

Berkswell Parish Council – Ordinary Meeting 17 October 2019

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Jordan Room, St John Baptist Church, Berkswell on 17th October 2019 at 7:15 pm.

	Action by
<p>1. Attendance: Cllrs Drake (chairman), Burrow, Edwards, Hitchcock, Howles (arrived 7:21pm) & Lloyd (arrived 7:25pm), Diane Howell (SMBC) (arrived at 8:15pm), the parish clerk and 12 members of the public.</p> <p>2. Apologies for absence Cllr Cooper, Mr D Felthouse & Mr G Lock</p> <p>3. Acceptance of apologies for absence Accepted</p> <p>4. Declarations of Interest</p> <p>a. The following declarations of interest were made by Councillors on items on the agenda</p> <ul style="list-style-type: none"> • Cllr Burrow stated he believed that the whole Council had an interest in Item 10 as the Parish Council uses these premises for meetings on a regular basis • Cllr Burrow stated that he had a reimbursement claim as part of Item 12 and would not vote on this element of Item 12 <p>b. There were no written requests for disclosing pecuniary interests</p> <p>c. There were no requests for dispensations</p> <p>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 Ordinary Meeting of the Council held on 12 September 2019 were approved.</p> <p>6. Matters arising from the previous meeting requiring attention There were no matters arising</p> <p>7. Open Forum Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes. There were no requests to speak.</p> <p>8. Borough Councillor's Report. Cllr Howell reported that SMBC are committed to keeping all their libraries open and are encouraging the community to use the library buildings outside normal opening hours.</p> <p>9. Policies and Procedures – Council approved the revised Financial Regulations (previously circulated) for immediate adoption. Council noted that the 'Councillors Audit Checklist' will form part of the Financial Regulations as an appendix once it has been finalised. The Clerk advised that the draft procedure will be trialled with Cllr Burrow (who drafted the checklist) before finalising and that a final version would be brought back to a future meeting for approval. Council also noted that the review of Standing Orders is still work in progress.</p> <p>10. Licence Application – Council considered the following licence application; a Premises Licence application has been received by SMBC in respect of Balsall and Berkswell FC, Lavender Hall Lane, Balsall Common, CV7 7BN. A representative of the Hornets Board was not present to speak to the application which is to allow the sale of alcohol for consumption on the premises between 1700-2300 hours Friday, and 1100-2300 hours Saturday-Sunday. Any representation must be made by 24th October</p>	<p>AB & Clerk</p>

