

**MINUTES OF A MEETING OF STAPELEY & DISTRICT PARISH COUNCIL  
HELD ON 3 APRIL 2014 AT BROAD LANE METHODIST CHAPEL, AUDLEM ROAD, NANTWICH**

**PRESENT:** Councillor S Gwinn-Freemantle Chairman

Councillor J Davenport  
Councillor M Docker  
Councillor P Groves  
Councillor J Hillman  
Councillor K Lawrence  
Councillor M Malbon  
Councillor K Nord

**APOLOGIES:** Councillors S Clough and M Theobald

**257 DECLARATIONS OF INTEREST**

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

**258 MINUTES – 6 MARCH 2014**

**RESOLVED:** That the Minutes of the Meeting held on 6 March 2014 be approved as a correct record and signed by the Chairman.

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

A local resident addressed the Parish Council in respect of planning application No. 14/1139N (Land between 65-81 London Road - outline application for four dwellings) which was to be considered later in the meeting. He read a statement to the meeting in which he detailed his objections to the planning application.

(Note: Councillors J Davenport and M Malbon arrived during the resident's address to the Parish Council.)

**260 CHESHIRE EAST BOROUGH COUNCILLORS**

Borough Councillor Peter Groves reported on Cheshire East Council matters of interest.

**261 COMMUNITY HALL**

The Parish Council was invited to consider the following matters associated with the community hall.

**(A) Nantwich Town Council**

At its meeting held on 3 October 2013, the Parish Council had agreed to accept the assistance of Nantwich Town Council in operating the hall, at an annual fee of £5,000. That decision remained extant. It was now six months since the decision was made and the Parish Council was invited to review this matter.

It had previously been reported that owing to various legal restrictions, it would be impracticable for the Parish Council to use the services of Nantwich Town Council staff. The Parish Council was therefore asked to rescind that decision. There was no requirement to submit a formal rescission notice as six months had elapsed; nor was it necessary to replace the decision with an alternative.

**RESOLVED:** That the decision noted below, made under Minute No. 141 (3 October 2013) be rescinded:

**“RESOLVED:** (a) *That the Parish Council accept the provisional offer made on behalf of Nantwich Town Council, as detailed in Minute No. 128 above; and*

(b) *That it be noted that the cost quoted was subject to approval by the Town Council.”*

**(B) Fees and Charges**

At the previous meeting, Councillor J Hillman agreed to make enquiries of other village/community halls to establish what would be an appropriate rate of hire for the community hall.

A schedule of charges made by halls across Cheshire was now submitted and Members were invited to review that information, alongside the current fees and charges considered at the March meeting.

**RESOLVED:** That the fees and charges for the community hall be amended, with effect from 3 April 2014, as follows:

- Hourly rate of £12 per hour for all users.
- £30 for half-day session (4 hour period) on all days.
- £50 for whole-day (in excess of 4 hours) on all days.

**(C) General Risk Assessment of the Building**

**(D) Arrangements for Regular Inspections – Legionella Risk Assessment**

These two items were considered together.

General Risk Assessment

Mary Hennessy-Jones, a member of the former Community Hall Committee, had agreed to carry out a general risk assessment of the building. As the Head Teacher of Pear Tree School she was appropriately qualified; however, the Committee was de-commissioned before this could be undertaken.

Legionella Risk Assessment

A Legionella risk assessment had been carried out by Hertel on behalf of Cheshire East Council. Members were now invited to agree arrangements for any checks required under the Risk Assessment.

Following discussion during which various options were discussed, it was –

**RESOLVED:** (a) That the Clerk make enquiries of Cheshire East Council Property Services to:

- (i) Enquire if a general risk assessment had been carried out on the hall which pre-dated the lease with the Parish Council, and if so, to request a copy of the document;
- (ii) Request a copy of a standard schedule which could be used to carry out a general risk assessment of the community hall;

(b) That the requirement to carry out various duties associated with the risk assessments be built into the job description for the caretaker (see item G below); and

(c) That Councillors M Docker and M Malbon be thanked for volunteering to carry out a general risk assessment of the community hall, if required.

**(E) Periodic Checks of Fire Equipment**

**RESOLVED:** That when a caretaker was appointed, this could form part of his/her duties.

**(F) Arrangements for employing a “handy-man” who could carry out minor internal repairs to the building.**

Members agreed to defer this matter for consideration after a caretaker had been appointed.

