



## NOTICE OF MEETING

The next meeting of the Parish Council is to be held in the Village Hall  
on Monday, 2 February 2015 at 7.30 pm

Signed

Carol Jones (Interim Clerk)

Date of Issue: 26 January 2015

## A G E N D A

### 15.01.01 APPOINTMENT OF NEW CLERK TO THE PARISH COUNCIL

To report that Lesley Thomson has been appointed Clerk to the Parish Council and will be in attendance at the meeting.

### 15.01.02 APOLOGIES FOR ABSENCE

### 15.01.03 DECLARATIONS OF INTERESTS

Members to declare any disclosable pecuniary interest or non-pecuniary interest which they have 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.

### 15.01.04 MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2014

To approve as a correct record the Minutes of the meeting held on 17 November 2014.

### 15.01.05 MATTERS ARISING

To consider any matters arising from the Minutes of the Meeting held on 17 November 2014.

#### (a) Power to Spend: (Minute No. 14.11.14)

The previous Minutes make reference to S.137 of the Local Government Act 1972 which permits a Parish Council to spend '*for the benefit of the community*'. It is a matter for the Parish Council to decide what is of benefit but such benefit must be direct to the area, or part of the area, or to some or all of the inhabitants. Notwithstanding this, payment to an employee cannot be regarded as being *of benefit to the community*, since the employee receives a salary for his/her services.

When considering use of S.137, the Council must ensure that the expenditure is not disproportionately large to the benefit derived from the expenditure; for example, a Council could not spend the whole of its S.137 allocation on one individual. Moreover, where a Council has a statutory power which is restricted by a limitation or condition, S.137 cannot be used to circumvent that limitation or condition. Such expenditure can be challenged by the auditor or a local government elector (pursuant to S.16 of the Audit Commission Act 1998).

To: Parish Councillors D Wallis (Chair), L Bannon (Vice-Chair), B Charlesworth, K Bannon, C Challoner, M Carss and J Stockdale.

Copy: Borough Councillor M E Jones

Although Members might decide to interpret S.137 as being relevant to the purchase of a gift for a former Clerk (or indeed a parish councillor), this is not the intention of S.137 and as there is no power to spend on such items, the external auditor (BDO LLP) has issued a qualified audit opinion.

The document referred to in the Minutes is *Governance and Accountability for Local Councils: A Practitioners' Guide (England) March 2014* and is a 'toolkit' used by many Clerks.

(b) Precept – 2015-2016 (Minute No. 14.11.13)

The Parish Council is recommended to record in its Minutes the amount of precept requested from Cheshire East Council for the year 2015-2016, in the interests of openness and transparency. The Minutes of the November meeting only record that the precept should be the same as for 2014-2015. Reference to the Minutes of November 2013 only records the effect on the Band 'D' properties rather than minuting the specific amount requested.

The calculations, using a Council Tax base of 204 (which might have changed for 2015-2016) would indicate that a precept of £4,770 was requested.

15.01.06 **PUBLIC PARTICIPATION**

Members of the public are able to address the Parish Council or ask a question.

15.01.07 **BOROUGH COUNCILLOR'S REPORT**

Councillor M E Jones to report on Cheshire East matters of interest.

15.01.08 **GENERAL POWER OF COMPETENCE (for Town and Parish Councils)**

The Parish Council is invited to consider its eligibility for the General Power of Competence (GPC) which replaced the "power of well-being" under the Localism Act 2011, s2(1). The power allows *eligible* local councils "to do anything which individuals may generally do" as long as they do not break any other laws.

There are two criteria which need to be satisfied:

- (a) The number of councillors elected must equal two-thirds of the seats;
- (b) The Clerk must possess a sector-specific qualification.

A fact sheet is enclosed for consideration.

15.01.09 **CANAL BRIDGE VIDEO STATISTICS**

To receive and consider the results of the video-monitoring set up by Cheshire East Council.

15.01.10 **HOUSING SURVEY**

To report back on the meeting with Cheshire Community Action.

15.01.11 **PLANNING APPLICATIONS**

At the time of publication of the agenda, there are no planning applications for consultation.