<p>2019. A resident who lives next to the Hornets premises commented that they object on the grounds of; prevention of crime & disorder; public safety; prevention of public nuisance; and protection of children from harm. Cllr Burrow commented that it doesn't seem right to serve alcohol where children are present in large numbers and that drinking at night would be a 'change of use' (it was not originally intended to be a 'social club'). Cllr Howles commented that she presumed there were conditions attached to the original Planning Approval so this application may not be accepted. Cllr Lloyd stressed the importance of making an effective objection and wondered if the Parish Council should seek specialist advice in order to make an effective objection. Cllr Edwards stated she that she thinks the hours are far too long and was concerned about children's safety. In conclusion, Cllr Drake stated he was minded not to support this application but that the Council needed sound grounds for objection by 24 October. A resident reminded Council that the NDP has declared the Hornets playing fields as a 'Public Open Space' which might impact the justification of this application. Cllr Drake encouraged the residents to lobby the Ward Councillors. After a vote, In favour (5), abstentions (1 – Cllr Hitchcock), Council agreed to object and Cllr Burrow & Drake agreed to draft the objection based on the 4 grounds of objections.</p>	<p>RD/AB</p>
<p>11. Planning Applications</p>	
<p>a. There were no new reports on potential significant planning violations for Council to consider. Cllr Lloyd asked the Clerk if he had received a response from SMBC regarding correspondence concerning the demolition of HS2 buildings on the Truggist Hill Farm site. The Clerk confirmed that nothing had been received from SMBC. Council agreed to ask Cllr Diane Howell (SMBC) to intercede on this matter. Cllr Drake agreed to write as chairman to make this request.</p>	<p>RD</p>
<p>b. Council considered the response to a resident's FOI request concerning planning application 2019/01449 (132 & 134 Meeting House Lane) which was approved by SMBC. During discussion, the Clerk reported that his letter to SMBC asking for clarification regarding why this application was not considered by the Planning Committee had been responded to by the SMBC Enforcement Officer, David Wigfield (a copy had been circulated to all members). Mr Wigfield had stated that the SMBC Head of Service and Chairman of Planning Committee had approved the use of 'delegation arrangements' to make the decision. This was despite more than 6 objections being received. Cllr Burrow reported that SMBC have acknowledged that 8 valid objections had been received but the decision had been taken not to refer the matter to the Planning Committee. Cllr Burrow stated that it is believed this is unprecedented. Cllr Burrow suggested that the Clerk should write to SMBC asking what authority was used to make this decision. After further discussion it was agreed that Cllrs Burrow & Lloyd, together with the resident who made the FOI request, will draft a letter for the resident to send to SMBC.</p>	<p>AB/RL</p>
<p>c. Council to consider if the current practice for reviewing planning applications should be continued - This agenda item was not discussed and will be included on the agenda for the November meeting of the Parish Council</p>	
<p>d. The following list of planning applications was considered by Council. Council noted that the consultation period on all the applications had expired and as the clerk had not been asked to request an extension for any of them, no responses would be made to SMBC.</p>	

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Ref	Location	Proposal	Response Date
2019/02095	The Cottage Tanners Lane Berkswell Solihull	Two storey front extension.	30.09.19 Consultation period passed
No comment			
2019/02160	Oakhurst Kenilworth Road Balsall Common Solihull	Certificate of lawful development for existing use as a residential dwelling for over 10 years.	30.09.19 Consultation period passed
No comment			
2019/02352	Oakview Green Lane Balsall Common Solihull	Garage extension.	07.10.19 Consultation period passed
No comment			
2019/02113	The Coach House Berkswell Hall Meriden Road Berkswell	Removal of various incidental buildings and construction of new car port/log store and equipment store.	10.10.19 Consultation period passed
No comment			
2019/02280	97 Kelsey Lane Balsall Common Solihull CV7 7GS	Single storey granny flat extension to the rear - Amendment to planning approval PL/2019/00413/MINFHO to raise height of existing walls with a new flat roof & porch extension to the front.	15.10.19 Consultation period passed
No comment			

12. Financial Matters

- a. The following invoice payments were approved 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 represented expenditure previously approved by the Council.

Invoices for Payment	Approval	Cheque No	Gross Amount £	VAT £
R Wilson - Clerk's Salary October 2019	Admin	002238	Redacted *	0

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R Wilson – reimbursement of postage & admin costs	Admin	002239	116.25	14.33	Clerk
A Burrow – reimbursement of cost of gravel used in the re-siting of the stocks on the village green	Maintenance	002240	5.95	0	
J Hickin – October instalment of the Grass Mowing contract	Contract	002241	187.50	0	
J Hickin – grass cutting on Spencer’s lane roundabout - Aug	Contract	002241	25.00	0	
J Hickin – grass cutting on Spencer’s lane roundabout - Sep	Contract	002241	25.00	0	
Total (excluding Clerk’s salary)			359.70	14.33	

* The Clerk’s net pay is not shown as this is private information

In addition to the above, the Clerk used his delegated powers under Financial Regulation 5.5 to authorise the following payment; Payee – Gough’s Joinery; Details – Village Stocks repairs; Cheque No 002237; Date: 12/09/19; Amount - £240.00.

b. Payments received – Council noted the following receipts:

- J McGarry (contribution to Wind Survey) £500 on 30 August 2019
- SMBC (2nd instalment of precept) £12,997.50 on 9 September 2019

13. Payment of contribution to the maintenance of Berkswell graveyard – In light of recent additional advice received from NALC, Council considered the following motion: “This Council agrees to give notice to the PCC that at the end of the current mowing contract we will be unable to continue making a general contribution to the maintenance of the Berkswell graveyard”. Cllr Edwards commented that she thought it is a shame that Council is having to take this action. Cllr Lloyd commented that he didn’t think there is a conflict between the 1894 and 1972 Acts and was opposed to stopping the contributions. The Clerk stated that in the statutory annual return (AGAR) the Clerk and the Council have to declare we have not acted outside our powers and asked if Council would be prepared to make that statement if payments were to continue beyond the end of 2019/20. Cllr Lloyd stated that he would be in favour of continuing with the payments. Cllr Burrow stated that he intended to seek further independent legal advice on an informal basis. Council agreed the motion unanimously but to change the word ‘will’ to ‘may’ to warn the Parish Church of the possibility that we will have to stop payments.

Clerk

14. Risk Management

- a. There were no new finance and risk events to discuss
- b. Risk Framework – nothing to report
- c. Risk Register – nothing to report
- d. Tree Survey – Council noted that the Clerk has instructed Midland Forestry to conduct the agreed tree surgery and is awaiting confirmation about when this will take place.

15. Actions Arising from Previous Meetings

- a. Council noted the status of agreed actions from previous meetings as circulated (a copy is available on the Council website). Cllr Burrow reported that the cost of a barrier to close the Spinney car park would be £1,000 per item (2 would be needed). Council agreed to purchase bollards for up to £100 to facilitate closing the car park in adverse conditions.
- b. Council discussed the recommended actions arising from the asset inspection which took place on 24 July 2019 and agreed who will be responsible for

Clerk

carrying out the actions, as follows:

Item No	Agreed Action	Who
2	Instruct our contractor to carry out the work on Bench 1	Clerk
9a	Instruct our contractor to carry out the work on car park fences	Clerk
10	Instruct Midland Forestry to carry this out as part of their survey (oak tree on the village green)	Clerk
16	Two Cllrs and Bob Marriott agreed to carry out the inspection of the war memorial	AB
22	Agreed not to move the canon but advise Berkswell Charities of future inspections	RD
23 & 24	Ask volunteers to clean the benches and notice boards	DE

16. Correspondence

- a. Council noted the correspondence Cllr Hitchcock had received from a resident regarding Hampton in Arden Parish Council’s concern about highway safety, site access, the lack of public transport and “much more”. The resident specifically requested that Berkswell Parish Council support Hampton in Arden Parish Council’s objection to planning application 2019/01702/PPFL Woodhouse Farm - change of use from rough pasture to burial ground. Cllr Drake commented that, as this was not a formal request from Hampton in Arden PC, the Council could not become involved. This was agreed.
- b. A resident (Jenny Thompson) had contacted the Chairman to discuss paying for a new tree on Berkswell village green in honour of her father, John Webb, a very well-respected local resident. Jenny Thompson asked for a statement to be read by the Chairman asking for a new tree for Berkswell Village Green. Cllr Burrow stated he was in support of this proposal to fund a tree and suggested the addition of a small plaque stating who paid for the tree. Cllr Hitchcock stated that care was needed in choosing the species of tree to avoid risk of disease. Council agreed to take Cllr Hitchcock’s advice. Council confirmed their acceptance of this offer and agreed that Councillors Drake and Burrow will work with the Clerk to make the arrangements.

