

CHOLMONDELEY & CHORLEY PARISH COUNCIL

website: www.cholmondeley-chorley.co.uk

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Clerk

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Parish Councillors are summoned to
A MEETING OF THE PARISH COUNCIL

DATE: TUESDAY, 21 JULY 2015
TIME: 7.30 PM
VENUE: SCHOOL FARM, CHOLMONDELEY
(Adjacent Cholmondeley Bowling Pavilion)

Enquiries to: Clerk: Carol Jones

Tel: 01270 812065



Signed

Issue date: 16 July 2015

To: Members of the Parish Council
Councillors C Crossley (Chairman), J Mosford, A Fennell (Vice-Chairman), J Clarke, C Hopley,
P Probin, R Probin, D Sweetman, G Willis and P Winward

cc: Cheshire East Borough Councillor Stan Davies

MEMBERS OF THE PUBLIC ARE WELCOME TO ATTEND THIS MEETING

Members of the public are encouraged to print off their own copies of the agenda from the website (www.burlandpc.org.uk). If paper copies of the agenda and/or any associated reports are required, please contact the Clerk who will arrange for copies to be made available at the meeting.

NOTES

1) Members of the public

The Parish Council welcomes and encourages members of the public to attend its meetings. You are requested to enter and leave quietly and to remain quiet during the meeting. Mobile phones and pagers should be switched off, and no food or drink should be brought into the meeting.

There is no public participation at Parish Council meetings, other than at the annual meeting. However, if you feel there is a matter which should be brought to the attention of the Parish Council you may contact the Clerk, the Chairman, or any member of the Parish Council, and arrangements can be made to place the item on the agenda for the next meeting, if appropriate.

On occasions, members of the press and public will be excluded from the meetings when the business to be transacted is of a confidential nature; for example, dealing with individual people, contracts and financial affairs of other parties.

2) Parish Councillors

A) Notice of items

The Parish Council cannot lawfully decide any matter which has not been specifically included on the agenda, and there is case law to this effect (*Longfield Parish Council v Wright (1918) 88 LJ Ch 119*).

There is no such thing in law as “urgent business” and if any matter is truly urgent because it must be dealt with before the next meeting, a special meeting should be arranged unless there are delegation arrangements in place to allow the Clerk to take certain decisions, in consultation with the Chairman. (S.101(1) Local Government Act 1972).

B) Exclusion of Press and Public

General Note on Exclusion:

When the Parish Council is invited to exclude the press and public from a meeting, it is irrelevant whether there are any members of the public or representatives of the press in attendance at that time. The purpose of the exclusion is to ensure that the documents and the item under discussion does not become a public domain matter. If the exclusion were not to be resolved by the Parish Council, then all matters under discussion and documents considered, are in the public domain.

It is sometimes necessary for individuals other than Members or Officers of the Parish Council to remain in a meeting when the public and press have been excluded. This depends on the role of the individuals concerned; for example, if they have been invited to the meeting to offer technical or professional advice to Members. However, even in these circumstances, caution needs to be exercised as it would be difficult to hold such individuals to account if they subsequently divulged what was discussed at the meeting.

In the case of other individuals who simply have some background knowledge of the issue, it would be difficult to argue that they should be treated any differently from any other member of the public for the purposes of exclusion. It is important for Members not to allow themselves to get into a position where they are selecting who should remain in the meeting; this could lead to an abuse of procedure and bring the Parish Council into disrepute. It would also enable accusations to be made that some individuals were allowed to exercise undue influence.

C) Planning Grounds The grounds on which observations can be made on planning applications are as follows –

1	Development Plan in all its aspects	8	Appropriateness of use taking account of local area
2	Government legislation and guidance (PPG)	9	Effect on highway safety and parking
3	Siting	10	Landscape
4	Design	11	Listed buildings
5	External appearance	12	Conservation areas
6	Compatibility with street-scene	13	Land contamination
7	Development effect on neighbouring properties, amenities and privacy	14	Flooding

Non-Relevant Matters

1	Matters controlled by other legislation	6	Business competition
2	Effects on private rights	7	Personal circumstances – health/finance
3	Provisions in covenants/deeds	8	Ownership
4	Effect on property values	9	Moral issues
5	Private opinions		

Note: If the Parish Council agrees, in principle, with an application, but not in all aspects, suggestions for “development conditions” can be made, in line with relevant factors.

