

## Berkswell Parish Council – Ordinary Meeting 15 November 2018

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Jordan Room, St John Baptist Church, Berkswell on 15 November 2018 at 6.15pm.

Topic	Action by
<p><b>1. Evacuation Procedure</b> – the Chairman instructed those in attendance of the evacuation procedure</p> <p><b>2. Recording of Parish Council Meetings</b> – the chairman instructed those in attendance that, in the interests of openness and transparency, councillors and members of the public are reminded that the law permits any person to film, record, photograph or use social media in order to report on the proceedings of a meeting of the Council or its committees when they are open to the public.</p> <p><b>3. Attendance:</b> Cllrs Drake, Burrow, Edwards, Howles, Lloyd &amp; Hitchcock, the Parish Clerk, Cllr D Bell (SMBC) &amp; 12 members of the public</p> <p><b>4. Apologies for Absence</b> Cllr Cabbage</p> <p><b>5. Acceptance of Apologies</b> Yes</p> <p><b>6. Declarations of Interest</b></p> <p style="margin-left: 20px;">a. Council received the following declarations of interest from Councillors in respect of items on the agenda:</p> <p style="margin-left: 40px;">i. Cllr Drake on Part 1 Item 7 as he is the subject of the complaint. Cllr Drake stated that he would leave the room for the item and proposed Cllr Burrow as chairman for this item which was agreed unanimously.</p> <p style="margin-left: 40px;">ii. Cllr Edwards Part 1 Item 7 as she is the subject of the complaint. She stated that she would leave the room for the item.</p> <p style="margin-left: 40px;">iii. Cllr Burrow on anything associated with the Solihull plan which related to his ownership of land adjacent to Allocation 1, Barretts Farm</p> <p style="margin-left: 40px;">iv. Cllr Lloyd on his non pecuniary interest in item 21h as he is a local correspondent for the Opens Spaces Society</p> <p style="margin-left: 40px;">v. Cllr Drake on the planning application re Ashton Green Lane as he knows the applicant.</p> <p style="margin-left: 20px;">b. There were no written requests for disclosing pecuniary interests</p> <p style="margin-left: 20px;">c. There were no requests for dispensations to be considered</p> <p><b>PART 1</b></p> <p><b>7. Complaint</b> – Council held a formal hearing into the complaint made by a resident regarding the ultra vires payment of the Parish Basic Allowance to co-opted councillors. Recent correspondence from the council’s auditors, PKF Littlejohn, to the complainant, together with other documentary and verbal evidence was considered. Councillors Drake and Edwards left the room and took no part in the proceedings. The hearing was held in public and it was agreed that the meeting be chaired by Councillor Burrow on this issue given that he was the immediate past chairman of the council. The Council fully considered all of the submissions/evidence relating to the complaint, listened to the advice of the Clerk and input from members of the public who attended the meeting. It was noted that all members of the public who spoke, voiced the opinion that Councillors Drake and Edwards should not be asked to repay the allowances they had received citing various reasons including that they had received the money in good faith, that they had performed the same role as other councillors, that this was the fair approach and that the complaint was vexatious. No member of the public supported the position taken by the complainant.</p>	

The Council reached the conclusion unanimously, based on all of the evidence and facts, that it would not be fair, nor equitable, nor conscionable, to request the two councillors to repay the allowances received. The Council agreed that the clerk would document the reasons for this decision in writing for approval at the next meeting based on the discussion and evidence submitted.

Clerk

The Council also thanked the Clerk for his diligence and honesty in following up a suspicion regarding allowances that grew as he investigated the election of a co-opted councillor as chairman. It recognised such honesty by the Clerk as exemplary and helps the council improve.

PART 2 – to commence at 7:15pm

For the benefit of members of the public arriving for Part 2 of the meeting the chairman briefly went through Items 1 to 6.

**8. Open Forum**

Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes:

Mr Tindall stated that he had written to both Parish Councils regarding the state of the Balsall Common village centre which in his opinion has been neglected by SMBC. He stated that general infrastructure is poor, that there were no strategic plans for traffic management and parking and that SMBC have no plans to invest in the centre. He asked that the two parish councils co-operate to set up a new joint working group to address these concerns. Cllr Hitchcock commented that it was time to try to improve the village centre. In response Cllr Drake stated that the Parish Council were on record saying we wished to work jointly with Balsall PC. Cllr Burrow suggested that the issues Mr Tindall had referred to should be included in the letter the clerk has been asked to write to Balsall PC about joint working. This was agreed. It was also agreed to discuss the strategic matter under Local Plan Item 21 c below.

