

# KINGSLEY PARISH COUNCIL

## MINUTES OF THE MEETING OF KINGSLEY PARISH COUNCIL HELD IN KINGSLEY COMMUNITY CENTRE ON TUESDAY

20 February 2018 AT 7.30PM

**Present:** Councillor S. Billows  
Councillor J. Dean  
Councillor D. Fletcher  
Councillor C. Jones  
Councillor D. Moores  
Councillor D. H. Molyneux  
Councillor G. Warburton  
Councillor R. Wilson

### MEETING No 9

REF.	DISCUSSION	ACTION
	<p>Due to the resignation of the Chair since the last meeting, Councillor Jones asked Councillor Moores to stand in as Chair until a new Chair is appointed. Councillor Moores agreed.</p> <p>Proposed Councillor Jones Seconded Councillor Fletcher Unanimously agreed</p>	
18/019	<p><b>Apologies</b> Councillor A Dedman</p>	
18/020	<p><b>Minutes of the Meeting held on 16<sup>th</sup> January 2018</b> The minutes of the meeting held on 16<sup>th</sup> January 2018 were approved and signed by the Chairman as a true and correct record.</p> <p>Councillor Molyneux will investigate the deadline for comments regarding the reserved matters outline planning application on Brow Dene and forward the information to Councillor Moores</p>	<b>DHM</b>
18/021	<p><b>Declaration of Interests</b> Register of interests: Councillors are reminded of the need to update their register of interests and the need to disclose both the type of interest and its nature. Councillor Warburton declared an interest on item 18/026.</p>	
	<p><b>Opportunity for Public to raise issues</b> A large number of parishioners attended the meeting mainly to raise issues about the progress being made on the legal action being taken by the Parish Council regarding the proposed development of 15 'affordable homes' at Higher Heyes. Others also attended with a specific interest in the item on the agenda covering the CWAC Dog Consultation.</p>	

	<p>Simon Sherlock drew attention to fact that the agenda had misrepresented the wishes of the KTI group when donating the sum of £2218.95 as the original request was that the money be used for the Community Fund work but that a proportion of that money be used to help cover the costs of the work taking place to challenge the proposed development at Higher Heyes. He also asked that "the Parish Council will honour the wishes of the KTI and allocate a proportion of this money to help towards the legal advice the Parish Council is taking to fight this planning permission."</p> <p>Chris Burrows asked what contribution KPC would make towards the legal advice being sought regarding the Higher Heyes Development.</p> <p>Councillors then discussed the matter of the KTI donation. Cllr Moores believed that when the money was first offered in Jan / Feb 2017, it was done so on the basis that it would be used wholly for the Community Fund. Cllr Molyneux suggested that as it was originally KTI money and it was members of that group, which although now disbanded, who have asked for the money to be used towards payment of legal advice, then those wishes should be respected.</p> <p>Council felt that due to the extraordinary position we are now in given the proposed development at Higher Heyes (all of which has superceded the original position with regard to the generous KTI donation) and the legal advice that KPC has agreed to pursue, the suggestion by Councillor Molyneux would be a sensible and pragmatic way forward.</p> <p>Proposed by Councillor Molyneux  Seconded by Councillor Billows  Unanimously agreed</p> <p>RESOLVED THAT the Clerk will write to Allan Arthur (ex KTI Treasurer) informing them of Council's decision.</p>	<b>JP</b>
18/034	<p><b>Higher Heyes Update</b>  This item was brought forward in order for the public to hear the latest information.</p> <p>Councillor Billows presented the Higher Heyes Working Group update. Following the approval by Cheshire West and Chester (CWAC) Planning Committee of the housing development off land at Higher Heyes, KPC sent a letter to the Secretary of State to 'call in' the application. However that request was refused. The planning application has not yet received full approval due to ongoing S106 discussions and other legal requirements that still need to be agreed between the developer and planning authority</p> <p>The KPC working group have appointed solicitors Pinsent Masons based in Manchester in order to obtain professional legal advice from Barrister. The cost of this initial advice would be £3000 plus VAT. The solicitors have now briefed Luke Wilcox, a Barrister who has successfully represented another Parish Council (Old Hunstanton) on a similar case. On receipt of the advice from the Barrister, the Working Group will consider and advise the KPC's</p>	

