

**MINUTES OF A MEETING OF STAPELEY & DISTRICT PARISH COUNCIL  
HELD ON 20 JULY 2015 AT STAPELEY COMMUNITY HALL, PEAR TREE FIELD, STAPELEY**

**PRESENT:** Councillor S Gwinn-Freemantle Chairman  
Councillor J Davenport  
Councillor P Groves  
Councillor J Hillman  
Councillor M Malbon  
Councillor K Nord  
Councillor M Theobald

**APOLOGIES:** Councillors S Clough, M Docker

Notes:

- (1) Having been co-opted onto the Parish Council on 21 May 2015, in his absence, Councillor Groves signed his Declaration of Acceptance of Office prior to the start of the meeting; and
- (2) PC Sarah Marson addressed Members prior to the start of the meeting. A standing item 'Police Matters' would be added to future agendas to allow PCSOs to update the Council in respect of criminal activity and anti-social behaviour in the parish.

**36 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.

Councillor K Nord declared a disclosable pecuniary interest in agenda item 15 (Perimeter Fencing) on the basis that his son was employed by one of the companies which had quoted for the contract.

No other declarations were made.

**37 MINUTES – 15 JUNE 2015**

**RESOLVED:** That the Minutes of the meeting held on 15 June 2015 be approved as a correct record and signed by the Chairman.

**38 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.

**39 DRAFT NEIGHBOURHOOD PLAN**

The draft Neighbourhood Plan was not yet available. In the meantime, the Council was invited to give early consideration to the following matters to ensure that arrangements could be put in place as soon as the Parish Council approved the Plan.

**39.1 Front Cover**

The draft Plan would be a complete document and other than amendments to reflect comments made during the six week consultation period, the draft would be identical in appearance to the finished Plan. For this reason, the Clerk recommended that the front cover of the draft should be identical to that for the final version.

The Parish Council had previously indicated that the cover of the second consultation document was appropriate as the front cover of the Plan. Members were asked to re-consider the image of the boundary sign which featured as the largest of the five images on the cover. It was a former Cheshire County Council sign and the County Council ceased to exist in April 2009 as one of the four demised local authorities in Cheshire as part of local government re-organisation.

Members were of the view that as this was the sign which currently marked the boundaries in the parish, it should remain as part of the cover.

**RESOLVED:** That the front cover of the second consultation document be used for both the draft and final Neighbourhood Plan.

### **39.2 Notice of Pre-Submission**

A draft notice of pre-submission was submitted. The Clerk had included locations where printed copies of the draft Plan could be made available.

**RESOLVED:** (a) That paper copies of the draft Plan be made available at the following locations:

- Nantwich Library, Beam Street
- Civic Hall, Nantwich
- Community Hall – Tuesdays only between 11.00 am – 1.00 pm. The hall would be staffed by the Clerk on these occasions.
- Co-op Store, Cronkinson shopping parade
- Each of the two local primary schools

(b) That representations by e-mail be made using the dedicated Neighbourhood Plan e-mail address [hello@stapeley.org.uk](mailto:hello@stapeley.org.uk);

(c) That representations by post be made by means of a Box No.; and

(d) That the Clerk make arrangements for a Box No. to be used and report back to the Parish Council.

### **39.3 Printing of Draft Plan**

A number of paper copies of the draft Plan would be required for consultation purposes for those residents who did not have access to the Internet or preferred to read paper copies rather than viewing a large document on a computer screen. Members were invited to consider -

- Number of paper copies to be printed (500 was suggested);
- Quality of finish; eg, paper weight and finish;
- Date by which they should be printed, given that the consultation period would commence the day after approval by the Parish Council.

The matters raised would be considered by the Steering Group which would report back to the Parish Council. Initial indications were that 500 copies would be appropriate and the quality of finished document should be the same as for the second consultation document.

In response to a comment from a Member that paper copies should be provided to each household in the parish, the Council was reminded that under Regulation 14 (The Neighbourhood Planning (General) Regulations 2012) the requirement was to '*publicise in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area*'.

#### 39.4 Summary of Draft Plan

The Steering Group Members of the Parish Council indicated that they did not propose preparing a summary document of the draft Plan. The emerging document was being written in non-technical language and provided introductory explanations for each section.