17. NALC Election Survey – Council agreed to authorise the Clerk to complete a response on the Council's behalf.

18. Ongoing References

- a. Review of inventory of land and assets
 - i. Kelsey Lane Bus Shelter – Council noted that the application to Register this land has been submitted to HMLR by the Clerk but confirmation of the outcome has not as yet been received
 - ii. The Well area – Council noted that the application to register this land as a village green has been submitted to SMBC by the Clerk but confirmation of the outcome has not as yet been received, D Howell agree to look out for this.
- b. Neighbourhood Development Plan - Meriden PC NDP - Council noted that Meriden PC are conducting a regulation 14 consultation on their draft NDP. Council considered and agreed the following motion: “This Council agrees to ask the Clerk to write to Meriden PC supporting their draft NDP”.
- c. Solihull Local Plan – Council noted that the new Cabinet Member responsible for the Solihull Plan has agreed to meet with a representative of the PC (the

RD/AB
& Clerk

Clerk

Clerk

<p>Chairman) plus a representative from Balsall PC. Council agreed that the key agenda items from the Berkswell perspective are:</p> <ul style="list-style-type: none"> • The concept plan to fully reflect the Berkswell NDP particularly policies B1 and B3 • Balsall Common village centre improvement including enhanced car parking • An effective plan to provide new school places before any development of allocated sites • building on allocated sites to be phased to avoid overloading Balsall Common with change/HGV traffic with particular reference to HS2. • The failure of SMBC to respond to letters regarding TPO requests on Barratt’s Farm • That no greenfield-green belt land south of Old Waste Lane should be removed from the green belt beyond that in allocation 3 or brownfield land. <p>Geoff Wheeler asked if SMBC could be asked if they have read the correspondence sent on behalf of the Meeting House Lane Action Group. Cllr Burrow suggested that GW writes to SMBC directly rather than add it to the BPC list.</p> <p>d. HS2 - Council discussed making an input into the Independent Review of HS2. Council agreed that the input will support cancellation of the project on the basis that it does not provide value for money and the money can achieve better returns for the nation elsewhere; in particular Northern Powerhouse rail and improving the railway stock in the northwest. A detailed text had been circulated to Councillors containing the factual supporting evidence and it was proposed to sign a joint letter with Balsall PC if practical. Council agreed the following motion: “This Council agrees to authorise the Clerk to make minor adjustments as appropriate after the meeting to either a sole or joint letter with Balsall PC”.</p> <p>e. TPOs – Council noted that the Clerk has not received any further communication from Gary Palmer following the meeting with him in July.</p>	<p>Clerk</p>
<p>19. Removal and additions to Ongoing References</p>	
<p>Removals:</p>	
<p>Additions:</p>	
<p>20. Training and Meetings</p>	
<p>a. Council received the following reports from attendance at events and meetings. Cllr Edwards had attended the WALC Chairmanship Skills course which she found to be very informative. Cllrs Lloyd & Hitchcock had attended the Midlands Tree Wardens forum which covered more on the importance of tree canopy cover and they learned about memorial trees and how to select trees that will flourish and have long lives. Cllr Hitchcock stated that there is a lesson to be learned about tree planting and trees planted in Berkswell will have to be done properly in future.</p>	
<p>21. Heritage and Community</p>	
<p>a. Grass Mowing & General Maintenance Contract - Council agreed to requesting its contractor to cut back the vegetation from around the council owned telephone box on Spencer’s Lane which is a listed monument.</p>	<p>Clerk</p>
<p>a. Climate change – Council noted that a meeting had taken place with interested residents on 15 October. The chairman gave a verbal update. In summary, there are a number of things this Council could do or support the community, to combat climate change. Residents have asked for a councillor to act as a conduit</p>	