Clerk

**9. Confirmation of Minutes**

The Ordinary Meeting of the Council held on 18 October 2018 were approved and duly signed by the Chairman

**10. Matters arising from the previous meeting for attention**

- a. Cllr Drake reported that he and Cllr Howles have another meeting with Pegasus next week; and that representatives of the NDP Steering Committee will be having a briefing meeting with SMBC councillors.

**11. Borough Councillor’s Report and Parish Councillor’s Opinion**

- a. Cllr Hitchcock commented on the impact of the locking of the entry barriers into Lavender Hall Park, meaning that cars are parking on verges of Lavender Hall Lane & Hallmeadow Road, damaging the verges and causing traffic disruption. Cllr Edwards commented that the gates are locked for good reason but recognised the issues this had created. Cllr Burrow suggested the Council should speak to Chris Edgell about this when representatives of the Council meet him on 20 November.  
Cllr Hitchcock also expressed concern about parking on Kenilworth Road, a large vehicle had knocked down a post, which happens to be in in Balsall Parish, which is causing problems in Berkswell Parish with the parking of large vehicles close to the entry to the Sainsbury’s forecourt. Cllr Hitchcock reported that Sainsbury’s have done their best to alleviate the problem.

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Cllr Burrow reported that he and Cllr Drake are meeting Alison McGarry (who reports to Anne Brereton at SMBC) to brief her on local issues on 30/11/18.  
Cllr Edwards reported that PC Simon Harrison has left the area. Council expressed its thanks to him for his work in Berkswell.

**12. Committee Appointments** There were no appointments to report.

**13. Planning Applications**

a. The following list of planning applications received since the last meeting were considered:

Ref	Location	Proposal	Response Date
2018/02877	Lavender Hall Fishery Lavender Hall Lane Berkswell Solihull	Certificate of lawful development for the existing use of a single storey extension to fishing lodge to accommodate tackle shop and office.	08.11.18
2018/02922	A 4 A Recycling Site Meriden Quarry Cornets End Lane Meriden	Variation of condition 6 of planning permission PL/2014/00490/FULM to allow inward and outward deliveries and loading within a restricted part of the site between 06:00-22:00 Monday to Friday, 06:00-16:00 Saturdays; and 08:00-16:00 Sundays and Bank Holidays	<del>09.11.18</del> extension agreed to 16.11.18
2018/02902	4 Benton Green Lane Berkswell Solihull CV7 7DB	Thin out branches of oak tree.	12.11.18
2018/03015	Ashton Green Lane Balsall Common Solihull	Replacement of garage with two storey side extension, single storey rear extension, replacement of existing flat roof with pitched roof.	23.11.18
2018/03057	Coleman's Yard (Former Cornets End Reclamation Yard) Cornets End Lane Meriden Solihull	Erection of commercial and administrative building (Use classes B1 and B8). The building will house plant used in connection with the onsite facility and will offer night-time protection from damage or theft. Other uses will be storage of materials which need to be retained in a secure environment and a section providing for administration. This is to include offices, meeting rooms and welfare facilities. There will be facilities for onsite training of staff, including first aid.	27.11.18

The following comments were made:

2018/02877 No comment
2018/02922 Object. Berkswell Parish Council echo the view of SMBC Public Protection that "Due to the close proximity of nearby residential properties the proposed change of hours of operation are likely to

lead to complaints of noise and dust so we would therefore recommend refusal". The Parish Council do not accept the claim that operating hours have not increased but are just facilitating early and late deliveries. This will increase residents exposure to noise and dust. Therefore, the Parish Council object to this application for the above reasons. The Council also wish to comment that the plans don't show exactly where the entry and exit will be.	Clerk
2018/02902 Neutral. The Parish Council agreed to ask the tree officer to look at this and will abide by the tree officers' decision on the matter	Clerk
2018/03015 No comment	
2018/03057 Object. The Parish Council object to this 4 storey building of huge dimensions. The size and style of the development is inappropriate in the green belt, and very special circumstances have not been proved.	Clerk

b. Appeal by Berkswell Recycling Limited against an Enforcement Notice for the site at Berkswell Estate Wood Waste Facility - The Clerk reported that he had sought clarification what this appeal was about from David Wigfield. Mr Wigfield had stated; *"The site notice has not been posted by the Council and does not relate to any Council matter. It appears that the Environment Agency have issued an enforcement notice relating to some sort of environmental permitting issue, and an appeal has been lodged which is going to a Public Inquiry on 13th November"*. Council agreed to note this.

