

Berkswell Parish Council – Ordinary Meeting 13 June 2019

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Balsall & Berkswell Hornets Clubhouse, Lavender Hall Lane Berkswell on 13th June 2019 at 7:15 pm.

	Action by
<p>1. Attendance. Cllrs Drake, Edwards, Lloyd, Cooper, Burrow, Hitchcock & Howles, the Clerk and 10 members of the public.</p> <p>2. Apologies for absence: Cllr Diccico (SMBC), Cllr Howell (SMBC), Cllr Allsopp and David Felthouse</p> <p>3. Acceptance of apologies for absence Accepted</p> <p>4. Declarations of Interest</p> <p style="margin-left: 20px;">a. The following declarations of interest from Councillors on items on the agenda were made:</p> <p style="margin-left: 40px;">i. Cllr Burrow declared an interest in item 16 c regarding the grant application from the Berkswell Society. He stated that he would not vote on this item</p> <p style="margin-left: 40px;">ii. Cllr Lloyd declared an interest in planning application 2019/01399 as this was a near neighbour of his</p> <p style="margin-left: 20px;">b. There were no written requests to disclosing pecuniary interests</p> <p style="margin-left: 20px;">c. There were no requests for dispensations</p> <p style="margin-left: 20px;">d. Councillors were reminded to update their Notice of Registrable Interests’. It is a requirement that councillors update the Register within 28 days of a change to any Disclosable Pecuniary Interest.</p> <p>5. To approve Minutes of the following meeting: The minutes of the Annual Meeting of the Council held on 16 May 2019 were approved and duly signed by the Chairman</p>	
<p>6. Matters arising from the previous meeting requiring attention</p> <p style="margin-left: 20px;">a. Letter to Lord Lieutenant re Honours submission – After discussion it was agreed to wait a further 6 months before writing,</p>	Clerk
<p>7. Open Forum</p> <p>Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes. Geoff Wheeler asked if “admin stuff” could be moved to later in the agenda so that members of the public could take part in “more interesting” items and leave before the meeting has finished if they so choose. Council agreed to look at this for future meetings. Graham Lock commented that at the Parish Assembly climate impact/change was raised and it was agreed that this would be put on a future agenda for the Parish Council to consider further. The Chairman confirmed that this will be on a future agenda.</p>	Clerk
<p>8. Internal Audit Report – Council noted the contents of the internal audit report for 2018/19 as circulated (copy available on the Council web site) and congratulated the Clerk on the positive report.</p>	Clerk
<p>9. Annual Governance Statement 2018/19 – Council agreed in the affirmative (or by stating NA) the 9 listed statements, in Section 1 of the Annual Return and consequently agreed the following motion; “We acknowledge as the members of Berkswell Parish Council our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, that we have acted</p>	Clerk

