

Little Stanney & District Parish Council

Minutes of the Parish Council meeting held on Tuesday 22 May 2012 at 7.30pm at Little Stanney Village Hall

PRESENT: Councillors Roy Greenwood (in the Chair), David Astbury, Linda Carter, Paul Carter, John Glazzard, John Jones, Clive Lipscombe, Judith Thomas and Ken Whitehouse, Ward Councillor Graham Heatley and Mrs Pauline English (Parish Clerk). There were no members of the public present.

12.29 ELECTION OF CHAIRMAN

Councillor Roy Greenwood was proposed by Councillor Linda Carter and seconded by Councillor Ken Whitehouse. There being no further nominations, Councillor Greenwood was elected Chairman of the Parish Council for the year 2012-13. Councillor Greenwood signed the declaration of acceptance of office.

12.30 APPOINTMENT OF VICE-CHAIRMAN

Councillor John Glazzard was proposed by Councillor Linda Carter and seconded by Councillor Paul Carter. There being no further nominations, Councillor Glazzard was appointed Vice-Chairman of the Parish Council for the year 2012-13.

12.31 APOLOGIES FOR ABSENCE

Apologies for absence were received from Peter Mountford and Martin Roberts,

12.32 DECLARATIONS OF INTEREST

None

12.33 OPEN FORUM

No issues raised.

12.34 MINUTES AND MATTERS ARISING

It was RESOLVED that the Minutes of the meeting of the Parish Council held on 27 March 2012 be confirmed as a correct record. Arising from the Minutes, Councillor Glazzard reported that CWaC had now sent him the template for the Website. He would report further at the next meeting.

12.35 APPOINTMENT OF REPRESENTATIVES

The appointment of the following representatives for the year 2012-13 was confirmed:

- (1) Ince Park Community Forum - Chairman
- (2) Mid-Cheshire Footpath Society - Les Torry

12.36 AUDIT AND FINANCIAL STATEMENT

- (1) **Internal Audit Report for 2011-12:** Helen Fielding of Wellfield Accounting Services had carried out the Internal Audit of the Parish Council's financial systems and transactions on 13 April 2012. A copy of her report had been circulated and it was RESOLVED that it be received and noted.
- (2) **Financial Statement and Annual Return to the Audit Commission:** It was RESOLVED that the Financial Statement for the year to 31 March 2012 be approved and the completed Annual Return and Governance Statement be signed prior to submission to the Audit Commission, the Council's External Auditors.

12.37 INSURANCE

Quotations had been sought from the Council's existing insurer, Came & Company, Zurich, and Community Consultation Ltd. Community Consultation Ltd were unable to quote and referred the Parish Council to Zurich who underwrite their policies. Came & Company had quoted £478.51, reducing to £454.58 if the Parish Council agreed to sign a binding agreement with Aviva up to 31 May 2015. Zurich had quoted £513.32, reducing to £480.16 for a 3-year agreement. It was RESOLVED to accept the quotation from Came & Company for the three years to 31 May 2015.

12.38 PLANNING

(1) Planning Applications Received:

12/01931/FUL	Pigeon Loft (retrospective) a 2 Bridge Farm Cottage, Croughton Road, Croughton, Chester CH2 4HH – no observations
12/01858/FUL	Construction of 1 No. Electrical Substation Kiosk in association with other operational site improvements at Ellesmere Port Waste Treatment Works, Shotwick-Frodsham Road, Thornton-le-Moors, Chester – no observations
12/02194/EXT	Extension of time to implement planning permission 09/10382/FUL (Change of use of existing outbuilding to form one dwelling) at Stanney House, Shotwick-Frodsham Road, Little Stanney, Chester – no objection
12/02256/FUL	LPG tank and associated landscaping (retrospective) (Resubmission of 11/01771/FUL) at 2 Cross House, Ashwood Lane, Wervin, Chester. This had already been implemented and was satisfactory.

(2) Decisions: The following decisions were noted.

