EXCLUSION OF THE PRESS AND PUBLIC

Prior to the moving of a motion to exclude the press and public, the Clerk reported that she had not yet received any quotations for perimeter fencing around the community hall, but would pursue the companies in readiness for the next meeting.

23 QUOTATIONS FOR PERIMETER FENCING – COMMUNITY HALL

This item was withdrawn from the agenda.

.....Chairman

The meeting commenced at 7.15 pm and concluded at 9.25 pm