

CHARFIELD PARISH COUNCIL

Minutes of the Meeting of Charfield Parish Council held on Tuesday 11th September 2018 commencing at 7.30pm in the Sportsman's Lounge, Memorial Hall, Charfield

PRESENT

Parish Councillors: Mr. M. Rosher, Mrs. N. Newns, Mr. A. Parker and Mr. A. Threlfall

Clerk: Mrs. Paula Evans

SGC Ward Member: Cllr. J. O'Neill

Public: One member of the public were present.

11353/18 To note Apologies for Absence and Acceptance of Reasons

Apologies were received and noted from Cllrs. Rawlings, Law, Cheskin, Roberts and Garside.

11354/18 Declarations of Interest in items on the Agenda

No declarations of interest were received.

11355/18 To Approve Minutes of Previous Meeting

The minutes of the previous meeting held on Tuesday 10th July 2018 had been circulated. It was proposed by Cllr. Parker, seconded by Cllr. Newns and **RESOLVED** to approve these minutes. The minutes of the Extra Ordinary Meeting held on 30th August 2018 had been circulated. Cllr. Newns proposed, Cllr. Threlfall seconded and it was **RESOLVED** to approve the minutes. Both sets of minutes were duly signed by the Chairman.

11356/18 Public Participation

The member of the public present asked to reserve comments until the item on the agenda regarding the Memorial Hall was discussed. This was agreed by all present. There were no further discussions under Public Participation.

11357/18 To receive the Clerk's Report

The Clerk's report which had been previously circulated was noted and a copy is attached to these minutes.

Regarding item 6 of the Clerk's Report, the Parish Councillors thanked the Clerk for the additional hours that were currently being worked and acknowledged the extra pressure on her allotted time. The Clerk was asked to ensure that these extra hours be submitted for payment at the October meeting.

11358/18 Report from Cllr. John O'Neill, South Gloucestershire Council Representative

Cllr. O'Neill would report/provide input under the individual agenda items to follow.

11359/18 Planning Applications

PT18/3295/F | Installation of 2 no. front and 1 no. rear dormer windows, erection of single storey rear extension and first floor extension to form ancillary annexe | Oak Court, Charfield Green, Charfield | NO OBJECTIONS but echo the SGC Tree Officers comments.

PT18/3614/F | Erection of single storey side extension to form attached garage. Retention of existing access track (part retrospective) | The Barn, Churchend Lane, Charfield, GL12 8LJ | NO OBJECTIONS

PT183810/F | Erection of single storey side and rear conservatory | 29 Woodlands Road, Charfield | NO OBJECTIONS

11360/18 Planning Decisions

PT18/2014/F | Demolition of existing rear conservatory. Alterations to existing side/rear extension. Erection of single storey rear extension to provide additional living accommodation | 138 Manor Lane, Charfield | APPROVE WITH CONDITIONS

PT18/2507/F | Erection of first floor extension to form additional living accommodation.

Action

Installation of a raised decking area to rear and associated works (resubmission of PT17/4741/F) | 38 New Street, Charfield | APPROVE WITH CONDITIONS

PT18/2600/F | Erection of single storey rear extension and first floor rear extension to form additional living accommodation. Alterations to existing rear gable to facilitate loft conversion | 7 Wotton Road, Charfield | APPROVE WITH CONDITIONS

PT18/2697/PDR | Erection of rear conservatory | 2 Hawthorn Close, Charfield | APPROVE WITH CONDITIONS

PT18/3226/F | Extension to existing front dormer window | 14 Berkeley Close, Charfield | APPROVE WITH CONDITIONS

11361/18 Planning Enforcement

COM/18/0567/OD | Erection of fence and encroachment onto grass verge | This was an additional complaint and had previously been noted under COM18/0531/OD in July 2018. Cllr. O'Neill reported that the SGC Planning Enforcement Officer had visited the site and requested that a wooden panel be removed, which had been done. A laurel hedge had now been planted bordering the footpath and highway. However, as a hedge is not classed as 'development' no further action would be taken. The Parish Council was concerned that as the hedge grew it would encroach onto the footpath.

Cllr. O'Neill had also been contacted by a resident regarding an overgrown conifer hedge in May Grove. The owner of the hedge had been contacted and asked to cut it back. If this was not done by the resident, SGC would be obliged to undertake the work and bill the owner.