11/04081/WAS	Development of incinerator Bottom Ash Aggregate facility including external stockpile areas, site access and car parking provision, surface water management systems, site boundary fencing and other ancillary development, landscaping and associated highways infrastructure (including associated noise attenuation fence) at Plot 4, Ince Resource Recovery Park, Grinsome Road, Ellesmere Port, Cheshire - PERMISSION
11/05048/FUL	Temporary Access Road for Construction Traffic, Associated Temporary Bridge Link, Acoustic Attenuation Fence & Drainage Realignment at Ince Resource Recovery Park, Grinsome Road, Ellesmere Port, Cheshire (Neighbouring Authority) – PERMISSION
12/01253/FUL	Boundary fence to front of The School House, Shotwick-Frodsham Road, Little Stanney, Chester – APPLICATION WITHDRAWN

(3) Undecided: None

- (4) **Green Belt Review:** It was reported that CWaC were currently undertaking a review of the Green Belt in ten areas around Chester city, as part of the Local Development Framework, and an exhibition had been held at the Wesley Methodist Church in Chester. Parish Councils would be formally consulted on the review in the near future.

12.39 HIGHWAY MATTERS AND AMENITY CLEANING

- (1) **Delivery Vehicles outside the Bunbury Arms:** [Minute 12.06 (1)(a)]. The Clerk had referred this matter back to PC Burnham who had visited the Bunbury Arms and had spoken to the landlady about the dray deliveries to the premises. He had been surprised to learn that deliveries had been made via Little Stanney Lane for many years, possibly since the pub was built. The cellar area where kegs were stored was accessed directly via the side gate and in his opinion it would not be a practical or realistic option for them to be delivered via the car park, although crates of soft drinks and empty kegs were delivered and recovered in this way. PC Burnham had, however, pointed out to the landlady that over the years traffic conditions had changed and it was his intention to write formally to her asking that signs be set out, one on either side of the premises, when the deliveries were taking place warning any drivers of the temporary obstruction. The landlady had indicated she was willing to pursue this with the brewery. Councillors reported that it appeared that more vehicles than ever before were now parking on Little Stanney Lane and blocking the road for up to 30 minutes, which was unacceptable. It was RESOLVED that the Parish Council should write to the landlady asking that where possible deliveries be made via the car park and any deliveries made from Little Stanney Lane be completed as quickly as possible.
- (2) **Parish Council Amenity Cleaner's Wheelie Bin** [Minute 12.06 (1)(g)]: A suitable storage bin had now been found and had been located in the yard to the right of the Village Hall.
- (4) **Parking on Whitby Lane** [Minute 12.06 (1)(i)]: Steve Marks, Senior Engineer, CWaC, had visited both residents with Bert Sapio, the Network Steward for the area, to discuss again the ongoing situation with regard to parking on the verges. Councillor Thomas had raised the issue originally because of concerns about sight lines and visibility when leaving her property. She had been informed that the lining at the

roundabout would be altered to provide a small hatched area to push the traffic away from the kerb line to help improve the visibility. The problems arising from the parking on the verge by the residents of Braemar were not so easily resolved. They had four vehicles, one or two of which parked on the verge. They had been requested to stop and the situation had been monitored over several weeks, but no satisfactory solution had emerged. It was pointed out that a recent planning application for a 2-storey side extension to the property had been approved subject to two car parking spaces (not including the garage) being provided at the front of the property. No work had yet begun on this extension, but its completion might resolve the problem.

Whilst there was no blanket prohibition on verge parking, a particular incident might be considered dangerous or obstructive or cause damage and might constitute an offence under one of the following statutory provisions:

1. Section 28 Town Police Clauses Act 1847 - wilfully causing an obstruction to a footpath
2. Regulation 103 Road Vehicles (Construction and Use) Regulations 1986 - unnecessary obstruction of the road (including verge)
3. Section 22 Road Traffic Act 1988 - leaving a vehicle in dangerous position
4. Section 137 Highways Act 1980 - wilful obstruction of the free passage along a highway
5. Section 72 Highways Act 1835 - driving on a footway or causeway by the side of any road set apart for the use or accommodation of pedestrians
6. Section 131 (1) (C) Highways Act 1980 - deposits anything whatsoever on a highway so it would damage the highway.