#### 39.5 Pre-Submission Representation Form

The Parish Council was invited to consider if a pre-printed representation form would be required to enable respondents to focus on the issues in the draft Plan.

Members considered that this would be unnecessary. The public would be able to comment on any aspect of the draft Plan.

#### 39.6 Distribution of Draft Plan and Official Letter to Consultees

Members noted the requirements of Regulation 14 in respect of publicising the draft Neighbourhood Plan.

A draft letter for issue to the Regulation 14 statutory consultees was submitted for information.

#### 39.7 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.

#### 39.8 Housing Needs Survey

The Clerk reported that she had not been provided with the names of companies which could be approached to conduct a housing needs survey, nor had she been provided with a scoping brief. Notwithstanding this, the Clerk had been able to prepare a scoping brief and identify three organisations, each of which would be competent to conduct a housing needs survey. The Clerk's report, together with a copy of the scoping brief was submitted.

Members considered that the scoping brief was not adequate for the purpose and the Parish Council could not, therefore, reach a decision based on the information presented. Further information was required from each of the companies.

**RESOLVED:** (a) That the Steering Group consider this matter at its meeting to be held on 21 July 2015 with the aim of preparing additional questions to be posed to each of the organisations, effectively representing a revision to the scoping brief;

(b) That the Clerk write to each of the organisations with the additional questions as agreed by the Steering Group;

(c) That the Steering Group be authorised to invite each of the organisations to one of its meetings to enable those Members to assess the suitability of each to conduct the survey; and

(d) That the Steering Group make recommendations to the Parish Council in respect of awarding the contract, either at a scheduled meeting or at an extra-ordinary meeting.<sup>1</sup>

It was noted that whichever organisation was awarded the contract, the project would take approximately 12 weeks, made up as follows:

- Planning and design of the questionnaire 2-4 weeks
- Printing and posting of survey 5 days

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<sup>1</sup> The non-Parish Council members of the Steering Group would be reminded of the need for confidentiality when discussing this item.

- Consultation period 4 weeks (max)
- Survey processing, analysis and reporting 4-6 weeks

The Parish Council would be required to sign-up to the Public Sector Mapping Agreement (PSMA) with Ordnance Survey (OS) to enable the successful contractor to be given permission to use the lists of addresses provided for the purpose of the survey. This would allow the Borough Council to release the address database. If this was not undertaken, it would cost approximately £1,000 to purchase the address list from Royal Mail.

### **39.9 Re-admittance of Press and Public**

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

### **39.10 Timetable**

The timetable had slipped and the Clerk had re-calculated based on the timeframe for each of the tasks yet to be completed.

A Member of the Steering Group expressed disappointment that the revised timetable had been presented without consulting the Steering Group itself. The Member was concerned that as this was now in the public domain, a specific third party might use this to his advantage. Another Member suggested that the Minutes could reflect the draft nature of the timetable.<sup>2</sup>

It was noted that as the timetable had been calculated based on the housing needs survey being commissioned at this meeting, the delay in commissioning the survey (Minute No.39.8 above) would also impact the timetable.

### **39.11 Independent Examination**

The Parish Council noted the list of documents required for the Independent Examiner.

### **39.12 Referendum**

It was noted that the Spatial Planning Team would liaise with the Registration Service and Business Manager about the timing of the referendum. There were various Neighbourhood Plan Groups which would be at referendum stage at around the same time and all referenda would be held on the same date.

Although the legal notice requirement for a referendum was 28 days, this did not mean that the referendum would be held 28 days after the Independent Examiner had approved the Neighbourhood Plan. It would be held 28 days after publication of the Notice of Referendum and the Notice would not be published until CEC had decided the date of the referendum. The purpose of the Notice was to allow the elections process to commence and this included printing and despatch of poll cards, preparation of ballot papers, arranging staffing of polling stations, issuing of postal ballot papers, etc.

### **39.13 Funding from Groundwork (via Locality)**

The funding of £7,850 had now been lodged in the Parish Council's account and the Clerk had set up a system to monitor spending of the fund.

