

Berkswell Parish Council – Ordinary Meeting 19 March 2020

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Jordan Room, St John Baptist Church, Berkswell on 19 March 2020 at 6:30 pm.

	Action by
<p>Before proceedings commenced the chairman asked attendees to take part in a 60 second silence in memory of Don Hitchcock who died on 13 March 2020.</p> <ol style="list-style-type: none"> 1. Attendance Cllrs Drake, Burrow, Lloyd & Edwards, the clerk, Cllr Diane Howell (SMBC) and 6 members of the public. 2. Apologies for absence Cllr K Howles, Cllr Diccico (SMBC) & Cllr Allsopp (SMBC) 3. Acceptance of apologies for absence Apologies were noted 4. Declarations of Interest <ol style="list-style-type: none"> a. Council received the following declarations of interest from Councillors on items on the agenda <ul style="list-style-type: none"> • Item 5 – all Councillors present have been named in the complaint from Mrs S Cooper • Item 14a - all Councillors will be receiving Councillor allowances b. There were no written requests to disclose pecuniary interests c. There were no requests for dispensations 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. Councillors to note that the current register is available via the following link http://eservices.solihull.gov.uk/mgInternet/mgParishCouncilDetails.aspx?ID=235&LS=3 <p>PART 1</p> <ol style="list-style-type: none"> 5. Complaint <ol style="list-style-type: none"> a. Council held a formal hearing into the complaint made by Sheila Cooper (a copy of the complaint is available on the Council's website under 'Agenda Papers') covering: <ul style="list-style-type: none"> • alleged behaviour of named Parish councillors • alleged breach of Standing Orders. b. The Chairman recommended that this item should be held in public which Council unanimously agreed. c. Council then received a report from the Clerk who had investigated the complaint. The Clerk reported as follows: <ul style="list-style-type: none"> • Having thoroughly reviewed the formal letter of complaint it is the Clerk's opinion that: <ol style="list-style-type: none"> 1) The majority of the complaint relates to alleged behaviour of named Parish councillors. Consequently, such complaints should be made with reference to the Councillor's Code of Conduct. As such, any complaint relating to this should be addressed to the Monitoring Officer at Solihull MBC as set out in para 2.2.1. & 5.4 of the Parish Council's Complaints Policy. 2) There are a number of points raised which are not relevant to Berkswell Parish Council 	

