

**MINUTES OF A MEETING OF HANKELOW PARISH COUNCIL
HELD IN HANKELOW METHODIST CHAPEL SCHOOLROOM, HANKELOW
ON 7 JANUARY 2013**

PRESENT: Councillor G Foster Chairman
Councillor G Cope Vice-Chairman

Councillors C Ainley, I Jones and A Lee

IN ATTENDANCE: Borough Councillor Rachel Bailey

Notes:

- (i) Prior to the start of the meeting, members of the public addressed the Parish Council.
- (ii) The new landlords of The White Lion were also in attendance and were welcomed to the village by the Parish Council.

62 DECLARATIONS OF INTEREST

Members were invited to declare any non-pecuniary or disclosable 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.

Each Member made a declaration of a disclosable pecuniary interest in agenda item 8.1 (Budget Proposals 2013-2014) on the basis that they each owned land in the Parish Council's area.

63 REGISTER OF MEMBERS' INTERESTS

Members were reminded to complete their Register of Interests form which should be sent electronically to the Cheshire Association of Local Councils. It was a legal requirement under S.29(7) of The Localism Act 2011 that where a parish council had a website, the register must be published on it. As the Parish Council did not have a website, the Clerk would retain copies of the forms.

64 DISPENSATIONS AND SETTING THE PRECEPT

64.1 On 11 November, the Clerk issued a briefing note to Members advising them of the new requirements in respect of declarations of disclosable pecuniary interests (DPI) particularly when setting the budget and requesting a precept.

Each parish councillor who either owned or rented land in the Parish Council's area would have a DPI. A criminal offence may be committed where a Member with a DPI participates or votes at a meeting. Dispensations which used to be a matter for the Borough Council were now a matter for individual local councils to consider internally. A 'dispensation' allowed Members who had such an interest to claim a dispensation which would allow them to participate in meetings.

64.2 Procedure for Dealing with Dispensation Requests

The first matter which the Parish Council considered was the procedure for dealing with written requests.

RESOLVED: (a) That all written requests for a dispensation be submitted to the Clerk;

(b) That the Clerk report all written requests to the first available Parish Council meeting; and

(c) That the Parish Council consider all Members' written requests for a dispensation and make a determination as to whether they should be granted.

64.3 Receipt of Written Requests for Dispensation

The following Members had each submitted a request for a dispensation to allow them to participate and vote in respect of the budget proposals for 2013-2014.

Councillor C Ainley
Councillor G Cope
Councillor G Foster
Councillor I Jones
Councillor A Lee

RESOLVED: (a) That the written requests for dispensation from Councillors Ainley, Cope, Foster, Jones and Lee be approved;

(b) That it be noted that their reason for submitting the request was on the basis “*that 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 that business*”; and

(c) That the dispensation be granted until the next elections in 2015.

65 MINUTES – 12 NOVEMBER 2012

RESOLVED: That the Minutes of the Meeting held on 12 November 2012 be approved as a correct record.

66 MATTERS ARISING (not detailed elsewhere on the agenda)

66.1 Pension Regulations

At the previous meeting, it was reported that correspondence had been received about new pension regulations and parish councils were required to register in respect of pensions for staff. The Clerk had raised this with Thirsk Payroll which had stated that it was aware of the proposed changes but that these would not come into force for a few years and no action was required at the present time.

67 EXCLUSION OF PRESS AND PUBLIC

Prior to the start of the previous meeting, members of the public had addressed the Parish Council in respect of the proposed exclusion of the press and public for two items on the agenda. They were of the view that the press and public should not be excluded from the meeting during consideration of quotations.

When the matter was discussed during the meeting, the Clerk had offered advice that in accordance with *The Public Bodies (Admission to Meetings) Act 1960* such matters should always be dealt with in the absence of the press and public on the basis that whenever information relating to the financial or business affairs of any particular person, or company, other than the Parish Council, was discussed, it should be in private to avoid a situation where a company could lose its competitive advantage if the information was considered openly.