**(G) Appointments Committee**

The Minutes of the Appointments Committee Meeting held on 31 March 2014 were submitted together with a copy of the job description and contract of employment for a caretaker. The Parish Council was invited to approve the Committee’s recommendations.

**RESOLVED:** That:

- (a) The job description for a community hall caretaker (as submitted) be approved, subject to the inclusion of the following (as agreed in Items (C) (D) above) –  
*Training to be provided in respect of the day-to-day operation of the hall.*
- (b) A caretaker be appointed for a fixed term contract of 12 months to commence on the employment start date, with a probationary period of three months;
- (c) An hourly rate of £8 be paid;
- (d) The working week be set at 10 hours minimum, with the possibility of this increasing to a maximum of 20 hours dependent on the level of bookings during the year; and
- (e) The contract of employment be approved (as submitted).

**(H) Sports-Booker On-Line Booking System**

At its meeting held on 9 January 2014, the Parish Council was invited to authorise payment of a Sports-Booker invoice in the amount of £576 for the period 1 September 2013 – 31 August 2014. Members had approved payment of £336 for the period to 31 March 2014.

The Parish Council was invited to consider if it wished to continue using the Sports-Booker on-line system of bookings.

- RESOLVED:** (a) That the Parish Council cease its contract with Sports-Booker for the on-line system of community hall bookings with immediate effect;
- (b) That the Clerk maintain a paper diary for all bookings; and
  - (c) That all users of the hall be informed of the arrangements and advised to make future payments by cheque or bank transfer.

**(J) Purchase of free-standing “Community Hall” sign**

Following a Member’s suggestion at the March meeting, the Parish Council was invited to consider purchasing a free-standing sign for the Community Hall.

The Clerk reported on the regulations; this type of signage appeared to fall within the class 2(C) of the “Town and Country Planning (Control of Advertisements) Regulations 2007” which applies to “any religious, educational, cultural, recreational, medical or similar institution.....” The sign must not exceed 1.2 square metres in area. Cheshire East Council, as the landlord, would need to give formal consent to the installation of a sign.

Members were minded to purchase a free-standing sign displaying the name of the community hall only. Agreement could not be reached on size, design or colour, and it was:

**RESOLVED:** That the Clerk contact appropriate suppliers inviting designs/artwork for a free-standing "community hall" sign.

**262 OPEN SPACES – CRONKINSON ESTATE**

The Clerk had received information from the Cheshire East Council S.106 Compliance Officer in respect of transfer of land on the Cronkinson Estate under the S.106 Agreement. This information had been forwarded to all Members together with a plan of "Woodlawns".

The gist of the e-mail was that little progress had been made as the focus of her work had been on the acceleration of S.106 agreements to support the Council's corporate priority in respect of the housing land supply.

The information related only to the Cronkinson Estate. The Clerk was asked to enquire about land to the south of Peter de Stapleigh Way which had been omitted from the plan provided.

**263 DEFINITIVE MAP OF STAPELEY AND BATHERTON**

Following a request at the previous meeting, the Clerk had issued an extract of the working copy of the definitive map for Stapeley to Members. The Public Rights of Way Manager's opinion was that the interactive map was the most appropriate method of viewing as it was updated regularly.

The link for the interactive map had been issued to Members and to the Secretary of Stapeley Parish Action Group.

**264 LAND ADJACENT TO CHERRY TREE CLOSE PUMPING STATION**

Stapeley Parish Action Group (SPAG) had made enquiries about ownership of the land adjacent to the pumping station at Cherry Tree Close. United Utilities had taken over responsibility for the pumping station itself (from 21 February 2014) in accordance with recent legislation and it had agreed that Noel Wagstaff (SPAG) could retain a key to the gate to the compound so that SPAG could continue to clear litter as and when required. Despite searches of the Land Registry records for the whole area, United Utilities had been unable to trace any owner following the liquidation of Jennings Homes (the original owners). It appeared, therefore, that the land was without legal ownership.

SPAG had asked the Parish Council to consider taking over responsibility for the maintenance of this land and its possible re-designation as a conservation area. SPAG considered the area to be potentially dangerous for children and if the Parish Council took over responsibility it would be able to address this issue.

The area was open land with access via a footway between Cherry Tree Close and Peter de Stapleigh Way. There had been no incidents/accidents during the last 12 years and although there was a pond in the centre, there were signs warning of the danger. Other than the existence of Great Crested Newts, there appeared to be nothing of significance on the land which would warrant its designation as a conservation area.

