

**MINUTES OF A MEETING OF MINSHULL VERNON & DISTRICT PARISH COUNCIL  
HELD IN ST PETER'S COMMUNITY HALL, MINSHULL VERNON  
ON 28 JANUARY 2013**

**PRESENT:** Councillor Les Horne Chairman  
Councillor M McGlone Vice-Chairman

Councillor W T Beard Councillor I Chenery  
Councillor K Halford Councillor Linda Horne  
Councillor B Palin Councillor M Wilson  
Councillor P Wright

**APOLOGIES:** Councillor D N Bebbington

**Asset Mapping Project**

Prior to the start of the meeting, Jeannie Gardiner (Chief Officer) and Sonia Rawhorn (PhD Student) from Cheshire Community Action, addressed the Parish Council in respect of an asset mapping project which is was undertaking. The exercise was desk-research based and the results, which were expected to be available by the end of March, would be presented to the community.

**761 DECLARATION OF INTERESTS**

Members were invited to declare any non-pecuniary or disclosable pecuniary interests (DPI) which they had in any item of business on the agenda, the nature of that interest, and, in respect of a DPI, to leave the meeting prior to discussion of the item.

No declarations were made.

**762 REGISTER OF INTERESTS**

The Cheshire Association of Local Councils (ChALC) had not yet received any Register of Interest forms from Members. These should be sent electronically to ChALC with a copy to the Clerk for uploading onto the website. This was a legal requirement under S.29(7) of The Localism Act 2011 which stated "*A parish council must, if it has a website, ensure that its register is published on its website.*"

Members were of the view that the forms should be sent to the Clerk who would, in turn, forward them to the Cheshire Association of Local Councils. The Clerk was asked to re-send the e-mail from ChALC dated 10 August 2012 which had contained guidance on registration of interests, together with a form for completion.

**763 MINUTES**

**RESOLVED:** That the Minutes of the Meeting held on 17 December 2012 be approved as a correct record.

**764 MATTERS ARISING (Not detailed elsewhere on the agenda)**

There were no matters arising from the previous minutes.

**765 OUTSTANDING MATTERS FROM THE 26 NOVEMBER 2012 MEETING**

The following were the action points from the November meeting.

- (i) Bus Shelter – Smithy Lane – ownership to be established  
Matter followed-up: response awaited.
- (ii) Removal of CEC notice-board from Co-op on Parkers Road  
Request to CEC submitted.

- (iii) Adoption status of street lights at Whalleys Green  
The Clerk had followed up the matter again and was awaiting a response from Cheshire East Highways.

The Minutes of the Meeting held on 22 October 2007 recorded that the street lights had been up-graded at a cost of £5,719.61 and the former Clerk had undertaken to contact a named Officer at Cheshire County Council to ask him to notify the Chairman when the street lights had officially been adopted by the County Council.

The current Clerk had checked the Parish Council files and there was no evidence that the street lights had been adopted by the former County Council.

It was suggested that the Parish Council might wish to settle the account with Scottish Power, in the amount of £112.67, to avoid further invoices being issued. The matter could then be taken up again with Cheshire East Council and the amount of £112.67 could be re-claimed from the Borough Council when an adoption certificate was produced.

The Clerk had been contacted by one of the CEC Locality Managers who had advised that as there had been significant advances in technology, it could be that although the street lights were upgraded in 2007, they may not now be of a sufficient standard to enable adoption by CEC, in which case, dependent on the outcome of current enquiries, it might be necessary for further work to be carried out to bring them up to an adoptable standard. If the outcome of enquiries revealed that the Parish Council remained responsible for the lighting, the Parish Council would need to consider whether to upgrade the lights or to take no action other than repairing faults as and when required.

The Clerk was asked to check the period covered by the latest invoice from Scottish Power. The matter would be discussed again at the next meeting.

