

## Berkswell Parish Council – Ordinary Meeting 23 January 2020

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Jordan Room, St John Baptist Church, Berkswell on 23 January 2020 at 7:15 pm.

	Action by
<p><b>1. Attendance</b> Cllrs Drake, Burrow, Cooper (until 20:35pm), Lloyd, Hitchcock, Howles &amp; Edwards, the Parish Clerk &amp; 12 members of the public.</p> <p><b>2. Apologies for absence</b> Cllr D Howell (SMBC), Cllr K Allsopp (SMBC)</p> <p><b>3. Acceptance of apologies for absence</b> Accepted</p> <p><b>4. Declarations of Interest</b></p> <p>a. The following declaration of interests on items on the agenda were made:</p> <ul style="list-style-type: none"> <li>• Cllr Burrow declared an interest in a payment to reimburse him for Xmas tree related costs (Item 11a)</li> <li>• Cllr Burrow declared an interest in Item 19diii and it was agreed he could speak to the item but not vote</li> </ul> <p>b. There were no written requests to disclose 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><b>5. To approve Minutes of the following meeting:</b> The following minutes were approved and duly signed by the chairman: Ordinary Meeting of the Council held on 21 November 2019 Extraordinary Meeting of the Council held on 16 January 2020</p> <p><b>6. Matters arising from the previous meeting requiring attention</b> There were no matters arising to consider</p> <p><b>7. Open Forum</b> Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes. Penny Stableforth commented that big trucks are coming down Spencer's Lane through Berkswell Village, and that there had been two incidents of dumping on the road side (from a lorry). Cllrs advised residents that a registration number would be very helpful in tracking down the offenders. It was also reported that water is still gushing down Hodgetts Lane. The water is flowing onto Truggist Lane at the junction with Hodgetts Lane. Cllr Burrow agreed to check when the promised rectification work was due to be undertaken and to talk to Cllr Diane Howell if there appeared to be an undue delay. Cllr Hitchcock commented that street furniture has been damaged and a telegraph pole on the Coventry Road has been snapped off. Cllr Drake encouraged residents to report such matters to SMBC.</p> <p><b>8. Borough Councillor's Report.</b> There were no Borough Councillors in attendance. Cllr Burrow commented on how helpful Cllrs Howell and Diccico have been in sorting out issues.</p> <p><b>9. Policies and Procedures</b> – Council noted that the revision of Standing Orders is still work in progress</p> <p><b>10. Planning Applications</b></p> <p>a. Council considered reports on potential significant planning violations as follows:</p>	AB

- Penny Stabelforth reported on a new steel frame barn at almost the same location as the dogs exercise ground on a footpath (M204) off Spencer’s Lane (past Moggs & Dogs) where kitchen & bathroom furniture has reportedly been delivered. Apparently, another resident had reported activity at the barn to SMBC who have stated they were yet to make a decision on ‘change of use’, but have stated this is not a priority. Council agreed to write SMBC to ask what the planning status of the barn currently is. It was also reported that there has been current activity, including the erection of a 2 metre high close boarded fence, on the Moggs & Dogs site, but it is not clear if this has planning permission. In addition, a large number of cars have been reported arriving and parking at Moggs & Dogs with attendant loud noise. It was agreed to ask SMBC to confirm the status of the Planning Application (2019/01493) relating to the dog exercise area off Spencer’s Lane (grid reference for the site is 257 778).

Clerk

b. Planning enforcement – Council noted that there are outstanding responses by Solihull MBC in respect of:

Clerk

- non-demolition of the superseded buildings and hard-standing at Truggist Hill Farm
- the erection in the Green Belt of the swimming pool building and new fencing at Beechwood off Hodgetts lane.
- Hawkhurst Moor Farm - alleged wood processing and chipping operation. A resident has advised the Council that it has been some time now since the matter was raised with SMBC and the operation is still carrying on as before and has asked SMBC for an update of the latest status
- Lighting on the wall outside 132 And 134 Meeting House Lane

Council asked the Clerk to go back to SMBC requesting responses.

Clerk

c. The following list of planning applications were discussed and responses agreed.