	<p>position in respect of future action.</p> <p>Michael Pocock of Pinsent Masons Solicitors emailed Councillor Billows as follows:</p> <p><b><i>“By way of update I had a discussion with Luke Wilcox this morning who has now reviewed the papers. He considers that there are two arguable grounds of challenge, the first arising from a misapplication of Policy Strat 9 and the second as a result of the failure to consider the Emerging Policy. Luke will set these out in more detail in his advice note.”</i></b></p> <p>Policy Strat 9 refers to the misapplication of green belt land.</p> <p>Emerging Policy relates to the Local Plan Part II and whether this policy can be applied while it is still under consultation.</p> <p>As Mr Pocock states the Barrister will set these out in more detail.</p> <p>Councillor Moores asked whether the validity of the housing needs survey was mentioned as this was a point the Council raised. Councillor Billows had not, as yet, received a response regarding that point.</p> <p>Higher Heyes residents have now formed Kingsley Green Belt Action Group (KGBAG) who are crowdfunding and accepting pledges to raise monies in support of the legal advice and action. The amount raised so far is £1330.</p> <p>Councillor Billows finished by saying that she hoped shortly to hear from the Barrister and would bring an update to the March Council meeting. Councillor Billows will also update the local MP of the situation and suggested that members of the public should contact the MP for his views.</p> <p>As already stated the initial appointment of the solicitors will cost approx. £3000. Upon receipt of that advice, it is likely that the next phase of work will involve KPC directing the Barrister to send a formal letter to CWAC asking them to reconsider the planning application. This would cost approx. £3000 KPC would make a decision on whether to pursue the next phase of work once the initial advice has been received. If, having received the letter from the Barrister, CWAC refused to consider changing their decision to approve the planning application, the next step would be to consider pressing for a Judicial Review. This could be a very costly exercise and KPC would need to give careful consideration before embarking on such a step.</p> <p>The Working Group submitted Terms of Reference for approval which were agreed.</p> <p>Proposed by Councillor Billows  Seconded by Councillor Molyneux  Unanimously agreed</p>	<p><b>SB</b></p>
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18/022	<p><b>Resignation of Chair &amp; Vice Chair and the Parish Clerk</b></p> <p>The Council sadly accepted the resignation of Councillor Crossley and Councillor Cliff. Thanks were given to both councillors for the considerable contribution they made to the Council.</p> <p>The Parish Clerk had informed the Council that she would continue as Clerk until 30<sup>th</sup> April 2018, allowing Council to find a permanent replacement, rather than leaving on 28 February 2018 as initially stated.</p>	
18/023	<p><b>To appoint a New Chair and Vice Chair</b></p> <p>Councillor Warburton asked Councillor Moores if he would consider taking on the role of Chair until the May meeting when new appointments are made.</p> <p>Councillor Moores agreed.</p> <p>Proposed Councillor Warburton Seconded Councillor Fletcher Unanimously agreed</p> <p>Councillor Billows said she would agree to taking on the post of Vice Chair on the understanding that she would not wish to be automatically considered as continuing as Chair in the 2018/19.</p> <p>Proposed Councillor Molyneux Seconded Councillor Wilson Unanimously agreed</p> <p>Both Councillor Moores and Billows were thanked for agreeing to take on these additional duties for the next 3 months.</p> <p>RESOLVED THAT Councillor Moores be appointed Chair and Councillor Billows appointed as Vice Chair until the 2018 May meeting.</p> <p><b>Co-option of New Councillors</b></p> <p>It was agreed that as CWAC had not received any requests for a by-election then Council would proceed to co-opt to the two vacancies.</p> <p>A notice will be displayed asking for any applications to be received by 31<sup>st</sup> March and the vacancies will hopefully be filled at the April Council meeting.</p> <p>The Clerk will arrange for a Notice of Co-option to be displayed on the Noticeboard, on the Village Website and village facebook page as well as an article being placed in the next edition of the Kingsley News.</p> <p>RESOLVED THAT the process of Co-opting two new councillors be commenced without delay.</p>	JP
18/024	<p><b>Recruiting of a new Clerk</b></p> <p>Following the EGM held on 12 February 2018, the Personnel Committee have now advertised the vacancy for a new Clerk and have so far received</p>	

