

**MINUTES OF A MEETING OF STAPELEY & DISTRICT PARISH COUNCIL
HELD ON 5 DECEMBER 2013 AT BROAD LANE METHODIST CHAPEL, AUDLEM ROAD, NANTWICH**

PRESENT: Councillor S Gwinn-Freemantle Chairman
Councillor M Docker Councillor P Groves
Councillor J Hillman

Councillor J Davenport (for Minute Nos. 167 - 170 and
Minute Nos. 178 – 188)

IN ATTENDANCE: Mr M Theobald Candidate for co-option

APOLOGIES: Councillors S Clough, M Malbon, K Nord and R Samra

167 DECLARATIONS OF INTEREST

Members were invited to make any declarations of interest in any item of business on the agenda. No declarations were made at this point in the proceedings.

168 MINUTES

RESOLVED: (a) That the Minutes of the Meetings held on 7 November 2013 and the Extraordinary meeting held on 21 November 2013 be approved as correct records and signed by the Chairman, subject to the following:

Minutes 21 November 2013: Page 1061, heading above paragraph 16.

Add "9" to "A52".

(b) That, in approving the Minutes of the meeting held on 21 November 2013, it be noted that clarification was required (from Mr Bob Hindhaugh) in respect of paragraph 21 on the appendix.

169 PUBLIC QUESTION TIME (10 MINUTES)

In accordance with the Parish Council's Public Question Time procedure, members of the public were able to submit one question or make a statement.

There were no members of the public in attendance.

170 CO-OPTION

The Parish Council was invited to co-opt to the casual vacancy which had been advertised in accordance with electoral regulations.

There was only one candidate, namely Matthew Theobald, who was in attendance.

Mr Theobald spoke briefly about his reasons for wishing to take public office and Members were able to ask questions.

RESOLVED: That Matthew Theobald be co-opted onto the Parish Council.

(Notes: (1) Mr Theobald signed his Declaration of Acceptance of Office, following which he was able to participate in the meeting;

(2) Councillor J Davenport withdrew from the meeting at this point in the proceedings.)

171 REPORT OF CHESHIRE EAST BOROUGH COUNCILLORS

Borough Councillor P Groves reported on Cheshire East matters of interest including development at Wardle, Nantwich, the HS2 and progress on phase 1 of the Crewe Railway Station re-development.

172 FINANCIAL MATTERS

172.1 Budget – 2014-2015

The Finance and Grants Committee met on 21 November 2013 to give initial consideration to the budget proposals for 2014-2015. The Committee's recommendations were now submitted in the form of a revised report.

Following discussion of the proposals, the following were agreed/noted:

Lines 21 to 29 Community Hall – income and expenditure

Members were minded to “ring-fence” the income from the community hall during the current financial year, to offset expenditure in 2014-2015. This matter would be considered further at the January 2014 meeting.

Lines 30 and 31 Parish Plan Implementation Group (SPAG) £1,200
Two projects ear-marked for 2013-2014

The Clerk was asked to enquire of SPAG if the two schemes were likely to come to fruition during the current financial year.

(A) Exclusion of Press and Public

RESOLVED: That in accordance with the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting during consideration of a proposal to increase the Clerk's contracted hours.

Reason for Exclusion: As the matter related to information about an individual member of staff, this was of a confidential nature between the Council and the staff member and it was not in the public interest to disclose the information. The decision would be recorded in the minutes.

(Note: The Clerk withdrew from the meeting prior to discussion of the following item.)

(B) Review of Contracted Hours for the Clerk

The Parish Council was invited to consider an increase in contracted hours for the Clerk. The current contracted hours were 10 per week and the suggested increase was to add 5 hours each week to reflect the workload currently being undertaken in respect of community hall duties, but also to acknowledge that even when management arrangements were put in place, a number of residual duties would remain the Clerk's responsibility. These were detailed on the report submitted.

RESOLVED: (a) That the Clerk's contracted hours be increased from 10 per week to 15 per week, with effect from 1 January 2014; and

(b) That the Clerk maintain a contemporaneous work record to enable a review of the contracted hours to be undertaken in June 2014.

(Note: The Clerk re-joined the meeting at this point in the proceedings.)

(B) Re-Admittance of Press and Public

RESOLVED: That the press and public be re-admitted to the meeting.

Members reviewed their discussions in respect of the budget proposals for the forward year. It was noted that the deadline for submission of the precept request was 17 January 2014 and it was agreed, therefore, that the budget should be finalised at the January meeting.