<p>in accordance with statements 1 to 8 on Section 1 of the Annual Governance and Accountability Return and that statement 9 is not applicable, with respect to the year ended 31 March 2019". The Chairman and the Clerk then signed the Annual Governance Statement.</p>	
<p>10. Accounting Statements 2018/19 – Council noted that the Accounts and Audit Regulations 2015, Regulation 12(1) stipulates that the Responsible Financial Officer must sign and date the Accounting Statements to certify that they “properly present receipts and payments”. Council confirmed that this had been done and then the Council, in the following order:</p> <ul style="list-style-type: none"> a. Considered the accounting statements by the members meeting as a whole; b. Approved the accounting statements by resolution by approving the following motion – “The accounting statements for 2018/19 are approved by this Council”; and c. Ensured the accounting statements, having previously been signed by the Clerk, were signed and dated by the Chairman at the meeting. 	
<p>11. Annual Governance and Accountability Return – Council noted that the Annual Return (AGAR) must be submitted to the external Auditors by 1 July 2019.</p>	<p>Clerk</p>
<p>12. Period for the exercise of public rights – Council noted that Regulation 14(1) stipulates that any rights of objection, inspection and questioning of the external auditor conferred by Sections 26 and 27 of the Local Audit and Accountability Act 2014 may only be exercised within a single period of 30 working days. Regulation 14(3) stipulates that during the period for the exercise of public rights a relevant authority must make the documents referred to in section 26(1) of the Act available for inspection on reasonable notice at all reasonable times. As the Clerk works part-time, another person in the Authority should provide contact details to cover the times/days during the period when the clerk is not available. This is the responsibility of the Authority, not just the Clerk/Responsible Officer. Cllr Drake agreed to make himself available if the Clerk was not available. The single period of 30 working days must include the first 10 working days of July 2019 but the period cannot start earlier than 3 June 2019 (to finish on 12 July 2019) and must not start later than 1 July 2019 (to finish on 9 August 2019). Council then agreed the following motion: “The period for the exercise of public rights will commence on 17 June 2019 and finish on 26 July 2019”.</p>	<p>Clerk</p>
<p>13. Borough Councillor’s Report. There were no Borough Councillors in attendance.</p>	
<p>14. Policies and Procedures – Council considered the draft Employment Policy document circulated by Cllr Burrow and agreed to defer to a future meeting.</p>	
<p>15. Planning Applications</p> <ul style="list-style-type: none"> a. Council considered reports on potential significant planning violations to agree appropriate reporting action. It was reported that in respect of Truggist Hill Farm, HS2 Ltd have acquired the site on the greenway side of the new line. This should trigger the demolition of buildings which was a condition of a previous planning application approval for a new building (to replace the ones being demolished). Council agreed to remind SMBC that the planning condition should now be carried out. b. Council considered the following: <ul style="list-style-type: none"> i. Council noted the amendment to the Green Belt Policy proposed by Cllr Lloyd in response to the action from the last meeting. The idea was that if there was not a meeting of the council when an application was notified to the Council, and if that application contravened the green belt policy, the Clerk could make a 	<p>Clerk</p>

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response without reference to the Council. It was noted that Cllr Lloyd had prepared the amendment but this amendment was not accepted by the Council. It was agreed to carry on with the current practice and review again in the future.

- ii. Council considered amending Standing Orders to give authority to the Clerk to convene an extraordinary meeting at the request of two or more members for the purpose of considering a response to a planning consultation when the Planning Authority requires a response before the next scheduled meeting of the Council. Council did not support this proposal as the motion was lost 2 for; 5 against.
 - iii. Council discussed a possible change in approach to reviewing Planning Applications to improve the quality of discussions at Parish Council meetings. Cllr Drake had circulated a note giving his views on this. A debate ensued including the question of whether a Planning Committee was needed. Cllr Lloyd & Cooper stated that they believed each application deserves appropriate attention. The Chairman asked who was in favour of commenting on every planning application. No one voted for this option. Cllr Burrow proposed that the Council should continue with current practice but that all councillors must come prepared to present a reasoned opinion if they have something they wish to discuss. This approach was agreed, it was also agreed to review the success of this approach after a reasonable period of time.
- c. The following list of planning applications were discussed by the Council:

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Ref	Location	Proposal	Response Date
2019/01286/V AR	A & A Recycling Services Meriden Landfill Site Cornets End Lane Meriden	Variation of Condition 6 of planning permission dated 27.03.2015 (PL/2014/00490/FULM) for a change of use from minerals extraction land to waste management, to allow for expanded waste wood treatment operation and associated operational development at Meriden quarry recycling facility; NAMELY : for a minor material change to operating and delivery hours as follows : Production of recycled waste wood products: 0700-1800 hours Monday to Friday, 0700-1300 Saturdays; Inward and outward deliveries and loading operations only, for a temporary (trial) period of 18 months from the date of this permission: 0600-2200 hours Monday to Friday, 0600-1400 Saturdays, 0800-1400 hours Sundays. There shall be no operations taking place on Bank Holidays.	03.06.19 extended to 14.06.19

Council agreed to object on the grounds that the amenity of existing and future residents will be adversely impacted by increased traffic movements outside current operating hours; increased traffic noise (including reversing beepers audible from some distance away), and light pollution from floodlighting. The Council request that any future consent should require; that noise is

