

## Sutton St. Nicholas Parish Council

### Minutes of the Ordinary Meeting of Sutton St. Nicholas Parish Council, held in Room 2, The Village Hall, Sutton St. Nicholas on Monday 5<sup>th</sup> June 2017 (SPC/TF/107)

#### Councillors Present

Cllr Ron Gow (Chairman)  
Cllr Ann Burke (Vice Chairman)  
Cllr Richard Andrews  
Cllr Tina Hurley  
Cllr Ian Nicholas  
Cllr Anna Toon

#### In attendance

Cllr Kema Guthrie – Ward Councillor  
Mike Darley – Footpath Officer  
Tony Ford – Parish Clerk

#### 1. Apologies for Absence

Apologies for absence received and accepted from Cllr Gyford

#### 2. Receive approve and sign the Minutes of the Ordinary Meeting of the Parish Council (no SPC/TF/103) held on Tuesday 2<sup>nd</sup> May 2017.

The minutes were signed by the Vice-Chairman as a correct record of the meeting

#### 3. Receive approve and sign the minutes of the Annual Meeting of the Parish Council (no SPC/TF 104) held on Monday 15<sup>th</sup> May 2017

The minutes were signed by the Vice-Chairman as a correct record of the meeting

#### 4. Disclosable Pecuniary Interest Dispensations

There were no written requests for dispensation received.

#### 5. Declarations of Interest

To receive declarations of interest by members in respect of items on the agenda.

Councillor	Agenda Item		Disclosure DPI or NPI
Cllr Gow			
Cllr Burke			
Cllr Andrews	8	Telecom Mast Site	Disclosable Pecuniary Interest
Cllr Hurley			
Cllr Nicholas	10	Two parcels of Open Spaces	Disclosable Pecuniary Interest
Cllr Toon	10	Two parcels of Open Spaces	Non-Disclosable Pecuniary Interest

#### 6. Report from Clerk on actions from the last meeting

There were 14 actions requiring completion six were completed eight were in progress, (Appendix 1 refers). (Noted)

#### 7. Questions/Issues on any matter, from members of the public present.

##### 7.1 Ward Councillors Report

A brief verbal report (Appendix 2 refers) was received from the Ward Councillor.

**Action-** Cllr Guthrie to invite Balfour Beatty Representative to the next or future

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meeting.

### 7.2 Local Police Report

Due to timing there was no Police report.

### 7.3 Questions from other members of the public

7.3.1 The Clerk informed the Parish Council that a parishioner had contacted the Clerk and informed him that her son while playing on the metal bars at the playing field fell and broke his arm. She requested that play bark be put under the metal bars, the Clerk visited the playing Field, having carried out an inspection of the site recommended that all areas where users have to stand should have play bark spread underneath. The Clerk also recommended that four bags of play bark is purchased and laid as a matter of urgency. Cheque raised £288.00 to cover the cost of purchase. The Clerk has visited the Parishioner who has confirmed that other than his broken arm her son is ok.

**Action** Clerk to order four bags of play bark and the Footpath Officer to meet with the Clerk to agree where to spread it.

7.7.2 A Parishioner raised their concern regarding the poor state of litter bins at the Lichgate on the Rhea and at the Old Post Office. The Clerk reminded the Parish Council that previously the Parish Council did consider replacing these bins, however Balfour Beatty would not replace them, however they would do so if the Parish Council paid £550'00 each. Balfour Beatty would not supplying poo bins, if the Parish Council had purchased poo bins direct, there would be the issue of collection and disposal, with Balfour Beatty charging for special collections. If the Parish Council replaced the bins without Balfour Beatty's authority, Balfour Beatty would no longer collect and the Parish Council would have to pick up the tab for all collections. The Parish Council was aware that there were two bins at the playing field and this was due to the volume of litter during the summer.

To ensure that bins were cleared on a regular the Parish Council has arranged for the Footpaths officer to clear them on a regular basis, to supplement the fortnightly collections from Balfour Beatty.

Having considered the matter the Parish Council asked the Clerk to get costings for replacement bins from Balfour Beatty for both sites.

**Action** – Clerk to get costings from Balfour Beatty.

## 8. Telecom Mast Site

The Parish Council was informed that Clarke Telecom had identified a site on the Ridgeway and that from correspondence this is their favoured site, a short article had been put in the June Sutton News.

Cllr Guthrie informed the Parish Council that as the mast was 15m high it would not trigger a full planning appeal and that Herefordshire Council would have to consider siting and visual impact.

A parishioner raised his concern regarding the adverse impact on its property, and that this was a concern for many of his neighbours who were unable to attend the meeting.

Having considered the matter the Parish Council - Resolved to note the communication from Clarke Telecom and the concerns raised by parishioners with reference to site 6 and that the updated report again be forwarded to Clarke Telecom for their consideration, on the understanding that the Parish Council does

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not in any way recommend any of these sites and will consider any Planning Application put forward in an open minded manner..

