

**MINUTES OF A MEETING OF STAPELEY & DISTRICT PARISH COUNCIL
HELD ON 26 SEPTEMBER 2022 IN STAPELEY COMMUNITY HALL,
PEAR TREE FIELD, STAPELEY**

PRESENT: Councillor M Theobald Chairman
Councillor S Ford
Councillor J Gibbs
Councillor J Hillman
Councillor K Nord
Councillor Y Orungbemi

APOLOGIES: Councillors M Docker, A Jacobs and P Groves

56 APOLOGIES FOR ABSENCE

RESOLVED: That apologies for absence be received as indicated, and approved.

57 DECLARATIONS 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.

No declarations were made.

58 DECLARATIONS OF INTERESTS

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No declarations were made.

59 MINUTES

RESOLVED: That the Minutes of the meeting held on 18 July 2022, and the Extra-ordinary meeting held on 5 September 2022, be approved as correct records.

60 PUBLIC QUESTION TIME (15 MINUTES)

In accordance with the Parish Council's Standing Order No.1, members of the public were able to submit a question or to make a statement, preferably in writing prior to the meeting, by submitting to the Clerk, or orally at the meeting.

There were no questions or statements.

61 ACTION TAKEN SINCE THE MEETING HELD ON 18 JULY 2022

The Parish Council noted action taken by the Clerk subsequent to the meeting held on 18 July 2022.

- Crystal Clean South Cheshire Ltd. had been notified that the cleaning contract had been extended to December 2023, with a recommendation that at that time the contract be awarded for a three-year period with an option to extend.
- Asbestos: Paul Brightwell of Cheshire East Council (CEC) had been asked to arrange the removal of asbestos as identified previously by parish councillors. In the meantime, the Clerk had also logged this on the CEC website for action.

- The Clerk had followed-up with CEC the letter sent in March 2022 to five senior managers regarding transfer of the Victorian Orchard land (Ref CH468293).

On 4 April 2022, in response to that letter sent in March 2022, Judith Cosgrove (Compliance Manager) had replied, undertaking to discuss this with Andy Kehoe and with Legal and Planning colleagues to establish the Borough Council's position in terms of enforcing any relevant obligations. Once this was established, she would be able to contact the landowner(s). She had also mentioned that there were a number of cases with requests for information similar to the Parish Council's request and these were dealt with in order of receipt.

On 25 August 2022, the Clerk sent a follow-up email to all the managers asking for an update in time for the meeting originally scheduled for 19 September 2022, but no information had been received.

- Dr Martin Page had been asked for a specification for work required at the Conservation Area at Talbot Way to enable potential contractors to be asked to quote for the project. He had also been invited to join the newly-formed Working Group on the Conservation Area which he has accepted.
- Vodafone: No Wi-fi connection. A new SIM card had now been provided.

62 POLICE REPORT

The Parish Council received a Police report from PCSO R Stott for July and August 2022. This was his final report as he had now been transferred to a new role and there had been no notification of who would take over.

63 CHESHIRE EAST BOROUGH COUNCILLORS' REPORTS

The following matters were reported on behalf of the Borough Councillors.

63.1 The issue of a drain repair on Wybunbury Lane had been raised through the Borough Council's Member Reporting Service. The Area Highways Manager with specific responsibility for this lane had reported:

This work is anticipated to be completed by the end of September, but will be subject to weather and unforeseen circumstances, but the intention is to stick to this timescale.

Councillor Groves had passed this information to the resident who raised it and asked that she convey it to her neighbours who had also contacted him on a number of occasions.

Councillor Ford confirmed that the work had been completed.

63.2 A51 Elwood Way: Possible re-phasing of traffic lights.

Following reports of problems with the phasing of the traffic lights at Elwood Way, Councillor Groves had asked for a site meeting, together with Councillor Andrew Martin, after 28 September 2022, when he (Councillor Groves) returned from holiday.

64 FINANCIAL MATTERS

64.1 AUTHORISATION OF PAYMENTS

(A) The Parish Council was asked to approve a number of payments.

RESOLVED: That the following payments be approved:

£432.00	Crystal Clean South Cheshire – cleaning of Community Hall. (Invoice 2379 - £360.00 net and £72.00 VAT)
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- £594.82 HMRC – Tax and NI on Clerk’s salary
(£234.80 tax – August: £62.51 Employer’s NI contribution
£234.80 tax – September: £62.51 Employer’s NI contribution)
- £51.67 Warbrook Creative – work carried out on the design of the
new website.
- £41.40 Shires Accountants – payroll service.
(£34.50 net and £6.90 VAT) 19 July 2021

- (B)** It was reported that following the non-payment of the Clerk’s salary in June 2022, the Royal Bank of Scotland had deposited £150.00 into the Parish Council’s bank account following the Clerk’s formal complaint about the bank’s inability to correct its error.
- (C)** It was reported that cheque No. 1405 payable to Crystal Clean South Cheshire Ltd. in the sum of £331.20 had gone astray in the post. The Clerk had issued replacement cheque 1409. Cheque 1405 had been cancelled with the bank.

