

NEWHALL PARISH COUNCIL
Minutes of the Annual Meeting of the above Council
held on Monday 20th May 2019 at Aston Chapel at 7.30 p.m.

Present: J. Batho (Chairman), J.G. Parkin (Vice Chairman), A.G. Lawrence (Clerk), Mrs J. Fenton, J. Barker, Ms R. Spalding, C. Britton, and 1 member of the public

1. **Apologies:** E. Forshaw, R. Hibbert, Councillor R. Bailey
2. **Declaration of Interest** – if a member is present at a meeting of the authority, and they have a disclosable pecuniary in any matter to be considered or being considered at the meeting, they cannot take part in any discussion of the matter at the meeting or vote on it. They should disclose the interest to the meeting and follow the Council's Code of Conduct.
3. **Adoption of Cheshire East Council Member Code of Conduct:-**
Newhall Parish Council on the prop., J. Batho, sec., J. Barker, undertake to observe the code as to the conduct based on the Cheshire East Council Model and adopted by Newhall Parish Council at its meeting on 20th May 2019 which is expected of members of Newhall Parish Council

It was therefore unanimously agreed that Newhall Parish Council adopt this as their model code

4. **Parish Council:**
 - i. **Declaration of new Parish Council:** it was reported that 8 persons have sought election:-
J. Batho, J.G. Parkin, E. Forshaw, Mrs J. Fenton, J. Barker, R. Hibbert, C. Britton and Ms R. Spalding. As such there was no election with one vacancy.
 - a. Declaration of Acceptance of Office: Declaration of Acceptance forms were returned to the Clerk, and he will file these, display on website and send to Cheshire East Council
 - b. Code of Conduct for Members: Code of Conduct forms have been distributed to all Parish Councillors, and they were advised that they must follow this Code at all times in relation to Parish Council business. By completing their Declaration of Acceptance form all Parish Councillors state that "I undertake to observe the code as to the conduct based on the Cheshire East Council Model" as per item 3 above.
 - c. Register of Members Interest: General Notice of Registrable Interest forms were returned to the Clerk, and he will file these, display on website and send to Cheshire East Council
 - d. Co-Option of Vacancy: it was agreed this item would be on the next Agenda which would allow the position to be filled if a parishioner was willing to undertake the role.
5. **Election of Officials for 2019**
 - a. Chairman: J. Batho was re-elected on the prop., of Ms R. Spalding, sec., J. Barker, and unanimously agreed.
The Chairman, J. Batho, completed his Acceptance of Office Form which was given to the Clerk for filing, and details to be sent to Cheshire East Council
 - b. Vice Chairman: J.G. Parkin was re-elected on the prop., of J.G. Parkin, sec., Mrs J. Fenton, and unanimously agreed.
The Vice Chairman, J.G. Parkin, completed his Acceptance of Office Form which was given to the Clerk for filing, and details to be sent to Cheshire East Council
 - c. Planning Committee: all Members as previous on the prop., of J. Barker, sec., Mrs J. Fenton, and unanimously agreed.
 - d. Confirmation of representatives of:-

- i. Audlem Burial Board: J.G. Parkin was confirmed as representative
- ii. Consolidated Charities of Parish of Wrenbury: Mrs P. Gregory was confirmed as representative
- iii. Representative(s) to Police Cluster Meeting: J. Batho was confirmed as representative.

6. Minutes of Parish Council held 24th April 2019 were confirmed as a true and correct record on the prop., of sec., and unanimously agreed.

7. Matters arising from last minutes:-

- a. Clerk reported - street lighting on the A530 from the crossroads to column 19 is out of action The reference number for this report is: **3359165**. Following an inspection it has been determined that responsibility for this matter rests with a utility company. We have passed on your enquiry for them to investigate and we will consider this matter resolved.
- b. Enquiry Reference Number: 3356014, Enquiry Subject: Carriageway, Street: Sheppenhall Lane, Date Logged: 19/03/2019

The work relating to your enquiry has now been programmed in accordance with our current priorities and will be completed in due course.

Cheshire East Highways.