15.01.12 **REPORTS FROM MEETINGS**

- Police Cluster Meeting
- Canals and Rivers Trust
- Community Speed Watch Scheme

**15.01.13 AUTHORISATION OF PAYMENTS**

The Parish Council is asked to authorise payment of the following account:

£100.00	Rural Touring Arts – payment for membership
£430.56	thenMedia (£358.80 net plus £71.76 vat) annual hosting of ARENA website.
£27.00	L. Bannon – reimbursement for materials for community notice-board rail receipt

**15.01.14 CORRESPONDENCE**

To report that the following items of correspondence have been received:

- Police Review 2014
- Cheshire Association of Local Councils newsletter (highlighting the re-launching of the Quality Scheme).

**15.01.15 CHESHIRE FIRE & RESCUE SERVICE**

Consultation is now underway on a new draft five year strategy, entitled '*Planning for a Safer Cheshire 2015-2020*', which sets out Cheshire Fire Authority's plans up to 2020. The strategy clarifies some of the choices facing the Authority and outlines the approach and principles it will adopt to ensure it does not compromise on its commitment to protect local communities.

The document can be downloaded from the Fire and Rescue website - [www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk). The formal consultation period concludes on 27 March 2015 with a revised strategy being considered at the Annual General Meeting of the Fire Authority on 17 June 2015.

The Parish Council is invited to consider if any comments should be submitted.

**15.01.16 ANY OTHER BUSINESS**

Members are invited to share information.

It should be noted that the Parish Council cannot lawfully decide any matter which has not been specifically included on the agenda (*Longfield Parish Council v Wright (1918) 88 LJ Ch 119*).

**15.01.17 DATE OF NEXT MEETING**



**MINUTES OF A MEETING OF CHURCH MINSHULL PARISH COUNCIL HELD  
IN CHURCH MINSHULL VILLAGE HALL ON 1 FEBRUARY 2015**

**PRESENT:** Councillor D Wallis Chairman  
Councillor L Bannon Vice-Chairman

Councillors K Bannon  
Councillor M Carss  
Councillor C Challoner  
Councillor B Charlesworth  
Councillor J Stockdale

**IN ATTENDANCE:** Borough Councillor M E Jones  
Carol Jones Interim Clerk  
Lesley Thomson Clerk to the Parish Council

**15.01.01 APPOINTMENT OF NEW CLERK TO THE PARISH COUNCIL**

Lesley Thomson, who had been interviewed for appointment by the Chairman and Councillor K Bannon, was in attendance.

**RESOLVED:** That Lesley Thomson be appointed Clerk to the Parish Council with effect from 1 February 2015.

**15.01.02 DECLARATIONS OF INTERESTS**

Members were invited to declare any personal or prejudicial interest which they had in any item of business on the agenda, the nature of that interest, and, if necessary, to leave the meeting prior to the discussion of that item.

Councillor Kerry Bannon declared a personal interest in agenda item No 15.01.13 (Authorisation of Payments) on the basis that she was Chair of the CM Vision Group and she had submitted the request for payment of £100 to Cheshire Rural Touring Arts.

No other declarations were made.

**15.01.03 MATTERS ARISING**

(a) Power to Spend: (Minute No. 14.11.14)

The previous Minutes referenced S.137 of the Local Government Act 1972 which permitted a Parish Council to spend '*for the benefit of the community*'. It was a matter for the Parish Council to decide what was of benefit but such benefit must be direct to the area, or part of the area, or to some or all of the inhabitants. The Interim Clerk advised that, notwithstanding this, payment to an employee could not be regarded as being *of benefit to the community*, since the employee received a salary for his/her services.

When considering use of S.137, the Council must ensure that the expenditure was not disproportionately large to the benefit derived from the expenditure; for example, a Council could not spend the whole of its S.137 allocation on one individual. Moreover, where a Council had a statutory power which was restricted by a limitation or condition, S.137 could not be used to circumvent that limitation or condition. Such expenditure could be challenged by the auditor or a local government elector (pursuant to S.16 of the Audit Commission Act 1998).

Councillor L Bannon, who had been corresponding with BDO LLP (the external auditor) challenging the qualified opinion on the 2013-2014 accounts, now accepted that this matter could not be taken any further.

Members took the opportunity to discuss Agenda item 15.01.08 (General Power of Competence) at this point in the proceedings as it related to the spending power of Parish Councils.