Ref	Location	Proposal	Response Date
2019/03147	Garage Oakfield Farm Bradnocks Marsh Lane Bradnocks Marsh	Vary condition Nos. 1 - approved plans on planning approval PL/2016/02807/PPFL - Garage conversion to form 1 No. new dwelling including changes - extend the first floor to allow a more usable space; Amend first floor to include balcony. Amendments to fenestration.	<del>10.01.20</del> 23.01.20
Council agreed to object on the grounds that the building will be larger than the original footprint as it will be extended at both ends and in the central part, so will be materially larger and more intrusive than that envisaged when the original approval was granted. Consequently, the application conflicts with Policy P17 Countryside and Green Belt (i.e. unacceptable development in green belt).			
Council also noted there is a pending planning appeal against the Council's refusal of permission for conversion of another building on the site			

Clerk

Berkswell Parish Council – Ordinary Meeting 23 January 2020

2019/03198	Alexanders Stables Spencer's Lane Berkswell Solihull	Change of use of land and existing buildings from agricultural use to Children's farm together with erection of additional animal enclosures and resurfacing of access track.	27.01.20
Council voted 4:2 against making an objection			
2019/03155	89 Kelsey Lane Balsall Common Solihull CV7 7GS	Two storey side extension to provide enlarged garage to ground floor with lounge and bedroom to first floor and front full width porch.	31.01.20
Council voted 4:3 against making an objection			

**11. 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 January 2020	Admin	002261	Redacted	0
F Weetman & Son – correction of original invoice	S.137	002262	84.99	14.16
Berkswell PCC – room hire	Admin	002263	50.00	0
A Burrow – reimbursement of costs concerning Xmas trees	S.137	002264	53.56	3.75
<b>Total (excluding Clerk's salary)</b>			<b>188.55</b>	<b>17.91</b>

Clerk

In addition to the above, Council noted that the Clerk used his delegated powers under Financial Regulation 5.5 and agreement under Item 12 21/11/19, to authorise the following payments;

Invoices Paid in December 2019	Approval	Cheque No	Gross Amount £	VAT £
R Wilson - Clerk's Salary December 2019	Admin	002247	Redacted	0
R Wilson – reimbursement of admin expenses	Admin	002248	123.25	18.10
Councillor allowances Oct to Dec 2019	Cllr Allowances	002249 to 002255	1,056.36	0
HMRC – PAYE Oct to Dec 2019	Pay	002256	763.57	0
SMBC – grant to Balsall Common Library	Item 12f 21/11/19	002257	300.00	0
WALC – training courses for RD & DE	Training	002258	76.00	0
F Weetman & Son – Christmas trees	S.137	002259	338.03	56.34
J Hickin – maintenance work (including new Spinney fence)	Contracts	002260	1,013.39	0
<b>Total (excluding Clerk's salary)</b>			<b>3,670.60</b>	<b>74.44</b>

<p>b. Council agreed that councillors Burrow, Edwards and Hitchcock would be available to sign cheques at the end of the meeting.</p> <p>c. Payments received – none</p>	
<p><b>12. Q3 2019/20 Management Accounts</b> – Council noted the management accounts for quarter 3 of 2019/20 (copy available on the website)</p>	
<p><b>13. Risk Management</b></p> <p>a. Council discussed the following new risk event – Cllr Edwards reported that The Pound has been flooding recently but this doesn’t appear to be impacting surrounding area. Cllr Burrow agreed to inspect the walls to ensure no structural damage has occurred.</p> <p>b. Risk Framework – nothing to report</p> <p>c. Risk Register – nothing to report</p>	<p>AB</p>
<p><b>14. Actions Arising from Previous Meetings</b></p> <p>a. Council noted the status of agreed actions from previous meetings as circulated (a copy is available on the Council website). Cllr Drake advised Cllr Cooper that action 376 (to circulate a copy of her letter to SMBC regarding the Hornets Licence Application) was still outstanding. Cllr Cooper acknowledged that she was aware of this.</p>	<p>SC</p>
<p><b>15. Correspondence</b> nothing to report</p>	
<p><b>16. Ongoing References</b></p> <p>a. Review of inventory of land and assets</p> <p>i. Kelsey Lane Bus Shelter – Council noted that the application has been refused due to a technicality. The Clerk is in the process of responding to HMLR</p> <p>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. The application has been acknowledged but confirmation of the outcome has not as yet been received</p> <p>b. Solihull Local Plan –Wendy Wilson reported that she had been informed that the consultation on the Plan is likely to take place this summer with the examination taking place during the winter.</p> <p>c. HS2</p> <p>i. HS2 Implementation Advisory Group meeting 16 January 2020 - Council considered the following motions:</p> <p>1. Further to attendance of 3 Members of this Council at the meeting of the Solihull MBC HS2 Implementation Advisory Group on 16 January 2020, Council to request Solihull MBC to:</p> <ul style="list-style-type: none"> <li>• implement the recommendation of their officers about the proposed mitigation ponds near 16-Acre Wood (ref PL/2019/03144/HS2DIS - net loss of area, loss of connectivity, lack of information, unnecessary fencing, unnecessary footpath diversion)</li> <li>• ensure HS2 Ltd complies with the terms of the Schedule 4 approvals for temporary closure of footpaths (footpath M216 blocked in 2 places since last autumn)</li> <li>• enforce the planning condition on HS2 Ltd to clear the redundant buildings and hard-standing at Truggist Hill Farm (to reduce flooding of the Greenway, ref PL/2016/01233/PPFL Condition 4) It was agreed that this point was covered by item 10b</li> </ul>	<p>Clerk</p>