Prior to the start of the meeting, Councillors J Mosford, R Probin, P Probin and D Sweetman, having been elected to the office of parish councillor at the elections on 7 May 2015, will each sign their Declaration of Acceptance of Office.

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members to declare any non-pecuniary or disclosable pecuniary interest (DPI) which they have 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 the discussion of that item.

Whilst the Clerk can advise on the Code of Conduct and its interpretation, the decision to declare, or not, is the responsibility of the Parish Councillor, based on the particular circumstances.

3 MINUTES – 1 APRIL 2015 and 19 MAY 2015

3.1 MINUTES – 1 APRIL 2015

The Clerk was not available at the meeting held on 1 April and the Minutes were recorded by the Vice-Chairman. On that occasion, Members approved correction to the Minutes of the meeting held on 20 January 2015, as follows: ...

- **Minute No. 59 Cholmondeley Estate Office – Development in Chorley Planning Application 14/04463/OUT (Cheshire West and Chester Council)**

ADD:

'The statement made by James Hall and Adam Key in respect of support and advice to existing tenants was subsequently found to be misleading. The implication was that a tenant was satisfied with the negotiations, but this now appears not to be so.'

The Clerk has typed the Minutes based on Councillor Fennell's hand-written notes and it is possible that she has misinterpreted what was intended. For ease of reference an extract of the Minutes is attached. ...

Minutes are a contemporaneous record of the proceedings. The fact that something was subsequently found to be misleading does not change what occurred at the meeting itself. If Mr Hall and Mr Key made statements which were found AFTER THE MEETING to be misleading, they cannot form part of what was discussed at the meeting.

If Members wished to report that some of the information had subsequently been found to be misleading, this should have been dealt with as an update on the Minutes and could have been referenced as part of the proceedings of the 1 April meeting, rather than attempting to 'correct' what was probably an accurate record of the proceedings of 20 January 2015.

- **Minute No 69 – Elections**

To be recorded in past tense rather than future tense.

Minute No. 69, for convenience, is reproduced as part of the extract in respect of Minute No. 59 referenced above. Members will note that it was recorded in the past tense.

3.2 MINUTES – 19 MAY 2015

To approve as a correct record the Minutes of the Annual Council meeting held on 19 May 2015. ...

4 PUBLIC QUESTION TIME

Members of the public are able to ask a question or address Members on any matter related to the functions of the Parish Council.

5 POLICE MATTERS

This is a new regular item and has been included in response to a request from the Police that Police Officers (or a PCSO) wish to attend Parish Council meetings whenever possible to update the Council on criminal activity in the parish.

The Police have also offered the opportunity for this to be used as a Police Surgery for members of the public; however, this latter suggestion is not appropriate for two reasons (1) the meetings are held by kind permission of Councillor Fennell who allows members of the public to attend for the purpose of the meeting itself, but could not open his business premises for the purposes of a surgery; and (2) it would be likely to disrupt the Parish Council proceedings.

If the Police wish to hold surgeries in the parish, they could consider using the bowling pavilion or any other local facility to which the public have access.

6 CO-OPTION

Following the elections on 7 May 2015, there remains one vacancy on the Parish Council. The Parish Council is invited to consider co-option arrangements. The Clerk has not received any information from potential candidates.

7 FINANCIAL MATTERS

7.1 Authorisation of Payments

The Parish Council is asked to authorise the following payments:

£160.00 Mrs C M Jones – Salary for the period 1 April – 30 June 2015.

£40.00 HM Revenue & Customs – Tax on Clerk's salary

£50.00 Mr C M Moulton – Internal Audit – 2014-2015

7.2 Receipts and Payments – 1 April – 30 May 2015 Budget Monitoring

To receive an indicative Receipts and Payments statement for the first two months of the financial year. This is based on bank statements to 29 May 2015. ...

A budget monitoring statement is also enclosed. ...

7.3 Internal Auditor's Report – 2014-2015

The Internal Auditor's report is enclosed. The only matter of note is that the Council's Financial Regulations require that cheque stubs are initialled by two cheque signatories but there are some instances where this has been missed. All stubs should be counter-signed as this forms part of the audit trail for payments made by the Council. ...

7.4 Internal Audit Service – 2015-2016

Mr Moulton was appointed as Internal Auditor for the audit to be carried out in 2015-2016. He has now been appointed to a post of Town Clerk and no longer has the capacity to undertake the internal audit function.

The Parish Council will need to consider alternative arrangements, not necessarily at this meeting. The Clerk has made contact with JDH Business Services, Mold, which carries out a significant number of internal audits for parish councils in Cheshire East and has quoted £75.00 plus VAT.