11362/18 Public Inquiry

The Parish Council noted with great disappointment, the decision of the Planning Inspector to uphold the Appeal. This was despite a great deal of effort on behalf of the Parish Council, Charfield Neighbourhood Plan, Fighting for Charfield and individual residents detailing why this development should not happen. Cllr. O'Neill reported that South Gloucestershire Council was also extremely upset at the decision.

The Parish Council noted SGC's recent issuing of legal proceedings challenging the decision of the Planning Inspector regarding the Warners Court site. The granting of planning permission for this site undermined the recently submitted JSP and circumvented a plan-led system and community engagement. In their public statement of 4th September 2019 SGC stated that it was not appropriate for Charfield and other locations in the area to be under attack from speculative developers in this way.

Cllr. O'Neill also reported that the Planning Inspector had upheld an Appeal for 250 new houses and public open space on land east of Park Lane, Coalpit Heath.

At this point in time, no further action was resolved by the Parish Council.

11363/18 JSP, JTP & Proposed Development within Charfield

As reported previously, it was thought that the JSP and JTP would have two examinations – a technical one and a legal one. However, these two examinations may now be combined, with the examinations happening towards the end of 2018. Both Plans would be going out for public consultation (for six weeks) on sustainability probably in November 2018. This would be the time for the Parish Council to encourage all Charfield residents to respond to the consultation. South Gloucestershire Councillors have a meeting in October to consider the JTP which will support the JSP. The JTP would be going out for consultation in January 2019. The JTP would consider the re-opening of Charfield railway station, enhancements to J14 and the Wotton Road Enhancement scheme. Junction 14 was being very closely considered by the CEG transport consultant in conjunction with the Buckover Garden Village consultant. There were a number of options being considered – an additional bridge, roundabout or four lanes on the motorway. The

Parish Council noted that it was no good delivering these infrastructure solutions in ten years' time – the solutions are needed now.

Developers (CEG) were being encouraging to submit an outline application, but it had been agreed with the developers the applications would not be determined. The Parish Council queried whether the developers would therefore go directly to Appeal for Non-Determination. Cllr. O'Neill confirmed the developers had agreed not to go down the route of non-determination. It was acknowledged that any outline planning application would not be determined until the JSP and JTP had been finalised. It was also acknowledged that the 1,200 dwellings have to be provided with infrastructure.

The second meeting of the CEG Liaison Group was to take place on Wednesday 12th September 2018 at 7.30pm in the Sportsman's Lounge. Cllr. Parker volunteered to attend and was given the relevant paperwork.

11364/18 Charfield Neighbourhood Plan

Cllr. Rosher reported that the next meeting of the Group had been arranged for 19th September 2018. This meeting would look at developing the discussion documents that had been uploaded to the Dropbox and try to pull the policy development plans together relating to construction and traffic management.

11365/18 Playing Fields Inspection Reports and Note Issues Arising

- The Clerk confirmed that the weekly inspection reports were being received and noted. Issues arising from The Play Safety Company Ltd annual inspection report were noted. The Clerk had prepared a list of all items detailed as requiring attention. This would be discussed with KLH to effect repairs. The Parish Council noted that the bridge had been removed because of safety and entrapment issues.
- Since the July meeting, the Clerk had been unable to progress matters relating to the joint application for the S.106 Bellway project. This had been due to a lack of available time.
- The member of public present was given the opportunity to address the Parish Council regarding the proposed refurbishment plans for the Memorial Hall. It was explained that plans and tender documents had been prepared by the Memorial Hall Committee in connection with the Crest Nicholson Community Centre Contribution grant of £81,916.80. The reason for requesting the Parish Council to commit to being Lead Organisation was that it would then be possible for the Hall Committee to maximise the amount of grant monies, as the Parish Council would be able to reclaim all the VAT associated with the works. As the majority of the work/planning had already been done by the Hall Committee, the member of public present believed there would be very little demand on the Clerk's time. The Clerk pointed out that as the Parish Council's name would have to be on all documents including invoices, it was the duty of the Clerk as Responsible Finance Officer to comply with the Parish Council's adopted financial regulations and ensure that proper practices were observed. This would include overseeing and checking of tender documents; reviewing invoices to ensure their accuracy and numeracy; ensuring that all works stated in the invoices had been completed to a satisfactory standard; registering on the SGC Grant Application system; requesting appropriate stage payments from SGC; ensuring payments were received into the bank account before raising the cheques; appropriate report at the end of the financial year in the Annual Return. The Clerk emphasised that she did not physically have the capacity to take on this additional responsibility. At this point in the meeting the member of the public left the meeting room.