The Parish Council considered its eligibility for the General Power of Competence (GPC) which replaced the "power of well-being" under the Localism Act 2011, s2(1). This was a power which allowed *eligible* local councils "to do anything which individuals may generally do" as long as they did not break any other laws.

A fact sheet was submitted for consideration.

There were two criteria which needed to be satisfied:

- (a) The number of councillors elected must equal two-thirds of the seats;
- (b) The Clerk must possess a sector-specific qualification.

Members acknowledged that although the Parish Council would qualify under criterion (a) it could not satisfy criterion (b) until the new Clerk had attained her Certificate in Local Council Administration (CiLCA). Mrs Thomson had indicated at interview that she would be willing to prepare for the CiLCA qualification at the earliest opportunity.

**RESOLVED:** That the Parish Council endeavour to become eligible for the General Power of Competence at the earliest opportunity.

- (b) Precept – 2015-2016 (Minute No. 14.11.13)

The Parish Council was recommended to record in its Minutes the amount of precept requested from Cheshire East Council for the year 2015-2016, in the interests of openness and transparency. The Minutes of the November 2014 meeting recorded only that the precept should be *'the same as for 2014-2015'*.

**RESOLVED:** That it be noted that the Parish Council had requested a precept of £4,638 from Cheshire East Council, to fund its activities in 2015-2016.

#### **15.01.04 PUBLIC PARTICIPATION**

There were no questions from members of the public.

#### **15.01.05 BOROUGH COUNCILLOR M E JONES' REPORT**

Borough Councillor Michael Jones reported on Cheshire East matters of interest including the following:

- On 22 February 2015, the Council would be setting its budget for 2015-2016; there were no planned reductions in service for the forward year.
- 93.6% of schools in the Borough had been rated as either 'good' or 'outstanding'.
- Unemployment had reduced to 1%.
- It was expected that at the end of the financial year there would be no NEETS in the Borough ('not in education, employment or training').
- Brief reference was made to the current suspended status of the Local Plan.
- 81% of households in the Bunbury area would be able to receive Superfast Broadband by March 2015, and this would increase to 98% by 2017.
- Sainsbury's roundabout was due to be up-graded, although no date was given.
- 70 jobs had been created at Redsands (the former children's centre in Willaston). Councillor Jones was not able to reveal the future use of the site at this stage.

- The scheme to generate long-term, renewable energy from geothermal power was progressing well and the project, branded as 'Fairerpower for All' would result in costs which were 67% below the mean average of the top six energy providers.
- The Council was currently preparing a number of policy documents which would be rolled-out to town and parish councils; one of the documents would refer to the possible merger of schools in the Borough to address the issue of falling pupil numbers.

Members raised the following issues and Councillor Jones responded:

- Pot-holes: These could be reported on the Cheshire East Council's interactive website.
- Proposals for the site in the vicinity of The Badger.
- Threat of closure of maternity ward at Leighton Hospital. Despite news reports, there were no plans to close the maternity ward.
- Weight limits on bridges: All bridges were tested for strength every 2-years.
- Leaves on footways: The Member who raised this was asked to contact Charlie Griffies (CEC) direct and he would arrange for the removal of the leaves.
- Bus routes: At the previous meeting (Minute No. 14.11.16) it had been agreed that following research, this matter should be discussed at this meeting. Councillor Challoner had made contact with Cheshire East Transport but was awaiting the information requested. Councillor Challoner was advised to contact Jenny Marsden at CEC.

#### **15.01.06 CANAL BRIDGE VIDEO STATISTICS**

Cheshire East Council had set up a CCTV survey of the Cross Lane canal bridge which had been monitored over three days: 30 and 31 October and 1 November 2014. Within that period there had been five recorded cases of 'aggressive approaches' which were defined as drivers which had made no attempt to slow-down their approach to the bridge.

A total of 6,000 vehicles had crossed the bridge during the period and the five incidents were not statistically significant to justify any action.

Councillor Jones stated that to improve road safety, Cheshire East Council would be adding warning signage at this location.

**RESOLVED:** That the results of the survey be published on the website.

#### **15.01.07 HOUSING SURVEY**

Three Members had met with John Heselwood and Tony Clare of Cheshire Community Action on 22 January 2015 to discuss the contents of a questionnaire designed to establish residents' views on future housing needs in the parish.

Members were of the view that both Mr Heselwood and Mr Clare should be asked to make a presentation to residents at an open meeting.