This advice had not been accepted by Members and the matters referred to were discussed in public. The Clerk was asked to seek the advice of the Cheshire Association of Local Councils (ChALC).

The Clerk’s information report was now submitted. This set out the legal principles embodied in the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act (LGA) 1972.

It was noted that ChALC had agreed with the Clerk’s advice and had confirmed that the items referred to should have been considered in the absence of the press and public. There may

have been confidential business matters arising from the discussion, not least of which, the companies themselves might have given preferential rates to the Council which they might not have wished to be made public.

The purpose of the public attending Parish Council meetings was that they should be able to witness that proper procedures were being followed; residents had that opportunity at the last meeting. They were aware that the Council had obtained quotations, but how the Council then selects the appropriate quotation was for the Parish Council to discuss privately, for the reasons given.

The report was for information, but Members took the opportunity to discuss it in terms of procedure for the future. It was agreed that the Parish Council should be as open as possible in its decision-making and consider each item on its merits before making a decision to exclude the press and public.

There was also a brief discussion about how the Council should consider quotations in future. Paragraph 1 of Schedule 12A of the LGA 1972 suggested that if it was intended to “disclose financial and/or business/commercial information in a report which related to a third party, serious consideration should be given to consulting with that party in order to determine whether disclosure would or would not be likely to prejudice their interests. Failure to do so might expose the council to legal action.” In the light of this, a suggestion was made that when companies were invited to submit a quotation for any goods or services they should be informed that their quotations would be likely to be considered in the open part of the meeting and that their terms, conditions and any preferential rates offered would be debated in public. This would then give the companies the opportunity to decline to quote for the business.

No decision was reached on this and it was agreed that this matter be considered on a future occasion.

68 STREET NAMING (“OLD SCHOOL LANE”)

Following agreement at the meeting held on 12 November 2012 that part of Audlem Road should be re-named “Old School Lane”, the Clerk had consulted the occupiers of all properties affected by the proposal. Responses had been received as follows:

Willowmead	No objections
Wembdon	No objections
Highfield	Response awaited
Springbank	No objections
Green Gables	No objections
Hankelow Methodist Church	No objections

It was reported that Highfield was under offer for sale and the occupier had declined to respond. The requirement for at least two-thirds of the dwellings affected to agree to the proposal had been met. The Clerk’s report (as enclosed with the agenda) would now be submitted to Caroline Simpson, the Interim Strategic Director, Cheshire East Council and to Borough Councillor R A Bailey as the Ward Councillor, requesting that the street naming be implemented as soon as practicable.

69 FINANCIAL MATTERS

69.1 Budget Proposals – 2013-2014

The Parish Council considered draft budget proposals for the forthcoming year. The Clerk’s report was submitted and the following amendments were made:

Add	Member Training	£90.00
Increase	Duck Food from £70 to	£140.00
Add	Grounds Maintenance (The Green)	£700.00

The Clerk suggested that the heading “Chairman’s allowance” be re-named “Miscellaneous”.

The Chairman had already indicated that she did not propose to spend her allowance on personal items associated with the expenses of office (S.15(5) of the LGA 1972). It was suggested, therefore, that for the next financial year, there should be no Chairman's allowance, but that this should be replaced by a "Miscellaneous" sum of £100 which the Parish Council could spend according to various statutory powers.

The Parish Council was only able to spend in accordance with various statutory powers. If the Chairman wished to spend her allowance on items which were not associated with the office, the accounts would show an under-spend against “Chairman’s allowance” at the end of the financial year.

Comment was made that as the Chairman was elected at the May meeting, a new Chairman might hold a different opinion. For this reason, it was agreed that the item be re-named “Chairman/s Allowance/Miscellaneous”. This was in addition to the sum of £100 under the general heading of “Miscellaneous”.