Once the project was complete, Groundwork UK would require confirmation of grant expenditure and a project progress update. The Clerk was required to retain all evidence of spend of the grant; however only invoices over £1,000 would be required for submission to Groundwork UK. The Clerk would also need to provide additional information via the on-line 'Gifts' system.

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<sup>2</sup> The timetable was not confidential and the item had been added to the agenda in accordance with Parish Council procedures. A preamble had been included to the effect that although the timeline had been re-calculated, the Steering Group might wish to consider this at its next meeting, thereby acknowledging that it was draft and subject to review. In these circumstances there would be no advantage to be gained by a third party.

The grant must not be used for any purpose other than to further the project as identified in the detail of the application. If there were changes to the planned activities, Groundwork UK's approval in writing was required prior to entering into any agreement to purchase support.

Payments would be made direct to Andrew Thomson when the current 'supply' of allocated days (through Cheshire Community Action) had been exhausted. The fees were £324 per day plus travel expenses at 0.45P per mile (£10.35 Bunbury-Stapeley return).

#### **39.14 Steering Group Minutes**

The Minutes of the Steering Group meeting held on 25 June 2015 were received. The Minutes of the meeting held on 8 July were not available but Members of the Steering Group reported on the proceedings of that meeting.

#### **39.15 Cheshire Wildlife Trust**

At the meeting held on 15 June 2015, the Parish Council made the following decision in respect of a survey to be conducted by Cheshire Wildlife Trust.

**RESOLVED:** (a) That the Clerk inspect the Financial Regulations to establish if there were any provisions which would allow Cheshire Wildlife Trust (CWT) to be appointed without the need for other quotations to be sought; and

(b) That in the event of there being such provision, the Clerk be authorised to ask CWT to (i) carry out a full ecological assessment of the area; (ii) prepare a report following the assessment; and (iii) assist in the formulation of associated policies for inclusion in the Neighbourhood Plan in the sum of £625.

Subsequent to the decision being made, Members were informed by a third party that Cheshire Ecological Services Limited (CES), the consultancy arm of Cheshire Wildlife Trust, had provided a commercial service to clients in connection with planning applications; in particular, it had conducted an ecological survey for Muller Group Homes, the local developer whose views of the way in which Stapeley should be developed were in contrast to that of the Parish Council. In these circumstances, some Members were of the view that CWT would have a potential conflict of interest by working for the Parish Council on the Neighbourhood Plan whilst, at the same time, having provided a service to the local developer whose views were diametrically opposed to those of the Parish Council.

Having contacted Dr Rachel Giles of CWT, the Clerk was satisfied that (a) the work to be undertaken for the Parish Council would be carried out by CWT itself and not the consultancy arm; (b) CWT would not be influenced by a third party; and (c) the company itself would be obliged to abide by its own code of conduct. This view was conveyed to all Members who remained concerned and wished the Steering Group to interview Dr Giles. She attended the meeting on 8 July 2015 and the Steering Group was now satisfied that there was no conflict.

The Clerk had, therefore, implemented the Parish Council's decision in accordance with Financial Regulation 11 (a) (ii) on the basis that CWT was the recommended supplier for this service and would be privy to data which would not be available to other potential contractors.<sup>3</sup>

## **40 PLANNING APPLICATIONS**

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

15/2871N Manor House Farm, 2 Old Newcastle Road, Willaston, CW5 7BQ  
Listed building consent for proposed ground floor extension to rear of property.

15/3064N 17 Mainwaring Close, Stapeley, CW5 7GT  
First floor extension over existing garage

<sup>3</sup> Although not reported at the meeting, all Members had been notified by e-mail (15 July 2015) that the survey would be completed by mid-September 2015.

**RESOLVED:** That no observations be made on planning applications Nos. 15/2871N and 15/3064N.

#### **40.2 For Information**

It was noted that Planning Application 15/2716D (Discharge of conditions in respect of application 14/2155N, London Road, Nantwich) had been due to be added to the agenda for the meeting scheduled for 29 June 2015. The meeting had been cancelled and there was, therefore, no opportunity to make observations as the deadline for comments had been 7 July 2015.

