

HANKELow PARISH COUNCIL

www.hankelow.eu

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Clerk

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Parish Councillors are summoned to the Annual Meeting of the Parish Council

The meeting will commence at the conclusion of the Annual Parish Meeting.

DATE: TUESDAY, 12 MAY 2015

TIME: 7.30 PM (or on the later rising of the Parish Meeting)

VENUE: SCHOOL ROOM, HANKELow METHODIST CHAPEL



Signed: _____

Note:

Five candidates for the five parish council seats were nominated for election on 7 May 2015. This means that they will be returned unopposed and there will be no poll on 7 May.

Each parish councillor is required to sign a Declaration of Acceptance of Office before the meeting.

Enquiries to: Clerk: Carol Jones

To: Members of the Parish Council

cc: Cheshire East Ward Councillor Rachel Bailey

Issue date: 3 May 2015

MEMBERS OF THE PUBLIC ARE WELCOME TO ATTEND THIS MEETING

Members of the public are encouraged to print off their own copies of the agenda from the village website (www.hankelow.eu). If paper copies of the agenda and/or any associated reports are required, please contact the Clerk who will arrange for copies to be made available at the meeting.

NOTES

1) Members of the Public

The Parish Council welcomes and encourages members of the public to attend its meetings. You are requested to enter and leave quietly and to remain quiet during the meeting. Mobile phones and pagers should be switched off, and no food or beverages should be brought into the meeting.

On occasions, members of the press and public will be excluded from the meeting when the business to be transacted is of a confidential nature; for example, dealing with individual people, contracts and financial affairs of other parties.

2) Parish Councillors

A) Notice of items

The Parish Council cannot lawfully decide any matter which has not been specifically included on the agenda, and there is case law to this effect (*Longfield Parish Council v Wright (1918) 88 LJ Ch 119*).

The law does not make provision for “urgent business” and if any matter is truly urgent because it must be dealt with before the next meeting, a special meeting should be arranged unless there are delegation arrangements in place to allow the Clerk to take certain decisions, in consultation with the Chairman. (S.101(1) Local Government Act 1972).

B) Exclusion of Press and Public

General Note on Exclusion:

It is sometimes necessary for individuals other than Members or Officers of the Parish Council to remain in a meeting when the public and press have been excluded. This depends on the role of the individuals concerned; for example, if they have been invited to the meeting to offer technical or professional advice to Members. However, even in these circumstances, caution needs to be exercised as it would be difficult to hold such individuals to account if they subsequently divulged what was discussed at the meeting.

In the case of other individuals who simply have some background knowledge of the issue, it would be difficult to argue that they should be treated any differently from any other member of the public for the purposes of exclusion. It is important for Members not to allow themselves to get into a position where they are selecting who should remain in the meeting. This could lead to an abuse of procedure and bring the Parish Council into disrepute. It would also enable accusations to be made that some individuals were allowed to exercise undue influence.

It is irrelevant whether there are members of the press and public in attendance when the exclusion motion is carried. The purpose of the exclusion is to ensure that none of the proceedings which follow, including both written and oral information, can be made public after the meeting. If the Council does not resolve to exclude the press and public, this would mean that anything discussed and any documents presented, are regarded as in the public domain and must be supplied if requested by anyone, whether as a general request, or under the Freedom of Information Act.

C) Planning Grounds The grounds on which comments can be made on planning applications are as follows –

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|---|--|----|---|
| 1 | Development Plan in all its aspects | 8 | Appropriateness of use taking account of local area |
| 2 | Government legislation and guidance (PPG) | 9 | Effect on highway safety and parking |
| 3 | Siting | 10 | Landscape |
| 4 | Design | 11 | Listed buildings |
| 5 | External appearance | 12 | Conservation areas |
| 6 | Compatibility with street-scene | 13 | Land contamination |
| 7 | Development effect on neighbouring properties, amenities and privacy | 14 | Flooding |

Non-Relevant Matters

- | | | | |
|---|---|---|---|
| 1 | Matters controlled by other legislation | 6 | Business competition |
| 2 | Effects on private rights | 7 | Personal circumstances – health/finance |
| 3 | Provisions in covenants/deeds | 8 | Ownership |
| 4 | Effect on property values | 9 | Moral issues |
| 5 | Private opinions | | |

Note: If the Parish Council agrees, in principle, with an application, but not in all aspects, suggestions for “development conditions” can be made, in line with relevant factors.

A G E N D A

1 ELECTION OF CHAIRMAN

- 1.1 To elect a Chairman to serve until the Annual Meeting in 2016.
- 1.2 The Chairman will sign a Declaration of Acceptance of Office, following which the newly-elected Chairman will chair the meeting.

2 ELECTION OF VICE-CHAIRMAN

- 2.1 To elect a Vice-Chairman to serve until the Annual Meeting in 2016.
- 2.2 The Vice-Chairman will sign a Declaration of Acceptance of Office.

3 APOLOGIES FOR ABSENCE

4 DECLARATIONS OF INTEREST

Members to declare any non-pecuniary or disclosable 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.