<p>3) The only complaint for consideration by the Parish Council is, therefore, the alleged breach of Standing Orders.</p> <p>d. At this point Council accepted the view of the Clerk and agreed that the complaints regarding named individual councillors could not be considered. The Clerk was asked to inform Mrs Cooper of this decision as this part of her complaint relates to conduct covered by the Nolan principles and/or the Council's code of conduct. The Clerk's informal advice to Mrs Cooper (email of 27/01/20) had been to seek conciliatory talks with the named individuals but she did not take up this advice. The Clerk also advised the complainant that she could, if she wished to, report the complaint to the Monitoring Officer at Solihull Metropolitan Borough Council who is legally responsible for any investigation of such complaints.</p> <p>e. Council then went on to consider the alleged breach of Standing Orders. The Clerk reported as follows:</p> <ul style="list-style-type: none">• It should be noted that NALC Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. Standing Order 7a does not contain any legal or statutory requirements.• It is noted that the minutes of the Parish Council's meeting on 21 November 2019 (Item 25e) stated "Council endorsed the agreement reached and authorised the Clerk to write appropriately to the licencing committee in support of the revised agreement". There was no recorded allegation that Standing Orders had been breached.• The alleged breach in Standing Orders falls into two parts:<ol style="list-style-type: none">1) The rescinding of a resolution within 6 months outside due process<ul style="list-style-type: none">• It is the opinion of the Clerk that the motion passed under Item 10 of the Council meeting held on 17 October 2019, to object to the licence application received by SMBC in respect of Balsall and Berkswell FC, Lavender Hall Lane, Balsall Common, CV7 7BN was not rescinded by the Parish Council.• Following compromise negotiations involving representatives of SMBC, Balsall & Berkswell FC, local residents, and two parish councillors, a new application was effectively created with significantly different proposals. This revised proposal was duly considered by Berkswell Parish Council under Item 25e of its meeting held on 21 November 2019 where Council endorsed the agreement reached (since the submission of the original application) and authorised the Clerk to write appropriately to the licencing committee in support of the revised agreement.• The original motion from 17 October 2019 was, therefore, in the opinion of the Clerk, overtaken by events and was not rescinded.2) A deal was brokered by two Parish Councillors outside Berkswell Standing Orders<ul style="list-style-type: none">• Mrs Cooper does not state which Standing Order she believes was breached in this instance.• The Clerk stated he did not believe there is a Standing Order which prevents a councillor from taking part in discussions with interested parties on a matter impacting local residents	
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<ul style="list-style-type: none"> • The Clerk forwarded an email on 5 November 2019 from a representative of the Balsall & Berkswell Football Club to all Berkswell Parish Councillors (who had access to email) which stated: <i>“A meeting was arranged early last week for Wednesday 6th November. Invites have been emailed to all residents who have made representations. The purpose of the meeting is for the club to hear your concerns and for us to go through our plans. I am delighted to say that Tazmin Kavde, (Licensing Officer for Solihull), has confirmed she will be present at the meeting. It would be great to see you on Wednesday 6th November at 8pm in the club house at the football club”.</i> • In an email dated 13 November 2019, one of the councillors involved emailed all Berkswell Parish Councillors (who had access to email) that he had helped to broker a compromise regarding the licence application and requesting councillors to confirm immediately that they are happy for the Clerk to write to SMBC withdrawing the PC previous objection. • The Clerk responded to this email on 14 November stating that, <i>“I have responded to SMBC's earlier request for me to confirm Berkswell PC's agreement to withdraw our representation. I have indicated that I cannot confirm this without a Council resolution (which would not be possible before next week) but I reported that 5 Members of the Council (out of 7) have indicated by email that they would be happy to withdraw and support the compromise reached with residents and the Hornets.”</i> • All the above was done openly and in the knowledge of all Parish councillors (with the possible exception of Cllr Hitchcock who did not have access to email) <p>f. Council agreed to accept the opinion of the Clerk that there had been no breach in Standing Orders</p> <p>g. Council confirmed to the Clerk that he should confirm the above decisions in writing to the complainant within seven working days of the meeting.</p> <p>PART 2 – commenced at 7:15pm</p> <p>The chairman opened Part 2 of the meeting at 7:15pm and immediately asked Councillors to adjourn to allow time to talk about the community’s response to COVID 19. This was agreed.</p> <p>In discussion it was agreed that the council would facilitate a leaflet drop to Berkswell residents by Balsall and Berkswell Community help. The leaflet will indicate that volunteers are ready to</p> <ul style="list-style-type: none"> • Collect and drop off shopping • Collect and drop off medicine • Be available for a chat • Perform other tasks within reason <p>The Group aim to have volunteers allocated for most roads in the area.</p> <p>The Council meeting resumed at 7:45pm</p> <p>Council agreed to move item 15 to the penultimate item.</p>	<p>Clerk</p>
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6. To approve Minutes of the following meeting (Draft minutes available on the Council’s website):

Council approved the minutes of the Ordinary Meeting of the Council held on 13 February 2020 which were duly signed by the Chairman.

7. Matters arising from the previous meeting requiring attention There were no matters arising not covered by the agenda.

8. Open Forum

Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes. As there had already been an informal discussion on the community’s response to COVID 19 there were no other requests to speak.

9. Borough Councillor’s Report. Councillor Howell reported that the main focus for SMBC was COVID 19 and how communities in Solihull were responding to the challenge. The informal discussion earlier in the meeting comprehensively addressed this issue. SMBC have agreed to cancel all council meetings until at least 16 April 2020.

10. Resignation of Councillor Cooper – Council noted a formal letter of resignation from Sheila Cooper dated 20 February 2020

11. Casual Vacancy – Following the death of Don Hitchcock Council on 13 March 2020, Council agreed to amend this motion to read “two casual vacancies”. Following the resignation of Sheila Cooper as Councillor of Berkswell Parish Council and the death of Cllr Don Hitchcock, two Casual Vacancies have arisen. Council are required to note this situation and formally declare the vacancies within a reasonable period of time (good practice suggests 21 days). A parish council must ensure that a casual vacancy is declared and publicly notified in accordance with Section 232 of the Local Government Act 1972. Council asked the Clerk to formally declare the vacancies.

12. Policies and Procedures – The revision of Standing Orders has now been completed and will be presented to the Council at its April 2020 meeting for formal adoption.