64.2 INTERNAL AUDIT – 2021-22

It was reported that the following payments had been made under delegation arrangements during 2021-22 but not reported to the Parish Council. This was an issue raised by the Internal Auditor during the audit in 2021-22 following sample testing. The Clerk had reviewed all payments and the Parish Council was asked to ratify the following payments which had not been reported to the Council:

- £1,027.50 Jof’s Mowing – payment made on 25 October 2021
£400.00 Jof’s Mowing – payment made on 21 February 2022
- £41.40 Shires Accountants – payroll service
(£34.50 net and £6.90 VAT) payment made on 19 July 2021
- £160.00 ASB Electrical – work at Community Hall
Paid 15 November 2021

RESOLVED: That the payments as indicated be ratified.

64.3 EXTERNAL AUDIT – 2021-22

PKF Littlejohn LLP (the external auditor) had asked for an explanation for the difference in precepts between the two years 2020-21 and 2021-22. The Clerk had now responded to this, and it was expected that the auditor would be able to ‘sign-off’ the accounts to enable them to be published by 30 September 2022.

64.4 FINANCE COMMITTEE

The Parish Council was asked to consider setting up a Finance Committee which would take a strategic overview of the general operations of the Council in areas such as finance, policy review, budget management and audit and risk management.

It would be particularly helpful if the Committee could review budget-monitoring documents and consider a first draft of the budget each year.

A draft Terms of Reference was submitted with a suggestion that the Committee should comprise no more than five Members with a quorum of three.

RESOLVED: (a) That a Finance Committee be established comprising five Members;

(b) That the Terms of Reference be approved, subject to the removal of the requirement that it be chaired by either the Parish Council Chairman or the Vice-Chairman; and

(c) That Councillors M Theobald, S Ford, J Hillman and A Jacobs (subject to her agreement) be appointed to the Committee.

64.5 ACCOUNTS – 2022-23

The Parish Council received the following documents:

- Bank reconciliation to 11 August 2022 (details noted).
- Detailed statement of payments by cost centre and cost code were also received.

The following were the details on the bank reconciliation.

	£	£
Opening balance on 1 April 2022	72,496.86	
ADD Receipts	15,784.03	88,280.89
LESS Payments	(18,865.14)	69,415.75
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Cash in hand per bank statements		
Gold Deposit Account	71,840.81	
Current Account	413.84	72,254.65
LESS Unpresented payments	(350.10)	71,904.55
LESS Unpresented cheques from 2021-22	(2,488.80)	<u>69,415.75</u>

64.6 Clerk's Salary – 2022-23

Members recalled that owing to a bank error, the Clerk had not been paid by standing order for the salary due for the month of June 2022. A cheque in the sum of £938.66 was paid to the Clerk on 7 July 2022.

The total payments from 1 April 2022 – 31 July 2022 should be £3,754.64. Members noted that under Minute No. 64.1 above, the actual payments for the financial year amounted to £4,667.64; this was because Royal Bank of Scotland (in error) had previously paid the salary on the 2nd or 3rd of the following month. On 1 April 2022, salary of £913.00 was paid for the month of March 2022 (the previous financial year). The bank had already been instructed to revert to the previous practice of paying the monthly salary on the 28th of the month to which it related.

As the Parish Council authorised payment of a cheque in the sum of £938.66 on 7 July 2022 (cheque No. 1403), the Clerk had received total pay of £4,693.30 for the period, which represented an overpayment of £938.66. The Clerk had now deposited this amount in the Parish Council's bank account.

64.7 DIGITAL BANKING

The Clerk had tried to make progress on introducing digital banking for the Parish Council, and during the recess obtained bank mandate forms which were sent to the five signatories (Councillors M Theobald, J Hillman, M Docker, P Groves and K Nord).

Each signatory was required to complete their part of the form and return it to the Clerk. Some of the forms had been received; once all were received, the Clerk would contact the bank to put this change into effect.

The Clerk reported that the digital banking system did not allow for two signatories to sign, and this could be a problem for the auditor, as there was a greater potential for fraud; however, the Chairman was of the view that although there was no *requirement* for two to sign, the Parish Council could include this as its own requirement when completing the revised bank mandate form.

65 WORKING GROUPS – TERMS OF REFERENCE (ToR)

As the Parish Council had established a number of working groups, model Terms of Reference (ToR) were submitted. These set out the general role of working groups, known as Task Groups, and they could be tailored to the specific aims of each of the groups which were (a) Victorian Orchard, (b) Website, (c) Community Hall, (d) Conservation Area (Talbot Way), and (e) Litter Action Project.