	<p>two applications. The closing date for applications is 8 March 2018.</p> <p>The Personnel Committee will bring an update to the March meeting.</p>	<b>SB/RW/ DF/DHM</b>																		
18/025	<p><b>To approve temporary replacements for various jobs owing to the resignation of the Clerk.</b></p> <p>Owing to the Clerk staying in post until 30<sup>th</sup> April this item was not required to be discussed.</p>																			
18/026	<p><b>Planning Issues</b></p> <p>a) <b>Council to NOTE the Planning decisions made by Cheshire West &amp; Chester Council</b></p> <p><b>3 Orchard Gate Kingsley 17/05453/FUL</b> 2 storey side extension and partial conversion of garage <b>WITHDRAWN</b></p> <p><b>Land adjacent to Brow Dene Town Well Kingsley 17/02597/FUL</b> Two dwellings with on-site car parking <b>REFUSAL</b></p> <p><b>b) APPLICATIONS TO BE CONSIDERED</b></p> <p><b>Land at Hill Top Farm Hillfoot Lane Kingsley 18/00196/FUL</b> Erection of Grain Store/Produce Storage Building <b>NO COMMENTS</b></p> <p><b>63 Top Rd Kingsley WA6 8BY 18/00415/FUL</b> Extension to side, rear &amp; front of bungalow and additional render <b>NO COMMENTS</b></p> <p><b>Manor House Farm Hillfoot Lane Kingsley 18/00328/LBC</b> Installation of new shower room &amp; repairs to dining room window &amp; floor <b>NO OBJECTION</b></p> <p><b>Commonside Studio Norley Rd Kingsley 18/00546/DLC</b> Existing building used as a single residential dwelling <b>NO COMMENTS</b></p>																			
18/027	<p><b>Finance</b></p> <p>(a) <b>To agree the following payments and sign cheques</b></p> <table> <tr> <td>BT Office Telephone</td> <td>£29.55</td> <td>D/D</td> </tr> <tr> <td>Suez Cemetery Bins</td> <td>£41.94</td> <td>D/D</td> </tr> <tr> <td>A&amp;E Roofing Boardroom Roof repair</td> <td>£80.00</td> <td>2991</td> </tr> <tr> <td>J Preston Postage/Stationery (Nov 2017-Feb 2018)</td> <td>£53.27</td> <td>2992</td> </tr> <tr> <td>Scottish Power Cemetery Elec</td> <td>£35.11</td> <td>2993</td> </tr> <tr> <td>Chalc Training x 3</td> <td>£195.00</td> <td>2994</td> </tr> </table> <p>Councillors Billows, Dean, Molyneux</p>	BT Office Telephone	£29.55	D/D	Suez Cemetery Bins	£41.94	D/D	A&E Roofing Boardroom Roof repair	£80.00	2991	J Preston Postage/Stationery (Nov 2017-Feb 2018)	£53.27	2992	Scottish Power Cemetery Elec	£35.11	2993	Chalc Training x 3	£195.00	2994	
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	<p>J Preston Feb Salary £303.98 2995  HMRC Feb Tax £76.00 2996</p> <p><b>(b) Invoices paid prior to the meeting</b>  Christmas Direct Ltd (New christmas lights) £611.22</p> <p>2990</p> <p><b>(c) To note payments received</b>  KTI Donation £2218.95  J C Clarke Interment Mrs Dean £ 304.00</p>	
18/028	<p><b>Borough Councillor Remarks</b>  Councillor Oultram is raising the matter of the poor condition of the highways and multiple potholes on every conceivable occasion with officers at CWAC. He is also investigating smoke that is coming off land close to the bottom of Cooks Hill.</p> <p>Councillor Oultram has kindly agreed to offer funding from his CWAC Members Budget towards both the War Memorial project and the digital mapping of the Cemetery. However at this stage, Councillor Oultram had only seen and approved the cemetery mapping application. Councillor Jones would check with CWAC whether they had received the War Memorial landscaping application.</p> <p>Councillor Jones thanked Councillor Oultram for this very kind offer.</p>	<b>CJ</b>
18/029	<p><b>Playing Field Report</b>  Councillor Fletcher reported on his site visit to the playing field with Mid Cheshire Grounds Maintenance. Following direction of Councillor Fletcher, Mid Cheshire had identified trees that needing thinning, crown lifting and in some cases trees that required removing. The quote for carrying out the work is £2,400. Councillor Fletcher will ask for a detailed breakdown of the cost and at the same time will contact two other contractors for quotes on the work required.</p> <p>Councillor Jones reported that the new play equipment will be installed over two weeks beginning 26<sup>th</sup> February and their working hours will be Monday – Friday 8am-4.30pm. Councillor Jones will inform residents that work is taking place via articles and information on the village facebook page, the village website and the playing field Noticeboard.</p> <p>Councillor Fletcher will inform Mid Cheshire Grounds Maintenance of the work being carried out so they do not attempt to cut the grass during the same period.</p> <p>In accordance with a commitment made by the Council in 2017, Councillor Jones had now produced a Dog Survey, which will be sent out with the Kingsley News, if it can be arranged. There will be a collection point in the Co-operative Store and the Survey will be available online. It was agreed that the costs of the survey would be met by KPC.</p>	<p><b>DF</b></p> <p><b>CJ</b></p> <p><b>DF</b></p> <p><b>CJ</b></p>