The householders had been informed that if parking on the verge persisted CWaC would seek to prevent this by planting three small trees or using bird fencing along the whole section. Councillor Thomas was of the opinion that a case could be made on at least four of the six issues highlighted above. Discussions with CWaC would continue in an attempt to resolve this situation.

- (5) **Mirrors opposite Church Lane, Stoak** [Minute 12.6 (1)(m)]: The Clerk had written to Revd Welch asking the reason for the mirrors being raised. He had replied that the mirrors were raised after an incident when one of the mirrors was dislodged and damaged by a high sided vehicle which was turning by reversing out of Church Lane. The mirrors had been re-fixed and secured higher up to reduce the possibility of repeat damage and were carefully focussed to give a full view up and down Little Stanney Lane. The increased height gave improved visibility since the view was not obscured by foliage. When the Parish Council's letter was received the focus had been rechecked and it was confirmed that both mirrors were accurately directed for drivers emerging from Church Lane. No complaints had been received from anyone living in Church Lane or from members of the Church congregation about visibility.
- (6) **Application to claim public rights between Strawberry Drive and Stanney Woods** [Minute 12.06(2)]: Adele Mayer, CWaC Greenspace Officer, had written a report recommending that that an Order be made under section 53(2) and 53(3)(b) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a footpath (as shown between Points A-B on drawing No. MO/551) and that the requisite notice of the making of an Order be given. The report had been published on the council's website on Monday 23 April and a decision was expected during week beginning 28 May.
- (7) **Trees on Wervin Road** [Minute 12.06(4)]: The Clerk had reminded the Highways Agency (HA) that the debris on the verge by the motorway had not yet been cleared. The HA had suggested a site visit but Councillors did not think this was necessary as the location of the problem was obvious. Councillor Jones also drew attention to the trees along Picton Lane where pedestrians/horse riders had to move out into the road to avoid overhanging branches. These were the responsibility of CWaC and Councillor Heatley would raise the issues with Steve Marks during one of his regular monthly meetings with him.

- (8) **A5117 Street Name:** Councillors Astbury and Thomas and the Clerk had attended a meeting with CWaC officers on 1 May 2012 to discuss the naming of the A5117 between the motorway roundabout at Cheshire Oaks and the junction with the A540. Representatives from Mollington and Saughall were also present at the meeting. It had been agreed that Elton and Thornton-le-Moors should be consulted separately on the stretch of road between the motorway roundabout and the M56 junction. A number of suggestions had been made and were now being considered by CWaC. These included A41 junction to Strawberry Roundabout “Strawberry Way West”, Strawberry Roundabout to Longlooms Road “Strawberry Way East”, Longlooms Road to M53 motorway junction “Oaks Way” and A41 junction to A540 junction “Dunkirk Way”. Since the meeting the Parish Council had been asked to reconsider “Oaks Way” as there was a similarly named road on Cheshire Oaks, and Ash or Beech Way were proposed. CWaC had also been asked to change the name of Whitby Road from the Strawberry roundabout to the Backford traffic lights back to Whitby Lane, at the request of residents. The road had been Whitby Lane on old ordnance survey maps and no-one knew why it had been changed. It had been suggested that a numbering scheme should be provided for those residents wishing to use it to supplement house names, as this would help emergency vehicles and people using SatNav to locate properties more easily. CWaC had been asked whether street nameplates could show “Little Stanney parish” and would make enquiries about this. It had been suggested that “Crossley”, the house adjacent to the Murco Costcutter petrol station, which was currently within the Little Stanney boundary, would more appropriately be located within the Whitby boundary and this issue would be taken up during the Community Governance Review (see below). Councillor Heatley confirmed that both Elton and Thornton-le-Moors Parish Councils had been consulted about naming the lower end of the A5117 from the M56 roundabout but had not expressed an opinion about a possible name. Thornton Way was suggested.
- (3) **Site Visit:** The following issues would be raised at the site visit with Andy Raynor:
- (a) Lay-by on Little Stanney Lane [Minute 12.06 (1)(d)]. It was reported that the lay-by on the opposite side of the road had also been crudely tarmaced.
 - (b) Grass Verges in Stoak [Minute 12.06 (1)(h)] – a response was required from Transport Co-ordination on the proposed hardstanding by the bus stop.
 - (c) Parking in Stoak Village (Little Stanney Lane and Croughton Road)
 - (d) Fly-tipping at top of Croughton Road – this was an ongoing problem and it was agreed to raise the possibility of blocking off the top of the road