13. Planning Applications

a. There were no reports on potential significant planning violations for Council to consider.

b. Planning enforcement – Council noted the status of the following requests for information/action made to Solihull MBC in respect of:

- Truggist Hill Farm
- Beechwood
- Hawkhurst Moor Farm - Council to note emails sent on 14 January and 12 March to SMBC Planning Enforcement by a resident concerning planning issues at Hawkhurst Moor Farm
- 132 & 134 Meeting House Lane
- General planning concerns

It was agreed to roll forward consideration of this item.

c. The following list of planning applications were considered by Council.

Ref	Location	Proposal	Response Date
2020/00257	51 Meeting House Lane Balsall	Erect garden wall, electronic sliding gate and pedestrian gate at the front.	04.03.20

Clerk

Clerk

Clerk

	Common Solihull CV7 7GD		
It was agreed not to comment			
2020/00304	97 Kelsey Lane Balsall Common Solihull CV7 7GS	First floor roof extension over existing stairs.	13.03.20 extension requested
It was agreed not to comment			

Councillors were reminded that Council has agreed that they must come prepared to present a reasoned opinion if they have something they wish to discuss about a planning application.

14. 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 had 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 March 2020	Admin	002271	Redacted	0
Cllr Allowances – Jan to March 2020	Admin	002272 to 002278	951.05	0
HMRC – PAYE/NI Jan to March 2020	Admin	002279	691.86	0
SMBC – May 2019 Election costs	Admin	002280	750.40	0
DM Payroll Services – supplementary invoice	Admin	002281	10.00	0
Total (excluding Clerk's salary)			2,403.31	0

- b. Council agreed Cllrs Lloyd, Edwards, Drake and Burrow would sign cheques at the end of the meeting
- c. Payments received – none
- d. Bank Account balance – Council noted that the council's bank balance as at 29 February 2020 was £55,388.

15. Financial contributions to graveyard maintenance

- a. Council to note recent correspondence from St John Baptist Church stating that *“over the past long term the BPC have shared this cost 50:50 with the Church and I sincerely hope that this can continue. Can I, therefore, formally apply to BPC to accept 50% + VAT of the cost of Churchyard grass cutting for the next five years as per the detail [supplied]?”*. Council agreed to discuss this item in camera at the end of the meeting. The minute of this discussion will be marked “Private” and will not be available to the public.

Clerk

<p>b. Following a discussion, the Chairman proposed the following motion: <i>“This Council agrees to continue to share 50% of the graveyard mowing contract subject to:</i></p> <ol style="list-style-type: none"> 1. <i>A break clause after 4 years as this Council does not wish to commit the next elected Council beyond that period</i> 2. <i>There being no formal legal determination prohibiting the PC from doing so during the term of the contract”</i> <p>c. This motion was seconded by Cllr Burrow and was agreed unanimously</p> <p>d. The legal advice and consideration will remain confidential in accordance with normal legal principles and the FOI Act</p> <p>e. The Clerk was asked to write to Berkswell PCC confirming this decision and to agree the conditions of the contract with the supplier.</p>	<p>Clerk</p>
<p>16. Risk Management</p>	
<p>a. Council discussed the risk to the Council from COVID 19 with the following emergency arrangements agreed only for the duration of the crisis:</p> <ol style="list-style-type: none"> i. To authorise the Clerk to arrange for the printing of sufficient leaflets and posters to advise residents of community support available, up to a total cost of £500. ii. To delegate to the Clerk authority to make purchases on anything the Council legitimately requires (and has the power to purchase) subject to the Clerk informing all councillors by email in advance giving them 48 hours to object. iii. In the event that only one councillor is available to sign cheques, the Clerk is authorised to sign cheques as the second signatory, providing that all councillors are advised by email immediately, and that this action is reported to the next meeting of the Council. iv. If the Clerk is incapacitated/unavailable and necessary Council duties would otherwise not be possible to action, Council is authorised to open the “emergency envelope” giving details of how to access Council data. This envelope is currently in the possession of Cllr Drake, as Chairman, but Council requested that an identical envelope should also be supplied to Cllr Edwards as Vice-Chairman. Council would still require 2 other councillors to open the envelope providing that there were enough councillors available. The Clerk agreed to ensure that the details in the envelope were fully up to date. v. As it is likely that the remaining calendar of meetings will be cancelled, Council delegated the authority to decide the date, time and location of any future meeting of the Council, to the Chairman and the Clerk together. vi. All future planning applications will continue to be forwarded by the Clerk to all councillors (if possible). The Council will not comment on any planning application but Councillors would be free to comment as an individual if they so wished. 	<p>Clerk</p>
<p>b. Council agreed that, due to COVID 19 that the 2020 Parish BBQ will be cancelled</p>	<p>Clerk</p>
<p>17. 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). It was agreed to use ‘Best endeavours’ to move forward on agreed actions during Lockdown.</p>	<p>All</p>
<p>18. Correspondence</p>	
<p>a. see Item 15 (above)</p> <p>b. Letter from a resident (M Hickin) regarding the removal of trees and vegetation along the A452. In response to the concern that substantial trees and vegetation</p>	

was being removed, Council noted that they had suggested to HS2 they plant wild flowers (poppies) where land has been cleared.