**Action** - The Clerk to put posters indicating the location of the proposed site and asking parishioners to contact Clarke Telecom.

**Action** – Clerk to send another copy of the report to Clarke Telecom

**Cllr Richard Andrews left the meeting for this agenda item**

### 9. **Planning Application – The Ford, Sutton St. Nicholas HR1 3AT. (161694)**

The Parish Council was informed that the Parish Council has been informed that the householder had appeal against Herefordshire Council decision; the Parish Council had supported the application. (Noted)

### 10. **Two Parcels of Open Spaces**

The Clerk informed the Parish Council that in the deeds for the two pieces of land there was a 25 year Overage period, which meant that if a planning application was made the value of the land would increase rather than be the original £5 nominal payment. In addition regarding the

**The open space on Willow Rise/Millway** – the deeds states *the property must be used as public open space with the primary objective of benefiting the community of Sutton St. Nicholas.*

**The playing field on Orchards Close** – the deeds states *The property must be used as a playing field and children Play area with the prime objective of* ( there is a line missing on the photo copy, the Solicitors are sending a copy of the registered document until it is received the Clerk did not know what the final line said).

The Clerk advised the Parish Council that bearing in mind the deeds provision the open space on Willow Rise/ Millway could not be used for a skateboard park. Cllr Anna Toon commented that this was not necessarily so. The Clerk went on to state that he was unable to give any advice on the playing field due to the missing line. The Clerk also advised that due to noise and the likely increased level of traffic that there should be consultation with local residents to get their views on both sites before deciding how to move forward.

Cllr Anna Toon indicated that the Clerk should declare an interest in the matter as he lived in Willow Rise. The Clerk informed the Parish Council that he was just stating the facts and suggesting the best way forward in view of the likely impact on residents, and that this was the first time his integrity had been questioned.

Cllr Anna Toon requested copies of maps for both sites so that ‘*Sutton Skaters*’ could approach possible skate board park installers to get ideas for both sites, which would then could be put to residents, Cllr Anna Toon also informed the Parish Council that as part of her fund raising efforts there was the possibility for getting funding for new playground equipment.

A parishioner a past resident of Willow Rise informed the Parish Council that he was the first resident and that the intension of Bovis was that the land at Willow Rise/Millway should be open space.

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The Clerk restated his advice that the residents should be consulted with first before anything was done.

Having considered the matter the Parish Council instructed the Clerk to send a copy of both site maps to Cllr Toon.

**Action** - Clerk to send maps to Cllr Toon.

### 11. Footpath Officers Report

The Footpath Officer gave a short verbal report, which was noted

### 12. Financial Report

12.1 Confirmation of Balances (Bank statements with Auditors) to be reported at the next meeting.

12.2 Receipts £10,538.50 (1<sup>st</sup> Payment of precept.) £32.00 (Cash in Hand Balance)

12.3 Invoices for payments

Ref	Payee	Amount £	VAT	
1	R. A. Ford	107.96	18.00	Reimbursement Purchase of Printer (14968737) and Ink Cartridges
2	R. A. Ford	372.12	n/a	05/06/17 Clerks salary
3	DJN Planning Ltd	209.00	n/a	Updating report on alternative sites for proposed telecommunication Mast
4	M. Darley	665.00	n/a	Invoice no's 284 and 293 P3 work, Bin Clearance, grass cutting of open spaces and St Nicholas Church Yard
5	Aon UK Ltd	543.39	N/a	Annual Insurance premium to 31st May 18
6	R. A. Ford	288.00	N/a	Regarding agenda item 7.3.1

**Resolved to authorise for payment and cheques signed.**

### 13. Bus Shelter at the Village Hall

The Parish Council considered a request for the installation of a Bus Shelter at the Village Hall to enable pupils to shelter during inclement weather.

**Action** – Clerk to make a request to Sutton Academy School to ascertain if they had any objections

### 14. Community Garden Fence

As the Parish Council had been informed that the Sutton School Academy had instructed that only contractors with £5m insurance cover be allowed to do work at the Village Hall, under the circumstances the original contractor was not able to do the work previously agreed, The Parish Council considered the matter and asked the Clerk to re-seek quotes using the original specification.

**Action** Clerk to re-seek quotes, ensuring that the contractor had at least £5m insurance cover

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**15. Rural Area Site Allocation DPD**

The Clerk attended the above; the Parish Council was informed that consultation would o run from 12/06/17 to 28/07/17 with a drop in event 14<sup>th</sup> June at Bartestree Village Hall. 1.30pm to 6pm.

**16. HALC Training**

With regards to the HALC Training Schedule for June 2017 to July 2017, it was agreed that Councillors would inform the Clerk if they wanted to attend an event.