Members agreed that it would not be appropriate to accept responsibility for this land at this time.

**RESOLVED:** That no action be taken.

**265 CALENDAR OF MEETINGS**

At the previous meeting, Members agreed that Parish Council meetings should be held in the community hall rather than Broad Lane Methodist Chapel. To achieve this, the meetings would need to be held on either a Monday or a Tuesday as there were regular bookings on all other evenings.

A draft calendar, based on the third Monday of each month, was submitted for initial consideration. There were some occasions when it was not possible to hold a meeting on the third Monday and alternative days/dates had been included. In August, the 4<sup>th</sup> and 11<sup>th</sup> were offered. A suggestion that the Parish Council take a recess in August found favour with Members; however, it was agreed that the 11<sup>th</sup> August be reserved in the event of there being any urgent business which required a decision by the Parish Council.

A revised calendar would be submitted to the May meeting for formal approval.

## 266 FINANCIAL MATTERS – AUTHORISATION OF PAYMENTS

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

£560.00	Crystal Clean – cleaning of community hall (Cheque payable to “Mrs C Black”)
£455.00	Johnsons Printers – printing of parish newsletter
£174.44	HM Revenue & Customs – tax on Clerk’s salary This represented the new rate from 1 February 2014 (£168.08) and arrears for February (£6.36).
£2,645.40	Hall, Smith Whittingham – legal services in respect of preparation of Brief and instructions to expert Counsel in respect of the Muller Homes Public Inquiry (£2,204.50 net: £440.90 VAT).
£39.12	Holdfast Security Systems – four new keys for community hall (£32.60 net and £6.52 vat)
£900.00	TWM Traffic Management Systems – movement of speed units around the parish every three weeks (£750 net and £150 vat)
£157.20	Repair of fire alarm at community hall.
£216.00	Fusion Logistics – distribution of newsletter (£180.00 net £36.00 VAT) In approving this payment, it was noted that the invoice had not yet been received. The Clerk would release the cheque upon receipt of the invoice.

### 266.2 Clerk’s Training

The Parish Council was invited to consider contributing to the cost of the Clerk’s attendance at a seminar held on 26 March 2014, as part of her professional development (Managing Difficult Behaviour). The cost was £202.80 (£169.00 net and £33.80 VAT) and had already been paid.

Members noted that this was not essential training and the Parish Council was not required to pay any of the cost. If Members were minded to agree, it was suggested that the contribution be pro-rated to take into account the Clerk’s employment with other Parish Councils. The proportion would be as follows:

Stapeley & District PC	15 hours a week
Other PCs	15 hours a week

Contribution from Stapeley & District = £101.40 (£84.50 net and £16.90 vat) **£101.40**

**RESOLVED:** That payment of £101.40 be authorised in respect of the seminar attended by Mrs C M Jones on 26 March 2014.

## 267 PURCHASE OF TWO AUTOMATED DEFIBRILLATORS

The Parish Council had approved, in principle, the purchase of two AEDs during the current financial year. Members had received a presentation from North-West Ambulance Trust at its January 2014 meeting.

It was suggested that the following broad specification be approved to enable quotations to be sought. This specification had been suggested by NW Ambulance Trust.

- Semi-automatic defibrillator
- Warranty period of 5 years
- 4 year lifespan
- Pads with 2 year shelf life
- Spare set of pads

**RESOLVED:** That the specification for automated external defibrillator (AED) units outlined above be approved; and

(b) That the Clerk seek quotations for AEDs.

## **268 PLANNING APPLICATIONS**

At this point in the proceedings, Councillor M Malbon declared that he had a disclosable pecuniary interest in planning application No. 14/1143N on the basis that he was the applicant. In accordance with the Code of Conduct (and the Parish Council's Standing Orders) he would withdraw prior to discussion of the application.

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

### **268.1 Proposed Upgrade of existing radio base station installation Peter de Stapleigh Way (A5301).**

Discussion on this proposal opened and was adjourned until later in the meeting to allow an inspection of previous Minutes of the Parish Council.

### **268.2 14/0908N - The Paddocks, Foolpenny Hall – Change of Use: applicant Red Wellies Nursery**

**RESOLVED:** That no objections be raised on planning application No. 14/0908N.

### **268.3 14/1109N – 2 Mottram Drive, Stapeley – Three-storey extension to side**

**RESOLVED:** That the Parish Council express its concern that the extension proposed in planning application No. 14/1190N reduced visibility at the road junction of Mottram Drive with Clonnersfield.

