

SOUND & DISTRICT PARISH COUNCIL

Minutes of the Meeting of the above Council, held on Tuesday 5th December 2017

at Broomhall Chapel at 7.00 p.m.

Present: A. Brown (Chairman), A.G. Lawrence (Clerk), R. Blackburn, P. Griffiths, Mrs E. Hollinshead, L. Wright, P. Hitchen, G. Bebbington, M. Wright, D. Tomlinson, R. Brassington and 2 members of the public.

1. Apologies: Mrs J.R. Park, A. Baldwin, F. Wright, Clr R. Bailey

2. Declaration of Interest – if a member is present at a meeting of the authority, and they have a disclosable pecuniary in any matter to be considered or being considered at the meeting, they cannot take part in any discussion of the matter at the meeting or vote on it. They should disclose the interest to the meeting and follow the Council's Code of Conduct.

3. Minutes of last Parish Council Meeting held on 14th November 2017 were unanimously confirmed as a true and correct record on the prop., of G. Bebbington, sec., D. Tomlinson

4. Matters arising:

a. *Railway Bridge Baddington:* further to previous meeting, the Clerk reported he has received the following email from Lee Holland, Civil Engineer, Historical Railways Estate (on behalf of Department for Transport):-

"My design team have completed their survey of the bridge and its support structure and are now putting their report together.

They have been asking Cheshire East for copies of any drawings they hold of the support structure as their predecessors, Cheshire County Council, installed it in 2002. However, their enquiries have drawn a blank. This is disappointing as Cheshire East are responsible for the support structure and it is in very poor condition.

I wonder if you could tell me if you have had any correspondence with Cheshire East on the matter, please"

b. *Overgrown hedge at Holly Bank, Heatley Lane.* The hedge means that visibility for all those entering Heatley Lane from the Riding School/Vailima/and the barn passed for conversion to dwelling, lane, have no visibility of traffic approaching from their left. Clerk sent this to Clr R. Bailey for her to forward to the correct official to consider further. The Clerk reported that he has received details back from Roy Cook, Highways – the hedge is intruding to the carriageway and as such Cheshire East have written to the homeowner to ask if they will cut the hedge back. However, the issue of visibility mentioned is from a private road and therefore Cheshire East can have no jurisdiction over getting the hedge cut back for a visibility reason from a private drive.

5. Highway matters:

a. *Heatley Lane and Heatley Fram Lane.* On the prop., A. Brown, sec., Mrs E. Hollinshead, Mrs Pye, resident, was invited to speak on this matter.
Heatley Lane – whilst the carriageway is generally good the verges are terrible and consequently the road is covered in mud.
Heatley Farm Lane – never been resurfaced and in a dreadful state of repair.
On the prop., L. Wright, sec., D. Tomlinson the Clerk was asked to write to Highways outlining the above and the Parish Councils likewise concern.

6. Correspondence: Noted to members for their inspection and interest as follows:-

a. Cheshire East: -

1. Cheshire Homechoice Newsletter
2. SPATIAL PLANNING UPDATE - SEPTEMBER/OCTOBER 2017
3. Pre-Budget Consultation 2018/21
4. Housing Strategy 2018-2023 – consultation

b. Councillors:-

1. It was reported that P. Hitchen has circulated a letter to Councillors and the Clerk re personal problems in getting an appointment to see his MP. The Leader of Cheshire East has likewise received this letter and has responded that it is not within the jurisdiction of the Local Authority. It was suggested that he continues to raise the matters with his local MP, to lodge a formal complaint with Cheshire Constabulary and a copy of the complaint form has been sent for his convenience.

P. Hitchen, declared an interest in this item of the agenda.

On the prop., A. Brown, sec., R. Brassington the meeting agreed that the Clerk should write to Antoinette Sandbach MP asking the P Hitchen's request be considered further.

2. It was reported that a stone post, previously reported by the Meeting and the Clerk, remains on the verge of Heatley Lane close to the junction of Mickley Hall Lane. Clerk to further report this matter to Highways.

c. Parishioners :-

1. Mrs Pye attending the Meeting was invited to speak on the prop., Mrs E. Hollinshead, sec., A Brown and explained the very poor Broadband Service being experienced by herself and Neighbours at the post code CW5 8BA – currently 3mg per sec. The Clerk on the prop., P. Griffiths, sec., R. Blackburn, was asked to write to Cheshire East and ask for their comments re this matter.

d. Other

1. Clerks & Councils Direct
2. Letter from Antoinette Sandbach M.P. re fud raising via Singing for Syrians

7. Accounts

I. Income since last meeting:- none

II. Accounts paid since last meeting – none

III. Accounts to pay at this meeting

- | | | |
|----|--|---------|
| 1. | Chq No 500201
Broomhall Chapel – Room Hire – 14 th Nov & 5 th Dec | £30.00 |
| 2. | Chq No 500203
A.G. Lawrence – Clerk Salary – Oct - Dec 2017 | £371.88 |
| 4. | Chq No 500204
HMRC – Oct - Dec 2017 | £93 |
| 5. | Chq No 500205
A.G. Lawrence – Clerk Expenses – Oct - Dec 2017 | £99.35 |

The above accounts were unanimously approved for payment on the prop., P. Griffiths, sec., R. Blackburn,

V. Precept 2018/19

An estimated budget for the Financial Year 2018/19 was presented to the Meeting by the Clerk/RFO as follows:-

Room Hire	150.00	
Insurance	350.00	
Annual Audit	00.00	
Scottish Power & Repairs	00.00	
Clerk Salary: National Assoc of Local Councils LC1/SPC23	1487.60	(based on previous years)
HMRC	371.90	
Clerk Expenses	590.00	
Internal Audit	175.00	
Website	<u>350.00</u>	
Total	£3474.50	

These budgeted expenses were approved on the prop., G. Bebbington, sec., R. Brassington

Further - on the prop., R. Blackburn, sec., D. Tomlinson, it was agreed to make the following donations, this was a unanimous decision.