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monitored (in the gardens of nearby houses & houses on approach impacted by road noise) periodically during the trial period of operation; the hours of operation be considered to minimise the impact on residents during evenings and week-ends; the implementation of a complaints logging system; and that the trial period is reduced to 9 months.				Clerk
2019/01253	The Cottage 7 Meriden Road Berkswell Solihull	Single storey rear kitchen/dining extension.	06.06.19	
No comment				
2019/01368	Meriden Quarry Cornets End Lane Meriden Solihull	New plant, cement silo and an office/storage building at the former Tarmac Site, Meriden Quarry, to allow continued extraction of sand and gravel.	10.06.19	
No comment				
2019/01395/V AR	Meriden Quarry Cornets End Lane Meriden Solihull	Variation of condition no. 2 of Review of Minerals Permissions 1997/0535 (PL/1997/00168/RM) dated 22.01.1998, NAMELY : to allow sand and gravel extraction within the area edged red on the submitted location plan, until 27.09.2027.	14.06.19	
Council agreed to object on the grounds that this is not a valid application. The earlier permissions referred to in this application are in respect of a quarry area on the north side of Hampton lane but this application refers to an area on the south side of Hampton Lane. The Council also fully support the comments of the SMBC landscape architect.				
2019/01399	Waylands 32 Meeting House Lane Balsall Common Solihull	Single storey extension to rear of property to provide enlarged kitchen/dining accommodation. Addition of garden room.	26.06.19	
No comment				
2019/01169/V AR	The Whitehouse Kennels Back Lane Meriden Solihull	Variation of condition 1 on planning approval PL/2018/02118/PPFL dated 14th December 2018 for Demolition of existing out buildings, alterations and extension to existing dwelling and construction of 4 new single storey dwellings to the rear with associated access, parking and attenuation pond. NAMELY: Alterations to the existing house for improved disabled access to include increased floor area	26.06.19	
No comment				

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2019/01119/TP O	The Coach House Berkswell Hall Meriden Road Berkswell	Crown reduction up to 1 metre 1 no. Sweet Chestnut tree.	27.06.19
No comment			

16. 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 relates 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 June 2019	Admin	002186	691.25	0
R.Wilson – reimbursement of BBQ Charcoal costs*	Admin	002187	132.00	22.00
Councillors allowances April to June 2019	Admin	002188 002193	715.99	0
HMRC – PAYE for April to June 2019	Admin	002194	742.61	0
J Hickin – grass mowing contract June instalment	Contract	002195	187.50	0
Goozbumps – BBQ Band	S. 137	002196	400.00	0
Thistle Loo Hire Ltd – BBQ portable toilets	S. 137	002197	168.00	28.00
B Robinson – Internal Audit	Statutory	002198	155.20	0
Kirkwells – Final NDP invoice	NDP	002199	720.00	120.00
Total			3,912.55	170.00

*Council noted that the cheque No 002185 authorised on 16 May 2019 for £132 payable to A Pettifor & Son Ltd in respect of BBQ charcoal has been cancelled as this supplier no longer accepts cheques. The Clerk has paid the invoice from his own funds and has claimed reimbursement above. Council agreed to consider the implications for future invoice payments when the current Financial Regulations are reviewed.

- b. Payments received – Council noted that a CIL Parish Payment of £1,454.28 had been received on 29 May 2019
- c. Grant Applications – The following grant applications were considered:
- Balsall Common Festival - requesting £1,000 to help cover the costs of the portaloos and insurance for Picnic in the Park. A representation was made by a representative of the Festival Committee. The Festival has been simplified to a picnic in the park in July (Lavender Hall Park), with disco & a group and a Fete on 21 September. Most of the cost is being funded from Festival funds but the Festival committee are requesting a contribution towards the July event. The committee are also asking Balsall Parish for a contribution to the fete on 21 Sept. Council agreed a grant of £1,000. The representative thanked the council for its generosity.
 - 2nd Balsall Common Scouts – requesting £955 for new equipment. A representative from the scouts group explained that the group needed to update equipment for DofE and expeditions. He confirmed that the group had also requested money from Berkswell Charities. Council agreed a grant of £955.