#### **40.3 Cheshire East Council Local Plan Strategy**

At its meeting to be held on 21 July 2015, Cheshire East Council Cabinet is to consider the report of the Portfolio Holder (Councillor Rachel Bailey) in respect of the Local Plan Strategy.

The report asked Cabinet to '*endorse the additional evidence and the suggested revisions to the submitted Plan for publication, additional stakeholder engagement and submission as set out in Appendices 1-9*'.

The Parish Council was not being consulted on this report; however, Councillor Theobald had expressed concern about the conclusion in Appendix 7B of the report which stated:

*"A total of ten sites have been considered on land adjacent to Nantwich. Of those sites, seven are not being actively promoted within the Local Plan process and one site is located on a Registered Battlefield Site; this is considered to be a 'show stopper' matter, as the loss of a Registered Battlefield Site cannot be mitigated for. These sites are not considered to be reasonable alternatives and will not therefore be considered any further in the Local Plan process.*

*Of the two remaining sites, one site is considered to be suitable for further consideration at Site Allocations stage, if Nantwich is required to provide additional land for housing in the Plan period. This site would deliver about 118 dwellings, on green field land, at Queens Drive. A further site, at South Nantwich could deliver 1,015 dwellings on a green field site and is considered to be suitable for further consideration for inclusion in the Local Plan Strategy, if Nantwich is required to provide additional land for housing in the Plan period. Both of these sites are considered to be reasonable alternatives and were recommended for HRA and SA".*

The Clerk had contacted the author of the Cabinet report and he had responded to the effect that whilst there was no formal mechanism for updating the Cabinet report with comments at this stage, the Parish Council could express its views which could be fed back to a meeting scheduled to be held on 3 or 4 August, details of which would follow under separate cover.

Councillor Groves, in his capacity as a Member of Cabinet, reported that the Executive Director of Economic Growth and Prosperity, Caroline Simpson, had advised "*This is from the edge of settlement work that underpins the spatial distribution work. It simply means that there is a site that is capable of development and forms part of the reasonable alternatives that the Council must show it is considering. One of the requirements of the revised evidence base. That is not at all the same as saying that it should be developed; that will be the next stage. This wording should not be read in isolation.*"

Following a full discussion about the implications for the parish, it was –

**RESOLVED:** That a letter be sent to the Executive Director of Economic Growth and Prosperity, Cheshire East Council (CEC), with a copy to the Leader of CEC requesting that a public consultation, to include the Parish Council, be undertaken before any potential site in this area was earmarked, either now or in the future, for inclusion in the Local Plan.

**41 CHESHIRE EAST BOROUGH COUNCILLORS**

Borough Councillor Andrew Martin was not in attendance, and Borough Councillor Peter Groves had no matters to report.

**42 COMPLAINTS PROCEDURE**

The Clerk had reviewed and updated the Complaints Procedure. The Parish Council was asked to adopt the revised document.

**RESOLVED:** That the Complaints Procedure, as revised, be approved.

**43 COMMUNICATIONS PROTOCOL**

The Communications Protocol had been up-dated and now referenced the new regulations on filming of council meetings and included guidance on social media.

**RESOLVED:** That the Communications Protocol, as revised, be approved.

**44 FINANCIAL MATTERS**

**44.1 Authorisation of Payments**

**RESOLVED:** That the following payments be authorised:

£162.00	C M Jones	Travel Expenses
£85.00	Cheshire Community Action	Annual affiliation fee comprising £50 for main fee and £35 in respect of advice on community hall.
£352.00	Crystal Clean Ltd	Cleaning of community hall and opening and closing for private parties
£36.00	Richard Brown	Call-out to Community Hall – central heating (£30.00 net and £6.00 vat)
£54.30	Holdfast Security Systems	5 keys for the Community Hall (£45.25 net and £9.05 vat)
£137.72	Scottish Power	Unmetered electricity supply for street lighting (£131.16 net and £6.56 vat)
£48.00	CVS Cheshire East	Payroll service – April – October 2015.
£228.00	HMRC	Tax on Clerk's salary and employer's NI contribution

In approving payment to HMRC it was noted that the position regarding payment of tax and employer's NI contribution was not yet clear; however, the Clerk had spoken to an HMRC Officer in May at which time she had been advised that the Parish Council was £600 in credit. The payment of £228 would bring the Council up-to-date as at August 2015.