### **268.4 14/1139N – Land between 65-81 London Road (outline application for four dwellings)**

**RESOLVED:** That the Parish Council object to planning application No. 14/1139N on the basis that it was inappropriate for the following reasons:

- The development was outside the settlement boundary.
- It would result in a loss of open space.
- The development was in open countryside in contravention of policy NE2.
- The development of this land was not in the Local Plan.
- The Parish Council considered the applicant's arguments in respect of the 5-year housing land supply were not robust.
- Owing to the proximity of the site to a pond, there was a high likelihood of the presence of Great Crested Newts (a protected species).

### **268.5 14/1143N – 46 Broad Lane, Stapeley – extension to side**

**RESOLVED:** That no objections be raised to planning application No. 14/1143N.

(Note: Having declared a disclosable pecuniary interest in this application, Councillor Malbon withdrew from the meeting prior to discussion and re-joined the meeting after the vote had been taken.)

#### **268.6 Proposed Upgrade of existing radio base station installation – Peter de Stapleigh Way**

Having opened and adjourned discussion on this item, Members now considered the proposal.

**RESOLVED:** That the following objections be forwarded to Mono Consultants Ltd. and Cheshire East Council as the Planning Authority:

- The Parish Council maintained its initial objection to this telecommunications mast and requested that further consideration be given to the levels of radiation associated with the mast as a result of the proposed change.
- Although the Government did not accept the legitimacy of perceived health risks as a grounds for rejection of such an application, there were numerous reports in existence which indicated that people living near to such masts experienced increased health problems; for example, sleep disruption, headaches and behaviour changes in children.

#### **268.3 Local Plan**

The Local Plan had been adopted. A copy was available at the meeting and Members had been encouraged to view it on-line at the Cheshire East Council website. The consultation period was from 14 March – 25 April 2014.

**RESOLVED:** That the Parish Council make no comments on the Local Plan.

#### **268.4 Electronic Consultation on Planning Applications**

Cheshire East Council (CEC) had notified Town and Parish Councils that consultation on planning applications was changing from 1 April 2014.

At present, most Town and Parish Councils received a full copy of paper drawings through the post. CEC was now introducing an e-mail notification system with all Town and Parish Councils. The e-mail would include a direct link to the individual planning application details, which could either be downloaded or viewed on-line.

The new procedure was for all minor planning applications, such as household extensions and schemes of fewer than 10 houses. The Parish Council would continue to receive a copy of the paper plans for any major planning applications in the area.

Members commented on the difficulties which would be encountered at meetings in the absence of being able to view plans and discuss them amongst one another. In response to a Member's suggestion that a projector be purchased, Councillor Lawrence offered to lend his for this purpose. In the meantime, it was suggested that the new arrangements be trialled and if this proved to be an ineffective method of viewing applications, the use of a flash-drive (containing downloaded applications) and projector could be considered.

#### **269 NEIGHBOURHOOD PLAN**

The Parish Council considered the Clerk's report which outlined the process for preparation of a Neighbourhood Plan and also asked the Parish Council to consider suggested Terms of Reference for the Working Group which had been set up at the February 2014 meeting.

**RESOLVED:** That the following Terms of Reference for the Neighbourhood Plan Working Group be adopted:

- (i) The principal role of the group is to draw up a draft Neighbourhood Plan for the area, taking into account national and local planning policies;

- (ii) Membership of the working group is currently six parish councillors, but this can be increased or decreased; (*There appeared to be no legal bar to the involvement of representatives from local groups, or individuals who might have the appropriate credentials and could contribute to the quality of the Plan. Such individuals could be appointed to the working group; perhaps not at the initial stages but later in the process.*)
- (iii) The group will initially prepare a project plan and timeline, for submission for information to the Parish Council ("the Council");
- (iv) The group will assess existing evidence about the needs and aspirations of the community;
- (v) The group may liaise with relevant organisations and stake-holders at key stages to secure their input in the process (for example, Stapeley Parish Action Group);
- (vi) The group shall have no power to exercise on behalf of the Parish Council any action which binds the Council; nor shall it incur any expenditure without prior authority of the Council;
- (vii) The group shall review and revise the Plan as and when appropriate as a result of on-going consultation;
- (viii) The Council shall amend these Terms of Reference as and when appropriate; and
- (ix) The group is asked to consider preparing notes of its meetings to facilitate reporting back to the Council on a frequent basis.