- c. Footpath at the ford – GR 60.85.4760. The footpath has been eroded by the river, and this now leaves a very narrow path with a drop into the river on the Aston side of the bridge. Clerk reported. There has been discussions re who's responsibility this is with PROW saying it is a Highway matter. Latest reply from Roy Cook, Cheshire East, Highways is "Just to keep you informed on my progress so I can get to the bottom of who's responsible for the up keep and maintenance of the un made footpath above the ford. I have emailed our Assets Management Team who deal with all adoption enquires to check the extent of adopted highway and confirm where liability falls. Also I have emailed our Structure Team as the footbridge does show as a Cheshire East Structure which falls under their authority with that in mind I have asked the question does the embankment to the un made footpath form part of the structure, awaiting a reply at the moment. There was some concerns raised over an exposed pipe in the embankment but having checked all the utility stats it came back showing no services present, this I will still have to investigate as there's definitely a pipe there. Soon as I know more I will let you know".
- d. Sheppenhall Grove has now been extensively patched.
- e. Gutters have been swept throughout the village which is a great improvement.

8. Highway matters: none

9. Correspondence

a. Cheshire East Council – none

b. Councillors - None

c. Parishioners - None

d. Other

- 1. Clerks & Councils Direct
- 2. CHALC weekly E bulletins
- 3. Canal and River Trust and ADAPT bid for Improved Towpath link between Audlem and Nantwich Cheshire East New Homes Bonus Community Fund 18-19. Letter received from C. Knibbs – Secretary ADAPT

"We are pleased to inform you, thanks to your support our bid has been successful to receive over £70,000 from Cheshire East to improve the towpath link between Audlem and Nantwich. Our bid scored the 2nd highest against the set criteria, from the over-subscribed number of bids from

throughout Cheshire East. Although the money has yet to be received, ADAPT and the Canal and River Trust are having regular project meetings to sort out all the details and timings. We are hoping to start work in the Autumn of this year. Some volunteering will be necessary, (not too heavy work) as the project unfolds. We will keep you informed of developments. We are most grateful of the supporting letter you sent us, in making our bid a successful one”.

10. Accounts

I. Income received since last Meeting: none

II. Accounts paid since last meeting: None

III. Accounts to pay at meeting:

1.	Chq. No. 000489		
	BHIB Insurance Brokers	£298.01	
	The Meeting on the advice of the RFO and on the prop., of J. Batho, sec., J. Barker, and unanimously agreed that this offered the best cover available.		
2.	Chq. No. 0004490		
	Aston Cemetery Committee	£150.00	
3.	Chq. No. 000491		
	St Andrews – Room Hire x 9	£180.00	
4.	Chq. No 0004492		
	JDH Business Services Ltd – Internal Audit	£173.22	(VAT £28.87)
5.	Chq No. 0004493		
	Cheshire Assoc of Local Councils	£253.08	
6.	Chq No 0004494		
	Mid Cheshire Footpath Society	£8	
7.	Chq No 000496		
	Rocket Media – Website maintenance and hosting	£300	
	NEWHALL NEIGHBOURHOOD PLAN		
8.	Chq No 000495		
	St Andrews Room Hire	£50	

The above accounts were unanimously approved for payment on the prop., of J. Batho sec., Ms R. Spalding.

IV Internal Audit the Clerk/RFO reported that the accounts for year ending 31st March 2019 have been submitted to JDH Business Services and this has now been completed, and based on tests as specified in the Annual Return for Local Councils in England. Conclusion:- "on the basis of the internal work carried out, which was limited to the tests indicated, in our view the council's system of internal controls is in place, adequate for purpose intended and effective, subject to the recommendations reported in the action plan"

Action Plan:- No issues arising – a comprehensive set of books and records has been maintained and all internal control objectives met.

Guidance Note:-

Internal Audit Certificate in the AGAR

There is new internal control objective in the 2018/19 internal audit certificate that requires internal audit to conclude on whether the Public Rights Notice during the previous summer was compliant with

regulations. This is pre-filled for 2018/19 but in order to test this and conclude YES/NO for the 2019/20 books and records.