**17. Electric Outage**

The Parish Council has been informed by the Manager of the Electricity Distributor that the outage on the evening of 23<sup>rd</sup> May 2017 was caused by an insulator failure on Millway/Ridgeway Road was caused by an impact of some kind, It took longer than expected to find and would ask that parishioners be vigilant and if they see anything suspicious to call the Electricity Board. (Noted)

**Action** Clerk to put the report in Sutton News

**18. Public Spaces Protection Order Consultation Dog Control**

The Parish considered and completed the Consultation Questionnaire.

**Action** Clerk to complete the on line form.

**19. General Power of Competence**

To consider whether the Parish Council meets the criteria required by statute. Local councils in England were given a ‘General Power of Competence’ (GPC) in the Localism Act 2011, sections 1 to 8. Councils no longer need to ask whether they have a specific power to act. The GPC (LA 2011 s1 (1)) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they don’t break other laws. It is a ‘power of first resort’; this means that when searching for a power to act, the first question you ask is whether you can use the GPC.

The Parish Council must decide, at a full Parish Council meeting, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of the meeting. The council is then required to revisit that decision and make a new resolution at every ‘relevant’ annual meeting of the council to confirm it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed.

The two criteria are

	<b>Criteria</b>	<b>Description</b>	<b>Sutton St. Nicholas PC</b>
<b>1</b>	Elected Members	At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of the total number of councillors. Elected members include all councillors who stood for election whether or not the election was contested. Co-opted or appointed	For a council with 7 councillors the number is 5, which the council achieves.

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		councillors do not count as they are not elected.	
<b>2</b>	The qualified Clerk	The Clerk must hold at least one of the sector- specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils.	The Clerk has attained the Certificate in Local Council Administration (CiLCA)

**Having considered the matter the Parish Council resolved that it met the eligibility criteria for the General Power of Competence**

- 20. Correspondence** (Not covered by a separate agenda item and for information only).
- 20.1 – Balfour Beatty – Weobley, Sutton Walls, Queenswood Briefing 05/05/17 (Noted)
  - 20.2 – Balfour Beatty – Weobley, Sutton Walls, Queenswood Briefing 12/05/17 (Noted)
  - 20.3 – Balfour Beatty – Weobley, Sutton Walls, Queenswood Briefing 19/05/17 (Noted)
  - 20.4 – Balfour Beatty – Weobley, Sutton Walls, Queenswood Briefing 26/05/17 (Noted)
  - 20.5 – Herefordshire Council – Rural Areas Sites Allocation DPD Presentation Slides.(Noted)
  - 20.6 – Cllr Kema Guthrie - Operation Manteline- Activity following Manchester. (Noted)
  - 20.7 – West Mercia Police - Increase in reports of disorder taking place at private parties in village halls and guidance given. (Noted)
  - 20.8 – Herefordshire Council – Rotherwas R.O.F Project Social.(Noted)
- 21. Matters relayed to the Clerk for the Agenda of the next meeting**
- Pothole Repairs
  - Telecom Mast
  - Two parcels of open spaces
- 22. Confirmation of the date, time and venue of the next meeting, Parish Council Monday 3<sup>rd</sup> July 2017 at 7.15pm in Room 2 at the Village Hall**

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### Appendix 1

#### Status of Actions from last meeting

Meeting Ref	Date of Meeting	Agenda Item	Reference	Action	Action Owner	Action Taken	Status
06/01	03/05/16	16	Purchase of additional Litter Pickers	Clerk to purchase four litter pickers	Clerk		Work in progress
06/02	03/05/16	17	Purchase of bark for the playing Fields	Clerk to liaise with Cllr Gyford	Clerk	Bark put down, however a bag short, additional bag purchased	Work in progress
06/03	05/12/16	10	Village Hall Kitchen Heaters	Chairman to inform the committee of the Parish Councils decision.	Cllr Gow		Work In Progress
06/04	05/12/16	13	Three Mile Post	The Footpath Officer to re-site the post	Mike Darley		Work In progress
06/05	05/02/17	18	Insurance Cover requirements	Clerk to seek quotations for a three year term from 1 <sup>st</sup> June 2017	Clerk		Completed
06/06	06/03/17	17	Footpath MR42	Footpath Officer to monitor			Work in progress
06/7	06/03/17	17	Footpath MR42	Clerk to liaise with Balfour Beatty			Work in progress
06/8	06/03/17	19	Donation	Clerk to raise a cheque once a formal request is received			Work In progress
06/9	03/04/17	7.3.2	Questions from other members of the public.	Clerk to liaise with the Lengthsman to ensure that all gutters within the village are sprayed and cleared of weeds	Clerk	Email sent to Lengthsman	Work In progress