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<ul style="list-style-type: none"> • Heart of England School - requesting a contribution to the purchase of a new minibus. The application made it clear that the minibus would be available to local groups as well as being used for school purposes Council agreed to contribute £1,500 to the cost of the minibus. 	Clerk
<ul style="list-style-type: none"> • Berkswell Society – requesting £500 to continue activities undertaking the spring and autumn planting of the Society’s 25 planters around the parish and bulb planting in public verges. Cllr Burrow abstained from voting on this item. Council agreed to making a grant of £500. 	Clerk
<p>d. Payment of contribution to the maintenance of Berkswell graveyard – Cllr Burrow introduced this item by explaining that it had been suggested to him that the Council should look into the legality of making a contribution to the cost of maintaining the burial grounds which are part of the St John the Baptist churchyard in Berkswell (a practice which has been in place for over 30 years). Advice had been sought by the Clerk from WALC who drew the Clerk’s attention to a recent NALC Legal Advice Note which acknowledges that the law is unclear (the government apparently is happy such payments can be made) but advises Parish Councils not to enter into such arrangements. It was suggested by Cllr Burrow that the Council should seek more advice from NALC and ask Dame Caroline Spelman MP to ask the minister why the government thinks there is no problem. Council agreed there was a need to take further advice. It was also agreed that Council will not stop contract payments at this stage as the NALC guidance is not definitive and that the Human Rights Act and Equality Act are not referenced in their advice note. It was also agreed that the Clerk should inform the External Auditor of the decision the Council has made. It was resolves as follows; the Clerk is asked to seek further advice from WALC/NALC because their legal opinion did not reference the Human Rights Act nor the Equality Act. The Clerk is also asked to seek to understand why the Government believes that there is no legal problem with a parish council helping to maintain Church of England churchyards in the same way as it is permitted (so it seems) to maintain those of other religious organisations.</p>	Clerk Clerk Clerk
<p>17. Risk Management</p>	
<p>a. Council to discuss any new finance and risk events – there were no other new events other than the one discussed in item 16 b above.</p> <p>b. Risk Framework – Council noted that the latest version is available on the Council website. Cllrs Cooper & Drake agreed to meet to review the current risk framework and advise of any necessary amendments</p> <p>c. Risk Register – there were no updates to this item</p>	SC/RD
<p>18. Actions Arising from Previous Meetings</p>	
<p>a. Council noted the status of agreed actions from previous meetings as circulated (a copy is available on the Council website) noting that outstanding actions were being well managed at present.</p>	
<p>19. Correspondence – there was no further correspondence to consider at this time</p>	
<p>20. Ongoing References</p>	
<p>a. Review of inventory of land and assets – no progress to report</p> <p>b. Neighbourhood Development Plan</p> <p>i. Council noted that the SMBC Cabinet member confirmed at a formal meeting on 30th May that the Berkswell NDP, as amended, met the "basic conditions" and the plan now proceeds to referendum. Such a vote must take place within</p>	

<p>56 working days i.e. by mid-August. The cabinet member and planning officials are keen that the referendum takes place before the school holidays and are consulting with democratic services to test the practicality of this.</p> <p>ii. Council noted that SMBC have now set 18 July 2019 as the provisional date for the Berkswell NDP Referendum.</p> <p>iii. Council considered and agreed the following motion: “The Clerk is authorised to spend £600 on publicity to inform residents prior to the NDP referendum”. Council then discussed what the content would be and Cllr Burrow agreed to arrange for the printing of leaflets. Council agreed an overall strategy of</p> <ul style="list-style-type: none"> a. Double sided A4 leaflet for distribution by 3rd July b. A6 simple reminder card for the week prior to 18th July c. Electronic publicity using facebook, twitter, the Communicator and the Berkswell Society newsletter <p>c. Solihull Local Plan - Council considered the following motion: “This Council agrees to lobbying SMBC, in partnership with interested groups and Borough Councillors, to ensure that no land is released from the greenbelt within Berkswell Parish other than that required to meet the housing needs of the Local Plan to 2033/5”. Cllr Burrow requested that Council considered the following amendment; “Council to agree to write to SMBC, in conjunction with Balsall Parish Council, asking for a working party on the Village Centre to start as soon as possible to fix short term issues”. Both the motion and amendment were agreed.</p> <p>d. HS2 – Council considered and agreed (with some minor amendments) the following motion: “This Council agrees to express concern to Solihull MBC (and Dame Caroline Spelman MP and District Ward councillors) regarding the recent felling of trees and destruction of habitat during the wildlife breeding season along the A452 close to the junction with Park Lane, given that construction of HS2 is not now expected to start until the New Year”. Cllr Hitchcock stated that he was shocked on his return to the area to find trees removed during bird nesting time for something which may never happen. Council noted that it is unlawful to intentionally take out active bird’s nests, although there was no evidence to suggest that this had happened. It was understood that Cllr Diccio (SMBC) had been trying to stop this work being carried out at this time. Cllr Lloyd commented that, as these are early works, they should have been delayed as the main construction has been delayed.</p> <p>e. TPOs – Council received an update on the date and arrangements for an agreed meeting with SMBC and Ward Councillors to discuss this issue. The meeting is being proposed for early in July.</p> <p>f. Airport – Council noted that the revised flightpath for the northern turn from Runway 15 is now in use and this should reduce the incidence of aircraft overflying Balsall Common.</p>	<p>Clerk AB</p> <p>Clerk</p> <p>Clerk</p>
<p>21. Removal and additions to Ongoing References</p>	
<p>Removals:</p>	
<p>Additions:</p>	
<p>22. Training and Meetings</p>	
<p>a. There were no reports from attendance at events nor meetings.</p>	
<p>23. Heritage and Community</p>	
<p>a. Parish BBQ - Council reviewed the arrangements for parish BBQ and agreed outstanding actions.</p>	<p>Clerk</p>