- (iv) “Woolstanwood” sign to be repaired  
The Clerk had reported to Cheshire East Council that this sign was slightly damaged. It was unlikely, given the financial constraints faced by CEC, that this would be given a high priority.
- (v) Posts around war memorial and parish field (Willis’s Drainage)  
The company had been excessively busy owing to the poor weather but would carry out the work as soon as practicable.
- (vi) Local Service Delivery – transfer of non-statutory services from the Borough Council to the Parish Council

This matter had been raised by a Member who had attended the Town and Parish Councils Conference in November 2012. The Clerk had made enquiries and it was understood that Local Service Delivery was available to those Parish Councils which wished to pursue it. Some of the services were available through a Parish Compact and other services could be transferred or devolved to those Parish Councils which could demonstrate their capacity to carry out the functions.

For information, the two Models under Local Service Delivery were outlined as follows:

(1) Transfer of services was where the service was NOT the statutory responsibility of the Borough Council, but which localities may wish to continue.

- Such services would either cease or transfer to the appropriate parish council.
- Local precepts would determine the future level of service for these functions; so, where a parish council wished to continue to deliver, it would

set its precept accordingly. There may be some transitional funding in the short term, from Cheshire East Council.

There was no indication, as yet, that any discretionary services in the parish were due to cease and it would be reasonable to assume that where the Borough Council proposed cessation of any such service, it would contact the appropriate town or parish council to allow it to bid for continued provision and make appropriate funding allowances in its forward year budget.

(2) Devolution was where services ARE the statutory responsibility of Cheshire East Council, but where the Borough Council might decide that it may be more effectively delivered at a local level. In these circumstances, these would be devolved to the appropriate town or parish council.

- Formal agreements would be drawn up to establish the financial/legal framework for future service delivery. The Borough Council would need to be assured that the parish council had the capacity to deliver the services effectively and efficiently.
- Finance would follow the function.
- Parish councils could group together to deliver such a service.

(Note: Councillor M McGlone withdrew from the meeting at this point in the proceedings.)

## 766 PUBLIC QUESTION TIME

There were no members of the public in attendance.

## 767 REVIEW OF POLICIES AND PROCEDURES

### 767.1 Standing Orders

In view of the new guidance in respect of dispensations, the Standing Orders required amendment to take into account the procedure which the Parish Council adopted on 26 November 2012. The following was recommended as Standing Order No. 30, with the previous Standing Orders Nos. 30 and 31 being re-numbered 31 and 32 respectively.

#### 30 REQUESTS FOR DISPENSATION

- All written requests for a dispensation shall be submitted to the Clerk.
- The Clerk shall report all written requests for a dispensation to the first available Parish Council meeting.
- The Parish Council shall, at that meeting, make a determination as to whether the written requests should be granted and the period for which the dispensation should apply (not exceeding 4 years).
- In making its determination, the Parish Council shall take into account the reasons for the request, in accordance with the Localism Act 2011, as follows:

Having regard to all the relevant circumstances, the Parish Council considers that:

(i) Without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

or

(ii) Granting the dispensation is in the interests of persons living in the council's area;

or

(iii) It is otherwise appropriate to grant a dispensation.

In addition, **Standing Order No. 7 (Code of Conduct)** was out of date as it referenced the Local Authorities (Model Code of Conduct) Order 2007 which had been repealed. At its meeting held on 20 August 2012 the Parish Council adopted the Cheshire East Council Code of Conduct. It was suggested that paragraphs c and d of Standing Order No. 7 be amended as below. Text scored through would be removed, and yellow highlighted would be added.

- c ~~The Parish Council has adopted paragraph 12(2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159); therefore,~~ Councillors may exercise the rights contained in standing order 7(d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- d Councillors with a **dislosable pecuniary** ~~prejudicial~~ interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

**RESOLVED:** That the Standing Orders be amended as indicated above, with immediate effect.

### **767.2 Grants Policy**

The Parish Council adopted a Grants Policy at its meeting held on 23 April 2012. The Clerk had subsequently reviewed the policy and suggested that the following paragraph be included under “General Points”. The paragraph would only apply prospectively.

“The Council reserves the right to request repayment of the whole of the grant, or part thereof, in circumstances where it considers that the terms of the project for which funding was granted have not been fulfilled, or that insufficient progress on the project is being made, such reasons to be embodied in the minutes of the meeting at which that decision is made.”