- ensure the adequacy of information and signage during the temporary simultaneous restriction of traffic on Truggist and Lavender Hall Lanes and to limit the time the restrictions are applied (in breach of assurances given to Commons Select Committee 1 Dec 2014)
- to make public details held by Solihull MBC about the proposed Temporary Greenway (since Solihull MBC has acquiesced to the deferral of a planning application until after construction and non-compliance with relevant assurances given by HS2 Ltd to Parliament), and
- improve the accessibility of information on the Solihull MBC website on HS2 (and other topics)

After presenting the above motion, Cllr Lloyd proposed that the Council should write to SMBC on each of the above items. In response, Cllr Burrow commented that the motion contained assertions without providing evidence. Cllr Burrow provided an explanation as to why he was of this opinion and asserted that, in any case, SMBC is not the enforcing authority on all the issues raised. Cllr Burrow asserted that the Kenilworth Greenway was still under the ownership of Warwickshire County Council and that the closure was not due to HS2 Ltd. Cllr Burrow’s contention was that writing to SMBC would achieve nothing but could have a negative impact on BPC’s reputation.

There was no seconder for the original motion consequently the proposal failed.

2. Council to request HS2 Ltd to comply with assurances given to Parliament about:

- adhering to designated routes for all construction traffic (ref complaint made by Council and others about traffic in Berkswell village and Old Waste Lane.)
- keeping Kenilworth Greenway open until a temporary alternative route is available (route closed by HS2 Ltd since last autumn at Beanit accommodation bridge), and
- constructing Temporary Greenway to width and standard declared to Parliament.

There was no seconder for the original motion consequently the proposal failed.

ii. Council considered the following motion: “This Council recognises that the planning applications from HS2 Ltd and its contractors will be significant in number but Council also recognises that the Act provides outline planning permission for the project. Council recognises that it has almost no power to influence the action by HS2 Ltd and has very limited resources available in councillor and Clerk time. In order to focus its resources most effectively Council agrees to the following actions to maximise its impact

1. The Clerk is authorised to give notice to SMBC that it wishes to raise issues with respect to any particular HS2 Ltd or contractors planning application, if a majority of the council indicate informally that they so wish for such a notice be given and for the PC to discuss a particular planning application regarding HS2

<p>2. Where such a notice is given, the Clerk will convene an EM of the parish council to consider the matter and define the Council’s position (if any) with respect to that planning application.</p> <p>3. With respect to any planning application, the Clerk is authorised to inform the planning officers of any factual evidence that appears to have been missed relating to the current position on the ground e.g. footpaths not shown on the planning application which are to remain open according to the Act.</p> <p>4. Standing orders will be amended with immediate effect to reflect this motion. Section 6 of standing orders is amended accordingly with respect to calling EMs on HS2 matters</p> <p>Cllr Lloyd commented that the default position should be that HS2 planning matters are discussed in public and that the Council should respond to all planning applications. Cllr Lloyd also pointed out that, under the Local Government Act, and Extraordinary Meeting could be requisitioned by any 2 councillors. Cllr Burrow responded that the Council would need to know several members of the public wanted to make a representation before considering an Extraordinary Meeting. Items 1, 2 and 3 of the motion were agreed. Following a challenge by Cllr Lloyd to item 4, that the rules for calling an EM could be changed in Standing Orders, Cllr Burrow proposed an alternative motion that an EM will be called if 4 councillors request it (as an agreed way of working rather than a change to Standing Orders). This went to a vote and was agreed 4:1(Cllr Cooper had left the meeting and Cllr Hitchcock abstained).</p>	<p>Clerk</p>
<p>iii. Council considered the following motion: “This Council agrees that its response to the consultation by HS2 Ltd with respect to Common Design Elements will be as the proposals developed by the cross-community group comprising Richard Lloyd, Ken Shaw, Malcolm Hickin and Andrew Burrow.” It was agreed to send this response to HS2 and Councillor Burrow agreed to forward details of the appropriate address to the clerk.</p> <p>d. TPOs – To receive any update from Cllr Diccico who agreed to discuss the matter with Perry Wardle. In the absence of Cllr Diccico this item was deferred to the next meeting.</p> <p>e. Local infrastructure working group – Council noted the following:</p> <p>i. Residents’ and community group survey – Councillor Burrow reported that over 850 responses have been submitted to date.</p> <p>ii. The working group will meet to assess results and develop recommendations on 7th February at 10:00 in the Jordan Room, which is a meeting in public, and one which all councillors can attend and give their response to the survey results.</p> <p>iii. That a recommendation will be made to Council for approval on 13th February 2020 with regards to future infrastructure needs for Balsall Common arising from the SMBC draft housing plan. Council noted that this date is dictated by purdah caused by the SMBC elections in May.</p> <p>iv. That an expression of interest has been made for a grant from the LEP to fund a Balsall Common centre master plan study in conjunction with Balsall PC. This will cover 50% of the cost.</p>	<p>Clerk/AB</p>
<p>v. The Council confirms its approval for the meeting room costs of the working group. This was agreed</p>	<p>Clerk</p>