## 270 SPEED WATCH SCHEME

**270.1** The Parish Council currently had a contract with TWM Traffic Control Systems to move the speed units around the parish every three weeks. This had been introduced on the grounds of health and safety as it was hazardous for the two parish councillors to continue to move the equipment.

The contract was coming to an end and TWM Traffic Management Systems had been asked to submit a quotation for renewal of the contract. As this had not yet been received the item was deferred.

**270.2** Councillor M Docker who held the laptop equipment for the downloading of the data was willing to continue to be responsible for this aspect of the scheme, but suggested that another parish councillor be appointed to carry out some of the more technical aspects.

**RESOLVED:** That Councillor Malbon assist Councillor Docker in respect of collection and downloading of data associated with the mobile vehicle-speed display units.

## 271 CHESHIRE EAST COUNCIL TOWN AND PARISH COUNCILS CONFERENCE

Parish Councils were invited to nominate two representatives to attend the Town and Parish Councils Conference which was to be held on 1 May from 6.00 pm to 8.30 pm (venue to be advised).

**RESOLVED:** That Councillors J Hillman and M Theobald be nominated to attend the Town and Parish Councils Conference to be held on 1 May 2014.

## 272 CORRESPONDENCE

The following correspondence had been received since the last meeting.

- o Cheshire Association of Local Councils Annual Meeting – October 2014
- o Nantwich LAP Highway Reports
- o CEC Planning Lists
- o Minutes of Highways Working Group Meeting (26 Feb 2014)

- The Planning Inspectorate had sent notification that the Inspector was preparing his report for submission to the Secretary of State (Muller Homes Public Inquiry). A decision was expected on or before 18 July 2014. The Clerk had issued a press release to the local press and a post had been added to the website.

### 273 SHARED ITEMS

Members who represented the Parish Council on outside bodies were invited to share information in respect of any activities of those bodies.

Members were also able to share other matters of interest or request the inclusion of items on the agenda for the next meeting.

Land at Talbot Way: The bird table and the Willow arch were no longer in place; this had possibly occurred during the emergency work carried out by United Utilities. In addition, the setts on the lawned area of Talbot Way had become loose.

The Clerk undertook to contact James Thompson of Greenspaces South Cheshire to ask him to inspect/repair the setts and to reinstate the bird table and Willow arch as part of his routine maintenance of the conservation area.

Cheshire East Council public notices: The Clerk was asked to investigate the possibility of providing a link from the website to the highways public notices published in the Crewe and Nantwich Guardian.

### 274 PUBLIC QUESTION TIME

There were no questions from members of the public.

### 275 DATE OF NEXT MEETING

8 May 2014 – Annual Meetings – to be held in the Community Hall  
The Annual Parish Meeting commenced at 7.00 pm.

The Annual Parish Council Meeting followed on the rising of the Parish Meeting but would not be before 7.30 pm.

### 276 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 items owing to the confidential nature of the business to be transacted and the public interest would not be served in disclosing that information.

### 277 STAFFING MATTER

Reason for exclusion:

The matters to be discussed related to the Clerk's employment and were therefore exempt from public discussion.

It was reported that the Clerk had now passed the Certificate in Local Council Administration which was a sector-specific qualification and, in accordance with her contract of employment, this required the Parish Council to appoint her to the next salary point. The Clerk's report was submitted.

The Clerk's certificate was available for inspection as evidence of the qualification.

**RESOLVED:** (a) That the Clerk be appointed to Spinal Column Point 29 (ie. Annual salary of £10,085 per annum) in accordance with her contract of employment, to reflect that she had passed the Certificate in Local Council Administration;

(b) That the bank mandate be amended to increase the Clerk's monthly net salary from £646.88 per month to £672.33 per month with effect from 1 February 2014; and

(c) That it be noted that the Clerk's contracted hours would be subject to review in June 2014, as agreed by the Parish Council at its meeting held on 5 December 2013.

**278 COMMUNITY HALL LEASE**

Reason for Exclusion

Legal profession privilege.

The revised lease was not yet available and this item was deferred.

**279 RE-ADMITTANCE OF PRESS AND PUBLIC**

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

Draft

.....Chairman

The meeting commenced at 7.30 pm and concluded at 9.40 pm