**RESOLVED:** That the Grants Policy be amended as indicated above, with immediate effect.

### **768 CREWE COMMUNITY GOVERNANCE REVIEW**

It was reported that Cheshire East Council had now made a Reorganisation Order which gave effect to the Council’s decision to create a new parish council for Crewe and to enable elections for the new parish council to be held on 4 April 2013.

The Reorganisation Order also gave effect to the Council’s decision to include the un-parished area of Leighton Borough ward in the Leighton Urban ward of Leighton Parish. There were currently four parish councillor vacancies in Leighton Urban ward of the Parish which could be filled by the Parish Council by co-option. A copy of the public notice was submitted for information.

It was noted that the Borough Council was holding two public meetings (13 February and 15 February) at 2.30 pm in the Council Chamber, Municipal Buildings, Crewe to provide more information for anyone interested in standing for election to the new Crewe Parish Council.

### **769 KEEP IT GREEN CAMPAIGN**

Margaret Smith, founder member of the Keep It Green Campaign, was unable to attend the meeting to report the group’s activities.

Mrs Smith was standing down as the Chairman of the group, but would remain involved. In the meantime, the Clerk had received an e-mail message from another member of the group who had reported briefly on financial matters. The group was due to print 2000 leaflets for delivery over the forthcoming weekend.

Members discussed the level of activities currently undertaken by the group and **AGREED** that the matter be reviewed at the next meeting.

(Note: Councillor M McGlone re-joined the meeting at this point in the proceedings.)

## 770 ITEMS REQUESTED BY PARISH COUNCILLORS

The following items had been requested by Councillor M McGlone.

- Flooding – Bradfield Green

Councillor McGlone reported on recent major flooding; one in the vicinity of properties at the rear of Middlewich Road and the second on Moss Lane.

Councillor McGlone had discussed the situation with the CEC Flood Alleviation Manager who had informed him that there was a potential source of funding available to CEC to undertake investigative work to try to identify the problem. Following the investigation (date yet to be arranged) the Flood Alleviation Manager (Paul Reeves) would attend a meeting of the Parish Council to inform Members and the community of the outcome.

The Clerk was asked to write to the Flood Alleviation Manager welcoming the investigation into the drainage problems.

- Litter management – Memorial Green/Eardswick Lane, Bradfield Green

The Parish Council was invited to consider a means of managing litter which was being deposited in the area of the bus stops on Eardswick Lane. The Clerk was asked to request Cheshire East Council to provide an additional bin. It was noted that additional bins were only provided where the Borough Council was able to include the emptying into its refuse collection schedule.

The following item had been requested by Councillor Les Horne.

- Purchase of a Grit-Spreader

In the absence of any gritting on the walking route to Leighton Primary School, the Chairman had arranged for the delivery of a quantity of gritting sand and had carried out the gritting himself. He invited the Parish Council to consider purchasing a grit-spreader for this purpose. This could also be used to grit the Diamond Jubilee footpath.

Councillor Horne reported on his Internet searches and tabled a copy of a web-page showing an MD THS80 “walk-behind” spreader which cost £89.95 and would be fit for the purpose intended.

Financial Regulation 10.3 required the Parish Council to obtain value-for-money at all times. The Clerk was required to ensure that as far as reasonable and practicable the best available terms were obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions. In accordance with the Financial Regulations, Internet “quotations” were acceptable under the *de minimus* rules where it was appropriate for the Parish Council to purchase items/services for relatively small amounts, but would still need to provide evidence that value-for-money was sought on all occasions. For all other items, the Parish Council must endeavour to seek three quotations from companies offering the service/goods required, particularly as the companies themselves might be willing to offer a more competitive price than that indicated on the Internet.

Members were minded to approve the purchase but raised the issue of liability. Grit-spreading was a function of the Borough Council and there could be implications if the Parish Council took over this role. The Clerk was asked to make enquiries prior to the purchase of the grit-spreader.