Additionally, the Parish Council considered their status as Custodian Trustee of the Memorial Hall and Playing Fields Charity. It had been stated to the Parish Council on numerous occasions that the Parish Council was simply 'Custodian Trustee' of the charity and as such their role was very limited. According to the Charity Commission guidance based on the provisions of S4 (2) of the Public Trustee Act 1906, the Custodian Trustee had

no power to manage the Trust property and no role to play in the administration of the Charity. The Custodian Trustee cannot have any management responsibilities, no matter how convinced individual members of the corporate body may be that it does. By committing to become Lead Organisation in the refurbishment project, the Parish Council would be taking management and administrative responsibility for the project as the name Charfield Parish Council would appear on all documentation. It could therefore be interpreted that this was prohibited under the 'job description' of Custodian Trustee.

Taking into consideration all of the above points, it was proposed by Cllr. Threlfall, seconded by Cllr. Parker and **RESOLVED** that Charfield Parish Council would decline the request to commit to Lead Organisation in the forthcoming refurbishment project of the Memorial Hall.
All Agreed.

- The Clerk updated the Parish Council concerning the legal enquiries regarding the ownership of the land comprising the Memorial Hall & Playing Fields. The Clerk had spoken at length with the Veale Wasborough Vizard (VWV) solicitor on Friday 7th September explaining the events surrounding the enquiry. The VWV solicitor had been surprised to learn that the Parish Council was involved in the day-to-day management/insurance and safety of the play equipment on the land, which was potentially contrary to the position of Custodian Trustee. The Clerk emphasised the Parish Council's aspiration to ensure ownership of the land in question and to maintain it in the spirit in which it was purchased and conveyed. The Clerk asked the VWV solicitor to specifically clarify section 4, paragraph 2(h) of the Public Trustee Act 1906, which states "The custodian trustee, if he acts in good faith, shall not be liable for accepting as correct and acting upon the faith of any written statement by the managing trustees or other matter of fact, upon which the title to the trust property or any part thereof may depend, nor for acting upon any legal advice obtained by the managing trustees independently of the custodian trustee". The Clerk also asked the VWV solicitor to clarify whether it was actually possible to transfer the land as it had restrictive covenants attached. Finally, the Clerk had asked for the term 'Tenant in Hand' to be clarified. The VWV solicitor was preparing a legal briefing note which would be sent to the Parish Council.
- Regarding any further action, the Clerk was asked to visit the Gloucestershire County Archives to review Charfield Parish Council minutes from 1964 through 1966. Cllr. Parker volunteered to assist the Clerk. The Clerk was also asked to make contact with the Hall Committee's and Parish Council's previous Clerks/Chairmen to see if any further information could be ascertained surrounding the transfer of the land comprising the Hall and Playing Fields.

Clerk/
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11366/18 Youth Group

Cllr. Cheskin had previously supplied a written report which was noted by the Parish Council. Additionally, Cllr. Newns provided a verbal report. The Group is doing very well with between twenty-six and thirty in the older Group and between twelve and thirteen in the younger Group. It was noted that Wotton Town Council have not renewed the youth group provision with Youth & Community Services but have gone with an alternative supplier. It had originally been thought that the current staff would transfer to the new provider; however the staff have decided to remain with Youth & Community Services. It was a pleasure to be able to say that the Youth Group was a really asset to Charfield village and the Group is assured for the rest of the financial year.

No further resolution was required.