Arising out of discussion, the Clerk undertook to contact both CVS Cheshire East and the Parish Council's bankers, to enquire into the possibility of BACS payments being made for the Clerk's salary and tax and employer's NI liability.

**44.2 Receipts and Payments Statement – 1 April – 30 June 2015**

The Parish Council received an indicative receipts and payments statement, together with a budget monitoring statement, and noted the bank reconciliation at 30 June 2015.

	£		£
Total Receipts	68,010.73	Gold Account	59,957.29
<u>LESS</u> Payments	<u>-11,737.68</u>	Current Account	451.38
		<b>LESS</b> unpresented cheques	-4,135.62
	<b><u>56,273.05</u></b>		<b><u>56,273.05</u></b>

#### **44.3 New Audit Regulations**

The Local Audit and Accountability Act 2014 brought in a new regime for the accounts and audit procedures for local authorities in England. The details were contained in *The Local Audit (Smaller Authorities) Regulations 2015* and the *Accounts and Audit Regulations 2015*. The regulations applied to accounts for the financial year 2015-2016 and onwards.

The Smaller Authorities (Transparency Requirements) (England) Regulations 2015 came into force from 1 April 2015 and provided that town and parish councils in England, whose turnover did not exceed £25,000 *must publish the information specified in the Code in the manner and form and on the occasions specified in the Code.*

The Clerk's report summarised the key issues in respect of both sets of regulations.

#### **45 CHRISTMAS TREES**

The Parish Council was invited to consider if a Christmas tree should be purchased, together with lighting, to be installed outside the community hall during the Christmas period. There was no budget for this item, but unallocated reserves could be used.

Members were minded to approve the purchase of a tree, but considered that if a tree were to be installed outside the community hall, prior to the installation of fencing, it would be likely to be vandalised.

The possibility of siting a tree on the car park of the Cronkinson Farm Public House was considered. This would allow it to be visible from Peter de Stapleigh Way.

No decision was made pending further enquiries.

#### **46 CLERK'S REPORT FOR INFORMATION**

The Clerk's information report for July was noted and covered the following topics:

- Speed Watch Data – no statistics available at present. The software needed to be re-installed on the Clerk's computer.
- Community Hall Update
- Parish Newsletter (on-line version)
- Automated external defibrillator (AED). The AED had been delivered but the Co-op was reconsidering the implications of having the unit fixed to its wall.
- Stapeley Parish Action Group Minutes – 22 June 2015
- Notice-board
- Grounds maintenance – Cronkinson estate
- Correspondence (ChALC newsletter and Police & Crime Commissioner Update)

#### **47 DATE OF NEXT MEETING**

**17 August 2015**

#### **48 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.

#### **49 PERIMETER FENCING – COMMUNITY HALL**

(Note: Having declared a disclosable pecuniary interest in this item, Councillor Keith Nord withdrew from the meeting at this point in the proceedings.)

The Parish Council considered the Clerk's report which invited Members to consider quotations for the provision of perimeter fencing around the community hall.

It was noted that Financial Regulation 11 (g) stipulated: '*When it is intended to enter into a contract of less than £50,000 but more than £1,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a), the Clerk/RFO shall obtain three quotations (priced descriptions of the proposed supply).*'

The Clerk had made good faith efforts over the previous few months to seek quotations for the provision of palisade fencing and, in addition to the two quotations submitted, had contacted five other companies, none of which had responded to the original invitation to quote or the follow-up. In these circumstances, the Clerk recommended the Council to consider the two quotations available.

The Clerk had sought one of the quotations; the other quotation had been commissioned by Cheshire East Council. As a consequence, the specification for each had not been identical and Members agreed that the quotations were not on a like-for-like basis.

**RESOLVED:** That the Clerk seek clarification of each of the quotations requesting the following information:

- (a) Plan of the site showing the location of the fencing, vehicle and pedestrian gates and the fire exit gates; and
- (b) Confirmation of the prices, as one of the quotations had been provided in November 2014 and could be out-of-date.

.....Chairman