Whilst the Clerk can advise on the Code of Conduct and its interpretation, the decision to declare, or not, is the responsibility of the Parish Councillor, based on the particular circumstances.

5 MINUTES – 3 MARCH 2015

To approve as a correct record, the Minutes of the Meeting held on 3 March 2014. ...

6 VACATION OF OFFICE THROUGH NON-ATTENDANCE (The 6-month rule)

Members are reminded that under S.85(1) of the Local Government Act 1972, “... if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.”

The effect of this provision is that the Member automatically ceases to hold office as soon as the six-month period expires if that Member’s Council has not formally approved the councillor’s absence before that date. This means that before the six-month period runs out, the Council will:

- Need know the reason for the absence;
- Must decide (by resolution) whether or not it approves the reason given for that councillor’s absence.

Approval may be given by the Council to an absence in advance; for example, where a member is intending to work abroad for an extended period.

What if the absent member is unable to send his or her apologies (perhaps because the councillor is seriously ill in hospital)? If the Council knows the reason and chooses to approve the absence, they can do so; but in reaching its decision, it may wish to consider how likely it is that the councillor will be able to return within a reasonable period of time and whether the delay will be such that the interests of democracy would be better served by allowing the office to be vacated and seeking to fill the vacant seat with someone else.

The responsibility for ensuring that a member of council does not vacate his or her office through continuous failure to attend meetings rests entirely with the individual councillor.

If a Member chooses not to attend Council meetings, but attends a 'meeting of the authority' where the functions of the authority have been delegated, under Section 85(2) this shall be deemed to be attendance at a meeting of the authority.

The responsibility for ensuring that a member of council does not vacate his or her office through continuous failure to attend meetings rests entirely with the individual councillor.

7 ELECTIONS – 7 MAY 2015

7.1 Local Elections - Results

At the time of publication of the agenda there are five candidates for five seats on the Parish Council, namely Colin Ainley, Geoff cope, Gin Foster, Ian Jones and Tony Lee. At the elections on 7 May 2015, the candidates will be returned unopposed. As there are sufficient candidates for Parish Council seats, there will be no poll on the 7 May 2015.

7.2 Borough Council Elections

To report the outcome of the elections in respect of the Ward Councillor for Audlem.

8 FINANCIAL MATTERS

8.1 End-of-Year Accounts – 2014-2015

The Parish Council is asked to approve the accounts for the financial year 1 April 2014-2015. These will be submitted to the internal auditor after approval.

- Annual Return The Clerk's scan facility is not currently available.
Paper copies will be provided at the meeting.

The Parish Council is asked to approve the accounts and to acknowledge its responsibility for ensuring a sound system of internal control. The Chairman will be asked to sign Sections 1 and 2 of the Annual Return on behalf of the Parish Council, following which the accounts will be audited by the Internal Auditor and will then be sent to BDO LLP for the external audit.

- Ledger for 2014-2015
- Balance sheet to 31 March 2015
- Assets List

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...
...

8.2 Appointment of Internal Auditor – 2015-2016

Allan Davenport, who currently audits the Parish Council's accounts, has indicated that he is willing to carry out this audit for 205-2016. It is a requirement that the Parish Council appoints an internal auditor annually.

8.3 Authorisation of Payments

£65.28	Cheshire Association of Local Councils – annual affiliation fee
£25.00	Mrs C M Jones – reimbursement for fee to CCA for entry into the Community Pride Awards.
£tba	Mr I Jones – reimbursement for materials for refurbishment of notice-board
£140.00	The Food Store - duck feed – annual fee
£65.00	HM Revenue & Customs – tax on the Clerk's salary for the first quarter of the new tax year.
£tba	Thirsk Community Care – payroll service
£tba	Suddenstrike, Nantwich (invoice not yet received)

£240.00 Hankelow Methodist Chapel – fee for 2014-2015
(to be confirmed) Meetings held on the following dates:

7 July 2014	3 November
1 September	6 January 2015
18 September	3 March
9 October	12 May

8.4 Insurance Arrangements

At the Annual Council meeting in May 2014, the Council agreed to a 3-year long-term agreement with Came & Company for insurance cover commencing 1 June 2014. The invoice has not yet been received, but is expected to be available at the meeting. The sum last year was £265 and is not expected to increase significantly.

9 APPOINTMENT TO OUTSIDE BODIES/COMMITTEES

9.1 Outside Bodies

The Parish Council is invited to appoint a representative(s) to the following outside bodies.

- Audlem Burial Board
- Audlem Public Hall Annexe Committee
Malcolm Lees was appointed in July 2014 as a trustee. There was no indication that the appointment was time-limited, but it might be prudent to confirm his appointment, subject to his agreement, to continue to be the Parish Council's representative.
- Cheshire Association of Local Councils – Crewe & Nantwich Area Meetings.
- Police Cluster meetings

9.2 Neighbourhood Plan Steering Group

The Parish Council is invited to appoint members to the Steering Group. The Group comprises up to three parish councillors and up to four non-parish councillors.