11367/18 Charfield Burial Ground Report

The Clerk had circulated a brief report which was noted by the Parish Council

It was proposed by Cllr. Rosher, seconded by Cllr. Threlfall and **RESOLVED** to approve the memorial application for the late Mr. M. Hodge. However the Parish Council noted that the overall height of the memorial was above the 30 inch maximum allowed within the Burial

Clerk

Ground. The Clerk was asked to contact the memorial mason and request that the headstone height comply with Appendix B. **All Agreed.**

It was proposed by Cllr. Newns, seconded by Cllr. Threlfall and **RESOLVED** to approve the memorial application for the late Mr. M. Ash. **All Agreed.**

Clerk

11368/18 Meeting Reports

- The Cemex Liaison Group meeting had been postponed until 23rd October 2018. The postponement had been due to problems with the quarry's planning application; the proposed Open Day had also been postponed until Spring 2019.
- The Bellway Liaison Group meeting had taken place on 30th July 2018 in the new show house on the site. A number of subjects had been discussed – parking spaces, allotment provision, sales etc. The Parish Council noted that the curb stones on the pavements and the man-hole covers were all standing proud which was surely a trip hazard.
- Crest Nicholson Liaison Group – Cllr. O'Neill had dealt with a couple of issues directly with the site manager. The last of the buildings were due to be completed by the end of September and they were anticipating finishing on the site by Christmas 2018. The Parish Council noted that the pedestrian crossing was now functional.
- Greenway Group – The next meeting was planned for 24th September 2018. The Group was still working through the feasibility study.
- Memorial Hall & Playing Fields – The AGM had been held on 4th September 2018. A resident present at the AGM had queried why the £6,000 donation from the Parish Council had not been shown in the 2017 accounts. The 2018 accounts had been approved. The existing Trustees had all been re-elected. The resolution to convert the Charity to a new CIO had been carried by a majority vote.

11369/18 Correspondence Received

- SGC – Planning Update; Warners Court Appeal Decision; Section 106 Money - Gazette Article - 2nd August 2018; Gazette Article; Clarification of S.106 Money; Community Centre Contribution - from PT13/4182/0 - Crest site, Charfield
- Other – Tortworth Parish Meeting Minutes; CEG Liaison Group Meeting - 25th July 2018 @ 7.30pm in Sportsmans Lounge; Annual Playground Inspection; JDC Invoice; Buckover Garden Village - First Workshop, April 17th - Report now published; Charfield Memorial Hall & Playing Fields; News from Winterbourne Medieval Barn
- ALCA – CiLCA Support Sessions; Request for Legal Advice

11370/18 Laptop

It was proposed by Cllr. Threlfall, seconded by Cllr. Parker and **RESOLVED** to purchase a new 17 inch Dell laptop at a cost of £937.76 including VAT; all associated software - £486/year; a new .gov.uk domain name - £120 for two years; and Wordpress software - £84/year. **All Agreed.**

11371/18 Remembrance Day

The Clerk confirmed that arrangements were in hand for Remembrance Day civil act of worship on Sunday 11th November 2018. The road closure application had been applied for and letters were in the process of being delivered. A notification would be placed on the Parish Council web site and Facebook page. Nearer the date the Clerk would arrange for the hire of the road closure signs and hire of the PA system. All other usual arrangements would be made by the Clerk.

As this was the 100th anniversary of the end of WWI, the Parish Council agreed it would be appropriate to make the occasion in a more permanent way. It was agreed that Cllr. Parker would investigate the possibility of planting a tree and erecting a bench in the piece of public land off Manor Lane. It was noted that this land was managed by SGC, but was classified as

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'Queens Estate' land and appropriate permissions would be required.

11372/18 The Willow Tree

The Clerk apologised to the Parish Council that this matter had not been progressed due to the additional pressure on the Clerk's contracted hours. The matter would remain on the agenda until completed.

Clerk

11373/18 Voluntary PROW Warden

Again, the Clerk apologised to the Parish Council that this matter had not been progressed due to additional pressure on the Clerk's contracted hours. However, as a couple of residents had expressed an interest in the voluntary position, the Clerk was asked, as a matter of courtesy to contact these residents and explain that the Parish Council was still progressing this matter.

Clerk

11374/18 Community Defibrillator

The Clerk reported that both units had been received. A local electrician had volunteered to install the unit on the Hall free of charge in exchange for some advertising space. The Clerk was currently making enquiries regarding an 'in memory' plaque.

Clerk

One of the requirements of the Memorandum of Understanding was that a community demonstration evening would be held. The Clerk is liaising with SWAS in this regard.

11375/18 Financial Matters

The Clerk reported the following available balances as at 11th September 2018 with the bank statements being witnessed and signed by the Chairman and Clerk:-

Current Account	£ 1,045.00	(Statement No. 409 dated 31 st August 2018)
Business Reserve (1)	£ 14,362.25	(Statement No. 199 dated 5 th September 2018)
Business Reserve (2)	£ 97,416.01	(Statement No. 304 dated 31 st August 2018)

The receipts and payments account as at 11th September 2018 was noted by the Parish Council.