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<p>for their views. Cllr Hitchcock volunteered to do this. Cllr Drake stated that he is to attend a general conference in the area.</p>	DH
<p>b. Balsall Common Festival – Council agreed the following motion: “Council to write to the Balsall Common Festival Committee to congratulate them on the successful Fete held in Lavender Hall Park on 21st September and thank them for their work on behalf of our community”.</p>	Clerk
<p>c. Hodgett’s Lane - Council noted that Harry Savage from SMBC Drainage and Flood Risk Management has been supplied with details of the eroded bank on Hodgett’s Lane by Councillor Burrow.</p>	
<p>d. Berkswell Traffic Project – Council noted that financial support for this project from HS2 Ltd can only be obtained from the approx. £2 million road safety fund allocated to SMBC and not the community fund. Council agreed to seek the support from Borough Councillors to ensure that the project is funded from this road safety fund. Cllr Howell (SMBC) agreed to speak to Ashley Prior re the ‘Better Streets Fund’. Jane Edwards stated her objection to Jonathan Lord’s inference in the press that Berkswell had not applied for grant support. JE also stated how difficult it is to apply for grant funding and HS2 appear reluctant to meet local communities to offer advice.</p>	
<p>e. Damage to planters - Council noted that its planters on the station were the subject of vandalism. The “station master” Graham Gardner cleared up the mess and Berkswell Society volunteers have cleared the boxes for autumn replanting in about 2 week’s time as part of the Balsall Common planting programme agreed in May 2019. Council agreed to write to Graham Gardner thanking him for replanting the Planters (Cllr Burrow agreed to provide contact details).</p>	AB & Clerk
<p>f. Primary Schooling - Council noted there had been no response from SMBC on its submission regarding school places in Balsall Common</p>	
<p>g. Local Working Group – Council noted Balsall PC’s response to the proposal for a Balsall Common centre joint working group and agree any necessary action. Council noted that Balsall PC supported the proposal. It was proposed to nominate Cllrs Howles & Drake and David Bell (subject to his agreement) to join the 2 Balsall PC nominees on the working group. This proposal was agreed by majority vote (Cllr Lloyd abstained). Cllr D Howell (SMBC) requested that the Ward Councillors are kept informed and ideally be involved. Cllr Howell agreed to consult with her fellow Ward Councillors in terms of how they could engage.</p>	
<p>h. Polling Place Review - Council discussed the Polling Station review and considered the following motion: "In the interest of increased engagement from the Berkswell Parish electorate to make representations to Solihull that the Polling Station should be relocated to the Balsall Common part of Berkswell Parish where the majority of Berkswell Parish residents live and there are several suitable venues”. This motion was not approved following a vote For = 1 (RD), Against = 5. Cllr Burrow suggested that residents should decide and Cllr Drake encouraged residents to make their feelings known to SMBC.</p>	
<p>i. VE Day celebrations – Council discussed possible arrangements for an event to celebrate the anniversary of VE Day. Council agreed to support in principle the idea of a joint event in Balsall Common arranged by both Parish Councils to take place on 8 May 2020. Cllr Edwards reported that Berkswell Village is thinking of a street party on the Saturday (9 May) so as not to conflict with the BC event on the Friday. The Chairman agreed to wait for proposals and requests for funding to be submitted.</p>	

- j. Christmas trees - Council noted that a volunteer has been found to look after a temporary Christmas tree on Kelsey Lane.
- k. ATMs for rural areas - Council considered the following motion: “this Council agrees that Councillor Edwards will report back to the next PC meeting in November on whether an application for a local ATM in Berkswell Village has support and, if so, what location(s) are proposed. Council will then consider any further action

22. Parish Councillors Opinion Cllr Hitchcock commented on two recent incidents of shed loads, one where a lorry ended up in a ditch. He advised that the authorities should look at safety of lorries carrying loads when digging drainage ditches. Cllr Edwards reported further dumping in Baulk Lane and D Howell confirmed that SMBC do put up signs warning against tipping. Council agreed to fund a wreath for the Remembrance Service on 10 November. Cllr Hitchcock agreed to obtain the wreath

23. Next Meeting

Ordinary Meeting of the Council, 21 November 2019 at 7.15pm, to be held in the Balsall & Berkswell Hornets Clubhouse, Lavender Hall Lane, Berkswell.