Detailed ToRs would be submitted to the October meeting.

RESOLVED: (a) That the Working Groups arrange to meet at the earliest opportunity;

(b) That a Working Group be established to consider if new Vehicle Speed Display Units (VSDU) should be purchased, given that there was £10,000 in the budget for this scheme; (Membership was not discussed);

(c) That Matthew Nord be invited to join the VSDU Working Group to offer technical advice on the most appropriate type of unit(s) required; (Councillor Nord undertook to contact him with the request);

(d) That Stapeley Broad Lane School and Pear Tree School be invited to be represented on the VSDU Working Group; and

(e) That the Litter Action Project Group be deleted, as Councillor Gibbs already operated a litter-picking scheme in the parish.

66 PLANNING APPLICATIONS

There were no planning applications for consultation.

67 PARISH COUNCIL PROJECTS

As it was now half-way through the financial year, the Parish Council was asked to consider how to make progress on the following projects which were to be funded through ear-marked reserves.

• Victorian Orchard	£10,000
• Litter Action Project ¹	£1,600
• Purchase of vehicle-speed display units	£10,000

No decisions were taken, pending the Working Groups arranging to meet at the earliest opportunity (Minute No 65 refers.)

68 OUTSTANDING MATTERS

68.1 Insurance Cover – 2023-24

The Clerk was due to seek quotations for the provision of insurance cover with effect from 1 June 2023.

At its meeting held on 23 May 2022, the Parish Council accepted the quotation for insurance cover for the one year commencing 1 June 2022 to 31 May 2023, and the Clerk was asked to seek other quotations for the next year.

¹ The Litter Action Project had been deleted under Minute No. 65

One of the reasons given for finding the policy unacceptable, although not minuted, was that there were some exclusions in the policy which did not seem reasonable.

There had been seven documents submitted to the meeting in May, but for ease of reference, a copy of the summary of the policy was now provided.

The Parish Council was asked to decide which exclusions were unacceptable.

The Clerk was asked to re-send all the documents to Members, so that they could review the contents and advise at a future meeting.

68.2 Fire Safety Arrangements – Community Hall

It was reported that various actions in respect of fire safety in the community hall, which the Clerk was tasked with, had yet to be carried out. This was owing to a capacity issue which the Clerk had highlighted at a recent Parish Council meeting.

The Clerk agreed to endeavour to complete all the tasks by 31 December 2022.

68.3 Purchase of Bench for Location at Bishop's Wood

The Clerk had been asked by the Property Services Manager at CEC, to provide a photo of the proposed site for the bench to enable CEC to establish ownership of the land. The photos were sent to CEC on 23 August 2022.

68 COMMUNITY HALL

68.1 Covid Restrictions

As agreed at the meeting held on 21 March 2022 the Parish Council was asked to consider if there should be any changes in respect of Covid arrangements at the hall.

RESOLVED:) That no changes be made to the current arrangements in the Community Hall following the Government's lifting of Covid-related measures.

68.2 Regular Activities at the Community Hall

The Parish Council received a list of the regular activities at the Community Hall (updated 14 September 2022).

68.3 Hire of Hall by Regular Client

The Parish Council's advice was sought. A regular client who used the hall during the week, had asked to make a number of weekend bookings; these were not for herself but were related to her own clients. She herself would be invoiced for the activity, and her own client would pay her for use of her equipment; she would charge her client separately for the hire of the hall and would settle the invoice direct with the Parish Council.

The Clerk was of the view that this could, potentially, be viewed as a sub-letting arrangement.

A copy of the hire agreement was enclosed, and Members considered the relevant paragraphs (**Special Conditions**, paragraphs 1 and 3).

Paragraph 1 required the client to be responsible for the supervision of the Community Hall during the period of hiring. If the current client was deemed to be sub-letting, then she would have to remain during the event, but it was her intention to open the hall for her client, provide the equipment which she hired to her client, close at the end of the booking, at the same time removing the equipment that her own client had used. She herself would pay the Parish Council the £12 per hour hire fee.

Paragraph 3 stated that the client '....shall not sub-hire or....'.

The Clerk's view was that this type of arrangement should be refused. Cheshire East Council's (CEC) Legal Adviser had been asked for a view.

The Legal Adviser's response was that CEC did not involve itself in leases for Parish Councils; this was despite the fact that the lease was a CEC drawn-up lease and was renewed periodically.

RESOLVED: (a) That as the proposed arrangement by the client appeared to be a sub-let situation, such bookings must cease immediately; and

(b) That all Community Hall bookings must be made in accordance with the normal procedure.