12.40 CHESHIRE WEST AND CHESTER COUNCIL

- (1) **Community Governance Review:** Following a scrutiny review of the relationship between CWaC and local councils across the borough, it had been decided to undertake a review of community governance arrangements across the whole of the borough under Part 4 of the Local Government and Public Involvement in Health Act 2007 before the elections in May 2015. A Community Governance Review Committee had been established to oversee the review process and make recommendations to the Council who had to approve the final recommendations before any Community Governance Order could be made. Eleven initial review areas had been identified and would be initiated over the next four months for completion within a 12-month timeframe. Little Stanney & District was included in the initial review. Further information relating to the overall review process and the individual reviews would be available on www.cheshirewestandchester.gov.uk/communitygovernance. Councillor Heatley asked for further information about Little Stanney & District’s submission to CWaC about a proposed change in proportionalities to give the four parishes within Little Stanney & District fairer representation.
- (2) **Queen’s Diamond Jubilee-Tea Dance:** Councillor Keith Board on behalf of Cheshire West and Chester Council had issued an invitation to attend a Tea Dance to be held on 24 May 2012 from 2.00pm until 4.00pm at Chester Town Hall. Further information was available from equalities@cheshirewestandchester.gov.uk.

- (3) **Smyle:** It was noted that CWaC, in partnership with Oldham Council and Keep Britain Tidy, had developed smartphone software to enable people to report environmental issues simply and quickly whilst out and about. The “Smyle App” was part of a ‘Love Clean Streets’ initiative - a smartphone application and free, online tool which enabled people to upload photographs of issues in the area around them, track their reports and see pictures of the work completed. Issues that could be reported included fly tipping, graffiti, abandoned vehicles, litter, dog fouling and fly posting. Reports could be submitted using the free smartphone app, sending a text or visiting the web site www.smyleforcheshirewest.co.uk. In May, June and July town and parish councils and community groups would be sent information about the Smyle App and during August and September Roadshows would take place throughout the Borough to promote the campaign. Further information was available from Steve Christie, Senior Streetscene Awareness and Community Payback Officer on 01244 977845.
- (4) **Zoo Park and Ride:** It was noted that, from 1 May 2012, the route for the Upton Park and Ride service had been extended to include a stop at Chester railway station to pick up/drop off Zoo visitors. The Upton timetable had changed to accommodate the extended journey time, but had been designed to ensure that existing customers were not adversely affected. The changes incorporated a bus service for Zoo visitors which would run from 9.30am to 6pm, 7 days a week, every 12 minutes. Councillors reported that the changed timetable had brought about a reduction in the service for local residents and there was concern that people might be drawn back into their cars if the service was not sufficiently frequent.

12.41 OTHER CORRESPONDENCE/ISSUES

- (1) **Publications etc:** The following publications had been received:

- (a) *Clerks and Councils Direct – May 2012*
 (b) *The Playing Field*

12.42 FINANCE

- (1) **Payments:** The following payments were approved:

18	G Povey (Amenity Cleaner)-wages and expenses April 2012	258.59
19	ChALC Affiliation Fee	117.90
20	Cheshire County Playing Fields Association-annual subscription	16.00
21	Cheshire Community Action-Annual subscription	20.00
22	Wellfield Accounting Services- Internal Audit	75.00
23	ChALC-Fee for Audit Update Session	5.00
24	Morrall Play Solutions-Playing Field Inspection	54.00
S/O	Parish Clerk-salary April 2012	112.00
S/O	Parish Clerk-salary May 2012	112.00
25	G Povey (Amenity Cleaner)-wages and expenses May 2012	t.b.c
26	HMRC – Income Tax April-June 2012	249.09
27	G Povey (Amenity Cleaner)-wages and expenses June 2012	t.b.c
28	Parish Clerk-expenses March-May 2012	62.53
29	Councillor Jones-plants for verges in Stoak/Oil for mower	30.58
30	Came & Co (Broker Network)-insurance renewal	454.58

- (2) **Receipts:** The following receipts were noted:

Cheshire West and Chester Council – Annual Precept	6,000.00
HM Revenue & Customs – Repayment of VAT	243.37

12.43 URGENT BUSINESS

In accordance with Standing Order 6(21) the Chairman ruled that the following items of business should be considered as a matter of urgency as they could not await the next scheduled meeting of the Parish Council.

- (1) **Code of Conduct:** Chapter 7 of the Localism Act 2011 stated that parish and town councils must adopt a code of conduct dealing with the standards of conduct expected of their members and co-opted members. Councils were free to decide their own code locally and could revise their existing code of conduct or adopt a new replacement code. Any new code must be consistent with the Nolan principles of public life – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The new provisions were expected to come into force on 1 July 2012 and CWaC was considering what form its new code should take. This had not yet been finalised as regulations were awaited from the Secretary of State prescribing the pecuniary interests which would need to be registered and disclosed and in respect of which there would be new criminal offences. This issue had been raised at the Local Council Assembly on 1 March (Minute 12.24 refers). In order to support local councils and to ensure consistency CWaC and ChALC were working together on the new conduct regime. As the implementation date was fast approaching, CWaC's Standards Committee had asked that local councils be provided with a draft resolution for their members to consider should they wish to adopt CWaC's code under the new arrangements. The resolution read:

"With effect from the date of the coming into force of section 27 of the Localism Act 2011, the Council resolves that the code of conduct adopted by Cheshire West and Chester Borough Council be adopted as this Council's code of conduct, on the basis that references in the code to Cheshire West and Chester Borough Council's register are to this Council's register."

Until the new Code was adopted, the current code of conduct remained in place. The Parish Council RESOLVED to adopt the resolution.

- (2) **Appointment of External Auditor for 2012-13 and future years:** The Audit Commission had informed the Parish Council that they intended to appoint BDO LLP to audit the annual return of the Parish Council for five years from 2012-13. The appointment would commence on 1 September 2012. BDO had over ten years experience of auditing small bodies under the commission's limited assurance regime and had a dedicated team to ensure regular communication with small bodies and availability to respond to queries. Under Section 3 of the Audit Commission Act 1998, the Commission had a statutory duty to consult local government bodies on such appointment. The Parish Council was not aware of any reason why the Audit Commission should not appoint BDO LLP and it was RESOLVED to accept the Audit Commission's recommendation.
- (3) **Cheshire West and Chester Council (Fouling of land by Dogs)(General) Order 2012:** Following a period of consultation CWaC had made a Dog Control Order covering the whole borough. The Order came into effect across the whole borough of Cheshire West and Chester on 14 May 2012. The Order made it an offence for any person to fail to clean up after a dog in their control unless he had a reasonable excuse for failing to do so or the owner, occupier or other person or authority having control of the land had consented to his failing to do so. Land included all land open to the air to which the public are entitled or permitted to have access with or without payment. Forestry Commission land was excluded by statute from the Order. Councillors were concerned about the implementation of the Order, which would rely on "whistleblowing" by residents. The Clerk would ask CWaC for some notices.
- (4) **Rural People Matter - The Community Inquiry:** This project, which was being run by Public Health Western Cheshire, Cheshire West & Chester Council and Our Life, involved a diverse group of local residents, aged between 16 and 70, who were exploring the question "What do we need to do to ensure that rural public sector decision-making has the voice of community members at its hears?" The group would meet over eight evenings before producing a set of recommendations. On 29 May the first of two workshops designed to share learning from the project would be held at the Barbour Institute in Tattenhall between 1.00pm and 4.00pm and the Parish Council was invited to be represented. It was RESOLVED that the Clerk should attend.
- (5) **New Cycling Strategy for Cheshire West and Chester:** CWaC were preparing a new Cycling Strategy for the borough. A consultation exercise was under way and responses were required by Friday **13 July 2012**. A copy of a CWaC Members' Briefing on the subject, and a copy of the on-line questionnaire had been circulated. It was AGREED that the questionnaire should be completed individually as everyone had their own views and consensus would be difficult.