RESOLVED: That budget proposals for 2014-2015 be finalised at the January 2014 meeting.

172.2 Accounts

It was reported that following further review of the accounts, the Clerk had identified the anomaly reported at the previous meeting. The difference was £103.34 which represented an excess of funds. The sum related to a double-counting of cheque No. 726 in the sum of £103.50 (income) which left a balance of 0.16P (excess). An adjustment figure had now been included in the receipts section of the Receipts and Payments Statement, and it was expected that this would be accepted by the auditors.

172.3 Authorisation of Payments

RESOLVED: That the following payments be authorised:

£630.00	Red Wellies Nursery – overpayment of account Red Wellies Nursery (which vacated the hall on 8 November 2013) did not stop its standing order in sufficient time and payment had been made on 11 and 18 November.
£105.40	HM Revenue and Customs – Tax on Clerk's salary
£1,050.00	TWM Traffic Control Systems Ltd. – movement of units around the parish (Movement dates – 26 June, 18 July, 8 August, 2 September, 19 September, 7 October, 19 November) These movements were in line with the arrangement with TWM
£294.00	Holdfast Security Systems – replacement lock on community hall front Door. Estimate previously approved by the Parish Council. (£245 net + £49 VAT)
£397.50	Crystal Clean – cleaning of community hall (November)

Community Carols Expenditure – 10 December 2013

£75.00	Nantwich Voices – fee for performing at Community Carols
£150.00	Nantwich and District Band – fee for performing at Community Carols
£28.61	Councillor M Docker – sundry items
£10.00	Councillor S Gwinn-Freemantle - sandwiches

173 PUBLIC INQUIRY – MULLER HOMES (18 FEBRUARY 2014)

173.1 As previously reported, the Clerk had contacted four legal practices seeking quotations for the cost of a planning specialist solicitor to represent the Parish Council at the Public Inquiry. Two of those had advised that as the Parish Council wished to appeal on highway grounds and an experienced consultant had been engaged (Hindhaugh Associates), a barrister with experience of cross-examination of highway witnesses would be more appropriate.

The date of the Inquiry was 18 February 2014 and was expected to last for four-days.

A broad indication of costs was given:

- Preparation of brief (which included attendance at day one) £4,500
- Refresher days @ £1,250 per day (3 additional days) £3,750
- Conferences/site visit (£200 per hour) £1,000

- | | |
|--|--------|
| • Solicitor's fees (for instructing barrister) | £2,500 |
| • Hindhaugh Associates
(£1,500 original fixed fee)
(£380 - payment in November for additional work)
(£750 - approval at extra-ordinary meeting 21 Nov 2013
for review of re-submitted planning applications) | £2,630 |

TOTAL **£14,380**

RESOLVED: (a) That the Clerk contact Cheshire East Council's (CEC) Planning Solicitor to establish which Chambers were to be used by the Borough Council;

(b) Following the outcome of (a) above, the Clerk, through the Parish Council's Legal Adviser, make arrangements to instruct a barrister at the same Chambers as those used by CEC; and

(c) That the Clerk make arrangements as necessary, for meetings of all appropriate parties ie. Legal Adviser, Parish Council Advocate, Bob Hindhaugh, Councillor Keith Nord and CEC Officers.

173.2 Strategic Planning Board – Application Nos. 13/4384N and 13/4390N

The date of the Strategic Planning Board (SPB) at which these applications were to be considered, had not yet been arranged. The Parish Council was asked to authorise Councillor Nord, as the representative at the Public Inquiry, to speak on these applications on behalf of the Council at the SPB meeting, subject to his availability.

RESOLVED: That Councillor K Nord be authorised to speak at the Strategic Planning Board meeting at which planning applications Nos. 13/4384N and 13/4390N were to be considered.

173.3 Independent Safety Audit

At the extra-ordinary meeting held on 21 November, it was suggested that the Parish Council consider whether to commission an independent safety audit to counter the arguments submitted by Singleton Clamp and Partners.

RESOLVED: That the Parish Council commission an independent safety audit.

174 PUBLIC DEBATE

The last public debate had been held in September 2012. The proposed debates for 2013 had been delayed until the situation regarding the Muller Homes applications had become clearer.

Given that the date of the Public Inquiry had now been notified, the Parish Council was invited to consider arranging a public debate either at Pear Tree School or in the Community Hall. This would give parish councillors the opportunity to explain to local residents the arrangements for representation at the Inquiry and to allow residents to express their own views about the Parish Council's proposals to fight the appeal.