**RESOLVED:** (a) That the Clerk make enquiries of Cheshire East Council to establish if any liability attached to the Parish Council as a result of carrying out a service which was a Borough Council responsibility; and

(b) That, subject to the outcome of enquiries in (a) above, Councillor Les Horne be authorised to purchase an MD-THS80 Walk-Behind grit-spreader at a cost of £89.95.

#### **771 VALUATION OF MEMORIALS**

The Parish Council had previously acknowledged that the valuations on the two memorials (Victoria Cross and Jubilee Memorial) were out-of-date. Oxleys of Crewe had been asked to provide a quotation some time ago but had not responded and the matter had lapsed. Oxleys had recently advised that it was unable to carry out a valuation of the two memorials. The Clerk had contacted one local company which was willing to submit a quotation. The Clerk would try to seek two other quotations before presenting these to the Parish Council for consideration.

It was confirmed that the valuation should be on the basis of replacement cost of each memorial

#### **772 STRIMMER**

The Parish Council had allocated funding in 2013-2014 for the purchase of a strimmer. Members were now invited to consider and agree a specification for a strimmer to be used for various grounds maintenance work around the parish. A specification had been issued with the agenda papers for the meeting held on 26 November 2012.

**RESOLVED:** (a) That the specification for the Stihl strimmer, as identified in the document submitted to the 26 November 2012 meeting, be accepted as the most appropriate for use by parish councillors;

(b) That quotations be submitted to a future meeting; and

(c) That all parish councillors who were to use the equipment, undergo appropriate training.

#### **773 NEW SPEED WATCH EQUIPMENT (DayBright Retro-fit LED Illumination)**

The Parish Council had allocated a sum of £3,500 in the budget for 2013-2014 for the provision of new signs on the Zebra Crossing in the vicinity of Mablins Lane School. A quotation had been received from TWM Traffic Control Systems, together with an information sheet about the equipment. A model of the equipment was demonstrated at the meeting.

The Parish Council was invited to consider the quotation and, if minded to approve it, to waive the Regulations as to Contracts to enable a contract to be negotiated with the company without competition.

**RESOLVED:** (a) That Regulations as to Contracts be waived to enable a contract to be negotiated with TWM Traffic Control Systems Ltd. The reasons for waiving the regulations are:

- i. The company has provided vehicle-speed display equipment to the Parish Council over several years and its equipment and after-sales service have proved to be of the highest standard.
- ii. The original contract (for a trailer-mounted speed/information unit) had been approved having sought other quotations; the quotation of TWM Traffic Management Systems was accepted as being other than the lowest quotation and included the following reasons:

- TWM was a company which had worked closely with Cheshire East Highways whose engineers would be involved in the technical locations of the equipment.
- Whilst the cost of the second lowest quotation had been £800 less, it did not include training or computer software and there was a delivery charge for the equipment.
- TWM had installed similar schemes for other Parish Councils within the Borough.

(b) That, for the reasons given in (a) above, the quotation submitted by TWM Traffic Control Systems be accepted in the sum of £3,598 (excluding vat) for the supply of a Retro-fit DayBright LED Illuminated Zebra Crossing enhancement kit comprising two white LED strips and one 300 mm super bright LED beacon head at a cost of £1,799 per post (£3,598 per crossing) and installation and commissioning onto Zebra crossing posts already in position (£125.00);

(c) That Cheshire East Council be asked to confirm that it would undertake responsibility for all future maintenance of the equipment (as agreed orally between the Chairman and a Cheshire East Highways Officer); and

(d) That the order be placed forthwith and TWM's offer to install within the next few weeks be accepted on the basis that no payment shall be made until after 1 April 2013 as agreed orally between the Chairman and a TWM Director.