c. Council noted that the Clerk had not yet written to SMBC so there had not been any responses from SMBC on the advertising on roundabouts issue and protection of green belt, as discussed at the October meeting (Items 13 b & c). Council were reminded that at its October meeting it was agreed to write to SMBC about adverts on Hallmeadow Road, and to enquire how planning permission had been obtained? Regarding the protection of the green belt, the clerk is still to write to SMBC regarding a building erected in a field adjacent to Beechwood Farm.

**14. A3 Planning Meeting** – Council considered and agreed the following motion: "Council to agree to follow up through the Solihull Neighbourhood Services team, a review of the "A3 Plan" and in particular to accept their offer to improve communication and working relationships with SMBC Planning. Council to agree which Councillors should take this forward." It was agreed that the whole council would attend and it was resolved to try to arrange a meeting with all, but with a minimum of 4 councillors on a date in January.

**15. Financial Matters**

a. The following invoice payments were presented for approval having been examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice related to has been received, carried out, examined and represents expenditure previously approved by the Council:

Invoices for Payment	Approval	Cheque No	Gross Amount £	VAT £
R Wilson - Clerk's Salary November 2018	Admin		656.37	0
James Hickin JMH Home and Garden Services – grass cutting	Contract		200.00	0
Kirkwells – Green Belt Advice	Contract		756.00	126.00

Don Hitchcock – reimbursement of cost of remembrance wreath	Admin		20.00	0	Clerk
Caroline Joyner -plants for Autumn Planting Scheme	13/09/18 Item 23 c		111.73	18.62	
<b>Total</b>			<b>1,744.10</b>	<b>144.62</b>	

In addition to the above Council noted that the following payment was made using the Clerk’s delegated powers:

- ICS Print & Reprographics – NDP printing; Cheque No. 002137; amount £91.40 (see Item 21 b)
- b. Payments received – none
- c. Grant Applications – Council was reminded that it had some unallocated budget for making grants and had agreed to consider any applications for grants against this budget at the November 2018 meeting of the Council. Council to note that no grant applications have been made. Council agreed to leave the budget unspent.

**16. WALC AGM** – Council noted that Cllrs Lloyd and Drake will be attending the WALC AGM on Saturday 17 November. Council to confirm that they are happy to nominate Cllr Drake to vote on items that he thinks are in the interest of the Parish.

**17. Risk Management**

- a. Council discussed any new finance and risk events. Cllr Burrow reported a fixed asset survey has recently been carried out. Recommendations arising from this survey include:
  - i. 2 seats (not owned by the Parish Council) which needed cleaning. Council agreed to take no action, but stated that if the residents want to clean them they can.
  - ii. The Well - an area of slabs is heavily covered in moss making them very slippery when wet. Council agreed not to attend to this.
  - iii. Trees in the Spinney – Council agreed that Cllr Hitchcock will inspect the trees in the Spinney to ensure none are a potential danger to the public.
  - iv. Tree in middle of village green – Cllr Hitchcock commented that the tree is in need of pruning. Cllr Burrow confirmed that this is included in the risk assessment.

**18. Actions from Previous Meetings**

- a. Council discussed the status of agreed actions from previous meetings as circulated (a copy is available on the Council website). Council advised the Clerk of updates to the status of actions and asked the Clerk to produce an updated list on the web site.