	<p>The purpose of the Survey is to enable the Council to respond to the current CWAC consultation with local communities about the introduction of PSPO's across the borough specifically in relation to the control of dogs. There was a discussion as to whether having two Surveys about the same issue would create confusion within the village and lead to the surveys not being completed and returned. However, it was felt that as previously agreed, the KPC need to respond to the CWAC survey with a clear idea as to what its residents think and the only way to understand what local people want is to gather that evidence from them directly. It was agreed that the KPC Survey would be undertaken so that its results can be fed into the wider CWAC consultation (deadline 28 April 2018). It was also agreed that in undertaking the survey, appropriate information would be made available to residents about both surveys and that villagers would be encouraged to take part in both consultations.</p> <p>Proposed Councillor Jones  Seconded Councillor Molyneux  Majority agreement</p> <p>RESOLVED THAT the KPC Survey on Control of Dogs be issued around the parish. Also RESOLVED THAT any costs in producing the Survey will be paid for by KPC.</p>	
18/030	<p><b>Cemetery Report</b>  Councillor Warburton has met with Mid Cheshire Ground Maintenance in order to discuss the works required during the summer, to ensure that it is carried out to the high standard required.</p> <p>Boardroom: A&amp; E Roofing have repaired the roof to the Boardroom.</p> <p>Handrail and railings: The handrail and unsafe railings are being repaired this week.</p> <p>Cremation plot: It has been decided that the headstones used on cremation plots are to be of the style known as 'flat markers' at an approx. size of 18" x 12", in order to keep the new cremation area of a uniform order. The cemetery policy will be updated in line with this decision.</p> <p>Mapping project: Atlantic Geometrics have begun the digital mapping of the Cemetery and it is progressing well. The Clerk requested that the setting up of the new Cemetery digital website is put on hold until the new Clerk is in post. Council were happy for this to be the case. The present Clerk will contact Atlantic Geometrics to explain the situation.</p>	JP
18/031	<p><b>Traffic/Transport Report</b>  Councillor Dean has reported on the many potholes within the parish to Cheshire West and Chester Council.</p> <p>Councillor Moores will inform Councillor Dean of who to contact regarding the speed signs in and around the village.</p>	JD/DM