	£	£
The budget proposals, as amended at the meeting amounted to		4,879
<u>Add</u> Working balance	400	5,279
<u>Less</u> Estimated balance available on 1 April 2013	(1,881)	3,398
Precept required (rounded up)	<u>3,400</u>	

RESOLVED:

- (a) That the budget proposals for 2013-2014 as attached to the official copy of the minutes, be approved;
- (b) That the Clerk’s gross salary remain at £1,300 per annum; and
- (c) That the Clerk be authorised to request a precept of £3,400 from Cheshire East Council.

69.2 Authorisation of Payments

RESOLVED: That the following payments be authorised:

£65.00	HMRC - Tax on Clerk’s salary for the third quarter
£36.48	Councillor I Jones – reimbursement for purchase of Daffodil bulbs.
£20.59	Councillor I Jones – reimbursement for plaque for school bell in the church

70 MOBILE VEHICLE SPEED DISPLAY UNIT

It was reported that the Clerk had placed an order with TWM Traffic Management Systems for the following equipment at a total gross cost of £2,396. The delivery date had not yet been indicated.

1 x Mini 300 Polypropylene Modular Speed Control Sign System comprising:

- 1 x 300mm Indicated approaching speed module (located in upper module housing)
- 1 x Smiley face (located in lower module housing)
- 1 x TWM easy mount clip system
- 1 x Data Collection Radar (USB socket data portal)
- 2 x 35A Sealed gel rechargeable batteries with estimated 14 day operational life (subject to traffic volumes)
- 1 x Additional set of mounting clips (£16.00)
- 1 x spare battery (£70.00)

71 PERMISSIVE PATH – HANKELow TO AUDLEM

The Chairman reported on the site visit on 15 November 2012 which had been attended by Mr Tim Morris (Corbrook Court Nursing Home), Councillor C Ainley and Councillor M Hill from Audlem Parish Council.

They had walked the route. Mr Morris had been amenable to the reinstatement of a permissive path. During their discussion, Mr Morris had expressed the hope that the two Parish Councils would support his application for a change in access to Corbrook Court. The proposal was to use the site access as the main entry. This provided greater visibility in both directions and appeared to be much safer than the existing access.

The application would be submitted to the Parish Council in due course for consultation and the matter would be considered on its merits at that time.

72 THE WHITE LION PUBLIC HOUSE

The Parish Council wished to place on record its good wishes to the new landlords of the White Lion Public House and wished them success in their new venture.

73 MAINTENANCE OF THE GREEN (LOCAL SERVICE DELIVERY)

At the meeting held on 12 November 2012, the Clerk was asked to enquire if responsibility for maintaining The Green was to be devolved to the Parish Council under Cheshire East Council's Local Service Delivery scheme, with effect from April 2013.

Under the Local Service Delivery Scheme, the following were the two models available:

Transfer:

Where services were not the statutory responsibility of the Borough Council, but which localities may wish to continue, these services would be delivered via the town or parish councils.

- 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 transition funding in the short term, from Cheshire East Council.

Devolution:

Where services were the statutory responsibility of Cheshire East Council, but where a decision was taken by the Borough Council that it may be more effectively delivered at a local level, these would be devolved to town or parish councils.

- 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.

The Clerk had made enquiries and reported that the current position on devolution of relatively small scale tasks was that CEC did support them under a "compact" arrangement - a relatively simple agreement where a small amount was given to the parish council towards the cost of such work.

The Head of Performance (CEC), whom the Clerk had contacted, was not aware of any agreement already made with Hankelow Parish Council.

Borough Councillor Rachel Bailey reported that Cheshire East Council was committed to continuing to honour existing compacts and the Leader of the Council had given his support to

the creation of new compacts which could be flexible arrangements to suit the needs of parish councils.

Members considered the draft specification which had been drawn up by Councillor Ainley and agreed it as a basis for a compact agreement.

RESOLVED: That the Clerk and Councillor Ainley pursue through Cheshire East Council the possible creation of a compact and report back to the next meeting.