**19. Correspondence** – Council noted that a resident had written asking for support regarding the parking of cars on Station Road opposite the Brickmakers Arms. The correspondent was in attendance and asked to speak on the matter. He reported that the situation started with 2 or 3 cars parked in the summer but that it has grown to 35 cars recorded yesterday (14 November 2018). He said this was creating a danger as two cars can’t pass, deliveries to the pub are a problem and cars pulling out of drives are at risk. In his view, the issue is the railway authority’s and there is a need to educate people about using/parking their cars to catch a train. Another resident mentioned recent accidents, and confirmed that it is difficult to pull out from a shared drive on Station Road due to poor visibility because of the parked cars. After this discussion, Council considered and agreed the following motion: "The council notes the correspondence from a resident of Station Road concerning "overflow" station parking. Council shares the concerns of residents and will form a working group to consider how best to address these issues with the various authorities concerned. The working group to report back to

Clerk

Clerk

the December meeting of the Council with recommendations for appropriate action." It was further agreed that Cllrs Hitchcock, Drake, Burrow & Lloyd, plus the two residents who had spoken would form the working group. Cllr Drake agreed to convene a meeting of the working group at an early opportunity. Cllr Bell reported that he has been aware of the problem for some time. He stated that Station Road has become very dangerous, and he has written to Ashley Prior (SMBC) who responded that it was not a priority. Bruce Brant (SMBC) has apparently been in touch with the police who are also concerned. SMBC have stated that there is a three year waiting list to consider Traffic Regulation Orders (TROs). Cllr Bell was asked to find out how much double yellow lines would cost for the affected stretch of Station Road.

**20. Communications** – Council received an update on the progress made regarding the Council Newsletter covering key topics including; the A45/46 link road; the revised Solihull Local Plan timetable; the boundary review outcome; and other important topics. Cllr Burrow reported that a draft leaflet has been prepared but needs to be signed off and proposed that the leaflet should be produced and distributed at a cost of £208. Further to some disagreement the chairman put the matter to a vote. The outcome of the vote was; Those in favour = 3; Those against = 0; and Abstentions = 3, consequently the vote was carried.

**21. Ongoing References**

- a. Review of inventory of land and assets – The Clerk reported that he had recently received confirmation from HM Land Registry that The Pound is now in the Registered ownership of the Parish Council.
- b. Neighbourhood Development Plan – Council noted that a formal letter has been received from SMBC which confirms that SMBC is satisfied that the Berkswell Parish NDP complies with all the relevant legal and statutory requirements for the submission of a NDP and a subsequent notification that the Regulation 16 Consultation will run from 5th November to 21st December 2018 prior to the independent examination. Council noted and approved that the Clerk authorised expenditure of £91.40 for printing to place copies of all submission documents in Balsall Common and Solihull Library. Solihull have also submitted a request to the appropriate body for independent examination.
- c. Local Plan – The Council noted:
  - i. that the Local plan review timetable has slipped to a planned implementation in 2020 and that there will be another non-statutory consultation over the Christmas period on the housing element of the plan.
  - ii. the receipt of formal advice from Kirkwells Town Planning Consultants regarding the priority that must be given in local plan reviews to the redevelopment of brownfield sites relative to greenfield sites when redrawing greenbelt boundaries. It states specifically that any reliance on paragraph 89 of the 2012 version of NPPF (or its replacement 145g in the 2018 NPPF) by SMBC in establishing sites for development in a Local Plan revision would be in error.
- d. HS2
  - i. Council received a report on the outcome of the meeting with HS2 Ltd/Balfour Beatty Vinci held on 2 November, to discuss issues including haul routes and the design of structures, in the form of notes of that meeting from HS2 Ltd. The Council have now received the minutes which are accurate. The Clerk was asked to put the minutes on the web site together with the HS2 presentation.
  - ii. Council agreed that the key short-term focus of the Parish Council is to ensure:
    - 1. The delivery of the formal assurances received on visual amenity of the new rail line through only selective cutting of the trees on the Greenway and a