- A copy of the completed 2018/19 Notice of Public Rights and Publication of the Unaudited Annual Governance and Accountability Review
- A dated photograph showing the first day of the Notice of Public Rights on the noticeboard and/or a dated computer screenshot showing the first date of the Notice of Public Rights on the website for 2018/19

Our approach to this new requirement will be to conclude NO if we have not received the above evidence and explain on the AGAR that we received insufficient evidence to be able to conclude YES; we would also conclude NO if the date advertised were not compliant with Regulations.

This will be a new ongoing requirement for internal audit, as well as verifying whether certain smaller councils meet the exemption criteria from an external audit. Therefore for the 2019/20 internal audits there will be additional time charged at a fixed fee of £9 + VAT per local council to complete the new requirements.

V Annual Audit: as per last Minutes the Annual Audit is as follows:-

- Display Notice from Audit from 1st July – 12th July 2019
- Exercise of Public Rights from 17th June – 26th July 2019
- Exemption Certificate to be returned by 1st July 2019 to PKF Littlejohn, London
- Information displayed on Parish Council Website

VI Transparency Code for Smaller Authorities – Local Audit & Accountability Act 2014:

The Clerk/R.F.O. reconfirmed:-

Local Councils with Income or Expenditure less than 25k p.a. will be exempt from external auditor but will still have an external auditor appointed for the purpose of the exercise of electors' rights.

In the meantime Smaller Authorities (Newhall Parish Council) are from 1st April 2015 subject to the mandatory publishing requirements of the Transparency Code.

The Smaller Authorities (Transparency Requirements) (England) Regulations 2015/494, which come into force on 1st April 2015, will make compliance with the Transparency Code for Smaller Authorities ("the Code") issued in December 2014 mandatory for parish councils with a turnover not exceeding £25,000 (Newhall Parish Council).

The detail of the code was set out in NALC Legal Briefing L05-14, which in summary, from 1st July and thereafter not less than annually, and not later than 1st July in the year immediately following the accounting year to which it relates should publish the following information:-

- All items of expenditure above £100 (where possible excluding VAT) which confirm the date the expenditure was occurred, a summary of the purpose of the expenditure, the amount and the VAT that cannot be recovered
- End of Year Accounts
- Annual Governance Statement
- Internal Audit Report
- List of Councillors and member responsibilities
- Details of public land and building assets

Councils subject to the Code should also publish:

- draft minutes of the council no later than one month after the meeting has taken place
- the agenda and associated papers for Council no later than three clear days before the meeting to which they relate is taking place

The information specified in the code must be published on a publicly accessible free of charge website

The Clerk/RFO advised the Meeting that all the legislation above is already included in the current Account Books, and is displayed on the Parish Council website which carries all this information.

11. Planning Applications:

I. Results of previous applications:

a.

a.
19/0991D
The Royals, WHITCHURCH ROAD, ASTON, CW5 8DJ
Discharge of condition 14 on approved 18/2239N - Proposed conversion of farm range buildings & sub-division of existing farmhouse to form 8 new residential dwelling units, with associated parking, access, garaging, bin storage and landscaping
approved
b.
19/1293N
West End Cottage, WRENBURY ROAD, ASTON, CW5 8DQ
Single storey extension to side of dwelling to replace existing kitchen extension
Withdrawn

II. Applications received since last meeting: as 9/III below

III. Applications/Planning matters before this meeting:

a.

Application No: 19/1956N

Proposal: Resubmission of planning application 18/4857N for the Change of Use of existing commercial buildings to form a new shop selling local produce with butchery and bakery as well as cafe, together with toilets and staff facilities. Extension of one building and alterations to others together with the installation of children's play equipment and other associated works.

Location: The Rowans, WHITCHURCH ROAD, ASTON, CW5 8DJ

National Grid Ref: 360967 345925

Clerk reported he has received extensive representation from Richard Jones, Newhall Cross, which was distributed to Parish Councillors for their perusal.

After a full discussion on all aspects relating to the application it was on the prop., C. Britton, sec., J. Barker, unanimously agreed to Object to the application due to the large increase in size of the buildings, which seemed without justification, which also contravenes the Cheshire East Open Countryside Policy. C. Britton, to provide more detailed wording to the Clerk re Policy numbers.

b.