69 NEWSLETTER

The Parish Council received draft 2 of the newsletter. A number of amendments were made:

- Chairman to provide the opening 'Welcome' message.
- The article on the website to be amended.
- The Clerk to provide a copy of a previous article on litter, and send it to Councillor Gibbs for updating.
- Victorian Orchard: Councillor Hillman undertook to prepare an article.
- Add a precis of the extra-ordinary meeting held on 5 September 2022 held to discuss the Muller planning application.
- Advertisement for grounds maintenance contractor (see Minute 74 below).

70 WEBSITE

It was reported that the Clerk, Councillors M Docker and J Hillman, participated in a Zoom meeting in July to review the website content, and having reviewed it, the comments were sent to Simon Warbrook.

To make progress, the Parish Council was asked to consider arranging a special meeting of the Council, with Mr Warbrook to finalise the requirements for the website with the aim of it being fully functional by the end of this calendar year.

Mr Warbrook had confirmed that the end of the calendar year was a feasible target for the website to be finalised, on the understanding that the Parish Council provided the necessary content.

No specific decision was made.

71 RESIDENTS' MATTERS

To report on the following matters which had arisen during email exchanges between Members, the Clerk and residents.

- Land overgrown on the corner of Mainwaring Way (believed to be an informal conservation area).

The area was currently overgrown, but the resident had commented that it was usually maintained. The Clerk had contacted CEC to establish if this land was included on its grass maintenance schedule.

- Clonnersfield – resident requested that a 'No Ball Games' sign be erected on a patch of land in Clonnersfield. The request was following damage to her son's car outside his house.

The Clerk visited Clonnersfield but could not see any areas which would be large enough for ball games.

72 OTHER DECISION ITEMS

The following items require a decision.

- Cheshire Police and Crime Panel. The Cheshire Association of Local Councils (ChALC) had forwarded an advertisement for the Appointment of an Independent co-opted Member to the Cheshire Police and Crime Panel.

The vacancy was not suitable for anyone with a political affiliation.

There were no volunteers for this position.

- Airband: This company had requested the opportunity to make a brief presentation to a future meeting. The company had stated that this area had been 'earmarked' for Airband's roll-out of essential broadband infrastructure which was to be provided across a large part of rural Cheshire, in partnership with the Digital Cheshire project which involved Cheshire East, Cheshire West & Chester, Halton Borough and Warrington Borough Councils to roll-out ultrafast full-fibre broadband to over 4,000 properties across rural and hard-to-reach areas of Cheshire.

RESOLVED: That no action be taken.

73 QUOTATIONS FOR PLANTERS OUTSIDE THE COMMUNITY HALL

The Clerk had contacted companies which supply street furniture and had received some information; the Clerk suggested that this would be better treated as a two-stage process with Members deciding which style of planter they would prefer, the number of planters and the size. Following that, detailed quotations would be sought.

Two photos were submitted as examples of outside planters, but no quotations had yet been sought.

RESOLVED:

- That the planters should be in recycled material;
- Colour, grey;
- Rectangular in shape, but no specific size given.
- That Councillor Gilbbs be thanked for his offer to enquire at Cheshire West and Chester Council, in respect of the planters which were used around the Borough.

74 QUOTATION FOR GROUNDS MAINTENANCE

As requested at the last meeting, the Clerk had contacted ANSA to request a quotation for the grounds maintenance work carried out on the lawned area at Talbot Way (owned by the Parish Council) and the general work carried out around the Community Hall.

A copy of the specification which was provided in 2021 when potential contractors were invited to quote for the work, was now submitted. This had been provided to ANSA.

Although an acknowledgement had been received from ANSA, the team had not yet responded with a quote

RESOLVED: That the specification be included in the newsletter inviting contractors to bid for the work.

75 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 transacted, and the public interest would not be served in disclosing that information.

76 THE SIX-MONTH RULE (DISQUALIFICATION OF COUNCILLOR UNDER S.85(1) OF THE LOCAL GOVERNMENT ACT 1972

The Parish Council considered the Clerk's report in respect of the disqualification of a councillor in accordance with S.85(1) of the Local Government Act 1972, owing to absence from meetings for six consecutive months.

Under S.85(1) of the Local Government Act 1972, a Councillor who had failed to attend consecutive meetings for a period of six months, without having first submitted his/her reasons for absence to the Parish Council, and those reasons have been accepted, the councillor is automatically disqualified.

Attendance as a member at a meeting of any Committee or Sub-Committee of the authority, or at a meeting of any joint Committee, Joint Board or other body, by which the functions of the authority are being discharged, is deemed to be attendance at a meeting of the authority.

RESOLVED: That it be noted that former Councillor Georgina Gwinn had ceased to be a councillor on 21 August 2022, following her non-attendance at Parish Council meetings for a continuous period of six months.

.....Chairman

The meeting commenced at 7.30 pm and concluded at 9.00 pm