It was suggested that to call the meeting a "Public Debate" could be misleading and residents might believe that they could influence the arrangements which were nearing completion. The purpose of the meeting would be to inform residents of those arrangements and to allow them to ask questions.

RESOLVED: (a) That a public meeting be held on 4 February 2014 at the Community Hall, commencing at 7.30 pm;

(b) That an information note be prepared for distribution to residents at the meeting; and

(c) That the meeting be called a "community meeting" rather than a public debate.

175 COMMUNITY HALL

The Parish Council considered the Clerk's report.

175.1 Nantwich Town Council Assistance

At the previous meeting, the Parish Council agreed to allocate a sum of £5,000 for assistance in managing the community hall (to be carried out by Nantwich Civic Hall staff). Nantwich Town Council's Finance Committee had now agreed to recommend that Nantwich Town Council agree to the proposal. The Town Council would make its decision on 16 December 2013.

175.2 Policy – Regular Bookings

The volunteers on the decommissioned Community Hall Committee had made arrangements with regular users whereby they allowed them sufficient time to clear away any equipment and depart the premises without including this within the hire period. As these related to the on-line bookings made by the users themselves, it had caused difficulties in scheduling cleaning outside those bookings. In some cases, this added at least half an hour to the booking.

The new cleaner worked late evenings around the finish times of regular users. On occasions, she had waited for half an hour before the regular users had cleared away their equipment/waited for parents to collect children.

The Parish Council was invited to consider if free use of the hall at the beginning and end of use could be allowed as set-up and clear-down time.

RESOLVED: (a) That regular users be allowed a free half hour at the beginning and end of their bookings to allow for set-up and clear-down time;

(b) That the Clerk make enquiries of Sports-Booker (the providers of the on-line booking system) to establish if the booking system could be converted to an on-line diary only, without the ability to take payments;

(c) That the Clerk add a buffer period to each booking to take into account the free half-hour use at the beginning and end of bookings; and

(d) That at the January 2014 meeting, the Parish Council be invited to consider setting up a working group to give detailed consideration to matters associated with operation of the community hall.

175.3 New Lease

It was reported that the new lease had not yet been finalised and the Parish Council was currently occupying the hall at will.

175.4 Re-decoration of the Hall

Following a "walk-through" with a CEC Officer, the Clerk had been advised that the hall should be re-decorated as soon as practicable. This would require painting walls and skirtings, following which a CEC Officer would inspect the completed work. Ideally, this should have been carried out before the end of the lease which terminated on 23 November 2013.

The Clerk was seeking quotations which would be submitted to the January meeting.

175.5 Keys to Community Hall

The Clerk had received confirmation from the insurance company that there was no official limit on the number of keys which were permitted to be given to regular users.

175.6 Security

Mark Cotton (Crime Reduction Adviser) had reviewed security at the community hall and had agreed to submit a report to the Parish Council in due course.

176 PLANNING

176.1 Planning Applications

The Parish Council was invited to comment on the following planning applications:

13/4648N Re-plan of plots 110-120 at former Stapeley Water Gardens' site
For David Wilson Homes
Deadline date for observations: 11 December 2013

13/4717N The Barn, Batherton Lane, Batherton
Addition of Garden Room
Deadline date for observations: 18 December 2013

Discussion of application No. 13/4648N was deferred until later in the meeting to allow Members to clarify a matter by viewing the application on the Borough Council's website.¹

RESOLVED: That no observations be made on planning applications Nos. 13/4648N and 13/4717N.

(Note: Borough Councillor P Groves did not participate in discussion or voting on planning application No. 13/4717N as he was a Member of the Southern Planning Committee and such participation could fetter his discretion if the matter came before the Committee.)

176.2 Pre-Submission Core Strategy and Non-Preferred Sites Documents

The Parish Council was invited to comment on these documents by 16 December 2013.

RESOLVED: That the following comment be made on the Pre-Submission Core Strategy and Non-Preferred Sites Documents:

The Parish Council supports the contents but would encourage the use of brownfield sites and support eco-friendly houses; for example, solar panels, rain-water harvesting, heat pumps etc.

177 LAND AT TALBOT WAY

Councillor Hillman reported on her inspection of land at Talbot Way. The temporary (Heris) fencing had blown down during the recent bad weather and represented a potential danger to anyone accessing the land through this opening, albeit that it was an unauthorised means of access.