10 CALENDAR OF MEETINGS – 2015-2016

To approve the following dates for meeting of the Parish Council for the municipal year to May 2016. Each date is a Tuesday.

<u>2015</u>	<u>2016</u>
7 July	5 January
1 September	1 March
3 Nov	3 May

11 NEIGHBOURHOOD PLAN STEERING COMMITTEE

The Steering Group to report progress on preparation of the Neighbourhood Plan. A copy of the Group's Minutes of one of its meetings is attached. These were sent by e-mail on 1 March 2015, but the date of the meeting itself has not been recorded. ...

12 CONFIRMATION OF TREE PRESERVATION ORDERS (TPOs) (MINUTE 81)

At the meeting held on 3 March 2015, the Council was informed that on 12 February 2015, the Borough Council had made TPOs on several trees in the parish. This Order has now been confirmed as no objections were received by the deadline date of 21 April 2015.

13 OUTSTANDING MATTERS

The following are outstanding resolutions of the Parish Council:

- White Lining – Longhill Road – Measurements taken by Mr C Foster and Councillor C Ainley has now been provided to Cheshire East Highways.
Response from Cheshire East Highways awaited.
- Confirmation of permissive path route – Hankelow to Audlem.
Response from Morris Care awaited.
- Adoption of triangle at Hall Lane (Minute 84)
Response from Cheshire East Highways awaited
- Moles – Village Green
The Clerk contacted ‘Suddenstrike’ of Nantwich, a company which is registered with the British Pest Control Association.

By law, pest control companies must use the most effective and most humane method of control available to them. The company has an 85% success rate, and they typically need to visit a site twice. Although the problem can be temporarily eradicated, there is nothing to prevent other moles from entering the area and there is no product or method legally available to do this.

It is understood that the company made its first visit on or around 2 April 2015 to set the traps, but as noted elsewhere on the agenda, the invoice has not yet been received.

14 STANDING ORDERS

A copy of the Standing Orders for the Regulation of Proceedings of the Council was provided with the agenda for the March meeting. Although no decision was taken, the Chairman indicated that the document was not appropriate for the Parish Council. For ease of reference, a further copy is enclosed. This has been amended to take into account ‘the Openness of Local Government Bodies Regulations 2014’ which came into force in August 2014 and permits the photographing and recording of Council meetings. ...

The Parish Council is now invited to consider adopting the Standing Orders. If the Council is minded not to adopt, Members might wish to retain pages 1-11 as useful guidance on how Parish Council meetings should be conducted. Members might also wish to consider, minimally, adding an item to each agenda, namely ‘Public Question Time’ to allow members of the public to address the Parish Council.

An advantage would be that although this is currently carried out for approximately half an hour before Council meetings, there are often substantive issues raised which are not noted by the Clerk as they cannot form part of the record of the proceedings.

A disadvantage as far as members of the public are concerned is that it cannot be a ‘free for all’ as with the informal address prior to Council meetings. If a Public Question Time slot is included on each agenda it should be time-limited and there should be controls which can be found in Standing Order No. 1, as follows:

Any local resident may submit a question, or make a statement, either in writing prior to the meeting, addressed to the Parish Clerk, or orally at the meeting was. The Parish Council shall allow a 20-minute period for questions following notification of apologies, declarations of interest and approval of minutes.

The following shall apply –

The question should relate to the duties of the Parish Council. In the case of written questions, the Clerk will advise the Chairman if the question is appropriate, potentially defamatory, or abusive language has been used. In these circumstances, a decision may be taken to withhold the question from the meeting.

There shall be no discussion on any matter raised by such questions. If possible, a response shall be given at the meeting; otherwise a written response will be provided to the questioner. Any parish councillor may move a motion that the subject matter be placed on the agenda of the next ordinary meeting. On being seconded, the matter shall be put to the vote.

Subject to standing order 1(c) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than 10 minutes, dependent on the number of speakers in attendance. The Chairman shall have the discretion to extend the public speaking time, if considered appropriate.

*Each member of the public is entitled to ask **one question or make a statement**. Questions or statements must be addressed to the Parish Council as a whole and not to individual parish councillors. This is not an opportunity for engaging in debate with Members.*

*The Chairman (or Clerk) will respond to questions, but if the Chairman considers that another councillor might have the information, she will defer to him. This slot is for members of the public and **councillors should not participate unless invited to do so by the Chairman.***

A record of the public participation session at a meeting would be included in the minutes of that meeting to the extent only that members of the public were in attendance and addressed the Council. The topic of the question/statement would also be included.

15 SHARED INFORMATION

Parish Councillors are invited to share information or report on attendance at any recent meetings of outside bodies.

This is not an opportunity to raise matters which ought to have been included on the agenda for decision. Members are reminded that decision items need to be notified to the Clerk at least 7 days before the date of the meeting to ensure that items can be included.

16 DATE OF NEXT MEETING

7 July 2015