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Meeting Ref	Date of Meeting	Agenda Item	Reference	Action	Action Owner	Action Taken	Status
06/10	03/05/17	6	Report from Clerk on actions	Clerk to liaise with Balfour Beatty regarding authority to re-site 3 mile post on the Sutton Road	Clerk	Email received from Locality Steward – I am glad the asset has been refurbished , really the monies to install should come out of Parish funds as it is a Parish asset	Completed
06/11	03/05/17	7.2	Local Police Report	Clerk to put the police guidance on dogs in Sutton News.	Clerk		completed
06/12	03/05/17	8	Telecom Sites	Clerk to send updated report to Telecom Clerk and request a reply	Clerk		Completed
06/13	03/05/17	9	Facilities for Young People	Clerk to put agenda item for the next meeting	Clerk		Completed
06/14	03/05/17	16	Herefordshire Armed Forces	Clerk put information in Sutton News	Clerk		Completed

### Appendix 2

#### **Ward Councillor's Report**

##### **Re: Update on Changes to Council Committees**

At the Full Council meeting on 19<sup>th</sup> May 2017 saw the adoption of the new Herefordshire Council constitution which sees the establishment of three scrutiny committees (**Adults and wellbeing scrutiny committee, Children and young people scrutiny committee, General scrutiny committee**) with newly-elected Chairs and a merged **Planning and regulatory committee**.

##### **Re: Update on the County's Healthwatch service**

A new Healthwatch Herefordshire social enterprise has been established on 20<sup>th</sup> April 2017. From 2013, the contract to deliver Healthwatch Herefordshire was held by Herefordshire Voluntary Organisations Support Service (HVOSS). HVOSS took the decision not to continue providing the service when the contract expired in March 2017.

As a result, the council has considered alternative solutions and has set up a new independent social enterprise to ensure the Healthwatch service continues to be delivered across Herefordshire To find out more information about Healthwatch "your consumer champion for health & social care"

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visit [www.healthwatchherefordshire.co.uk](http://www.healthwatchherefordshire.co.uk) or Tel: 01432 364 481 Email: [info@healthwatchherefordshire.co.uk](mailto:info@healthwatchherefordshire.co.uk).

### **Re: Drainage Issues:**

#### 1. **At junction with Watery Lane & the village road C1126**

I am pleased to report that the Balfour Beatty Drainage Team will be investigating the drainage problems at this location sometime during this week.

### **Re: Update on Household Bin Collections – possible future changes**

Officer Update is as follows;

*“The council is required to collect household waste free of charge, we can’t lawfully make any charge. We provide each house with a green recycling bin and a black bin and we don’t charge to provide the bins in the first instance.*

*What we have proposed and is likely to happen is that we will charge if a householder wants to replace their existing bin for a different one, for example if they want a larger bin as they have a big family. We also plan to charge people who have damaged or lost their bin. In these cases the charge will be nominal to cover the cost of delivering it.*

*We also provide chargeable services for bulky waste collection and garden bags”.*

### **Re: Concerns regarding Pothole repairs on C1125, C1120 and C1122**

I have been advised that Herefordshire Council’s defects audit has commenced and will take between 8-12 weeks to complete. However, I further asked for particular information about the three roads listed. Indeed, I have passed on the detailed response to the Parish Clerks for all three Parish Councils. The conclusion of the officer’s update information is as follows;

*“Having visited the 3 sites, the roads in question are all C roads and therefore any surface defects can be ‘plugged’ and do not have to be ‘cut out/sealed’ as they would be on A and B status roads. I can confirm that a number of sections of each of the roads is deteriorating which has resulted in ‘localised hot spot’ problem areas. Within each of these ‘hot spots’ a number of potholes have appeared and been repaired. Having been through all of the defect records for the roads in question I can confirm that none of the repairs have failed. BBLP may have been back to site on numerous occasions but only to repair other potholes within the ‘hotspot’ vicinity. On roads such as these where there are sections of pothole ‘hotspots’, the Locality Steward raises awareness to the Asset Management Team that a particular stretch of road has deteriorated and requests that the stretch of road is considered for programmed resurfacing works. In this instance all 3 roads have been put forward, as of yet none of the roads have ranked high enough in the ratings criteria for them to be included. Therefore these roads have been continually ‘plugged’ in order to keep them safe for road users”.*

Contrary to this update information, I duly understand that the general concern is that certain potholes have “failed” after being repaired on a regular basis. Therefore, I would like to ask Councillors for details &/or any photographs of these specific “pothole sites” and then I can get back to the officer with the evidence accordingly.

### **Re: Talk on Maintenance of roads/Pothole repairs**

I have contacted Balfour Beatty’s Operations Manager and requested a talk on Maintenance of roads/Pothole repairs. If Councillors are interested in such a meeting, I will have to make further enquiries regarding the possible arrangements.

Report by Kema Guthrie – 5<sup>th</sup> June 2017