	<p>Councillor Wilson reported that a letter had been sent to the Kingsley News for publishing, regarding the speed signs. As, at this stage, the article was not addressed to the Kingsley Parish Council (KPC), there was no action for KPC to take.</p> <p><b>Town Farm Quarry (TFQ)</b>  In advance of the meeting, Dr Pownall circulated an update report on TFQ. CWAC had deferred the planning application regarding TFQ to the planning committee on 6<sup>th</sup> March. Dr Pownall then spoke to Council and gave a verbal update. He confirmed that CWAC had received a partial survey from the operator of the site last November. The small action group comprising representatives from the 3 local parish councils have a meeting with Rob Charnley (CWAC) on Friday 23<sup>rd</sup> February.</p> <p>Dr Pownall reported that he hoped that CWAC will recommend refusal of the application on the 6<sup>th</sup> March to vary the conditions of the operation of TFQ that would see an increase the quantity of restorative materials to be brought on site over and above the quantity approved by the Inspectorate in the appeal of 2015.</p> <p>However, if CWAC recommend approval of the planning application then, Dr Pownall suggested that a representative from each of the 3 parish councils would need to consider attending the Committee meeting to make appropriate representations. Dr Pownall and colleagues on the action group would draft an appropriate response that would be forwarded to the Parish Councils which they could use to present to the meeting on CWAC planning committee on the 6<sup>th</sup> March 2018.</p> <p>Dr Pownall will report to the councillors as soon as he has further information.</p>	<b>CP</b>
18/032	<p><b>Community Fund</b>  Councillor Moores and Councillor Fletcher (as members of the Community Fund Working Group) reported on the 4 applications received from local organisations for funding from the Community Fund.</p> <p>Applications were received from the Kingsley W.I, Kingsley Cricket Club, Kingsley Players Youth Theatre Group and 1<sup>st</sup> Kingsley &amp; Newton Scout Group.</p> <p>Kingsley WI requested a sum of £400 for replacement of crockery, Kingsley Players requested a sum of £1000 to help run 4 workshops in support of the youth theatre group, Kingsley Scouts requested a sum of £1000 to improve the Scout HQ building, Kingsley Cricket Club requested a sum of £652 for the purchase of replacement cricket equipment for the youth teams.</p> <p>The Community Fund has a budget of £3000 and the full cost of the 4 applications is £3052.00. The working group felt that all the applications were worthy of being approved and recommended Council agree funding the 4 organisations, as requested, via the Community Fund.</p>	

	<p>Proposed Councillor Moores Seconded Councillor Fletcher Unanimously agreed</p> <p>RESOLVED THAT all four local organisations receive the full amount of each sum requested. The Clerk will write to each organisation informing them of the Council’s decision. They will be presented with their cheques at the April Council Meeting on 17<sup>th</sup> April.</p> <p>The Kingsley Community Association (KCA) did request and receive an application pack for funding from the Community Fund but decided not to apply. However, they have requested that the parish council consider making a donation that would be used to help with their work on publishing the monthly village newsletter. This matter was discussed by Council who unanimously agreed that the newsletter was a vital part of its communications strategy when sharing information and news with local residents.</p> <p>Having moved away from the previous practice of making ‘donations’ by introducing the Community Fund, it was felt that in the future that might be the best vehicle in which KCA could request that a contribution could be made. Council did agree however that as we were making regular use of the newsletter (2/3 pages each month), then, if KCA were able to calculate the cost of this based on their current pricing arrangements, the Council could discuss that amount at the March Council meeting when a decision will be made.</p> <p>The Clerk will write to KCA for their calculation on the cost of producing KPC monthly articles.</p>	<p><b>JP</b></p> <p><b>JP</b></p>
18/033	<p><b>Kingsley Transition Initiative Donation</b> This matter has been resolved earlier in the meeting</p>	
18/034	<p><b>Higher Heyes</b> This matter has been fully discussed earlier in the meeting</p>	
18/035	<p><b>War Memorial Tenders</b> Two tenders had been received for the works to improve the area around the War memorial at the cemetery from HW Morris and Tims Landscapes with HW Morris being slightly cheaper.</p> <p>As there have been some recent changes made to the specifications and details of the work, a new schedule will be sent out to both the contractors who have already submitted a tender plus a new contractor (Ethandale Landscapes), so they can submit a revised quote</p> <p>Following consultation with the CWAC ‘accessibility’ officer, it has been decided to increase the width of the new paths leading up to the war memorial. A new bench and post and chain railings have also been added to the original specification.</p>	