**17. Removal and additions to Ongoing References**

Removals: NDP

- Hodgetts Lane
- ATM for Berkswell Village
- Primary schooling
- Climate Change

Additions: None

**18. Training and Meetings**

- a. Council received a report from Cllr Drake who had attended the Precept training course. He commented that good practice in setting the level of reserves and contingencies supported our own budget setting process.

**19. Heritage and Community**

- a. Strengthening police powers – Council noted that the government is currently running a public consultation on unauthorised encampments and police powers. Parishes are being encouraged to either respond directly to Government or respond via NALC. Parish Councils have until the middle of February 2020 to respond. Cllr Drake commented that BPC have no direct experience of this. Consequently, it was agreed not to respond.
- b. Proposed Housing Allocation: Barratt's Farm – Council considered the following motion: "Council confirm that Councillors Drake and Burrow can arrange to visit The Pegasus Group to discuss issues associated with the concept plan for Barratts Farm and the Berkswell NDP. Councillors Drake and Burrow, as the Secretary and Chairman of the Berkswell NDP Committee, being best informed to engage with Pegasus. Council specifically gives Councillor Burrow dispensation to take part. Any discussions to be reported back to Council at the earliest opportunity." The motion was agreed. Cllr Lloyd asked the Chairman if he would reiterate that BPC oppose the development. This was agreed.
- c. The Well - Council considered the following motion: "Council to note that the Berkswell Well has been overflowing during/following the recent heavy rainfall. Council to note that the Well is not owned by the parish council nor anyone else and that a partially/fully blocked outfall pipe across private land might well be the cause as indeed might be the volume of water entering the well. Council to note that Severn Trent state to residents that they are not responsible presumably because they are responsible for clean water supply and sewage disposal. Council to note that there is no evidence of a broken clean water supply pipe nor sewage issue. Council to consider seeking legal advice as to whom could be responsible" It was agreed to seek professional (rather than legal) advice as to whom could be responsible.
- d. Christmas trees – Council noted and approved:
  - i. The Council to thank Jim Ellis, Mike Cooper, John Cairns, Neil Birtley, Joy Fine and Andrew Burrow for organising the 9 Christmas trees in Balsall Common. Letters of thanks to be sent by the Clerk
  - ii. Council to note repeated vandalism to Christmas trees near the station and to thank Graham Gardner for his support. Council to approve a move to tinsel rather than baubles for 2020 and authorises the Clerk to buy appropriate tinsel as appropriate. It was agreed that the Clerk would purchase up to £50 worth of tinsel.