Application No: 19/1720N

Proposal: Conservatory to the rear

Location: 1, Maiden Estate, WHITCHURCH ROAD, NEWHALL, CW5 8DN

National Grid Ref: 361041 345651

On the prop., J. Batho, sec., Ms R. Spalding, it was unanimously agreed to Support the application

c.

Application No: 19/1586N

Proposal: variation of condition 2 (approved plans) on existing permission 18/5625N
Location: CHERRY TREE FARM, COOLE LANE, AUDLEM, CW3 0ER
National Grid Ref: 364247 344469

On the prop., J. Barker, sec., Ms R. Spalding, it was agreed by 4 in favour and two abstentions (C. Britton, Mrs J. Fenton) to Support the application

d.
Appeal

Application No: **19/0567N**
Proposal: **Erect a 1.4m wooden fence with 1.4m wooden gates**
Location: **Oakmoore, Wrenbury Road, Aston, CW5 8DQ**

e. Concern re the Graham Heath site had been raised in the previous Parish Council Meeting and the Clerk reported replies from:-

i. Craig Wilshaw MRTPI, Senior Planning Officer (Enforcement), Cheshire East Borough Council:- We have already received a complaint from a resident of Aston and can confirm that I have spoken to the manager of the Concrete Panels Systems Ltd.

It would appear that haulage vehicles were operating from the adjacent site on Good Friday, Saturday and Easter Monday. The vehicles in question did contain some concrete panels but the panel were moved off Plot 5 within the lawful period of operations taking place on Plot 5. The restrictive condition and the subsequent Breach of Condition Notice (attached) only relate to the site as approved (on appeal) planning permission ref 12/0447N and not to the adjacent land.

You may recall that the Authority attempted to take enforcement action against operations taking place across the greater site but Notices were dismissed by the Planning Inspector who stated that the sites were separate planning units meaning that the Authority had to take action against each site individually.

The dust issue is not a planning matter however, I am aware that my colleague in Environmental Protection is investigating the allegation.

ii. Mark Vyse – MCIEH, BSc (Hons) | Cheshire East Council, Environmental Health Officer (Pollution)
I'm still investigating the dust complaints I have received but from initial observation visits have found
The concrete batching plant is using dust suppression methods as required in the Environmental Permit. On both occasions I have visited, the plant was damped down with water. Both visits were unannounced.

The plant has two waste concrete silos which are, on occasion, loaded with cement waste above the silo height. This allows dust to blow off the pile, although I have not witnessed this happening. These have now been emptied/reduced in height to prevent dust blowing off the top as alleged.

I don't think the concrete batching plant creates as much dust as alleged. From what I can see the majority of dust is created by vehicles using the site access road. This is made of limestone aggregate which is dusty when vehicles move over it. It also tracks out onto the road. During my last visit I travelled up this road at 10 – 15mph and still kicked up lots of dust. I believe the site access is shared by other users than Concrete Panel Systems, so they are not solely responsible for the roads upkeep or the dust generated.

I have scheduled a further visit to observe/assess the plant but to date have not witnessed any dust blowing off the site.

Re item 11/III/e/ii J. Barker confirmed the comments re the dust from the road which was substantiated by other councilors.

IV. Neighbourhood Plan: it was reported that the public meeting had been very successful

- 12. Annual report on activities of the Consolidated Charities of the Parish of Wrenbury:** report from Mrs P. Gregory:-
- Dole money has been distributed
- 13. Annual report on activities of Audlem Burial Board:** J.G. Parkin reported:-
- no Precept has been requested for this financial year.
 - Income for the year of £7015 with approx. £40,000 total funds
 - Costs for Burial charges – in area (includes Newhall) 3950, out of area £2,500
- 14. Police Matters:-** J. Batho reported there had been some anti-social behaviour which has been reported to the local Police Officer, and in addition C. Britton reported an attempted break in of the Cricket Club Pavilion which would likewise be reported. Further an unofficial 'Kill Your Speed' sign has been put on the A530 close to Hill Farm – J Batho to report as well.
- 15. Next Meeting:**
- i. Parish Council - Monday 5th August

Meeting closed.