## 774 FINANCIAL MATTERS

### 774.1 Authorisation of Payments

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

£80.00	HMRC – Tax on Clerk's salary
£5.40	Councillor P Wright – 12 miles – travel – movement of trailer-mounted speed watch equipment around the parish
£31.86	Councillor Les Horne – purchase of gritting sand for pathways in vicinity of primary schools (Action taken under Financial Regulation 6.5)
£37.00	Mrs C M Jones – reimbursement for purchase of grit sand from P K Stubbs for use on the Diamond Jubilee footpath. (£30.83 + £6.17 vat)
£26.70	Mrs C M Jones - Contribution to Broadband cost.
£122.40	Mrs C M Jones – travel claim for the period June – December 2012 inclusive Attendance at eight Parish Council meetings. Audlem-Minshull Vernon Return = 34 miles @ a tax-neutral rate of 45P per mile = £15.30 per meeting x 8 = £122.40
	25 June 2012
	20 August
	24 September
	26 November
	23 July
	12 September – extra-ordinary meeting
	22 October
	17 December

### 774.2 Grant to St Peter's Church

Following a query at the previous meeting the Clerk had now clarified with the Reverend Philip Goggin the purpose for the grant of £10,000 and had notified Members by e-mail. The £10,000 requested was the final tranche of a continuing commitment by the Parish Council to fund the community hall project and the power for this was S.133 of the Local Government Act 1972.

In his letter of application, the Vicar cited a number of activities which took place in the hall and which, coincidentally cost £10,000 a year to support. His statement "**in effect** the Parish Council is giving back to the community" was to be interpreted as an assurance to the Parish

Council that the hall was being used for community purposes rather than funding the activities to which he referred in his letter.

Based on this clarification, the Parish Council was recommended to approve the grant of £10,000.

**RESOLVED:** That a grant of £10,000 be made to St Peter's Parochial Church Council, being the final tranche of the Parish Council's commitment to the community hall project.

#### **774.3 Receipts and Payments Statement – 1 April 2012 – 30 November 2012**

It was normal practice to submit to the January meeting a Receipts and Payments statement up to and including the third quarter of the financial year (ie 31 December 2012). Bank statements to 3 December 2012 only had been received and the statement submitted was for the period to 30 November 2012. An up-dated statement would be presented to the February meeting.

### **775 HONORARY FREEMEN**

#### **775.1 Douglas C Forrest (former parish councillor and Chairman)**

Mr Forrest had indicated that he was available for a special meeting of the Parish Council on any evening to suit Members. St Peter's Hall was available on Thursday, 14 February and Thursday, 28 February.

The Parish Council was invited to finalise arrangements for the event. It was agreed that Grants Butchers be asked to cater for approximately 20 guests providing a similar buffet as at previous Honorary Freemen events. A framed copy of the Parish Council's resolution would be provided; it was agreed that there was no requirement for printing of commemorative leaflets in addition to an agenda.

**RESOLVED:** That a Special Meeting of the Parish Council be held on 28 February, to admit Douglas C Forrest to the Roll of Honorary Freemen of the parish;

(b) That Grants Butchers be asked to cater the event, as indicated; and

(c) That the Clerk make arrangements for the printing and framing of the Parish Council's resolution.

#### **775.2 Honorary Freemen Board**

It was reported that at its January meeting, the Parochial Church Council had agreed that the Honorary Freemen Board could be affixed to the wall in the main room of the community hall, underneath the clock. The board was now complete and ready for installation.

### **776 THE LOCAL PLAN – CONSULTATION**

As reported to the previous meeting, the Clerk (together with the Chairman) attended the CEC/ChALC Planning Conference on 12 December 2012 the purpose of which had been to outline the background to the new local plan and the consultation process. The Clerk's note was submitted for information.

The Borough Council was undertaking consultation on its Local Plan. The **consultation period concluded on 26 February.**

**RESOLVED:** That at its February meeting, the Parish Council prepare a response to the Cheshire East Council Local Plan consultation.

### **777 PLANNING MATTERS**

The Parish Council was invited to make observations on the following planning application.



- 13/0295N – Unit 8h, Marshfield Bank – alterations to existing industrial unit, insertion of first floor and change of use of existing warehouse area to form additional office space.

**RESOLVED:** That no objections be raised to planning application No. 13/0295N. occasion.

#### **778 EXCLUSION OF PRESS AND PUBLIC (CLERK'S REPORT)**

The Clerk had recently been asked by another Parish Council to explain the reasons for exclusion of the press and public and the circumstances where it would be appropriate. She considered that it might be helpful for Members of this Parish Council and now submitted a report for information.