7.5 External Audit – 2014-2015

The external audit by BDO LLP has not yet concluded; however, the company has indicated that it will be issuing a qualified audit as the Parish Council did not carry out a risk assessment during 2014-2015. Any other matters will be reported to the September meeting when the final report is available.

7.6 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 are contained in *The Local Audit (Smaller Authorities) Regulations 2015* and the *Accounts and Audit Regulations 2015*. The regulations apply 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 provide that town and parish councils in England, whose turnover does 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 enclosed report summarise the key issues in respect of both sets of regulations.

...

8 OUTSIDE BODIES/MEETINGS

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

9 PLANNING MATTERS

9.1 Planning Applications

15/2728N Bank House Farm, Nantwich Road, Chorley, CW5 8JR
Conversion of traditional farm buildings into three dwellings, includes demolition of modern buildings, construction of new garage, structures and installation of new biodisc treatment plan.

The deadline for comments is 15 July. The Planning Officer is away from the office until 21 July and, presumably, has not yet made her decision. Members can therefore submit comments.

Members are reminded that Parish Councils can only consider the applications before them on their merits. Cheshire East Council (CEC) does not have the capacity to respond to queries from consultees. Following validation of a planning application, CEC, as the Local Planning Authority, must make a determination as soon as possible, but no later than 8 weeks

Although time limits on determination can be extended, these are where the applicant and the LPA agree, but cannot be extended for the benefit of consultees.

9.2 Obstruction on Public Right of Way

This matter was included on the agenda for the April meeting; however, as the Clerk was unable to attend on that occasion, no information was submitted.

A number of issues were reported to Clerk in respect of the potential obstruction of members of the public wishing to gain access in various locations.

- (1) It was reported to the Clerk that access to the public footpath was restricted by a feed trough being put near to the field entrance, in addition to a gate being locked making access to the indicated path difficult to follow. (Cholmondeley FP12 on CEC interactive map.)
- (2) A new field gate, which opens onto Wrenbury Road and impacts on traffic, has been opened onto the highway – co-ordinates provided are 53.048705 -2.663943. The query is whether a planning application had been made prior to the entrance being opened.

The Clerk has provided the details to the Public Rights of Way Unit (PROWU). The Officer who is dealing with this has not yet concluded his investigation. In the meantime, unless Members have any information to add, the Clerk will report the outcome to the September meeting.

The PROWU has the power to deal with issues like this only if it is causing an obstruction or is in some way impeding use. With regard to the gate impacting on traffic, this would be a matter for both Cheshire East Highways and Cheshire East Council Planning Division.

10 A49 MATTERS/BOUNDARY SIGNS

The resident who has previously raised the issue of both boundary signs and the speed limit on the A49 has sent a follow-up e-mail to the Clerk to enquire into progress.

In September 2014 it was reported that the CEC Local Area Partnership Highways Committee was to assess the A49 and it was to be recommended that there should be road markings/warning signs through the bends. This was expected to be completed within the financial year 2014-2015. The Clerk has no further information on this, but Borough Councillor W S Davies may be able to report.

The issue of boundary signs was put on hold until the survey of residents had been completed. The Clerk had already contacted Cheshire East Highways about this matter, but has not received any further information. If Members wish to consider quotations either for replacement or new boundary signs, CE Highways would be asked to advise on appropriate locations.

11 CABINET FOR AED

The Clerk will update the Parish Council in respect of the provision of a cabinet for the AED (currently housed inside the Cholmondeley Arms) to enable it to be moved to an outside wall providing 24 hour access.

12 CHESHIRE RAILINGS

To report progress on the replacement of Cheshire Railings.

13 BOROUGH COUNCILLOR'S REPORT

Borough Councillor W S Davies to report on Cheshire East matters of interest.

14 SHARED ITEMS

Members are able to share information which was not available at the time of publication of the agenda, or request items for inclusion on the next agenda.

15 DATE OF NEXT MEETING

15 September 2015

16 EXCLUSION OF PRESS AND PUBLIC

In accordance with Paragraph 1 (2) of The Public Bodies (Admission to Meetings) Act 1960, the Parish Council is invited to **RESOLVE** that 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.

16 SURVEY RESULTS

(Reason for exclusion: Identification of individuals which might contravene the provisions of the Data Protection Act 1998.)

To discuss the results of the survey carried out earlier in the year and to take any appropriate action.