1. Baddiley Church for Churchyard Maintenance
it was agreed to donate £100
2. Broomhall & Sound Methodist Church
it was agreed to donate £100

= £200

Therefore total estimated expenditure = £3674.50

Further, it was reported

1st December 2017 – Bank Balances = £2016.47

- u/c cheques

None

= cleared Bank Balance of **£2016.47**

Still to pay in this financial year (estimated):-

Broomhall Chapel	60.00
Clerks Salary	743.72
HMRC	186.00
Clerks Expenses	140.00
=	£1129.72

Therefore = c/f on 31st March 2018 approx. of £886.75

This figure is approx. a less c/f to the previous year due to the Parish Council Precepting for less than the approx., estimated budget given for 2017/18 and website costs.

Precept for the last year financial year had been £3500.

To summarise:- estimated in Bank (31/3/18) £886.75, costs (2018/19) estimated @ £3674.50
= shortfall of **£2787.75**

Therefore on the prop., of Mrs E. Hollinshead, sec., A. Brown to keep the balance approx. as of this year should be £3,700.

it was unanimously agreed that Sound & District Parish Council should Precept for £3,700 for the Financial Year 2018/19.

VI. Internal Audit: the Meeting on the prop., of P. Griffiths, sec., R. Blackburn, unanimously agreed to ask JDH Business Services to continue with this.

VII. Pensions Scheme update: the Clerk/RFP reported, as previous, that Sound & District Parish Council has completed a declaration of compliance under the Pensions Act 2008

8. Planning Applications:

I. Applications received since last meeting :- none

II. Results of previous applications

a.

17/3432N

2, Brine Hall Barns, COOLE LANE, COOLE PILATE, CW5 8FP

To install a flue for a wooden burning stove and a conservation skylight.

approved with conditions

b.

17/4007N

SMITHY HOUSE, COOLE LANE, COOLE PILATE, CHESHIRE, CW5 8AU

Change of use of field to manage for dog training

approved with conditions

c.

17/4058N

LABURNUM COTTAGE, COCK LANE, BROOMHALL, CW5 8BY

Steel portal framed agricultural building

approved with conditions

d.

17/3854N

Plum Tree Cottage, SPRINGE LANE, BADDILEY, CW5 8NP

Extension of house to form WC

approved with conditions

III. Applications/Planning Matters before this meeting:

a. The Clerk reported the following application:-

Application No:

17/5861N

Proposal:

Removal of condition 18 and variation of condition 29 on 09/0819N - Change of Use From Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking

Location:

Cooles Acres, COOLE LANE, NEWHALL, CW5 8AY

National Grid Ref:

364825 345445

This is in the parish of Newhall, but is of interest to this Parish Council. As such the meeting was advised that the application will be discussed at Newhall parish Council on Monday 11th December at 7.30pm and anyone wishing to attend would be welcome.

9. Sound Common report:- comments:

The Clerk reported that after the last meeting he made representation re the 'Private Road' signage and reported as follows.

Email received from Mike Taylor Public Rights of Way Manager, as follows:-

"In response to the parish council's concerns regarding the possibility of the owner of Red Lion Farm claiming the road to be private or claiming ownership of the road I would offer the following thoughts which are from the perspective of public rights of way and highways law but be mindful that this is not formal legal advice.

Firstly it needs to be understood that the two are separate, one referring to rights of passage by various means and the other referring to the ownership of the land over which those rights are exercised

From a rights of way perspective we are not unduly concerned by either the presence of the gate or the sign which states "private road". Our overriding concern in all circumstances and where our duty of protection as the highway authority kicks in is if we believe that there is some detriment to the public who

should have a lawful right to use the road, which as you know is a public footpath. At the moment we're content that the public are not suffering any detriment because the path is clearly open and available to pedestrians and signed as such. Many tracks exist across Cheshire where similar circumstances pertain where a private track or a track that carries private vehicular rights also carries a public footpath or bridleway. In this instance the "private road" sign can be inferred as relating to the private vehicular use and is not an indicator that the land itself is privately owned nor that the public as pedestrians are excluded.

The question whether the circumstances that exist could lead to a claim of ownership by adverse possession is more complex. In theory it is possible to acquire and register with H M Land Registry land that is registered common by adverse possession but it is very difficult and even if successful it does nothing to change the legal definition of the land as registered common nor the lawful use of the common by those entitled to its use. Furthermore I do not believe that the current actions of the landowner would be sufficient to qualify for adverse possession but for your information I have attached a link to a section of the DEFRA website which explains the circumstances in more detail.

<https://www.gov.uk/guidance/common-land-and-town-or-village-greens-how-a-claim-of-ownership-can-affect-the-land>

I hope that this information is reassuring but if you need more please get in touch".

The meeting felt that the sign saying 'Private Road' is off putting and the Clerk was asked on the prop., P. Griffiths, sec., G. Bebbington, to write and see if the wording 'Pedestrian Access Permitted' could be added

10. Police Report: no report

11. Next Meeting: - proposed date

- i. Parish Council Meeting – Tuesday 6th February 2018 – Clerk advised that meetings would now be on a Tuesday as the room is unavailable on Mondays.

Meeting closed.