Quotations for replacement of the fencing were expected to be available at the January meeting.

178 COMMUNITY CAROLS – 10 DECEMBER 2013

Arrangements for the Community Carols event were noted. A copy of the programme for the evening was submitted.

(Note: At 9.30 pm, during discussion of this item, Councillor J Davenport re-joined the meeting.)

¹ Although deferred until later in the meeting, the resolution is included here for convenience.

179 REPORT OF MEMBERS APPOINTED TO OUTSIDE BODIES

Members appointed to outside bodies were invited to report on any recent meetings.

The Minutes of the Parish Plan Implementation Group (SPAG) meeting held on 4 November 2013 were submitted. It was noted that these had been submitted to the November meeting of the Parish Council and there were, therefore, no matters to report.

**180 NOTICE OF MOTION
REMOVAL OF STANDING ORDER NO. 10 (RESCISSION OF DECISION –
known as “The 6-month Rule”)**

Councillor Docker submitted the following motion for consideration by the Parish Council –

“To consider whether Standing Order No.10, which forbids the Council to re-visit a decision within 6 months of the date of that decision, should be removed from the Parish Council’s Standing Orders.”

Councillor Docker’s reason for the motion was as follows:

“The Standing Order, while included in the Model Standing Orders issued by NALC, is not a statutory requirement, merely deemed to be best practice, and the Council can decide to have this removed from the Parish Council’s own Standing Orders.

While fully accepting that, in the vast majority of instances, there should, in the normal course of events, be no reason to revisit recent decisions, there can occasionally occur an instance when new information is presented prior to expiry of the 6 month period. To have Standing Order No.10 presented as a barrier to revisiting such decisions is, I believe, against the best interests of the community.”

Councillor Docker spoke to the motion, following which Members discussed the advantages and disadvantages of removal of Standing Order No. 10 from the Parish Council’s Adopted Standing Orders.

There were two aspects to the proposal to remove Standing Order No. 10, viz:

- (i) Rescission of Decisions taken at previous meetings (SO.10);
- (ii) Rescission of Decisions taken earlier in the same meeting.

Standing Order No. 10 related to decisions made at previous meetings within the previous 6-month period. Members did not specifically address this issue but focused on the ability to change decisions which occurred during a meeting, for which there was no standing order.

The Clerk advised that all decisions stood as dispositive of the issue under discussion at the time they were made and did not rely on the production of draft minutes (nor approval of minutes) for them to become effective. They were effective immediately.

An amendment to the motion was moved:

That the Chairman -

- (a) Review the matter and report back to the Parish Council, in due course;
and
- (b) Consider the possibility that in her role as Chairman she could agree that any decision taken during a meeting could be reviewed and a new vote taken later in the same meeting.

[Although the amendment was moved and seconded and a vote taken, the substantive motion was not put to the Parish Council (Standing Order No. 6.)]

RESOLVED: That the Chairman –

- (a) Review the matter and report back to the Parish Council, in due course;
and
- (b) Consider the possibility that in her role as Chairman she could agree that any decision taken during a meeting could be reviewed and a new vote taken later in the same meeting.

**181 COMMUNITY HALL/BROAD LANE METHODIST CHAPEL
LUNCH CLUB FOR OLDER PERSONS**

At the Loneliness and Isolation meeting held on 11 November (attended by the Chairman and Councillor M Docker) Roger Millns, Chairman of Audlem and District Community Action (ADCA) had outlined his work in respect of a project to tackle loneliness and isolation. His organisation was introducing a coffee/tea club for older persons for two hours each Monday morning, commencing in the New Year. These would be held at Broad Lane Methodist Chapel.

As this was a scheme about which the Chairman has previously expressed a keen interest, the Clerk had contacted Mr Millns about a partnership arrangement between the Chapel and the Parish Council whereby the community hall could also be used, possibly on alternate weeks. In this way, there would be no competition for “clients” and the community hall would be a more convenient location for the residents on the Cronkinson development and some parts of London Road.

Mr Millns had subsequently discussed this with his Broad Lane Methodist Chapel colleagues and ADCA and they were keen to work in partnership with the Parish Council. Alternating venues did not find favour, but ADCA envisaged scope for a weekly tea club at the Chapel and a luncheon club at the community hall on a different day in the week, or fortnightly.

The next stage would be for a discussion with a Parish Council representative with Mr Millns and the co-ordinator, Ronni Briggs who had previously worked with Age UK.