- c. Spencer’s Retreat – Email from Chairman of The Langdale Trust requesting a meeting with the head of the Parish Council if possible. He stated that, *“One of the councillors has written a very untrue with lots of false allegations objection to our planning. It could be very damaging to our charity if it had ever got into the public domain. This person has also made a 2nd comment from The Countryside Charity which is being looked into by their head office as they never authorised it. I am really not happy and would appreciate a response asap”*. Cllr Drake reported that he had responded to this email as an individual making it clear the comments did not represent the Council’s position. Cllr Lloyd stated that objections to a planning application are available to the public so that the comments were effectively already in the public domain.

19. Ongoing References

- a. Review of inventory of land and assets
 - i. Kelsey Lane Bus Shelter – there was nothing further to report
 - ii. The Well area – Council noted that HS2 Ltd have now advised that they are unable to meet their own suggestion that one of their own project engineers would inspect the Well outflow because the HS2 project does not have the requisite skills. Consequently, Council were asked to approve a 2 step approach:
 1. To commission an investigation into the state of the well outflow pipe and cut back any roots therein with a view to assessing the state of the pipe and the option of lining the pipe to prevent a regrowth of roots. Cost £450
 2. Subject to confirmation that relining will work to seek funds from the HS2 Community fund and/or Severn Trent Community fund or other grant providers. Cost for 30 metres £2200.
 - i. Council to note that the pipe runs through two private gardens and the permission of those landowners will be required by the HS2 Community fund.
 - ii. Council to make it clear that it is merely facilitating this work and is not responsible for the Well.”

Council agreed the above as a back-up but will contact Seven Trent to seek their input. It was reported that Seven Trent attended yesterday (18/03/20) and identified that the blockage is on private land but they couldn’t identify exactly where. The Clerk was asked to go back to Alexandra Bailey at Seven Trent to ask for help in identifying where the problem is. Cllr Burrow agreed to work with the Clerk on this matter.

AB/Clerk

- b. Solihull Local Plan and local infrastructure working group – Cllr Tony Diccio set out in an email the following update: *“I sent the report outlining the findings of the infrastructure survey to Cllrs Ian Courts and Andy Mackiewicz. Both were impressed with the way that the survey had been carried out, the number of respondents and the clear requirements gleaned from residents. I received very supportive comments about the findings and both councillors want to see how the “wants” identified can be realised. The intention is that the local plan will be finalised over the summer - it may be that Cllr Mackiewicz asks for a meeting with the PCs’ representatives to discuss the results of the survey. I will update you when I have something definitive to feed back”*.