Councillor Jones confirmed that within the Local Plan, Church Minshull had not been identified as an area for development.

**RESOLVED:** (a) That arrangements be made for an open meeting to be held to allow residents to express their views on future housing needs in the parish; and

(b) That John Heselwood and Tony Clare of Cheshire Community Action be invited to address the meeting.

#### 15.01.08 PLANNING MATTERS

(a) The Parish Council was invited to comment on the following planning application:

14/5911N Ashbank, Nantwich Road, Church Minshull  
Replacement Garaging

**RESOLVED:** That no objections be raised on planning application No. 14/5911N

(b) Borough Councillor Jones reported on a pre-application consultation for 11 new dwellings off Paradise Lane. The application had yet to be submitted.

#### 15.01.09 REPORTS FROM MEETINGS

Members reported on recent meetings.

Councillor B Charlesworth reported on a Bunbury Police Cluster meeting held in January 2015.

Councillor D Wallis reported on a meeting of the Canals and Rivers Trust at which time the tidy-up between Bridges 11 to 14 had been discussed.

Councillor C Challoner reported on the Speed Watch Scheme. Although there were currently 14 volunteers, the scheme would be assisted by the recruitment of additional members. An advertisement was to be placed in *Insight* magazine inviting anyone interested in volunteering to make contact. PCSO Sharon Jones, was supportive of the scheme and was willing to assist in training new volunteers.

#### 15.01.10 AUTHORISATION OF PAYMENTS

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

£100.00	Cheshire Rural Touring Arts – membership fee
£430.56	ThenMedia (£358.80 net plus £71.76 vat): annual hosting of ARENA website.
£27.00	L Bannon – reimbursement for materials for community notice-board rail receipt
£22.38	D A Wallis - expenses

#### 15.01.11 CORRESPONDENCE

The Interim Clerk had received the following items of correspondence:

- Police Review 2014
- Cheshire Association of Local Councils newsletter (highlighting the re-launching of the Quality Scheme).

#### 15.01.12 CHESHIRE FIRE & RESCUE SERVICE

Consultation was now underway on a new draft five year strategy, entitled '*Planning for a Safer Cheshire 2015-2020*', which set out Cheshire Fire Authority's plans up to 2020. The strategy clarified some of the choices facing the Authority and outlined the approach and principles it would adopt to ensure that it did not compromise on its commitment to protect local communities.

The document could be downloaded from the Fire and Rescue website - [www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk). The formal consultation period concluded on 27 March 2015 with a revised strategy being considered at the Annual General Meeting of the Fire Authority on 17 June 2015.

No comments were made at this stage.

**15.01.13 ANY OTHER BUSINESS (SHARED ITEMS)**

(a) The following matters were raised:

- It was reported that the Bridge Club had now transferred its activities to Worleston and would no longer hold its sessions in the Village Hall. This represented a loss of half the hall's income. For this reason, it was suggested that a meeting of the Parish Council, the Parochial Church Council and Borough Councillor M E Jones, be held to discuss the future of the hall.
- One of the footpaths (a public right of way) in Bluebell Wood had become 'treacherous' as a walking route. Councillor L Bannon was asked to contact either Genni Butler (Countryside Access Development Officer) at Cheshire East Council Public Rights of Way Unit, or Stephen Jones (also in the Public Rights of Way Unit).

(b) Best Kept Village Competition:

Members agreed that the Parish Council should enter the Best Kept Village Competition, entry to which was £28.00. This fee was required before the next meeting of the Parish Council.

**RESOLVED:** That payment of £28.00 to Cheshire Community Action be authorised to enable the Parish Council to enter the 2015 Best Kept Village Competition.

**15.01.14 DATE OF NEXT MEETING**

It was reported that a potential new user group wished to hire the village hall on Monday evenings, thereby displacing the Parish Council meetings. Members were invited to consider changing the Council meetings to Tuesdays, or to seek an alternative venue for Monday evening meetings.

**RESOLVED:** (a) That the Parish Council hold all future meetings on the third Tuesday in the month;

(b) That the next meeting of the Parish Council be held on 17 March; and

(c) That the Clerk prepare a calendar of meetings for the Municipal Year May 2015 – May 2016 to be submitted to the Annual Meeting to be held on 19 May 2015.

.....Chairman