In the meantime, there was an initial meeting to be held at Broad Lane Methodist Chapel on 9 December at 10.30 am and the Parish Council was invited to nominate a representative to attend. A representative from Nantwich Town Council, together with an NHS representative would also be invited. Councillor Docker had originally intended to volunteer to attend the meeting, but owing to a change in his personal arrangements he was no longer available.

RESOLVED: (a) That, owing to the unavailability of Members, Mr Millns be informed that there would be no representation at the meeting on 9 December;

(b) That Councillor Docker discuss the scheme further with Roger Millns (Audlem and District Community Action) and Ronni Briggs; and

(c) That Councillor Docker report back to the Parish Council.

182 CORRESPONDENCE

The following items of correspondence were reported:

- Meeting with Police and Crime Commissioner – John Dwyer – 9 December 2013
- Cheshire Association of Local Councils (ChALC) Executive Board meeting with John Dwyer on 10 December 2013
- E-mail from local resident about Muller Homes planning applications. The resident wished to share information with the Parish Council. He had been advised that the only mechanism for sharing information with the Parish Council was to present it under the Public Question Time slots at each meeting.

183 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDs)

At the previous meeting, it was suggested that the Parish Council consider the purchase/acquisition of an automated external defibrillator (AED) unit for the parish.

Mr Robert Hussey, North-West Ambulance Trust had confirmed that he would attend the January 2014 meeting to make a presentation to Members. In the meantime, information was provided about the value of AEDs and their effectiveness in saving lives.

Members were asked to note that if the cost of purchase of an AED was not factored into the budget proposals for 2014-2015, the scheme would need to wait until 2015-2016.

184 PUBLIC QUESTION TIME

There were no members of the public in attendance.

185 SHARED ITEMS

Parish Councillors were invited to share information or request the inclusion of items on the agenda for the next meeting.

- Parish Boundaries

Following an enquiry from the Chairman of a neighbouring parish about a parish boundary review, the Clerk had made enquiries.

Cheshire East Council's Constitution Committee decided in 2011 that it would conduct a community governance review of all parishes, but agreed that this would not commence until all the community governance reviews for the un-parished areas in the borough had been completed. The last review to be undertaken was that for Macclesfield which was likely to be completed in May 2014. At that time, the Constitution Committee would need to decide if it wished to conduct a review of parish boundaries.

A parish boundary review was overdue. It was considered good practice for principal councils to undertake a review every 10-15 years and this would be an opportunity to consider the parish boundary anomalies (presumably following re-organisation in 2009) and to review those parishes where parish councils experienced difficulty in identifying sufficient candidates to stand for election.

- Social Media to Support Parish Councils

The Clerk and Councillor J Hillman recently attended a Social Media training session organised by ChALC at which time the legal implications in respect of, eg Facebook and Twitter were outlined.

Councillor Hillman reported on the session.

A suggested policy would be prepared by ChALC and submitted to a future meeting.

186 NEXT MEETING

Date: 9 January 2014

187 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: 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 item owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

188 INDEPENDENT SAFETY AUDIT

The Parish Council was invited to consider three quotations to commission an independent safety audit as part of the Parish Council's evidence for the Public Inquiry (Muller Homes).

Three quotations had been sought by Simon Boone on behalf of Bob Hindhaugh Associates Ltd. As the safety audit was intended to be "arms' length" from Mr Hindhaugh's company, the names of the companies should have been provided to the Clerk who would then seek quotations.

The only information presented by Mr Boone was the name of each company and the quoted cost. These had been provided in the form of e-mail conversations and the basis on which the quotations had been sought was unclear. Members considered that they did not have sufficient information on which to base a decision. The Clerk was asked to write to each of the companies direct, requesting the following:

- The specification which formed the basis of the quotation.
- The timescale for carrying out the audit.
- The method by which the audit would be undertaken and the standard to be adopted.
- Confirmation that the successful company would be able to start the project within days of the Parish Council making its decision on 9 January 2014.
- A list of qualifications and experience of the staff/engineers who would carry out the audit.
- CVs of the engineers carrying out the audit.
- Examples of similar projects carried out by the companies.

RESOLVED: That in view of the insufficiency of information available, the Clerk write to each of the companies direct requesting additional information as discussed.

Reason for Exclusion

The information was commercially sensitive and it was not in the public interest to reveal the identities of the companies, nor the quotations.

.....Chairman

The meeting commenced at 7.30 pm and concluded at 10.45 pm