DB

Clerk

Clerk

<p>special design of viaduct past Balsall Common. Both these assurances were achieved as a result of the petition by the Berkswell Society and they are imminent issues</p> <p>2. The delivery of the formal assurance on enhanced noise mitigation into the design to be approved by SMBC given specifically to the parish council as a result of the Berkswell Society petition</p> <p>3. Achieving the best result for our residents on any change to the haul routes designed to minimise HGV traffic down Kelsey/Waste Lanes, Truggist/Hodgett’s Lane and the centre of Balsall Common. This to include suitable design/mitigation if HS2/Balfour Beatty Vinci progress with their proposal to apply for planning/highways permission to use Hallmeadow Road as a haul route</p> <p>iii. Council considered and agreed the following motion; “Council approves the delegation to the Clerk to write to SMBC to seek confirmation that consideration of a planning application for an HS2 haul route outside the Act limits will follow the normal planning process and will not follow the special process for planning applications for the rest of the project.</p> <p>e. A46 Link Road – Council noted that there have been no further developments/information but agreed to keep the item on the agenda. The Clerk was asked to ensure the Council obtains details of the 14 options as agreed at the October meeting. Council also noted that Paul Thornton has been corresponding directly with Anne Brereton (SMBC) on this matter.</p> <p>f. TPOs - Council discussed if and when an application should be made for TPOs on the trees on Barratt’s farm. This is now time critical given imminent release of the updated draft housing plan. Cllr Bell advised Council that it should submit the application as soon as possible. Council agreed with this advice. The Clerk was asked to apply to the Planning Department who will consult with Tree Officers. With reference to a previous decision to offer to SMBC to pay for 2 weeks tree consultancy to progress the application in a timely manner, it was agreed to allow up to £2,000 towards the cost. Cllr Hitchcock advised that a TPO should only be issued if a tree is under threat which those in the Local Plan are.</p> <p>g. Airport – Council note the Airport has recently released its Masterplan and that a consultation will run to the end of January 2019 with 19 public exhibitions. The Balsall Common exhibition will be on 6 December at 18:00 to 20:00 in the Village Hall. Cllr Lloyd reported that he had attended an ACC meeting earlier today. Key issues included; the masterplan lacks detail at this stage; there will be substantial investment over the next 10 years and are expecting year on year growth. It was confirmed there will be no second runway. Regarding the North bound turn, the CAA has to approve changes to the flight paths and there is a big delay due to staff shortages so aircraft are off track. The solution should be implemented in May 2019.</p> <p>h. Open Spaces Society Strategic Plan – Council considered submitting a response to the consultation on the draft Strategic Plan. It was agreed to write in supporting the strategy. Cllr Lloyd agreed to assist the Clerk in drafting the letter.</p> <p><b>22. Removal and Additions to Ongoing References</b></p> <p>Removals: Governance Review Recognition Scheme</p> <p>Additions: TPOs Open Spaces Society Strategic Plan</p>	<p>Clerk</p> <p>Clerk</p> <p>Clerk</p> <p>Clerk/RL</p>
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<p><b>23. Training and Meetings</b> It was reported that Cllrs Edwards, Drake &amp; Burrow attended a WALC “Preparing for the elections” course. Cllr Burrow commented that it would be desirable to have enough candidates for polls in both Balsall and Berkswell Parish Councils to ensure new councillors were elected. Council agreed to put an item on the next meeting agenda which Cllr Drake agreed to draft.</p>	<p>Clerk/ RD</p>
<p><b>24. Heritage and Community</b></p>	<p>Clerk</p>
<p>a. Grass Mowing Contract</p> <p>i. Council considered the short term maintenance prior to agreeing the next 3 year contract which commences in March 2019. Council agreed to pay £200 to the temporary contractor to cut the grass in November and carry out the cleaning recommended in the fixed assets survey.</p> <p>ii. Council discussed developments in the preparation for the Grass Mowing &amp; Hedge Trimming Contract for 2019 to 2022. The Clerk reminded Council that we need to discuss with SMBC which verges in Berkswell village are on their schedule for cutting, as these need to be excluded from the BPC specification. It was agreed to contact SMBC via Bruce Brant to find out what SMBC are supposed to cut. It was agreed the Invitation To Tender should cover both options (with and without the verges on the SMBC schedule).</p>	<p>Clerk/ AB</p>
<p>b. Spinney Car Park – Council noted that the Clerk has placed an order with JMH Home and Garden Services to conduct the restoration work on the roundabout in the Spinney Car Park. The agreed price is up to £1,000 excluding VAT.</p> <p>c. Berkswell Gate – Council considered and agreed to referring to the community off Hallmeadow Road as ‘Berkswell Gate’ and to add signs to the planters to that effect, at a cost of up to £250 excluding VAT.</p>	<p>Clerk</p>
<p><b>25. Council Administration</b> Nothing to report</p>	
<p><b>26. Next Meeting</b> Ordinary Meeting of the Council, 13 December 2018 at 7:15 in the Balsall &amp; Berkswell Hornets Clubhouse, Lavender Hall Lane, Berkswell.</p>	