#### **779 REPORT FROM MEMBERS APPOINTED TO OUTSIDE BODIES**

- LAP Representatives (L Horne and W T Beard)

Councillor Beard reported that the recent LAP meeting had been cancelled.

Councillor Les Horne reported that he had collected four snow kits which he had distributed to local elderly persons.

#### **780 SPEED WATCH SCHEME**

Councillors Horne and Wright updated the Parish Council on speed watch matters. Arising out of discussion, it was reported that Inspector Paul Broadhurst had transferred to the Personal Protection Unit and a new Inspector had been appointed to the West End Policing Unit.

#### **781 BOROUGH COUNCILLORS' REPORTS**

There were no Borough Councillors in attendance.

#### **782 CORRESPONDENCE**

The Clerk reported receipt of correspondence received since the last meeting.

##### Cheshire East Council

- Winter Weather Planning – snow-kits
- Winter Warmth Campaign
- Development Plan available for consultation

During discussion of this specific item, Councillor Beard referred to a meeting he had attended when Adrian Fisher (Head of Planning) and Kevin Melling (Head of Highways) had been in attendance. Development in the parish had been discussed and had included a reference to the Bloor Homes proposed development (as outlined to the Parish Council in May 2011) which was likely to include a new nursery, pub/restaurant etc.

It was **AGREED** that Councillor Beard prepare a written report for consideration at the next meeting outlining the key issues which had arisen at the meeting to which he referred. The report would be discussed in the context of the Local Plan consultation.

- Minor Works Allocations List for 2013-2014 (as agreed by Ward Councillors on 13 Nov 12)

##### Cheshire Association of Local Councils

- ChALC website contains an invitation for applications for members of the new Cheshire East Local Access Forum (CELAF) a statutory body which advises the Council and other organisations on access to the countryside.
- Report of Nantwich LAP activities up to November 2012

**783 DATE OF NEXT MEETING**

25 February 2013

**784 SHARED INFORMATION**

At the previous meeting, the Clerk reported that “shared information” would no longer feature as an item on agendas. This was based on guidance received from the Cheshire Association of Local Councils which supported Clerks in preparing for the Certificate in Local Council Administration (CiLCA) and advised against such items on the basis that all matters for discussion should be itemised on the agenda.

As a compromise, the Clerk suggested that the item continue to be included on agendas, but the minuting of such items would only be to the extent that Members had shared information and there would be minimal detail. Where items had not been included on an agenda but were raised as a shared item, there was a potential for misinterpretation by the Clerk which could result in lengthy corrections to the minutes at the next meeting where there might be disagreement about what was recorded.

- The only shared item was that CVS Cheshire East had organised a social and media communications training event.

**785 EXCLUSION OF PRESS AND PUBLIC**

The Parish Council is invited to **RESOLVE** 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, for the reasons given, and the public interest would not be served by disclosing the information.

**786 CONTRACT OF EMPLOYMENT – CLERK**

Following a review of the Clerk’s contracted hours, which took effect on 1 September 2012 the Parish Council was invited to formalise the arrangement by approving a contract of employment for the Clerk. The contract submitted was based on the NALC model and would provide clarity to show the extent of the respective rights, duties and obligations of the Parish Council and the Clerk. The contract also included a job description.

A Member commented that some of the terms/conditions were inappropriate for the post of a part-time Parish Clerk and needed review.

**RESOLVED:** That a Working Group (comprising Councillors Les Horne, K Halford and M McGlone) review the contract of employment and re-submit a revised contract for consideration at the next meeting

Reason for exclusion:

Related to the personal details of the Clerk’s employment.

**787 HILL TOP AND HOLE HOUSE FARMS LOCAL LIAISON COMMITTEE MEETING**

The Parish Council received the Minutes of a meeting held on 29 November 2012. Councillor McGlone, the Parish Council’s representative, spoke to the item.

Reason for exclusion:

The Local Liaison meetings were not open to the public and confidentiality must, therefore, be respected.

.....Chairman