	The Clerk will write to the three contractors with updated Schedules of Works	<b>JP</b>
18/036	<p><b>Neighbourhood Plan Steering Group</b> Councillor Jones reported that there were now 9 members of the Steering Group and that a Chair and Vice Chair had been appointed. Councillor Jones is the Steering Group Secretary.</p> <p>The Area Designation application will be submitted shortly now that the January Minutes have been approved.</p> <p>The Steering Group will report regularly to KPC on progress being made. Councillor Jones produced the Terms of Reference which were agreed by Council and signed and dated by Councillor Moores as Chair of KPC.</p> <p>Proposed Councillor Jones Seconded Councillor Fletched Unanimously agreed</p>	
18/037	<p><b>Working Groups Review</b> Following the resignation of Councillor Crossley &amp; Councillor Cliff one or two changes were made to the Working Groups. These Groups are now as below:</p> <p><b>Committee – Personnel</b> Cllr Billows, Cllr Wilson, Cllr Fletcher, Cllr Molyneux</p> <p><b>Sub Committee – Planning</b> Cllr Moores, Cllr Fletcher</p> <p><b>Working Group – Car Parking and Transport</b> Cllr Dean, Cllr Billows, Cllr Moores,</p> <p><b>Working Group – Community Fund</b> Cllr Fletcher, Cllr Moores, Cllr Wilson</p> <p><b>Working Group – Conservation Area</b> Cllr Billows, Cllr Dean, Cllr Fletcher, Cllr Molyneux, Dr Pownall (Non-Council Advisor)</p> <p><b>Working Group - Neighbourhood Plan</b> Cllr Jones, Cllr Moores, Cllr Molyneux</p> <p><b>Working Group – Higher Heyes</b> Cllr Billows, Cllr Dean, Cllr Molyneux</p> <p><b>Portfolio – Cemetery</b> Cllr Warburton</p> <p><b>Portfolio – Council Website</b> Cllr Billows</p> <p><b>Portfolio – Rights of Way</b> Cllr Moores</p> <p><b>Portfolio – Playing Field</b> Cllr Fletcher</p> <p><b>Portfolio – Traffic &amp; Transport</b> Cllr Dean</p> <p><b>Portfolio – Village Enhancement</b> Cllr Jones, Cllr Moores</p>	

	<p><b>Portfolio – Town Farm Quarry</b> Dr Pownall (Non-Councillor Advisor)</p> <p>Changes proposed by Councillor Moores Seconded Councillor Jones Unanimously agreed</p>	
18/038	<p><b>Christmas Lights</b> The new Christmas lights have been received by Councillor Moores. It was initially agreed with the developers that fittings for Christmas lights would be installed on the outside of the new Co-operative Store. Councillor Moores will endeavour to arrange this with either the developers or Co-op themselves. Councillor Wilson felt that the area around The Cross will look bare of Christmas lights when they are moved to the new Co-operative Store. Councillor Wilson was asked to bring a proposal to the next meeting for further consideration.</p>	<p><b>DM</b></p> <p><b>RW</b></p>
18/039	<p><b>Correspondence Received</b> <i>Invite to Lord Mayor Banquet Chester.</i> Councillors were informed of the invite.</p> <p><i>Moral Leadership Emails.</i> Several emails have been received by the Clerk along with many other Clerks and organisations from a Mr R. Pickthall. These will be kept on file.</p> <p><i>Kingsley ‘heritage’ Road Sign – on The Brow outside the Red Bull</i> This sign has been with a firm in Surrey for repair for four years. It appears to be ready, but the contractors are requesting payment before arranging for it to be couriered to Kingsley. Councillor Moores is in discussion with the firm regarding its delivery/collection. Total cost of the work will be £500 plus £60 for delivery.</p>	<p><b>DM</b></p>
18/040	<p><b>Date of Next Meeting      20 March 2018.</b> <b>The Annual Parish Meeting commences immediately after the main Council meeting.</b></p> <p>At the Annual Parish Meeting, the Chair, ‘portfolio’ holders and Working group leaders and the Financial Responsible Officer produce a short report. Councillor Moores requested that each report be sent to him a couple of weeks before the 20<sup>th</sup> in order for him to collate into one larger report. There may be a requirement for each report to be read out at the meeting.</p>	<p><b>DM &amp; Others</b></p>
	<p><b>Meeting closed at 22.05pm</b></p>	

Signed:.....

Dated:.....