12.44 ITEMS RAISED BY COUNCILLORS

- (1) **Flooding on A5117:** Attention had been drawn previously to problems with flooding on the A5117 outside Casa Mia (by the new flats) during periods of heavy rainfall. The problem had not gone away and the Clerk was asked to raise this again with CWaC.
- (2) **Grass Cutting:** It was reported that there appeared to be a new team responsible for cutting the verges along the A5117 and that the standard of work had declined substantially. No strimmers were being used which meant that grass was not being cut around obstacles or along the edge of verges. Councillor Heatley confirmed that new work gangs were now in operation and he agreed to raise the poor performance with CWaC.
- (3) **Pothole on Stanney Lane:** An extremely bad pothole was reported on Stanney Lane, just past the bus stop opposite the Village Hall. It was suggested this be added to the issues to be raised with Andy Raynor.
- (4) **Exit from Wervin Caravan Park:** Concerns were raised again about the poor visibility when leaving the Caravan Park at Wervin, due to the trees. The Clerk was asked to raise this with CWaC to see whether anything could be done to improve the situation.
- (5) **Rural Speed Limits:** Councillor Greenwood asked Councillor Heatley whether there was any intention by CWaC to introduce a standard speed limit on rural roads. Councillor Heatley replied that this had been debated at a full Council meeting. There was no evidence that bringing in low speed limits actually reduced the speed of vehicles. In fact, often raising speed limits to what was considered to be a sensible level had the effect of reducing speeds as people drove to what they considered to be the acceptable limit for the prevailing conditions. Councillor Heatley told the Parish Council that if they wanted to introduce lower speed limits they would have to meet any costs and that the Police would not enforce these limits.
- (6) **Arrowebrook Coaches:** The Clerk reported that she had received a copy of an email addressed to Councillors Margaret and Stuart Parker from a lady who travelled between Thornton le Moors and Acresfield Primary School every morning via Stoak village. She frequently passed or followed buses belonging to Arrowebrook coaches returning to their depot at Croughton. On the morning on which the email was written the lady had found herself behind a coach in Stoak and had observed that four cars were having to reverse to allow the coach to get round the bend in the centre of the village. She was behind the coach and was surprised when it did not turn right for Croughton, but continued on towards Upton. When questioned about why he was using the lane the driver had said he was going to a school in Chester. The lady had assumed from this that he was using the lane as a shortcut. The public bus service down these lanes was a minibus and the route was not at all suited to large vehicles. The lady had also observed that coaches travelling between Croughton and Chester via Caughall Road often travelled at 50mph along the straight stretch of lane approaching Wervin, even though their width meant they straddled the white line in the centre of the road. They did not slow down or keep to their side of the road when approaching oncoming traffic. The lady asked how long the Arrowebrook depot had been at Croughton, how many vehicles they had started with and what size they were at the outset. She found Croughton a strange location for large coaches to be garaged and asked what consent had been given when the depot opened, and whether use had increased since. The email had been passed to Councillor Heatley to deal with, as Croughton was within the Elton ward, and he would contact the owner of Arrowebrook Coaches about the lady's concerns. Parish Councillors were of the opinion that no planning permission had been needed/given when the depot opened.

12.45 NEXT MEETING

24 July 2012 at 7.30pm