- c. HS2

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<ul style="list-style-type: none"> i. Council received and noted a written “report” on the meeting between Councillor Burrow and SMBC Highways Official Paul Tovey regarding HS2 related highway matters ii. Donations to Chris Packham's legal action against climate-change impact of HS2 can be made at https://www.crowdjustice.com/case/rethinkhs2/ Council did not note this item and stated it was inappropriate. d. TPOs – there had been no progress to report e. Visit by New Meriden MP – Council noted that Councillors from both Councils met with Saqib Bhatti MP for an informal discussion on issues impacting our community. In summary, the issues discussed were: HS2’s construction impact current and future; the complexities of the HS2 Community fund for small grant applications; infrastructure needs for Balsall Common in the event of major housing growth in Balsall Common (Infrastructure report item 19b); the school funding formula used by HM Government and its impact on local schools; the relative inadequacy of public transport for Balsall Common and Berkswell village compared to Dorridge where the MP resides; the incongruity of the housing proposals for Balsall Common which has the highest car dependency in Solihull; withdrawal of some medical services from Balsall Common surgery; and changes needed to national planning guidance to help keep Balsall Common a pleasant place to live. f. VE Day event – Council noted that the working group does not have the power to cancel but the event needs to be postponed (due to COVID 19) at a time when the Government tells us. Council agreed to delegate to the Clerk to formerly postpone the event when advised by the government, in conjunction with the Balsall Clerk. In light of this the following items were noted but not discussed. <ul style="list-style-type: none"> i. Council noted the report on funds committed to the event and the Berkswell Charities grant. ii. Council received a verbal report on the planned event, the risk due to Covid-19 & the letter from HM Government encouraging such events. iii. Council approved that its spending on the event would be 36% of the projected parish councils’ contribution of £6000. i.e. £2160. Council to approve that £160 is transferred from the contingency to top up the £2000 in the 2020/21 budget. g. Berkswell Village telephone box - Council received a verbal report on the status of the Berkswell Society grant application to refurbish the box and install a little library. Cllr Burrow stated we are still awaiting an outcome. h. Village Centre Working Party – Council noted current activity and agreed the creation of a sub-working group to consider security and safety matters (i.e. lighting and security cameras) in Balsall Common. i. Airport Consultative Committee – Council received a verbal report on the Airport Consultative Committee 5 March. Key points were: <ul style="list-style-type: none"> i. North bound turn – planes are now following the correct route ii. Airport is concerned about the quality of the proposed HS2 people mover iii. Air traffic is significantly reduced due to COVID 19 iv. RAF helicopter training flights will take place Council requested a written report in future. j. Tree Wardens activities – Council received a verbal report on Tree Warden activities <ul style="list-style-type: none"> i. West Midlands Combined Authority plan to plant 1 tree for every person in the region 	<p>Clerk</p> <p>AB</p>
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<ul style="list-style-type: none"> ii. The Tree Council are investigating the import of trees to prevent spreading disease iii. Trees are being planted too close together which will impact on future health 	
<p>20. Removal and additions to Ongoing References</p>	
<p>Removals: Proposed Housing Allocation (superseded by item 19 b)</p>	
<p>Additions: Village Centre Working Party Airport Consultative Committee Tree Wardens activities</p>	
<p>21. Training and Meetings</p>	
<p>a. Cllr Lloyd reported that he had attended the Coventry Tree Warden’s meeting</p>	
<p>22. Heritage and Community</p>	
<p>a. Solihull Walking & Cycling Strategy - Council noted the publication of the Solihull Walking and Cycling Strategy and associated survey and consultation. Council agreed to write to SMBC to express concern that no initiatives appear to be proposed for Balsall Common and Berkswell.</p>	<p>Clerk</p>
<p>b. Balsall Common Litter Pick - Council noted that the Balsall Common Centre litter pick has now been running for a year with increasing numbers attending and helping. Council agreed to thank Sue Marsden of the Balsall Common Residents Association for organising this community effort</p>	<p>Clerk</p>
<p>c. Planting of land behind Sainsbury’s – Council agreed to liaise with SMBC to see if the area could be planted with trees in dedication to Don Hitchcock, who was Chairman of the Solihull Tree Wardens up to his death. Council proposed that this should be raised with Cllr Ian Courts at an appropriate time (but not now because of COVID 19). A key issue for the Council is that SMBC should maintain the area as the land is in their ownership.</p>	<p>RD</p>
<p>d. Balsall Common Heritage Trail Working Group – Council received a verbal report on the Working Group meeting, 2 March 2020. Cllr Lloyd reported that the group had walked around half the proposed circuit and found that much of the trail is unsuitable for disabled access. Cllr Lloyd wants a full route accessible to everybody and this could be a local project to make this happen. Council asked Cllr Lloyd for a paper giving detailed proposals in due course and the Council would consider it.</p>	<p>RL</p>
<p>e. Proposed Aldi supermarket near A452/ Park Lane roundabout. The following motion was not supported by Council. “Council to ask our MP to enquire whether the costs being borne by HS2 Ltd for construction of the A452/ Park Lane roundabout can be recovered from the proprietors of the proposed supermarket, who appear to be the major beneficiaries of the roundabout scheme”.</p>	
<p>23. Parish Councillors Opinion Nothing additional to report</p>	
<p>24. Parish Clerk’s 2020/21 Pay Award - Council agreed to hold discussion on this item in camera. The minute of this discussion will be marked “Private” and will not be available to the public.</p>	
<p>25. Next Meeting</p>	
<p>Ordinary Meeting of the Council, 23 April 2020 at 7.15pm, to be held in the Balsall & Berkswell Hornets Clubhouse, Lavender Hall Lane, Berkswell. This will depend on Government guidance and may be cancelled.</p>	