74 REGISTRATION OF THE GREEN

The Clerk had now received an appropriately marked-up plan of The Green to be submitted to the solicitors to complete the registration process.

75 REPORT OF MEMBERS APPOINTED TO OUTSIDE BODIES

Members appointed to outside bodies were invited to report on recent activities. None had recently taken place, but the Police Cluster meeting was due to be held on 8 January 2013.

76 BOROUGH COUNCILLOR'S REPORT

Borough Councillor R A Bailey reported on Cheshire East matters of interest to the Parish Council, including Cabinet changes and changes in directorship. Councillor Bailey had been appointed as the Portfolio Holder for Children and Families.

77 THE LOCAL PLAN – CONSULTATION

The Borough Council was undertaking consultation on its Local Plan comprising Shaping Our Future (1) A Development Strategy for Jobs and Sustainable Communities and (2) Policy Principles. The consultation period was for 6 weeks commencing 15 January 2013 and concluding on 25 February 2013.

The Clerk had attended the CEC/ChALC Planning Conference on 12 December 2012 and submitted a briefing note. The purpose of the event had been to outline the consultation process.

No comments were made on the consultation documents.

78 CORRESPONDENCE

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

Cheshire East Council

- Winter Weather Planning – snow-kits (It was noted that one had been requested for storage in the Chapel)
Arising out of discussion, the Clerk was asked to arrange for grit to be provided at Monks Lane and Hall Lane.
- Development Plan available for consultation
- Minor Works Allocations List for 2013-2014 (as agreed by Ward Councillors on 13 Nov 12)
- Nantwich LAP matters (e-mailed to Clerks on 7 January 2013)

Cheshire Association of Local Councils

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

79 SHARED INFORMATION

Parish Councillors were invited to share information or request the inclusion of items on the next agenda.

The Clerk was asked to arrange for the provision of grit at Monks Lane and Hall Lane.

80 DATE OF NEXT MEETING

4 March 2012

.....Chairman

Line	Item	Spend to 30 Sept 2012	Estimates to 31 Mar 2013	Draft Budget 2013-2014
	Administration			
1	HM Revenue & Customs (tax on former Clerk's salary)	5.07	0.00	0.00
2	HM Revenue & Customs (tax on Clerk's salary - wef 1 July 2012)	65.00	130.00	260.00
3	Former Clerk's salary (to 30 June 2012)	325.26	0.00	0.00
4	Clerk's Salary (net)	260.25	520.00	1,040.00
5	Thirsk Payroll (PAYE service)	42.00	0.00	45.00
6	Clerk's expenses (stationery etc.)	0.00	0.00	50.00
	Insurance/Audit/Subscriptions			
7	Insurance - annual premium	435.04	0.00	300.00
8	Audit (Internal - A Davenport)	45.00	0.00	50.00
9	ChALC affiliation fee	65.40	0.00	70.00
10	Cheshire Community Action	20.00	0.00	20.00
11	Cheshire County Playing Fields	16.00	0.00	16.00
12	Mid-Cheshire Footpaths Society	8.00	0.00	8.00
13	Audit Commission	60.00	0.00	0.00
14	Room Hire fee (Hankelow Methodist Church)		200.00	200.00
	Parish Plan			
15	Grant for coffee mornings commencing Oct 2012 (hire of rooms)	140.00	160.00	0.00
16	Burial Board (precept)	0.00	0.00	200.00
17	Speed watch interactive equipment	0.00	2,400.00	
18	Grants	0.00	0.00	1,000.00
19	Grounds Maintenance (The Green)	0.00	0.00	700.00
20	Miscellaneous			
	Member Training	0.00	0.00	90.00
	L P Hopkins - joinery fee	48.00	0.00	0.00
	Purchase of bench	289.94	0.00	0.00
	Feed store (duck food)	70.00	35.00	140.00
	Chairman's allowance/Miscellaneous	18.00	82.00	100.00
	Miscellaneous	0.00	0.00	100.00
	TOTAL	1,912.96	3,527.00	4,879.00