The second tranche of Precept and LCTR Grant is anticipated to be received into the bank account on 30th September 2018.

A minor question had been raised by PKF Littlejohn concerning the 2017/18 Annual Return. This related to the Parish Council's assets which had increased by 15.6%. The reason for this increase was partly due to the increase in their value (as per the insurance company's valuation) plus the inclusion of the tennis court within the asset register.

11376/18 Accounts for Payment

The Clerk reported the following accounts to be paid.

Payee	Chq No.	Description	Gross	VAT	Net
			£	£	£
Mrs. P. Evans	SO	Clerk's Salary – July & Aug	£1,726.32	£0.00	£1,726.32
HMRC	2845	Clerk's Tax & NI	£253.14	£0.00	£253.14
KLH Landscaping	2846	Repairs - Playground	£303.50	£0.00	£303.50
The Play Inspection Co	2847	Annual Safety Inspection	£130.00	£26.00	£156.00
Charfield Memorial Hall	2848	Room Hire & Litter Pick	£229.00	£0.00	£229.00
South Glos Council	2849	Localism Charges	£452.70	£90.54	£543.24
Mr. M. Rosher	2850	Domain Name Renewal	£85.09	£17.02	£102.11
ICO	2851	Data Protection Fee	£40.00	£0.00	£40.00
			£3,219.75	£133.56	£3,353.31

Cllr. Threlfall proposed, Cllr. Parker seconded and it was **RESOLVED** that the above accounts be paid. Cllrs. News and Parker were instructed to sign the cheques. **All Agreed.**

11377/18 Minor Items Raised by Members or for Future Agenda

The Parish Council noted that CuGuC would be erecting a wooden sculpture on the grass verge adjacent to the pocket sub-station on Charfield Hill. The sculpture would be in the shape of a fern. All necessary permissions have been sought and received.

This concluded the business of the meeting which closed at approximately 9.55pm.

Next meeting of full council is to be held on Tuesday 9th October 2018 at 7:30pm in the Sportsman's Lounge.

Chairman

9th October 2018

**Clerk's Report
Presented to Full Parish Council Meeting on 11th September 2018**

1. Although not directly related to Charfield Parish, the Clerk has been made aware of major road works at the Iron Acton end of the Wotton Road (B4058) and junction with the Iron Acton bypass. The work will plane off the surface and replace with new. This will take place between 2nd and 10th October 2018 and the road will be closed between 20.00hrs and 06.00 hrs. Alternative routes will be marked but disruption/delay is anticipated.
2. The Chairman informed the Clerk of work taking place underneath one of the TPO's trees at Charfield Nursery. The Clerk contacted the Nursery and was informed this was to provide additional play space. However, the Clerk contacted SGC Tree Officers to inform them this work was taking place within the root protection zone. SGC said they would send an officer to inspect.
3. Following the annual safety inspection of the play area, the Clerk arranged for the wooden bridge to be removed by KLH. A list of all issues picked up by the safety inspection has been compiled and the Clerk will be meeting with KLH to progress.
4. The Clerk attended a CiLCA support session on 10th August 2018. Again, this was very helpful and instructive. ALCA have informed Clerk that the cost for registering will be increasing at the end of October from £250 to £350.
5. Unfortunately work on the Clerk's CiLCA portfolio has been put on hold over the summer due to additional work being undertaken regarding the legal status of the hall and playing fields.
6. Over July and August, the Clerk has worked additional hours over and above the required 20 hrs/week. This has primarily involved the reading of old conveyances and understanding the timeline of events surrounding the purchase of the land. The Clerk has also liaised with the Veale Wasborough Vizard solicitor, NALC, ALCA and spoken with the Charity Commission. Unfortunately it would appear that NALC is unable to give further advice as the conversion of old Management Schemes into CIO's is a relatively new concept and now beyond their level of legal expertise. The Clerk has also had to read and understand legal Acts such as the Public Trustees Act 1906 and various guidance notes from the CC and NALC. This has also meant that a considerable amount of day-to-day Parish Council work has not been progressed.

Paula Evans
Clerk
11th September 2018