Clerk

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Clerk

Berkswell Parish Council – Ordinary Meeting 23 January 2020

<p>iii. Council agrees to authorise the reimbursement of Councillor Burrow who spent £28 to replace baubles in the absence of the Clerk over the Christmas period.</p>	<p>AB</p>
<p>iv. Council to note that in the absence of a replacement facility to distribute and recover Christmas trees in 2020, the “festival” of trees cannot be repeated. A request was made for someone with a van or trailer to volunteer.</p>	
<p>e. New Meriden MP - Council noted that the new MP has asked to meet parish councillors and considered the following motion: “Council to agree to invite the new Meriden MP, Saqib Bhatti, to visit Berkswell Parish to view Barratts Farm and discuss the Solihull Local Plan with residents. The visit to be timed when the weather has improved and to be in conjunction with the Barratts Farm Action Group. NB it is envisaged this will be a similar agenda to the Andy Street visit. The Clerk is authorised to meet reasonable costs to facilitate any meeting with the new MP and also the informal meeting with Parish Councillors which will not be open to the public”.</p>	<p>Clerk</p>
<p>f. VE Day event – Cllr Burrow reported that the two Parish Councils were still awaiting approval from SMBC to close the street</p>	
<p>g. BBQ 2020 - Council was advised of a conflict of dates on the day following the proposed date of the Berkswell village fete, 20th June and the Velo and the impossibility of a BBQ on that evening. Council noted that the open gardens event will be held on 28th June. In view of this the council agreed the date for the 2020 BBQ as Saturday 27<sup>th</sup> June.</p>	<p>Clerk</p>
<p>h. Bus service from Berkswell Gate to Berkswell School – Council noted a letter from a resident concerning the parking at Berkswell School along with the travel to and from. She states that it has been a concern for many persons over the years and has caused issues along the way, which she feels is only going to increase with the presence of HS2. The resident has been liaising with the HS2 representative team over the last few months to establish what, if any assistance they can provide. On each occasion they have been extremely encouraging in their words and assistance. The resident is now asking the Parish Council that consideration be given to supporting and applying vigorously for funding to support FREE places for all school children on the school bus so we may help the environment, help reduce road traffic collisions and the risk of, foster the usage of public transport and improve the quality of life for many. Consequently, Council to consider the following motion: "council to decide whether it has the resources, in terms of people hours given its current vital community projects, to progress this concept and whether residents or individual councillors are willing to devote their time to making it happen". Council agreed to write back to the resident informing her that the Berkswell Project is likely to get substantial funding but the Parish Council does not have the resources to make an application for free school bus places. However, if she can assemble a group of volunteers, then the parish council will sponsor the project and one Councillor will make time to help with initial planning.</p>	<p>Clerk</p>
<p>i. Flooded footpath (M196) by Carstins – Council discussed the matter to determine if action is appropriate. Martin James raised this issue initially (7/03/19) and Keith Tindall raised with David Keeney (SMBC). KT commented that the flooding is unacceptable for a public footpath. KT asked for BPC to support residents and residents’ associations, who are concerned, in raising the issue with SMBC. Council agreed to back this request. Cllr Lloyd commented that he</p>	



<p>believed the footpath was diverted from its original line because of the siting of the Communications Mast and Carstins extending their car park. Cllr Lloyd reported that he has served legal notice on SMBC on two previous occasions regarding this part of the footpath. A Section 56 Notice has now been served as the footpath was out of repair but this notice expired in September 2019. Cllr Lloyd also commented that the Council should only consider legal action if there was a reasonable number of people prepared to testify about the problems [a number of residents present expressed willingness], and that there needed to be a clear understanding of the minimum action the Council would expect to agree with the Highway Authority prior to the expiry of the 6-month notice period of a section 56 notice. It was agreed that Cllrs Burrow and Lloyd and residents would make a site visit to agree what corrective action looked reasonable. Cllr Lloyd proposed that Council should serve a new Section 56 Notice on SMBC. Council agreed to this and Cllr Lloyd agreed to supply a completed form (Cllrs Lloyd, Drake &amp; Burrow will agree what to ask for in the Notice).</p>	<p>RL/AB  RL/RD/ AB &amp; Clerk</p>
<p><b>20. Parish Councillors Opinion</b></p> <ul style="list-style-type: none"> <li>a. Cllr Drake commented that he took part in an interview on Internet news regarding the latest announcement on HS2 funding.</li> <li>b. Cllr Hitchcock commended the SMBC Park Rangers’ guide to “Hedgerows of the Borough” and stated that residents could plant trees in a hedgerow which would add to the Solihull tree canopy. Council agreed to write to the Chief Exec of SMBC to ask him to pass on our thanks to whomever produced the SMBC guide to Hedgerows in the Borough and subject to Councillor Hitchcock confirming it had been completed satisfactorily, that the thinning of the woods in Lavender Hall park was welcome.</li> <li>c. Cllr Lloyd commented that he was on the Free Radio over the weekend discussing HS2, specifically flooding on A452.</li> </ul>	<p>Clerk</p>
<p><b>21. Next Meeting</b> Ordinary Meeting of the Council, 13 February 2020 at 7.15pm, to be held in the Balsall &amp; Berkswell Hornets Clubhouse, Lavender Hall Lane, Berkswell.</p>	