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<p>b. West Midlands Mayor possible visit to Berkswell – Council noted that the visit has been confirmed with the Mayor’s Office for 23 July from 6:00pm to 7:30pm. A room at the British Legion Club on Station Road for this purpose has been made available at no cost as this is a community event. Final details are still to be confirmed. Council agreed to set up a working group to sort out the finer details of the visit.</p>	<p>Council</p>
<p>c. The Well area proposal to seek the designation of the Well area as a “village green” – Council considered and agreed the following motion: "This Council agrees to register the well area as a village green, delegating the application to the Clerk who can seek advice from Councillors Burrow, Drake, Lloyd and Edwards"</p>	
<p>d. Telephone box - Council agreed to defer until the next meeting the consideration of a report on the telephone box in Berkswell village after its cleaning and to discuss the options for future work contained in the report from Councillor Burrow.</p>	<p>Clerk</p>
<p>e. VE Day 2020 – Council noted that WALC have encouraged Parish Councils to read the information on this event (as circulated) and to consider how they would wish to be involved. Council agreed to write to Balsall Parish Council with a view to setting up a joint effort on this.</p>	<p>Clerk</p>
<p>f. Underground Coal Gasification Warwickshire Minerals Plan 2018 consultation – Council considered whether it wishes to submit a response to this consultation. Warwickshire County Council is consulting on the policy and its accompanying justification, between Tuesday 28th May 2019 and Tuesday 9th July 2019 (closing at 5pm). The Clerk was asked to check if subsidence is included in the policy in which case Council will object. Cllr Edwards suggested that a simple response welcoming the policy but asking for assurance that subsidence is covered (the coal seam runs under Berkswell). This suggestion was accepted.</p>	<p>Clerk</p>
<p>g. Council discussed an approach made by Liz Hopkins who is a new community development worker based within the Meriden and Bickenhill wards. She is at present trying to visit different community groups within the area to try to understand the community a lot more and has requested to attend a Parish Council meeting. Council agreed to make the offer that two parish councillors would meet her if she would suggest some dates and she is welcome to attend any Parish Council meeting (Clerk to provide her with dates) of the next few meetings.</p>	<p>Clerk</p>
<p>24. Parish Councillors Opinion There were no comments made.</p>	
<p>25. Council Administration – Council were advised by the Clerk that the July meeting of the Council is scheduled for 18 July in the Jordan Room, St John Baptist Church. However, the provisional date for the Berkswell NDP referendum has been set for the same date and SMBC would like to use the Jordan Room for that purpose. Consequently, Council agreed to a change of venue for the July Ordinary meeting to the Balsall & Berkswell Hornets clubhouse on Lavender Hall Lane.</p>	<p>Clerk</p>
<p>26. Next Meeting</p>	
<p>Ordinary Meeting of the Council, 18 July 2019 at 7.30pm, to be held in the Balsall & Berkswell Hornets Clubhouse, Lavender Hall Lane, Berkswell.</p>	