

Willington Parish Council
Email: clerk@willingtonpc.org.uk

Date: 7th November 2019

To: The Chairman and Members of Willington Parish Council

Dear Councillor

You are summoned to attend a Meeting of Willington Parish Council, which will be held at 7pm on **Tuesday 12th November 2019** at The Old School, Castleway, Willington.

Members are asked to complete the Declaration Sheet for items other than Disclosable Pecuniary Interests (DPI).

Yours sincerely

Debra Townsend

Locum Clerk

AGENDA

501/19 To Receive Apologies for Absence

502/19 Declaration of Members' Interests

a) Members must ensure that they complete the Declaration of Members Interest sheet prior to the start of the meeting and must indicate the action to be taken (ie to stay in the meeting, to leave the meeting or to stay in the meeting to make representations and then leave the meeting prior to any consideration or determination of the item).

b) Where a member indicates that they have a prejudicial interest but wish to make representation regarding the item before leaving the meeting, those representations must be made under item (c) of Public Speaking.

503/19 Public Speaking, including County, District and Police Representation. Total 15 minutes.

a) At the start of the meeting a period of not more than three minutes will be made available for members of the public and members of the Council to comment on any matter already on the agenda (Standing Order 3g). While members of the public are welcome to observe the full meeting, they **may not** take an active role once the question period has closed.

a) If the Police Liaison Officer, a County Council or District Council Member is in attendance they will be given the opportunity to raise any relevant matter. Members of the Council however will restrict Police matters they raise to those relating to their Council Ward.

b) Members declaring a prejudicial interest who wish to make representation or give evidence under the Code of Conduct relating to Agenda items shall do so at this stage.

504/19

To note the non-confidential Minutes of Willington Parish Council Footpaths and Open Space Group Meeting held on Monday 16th September 2019, and agree the recommendations therein (Attached at Annexe A).

Please note the following;

- a) 26/19 Revised Terms of Reference have been agreed by the Chair and Vice-Chair of this Group but have not been agreed by Full Council so have not been formally adopted.
- b) 32/19 Confirmation is required of where this budget has been allocated to the FOSG.
- c) To have a separate Working Group for Planning is suggested. Confirmation of how this is set up/membership/terms of reference etc. are required.

505/19 To confirm and agree as a true record the non-confidential Minutes of Willington Parish Council Meeting held on Tuesday 8th October 2019. (Attached at Annexe B)

506/19 To consider a resolution to close the meeting for public participation under the Public Bodies (admission to meetings) Act 1960.

“In view of the confidential nature of item..... to consider a resolution to exclude the press and public from the meeting in accordance with the Public Bodies (Admission to Meetings) Act 1960, S1, in order to discuss the item”

507/19 Planning Applications

- a) All current Planning Applications have been circulated.
- b) To consider;

Planning Application Ref. No: DMPA/2019/1196. Outline application for 60 extra care flats and two bungalows along with ancillary shop, hairdressers, restaurant, parking provision and garages (appearance and landscaping reserved for later consideration) on LAND AT SK2829 0730 off Ivy Close, Willington, Derbyshire

An objection to a previous application for this development had been submitted by Willington Parish Council (Minute Number 395/19), and at a further Meeting on 8th October 2019, a proposal was made to request an extension to the consultation period, and appoint independent planning and traffic consultants to produce an objection to this planning application. This proposal was defeated. However it was resolved that the Locum Clerk request an extension to the consultation period and submit an objection consisting of the traffic data commissioned for the AXIS 50 objection, once received (Minute Number 478/19)

This application has now been amended and re-submitted and South Derbyshire District Council have now commenced further consultation (circulated to all Councillors 28.10.19). Members views are sought.

508//19 Planning Applications and how WPC can financially support objections to planning applications that are considered detrimental to our village utilising Parish funds, such as the proposed development outlined above (Cllrs T. Bartram, J. Cullen, P. Cullen, C. Blanksby and R. Casey)

Councillors are reminded of the Legal Opinion provided at a Council Meeting on 10th September 2019 as follows;

The Locum Clerk provided Legal Opinion on the legality of whether the Parish Council had a power or duty to carry out the financial elements of this work. This was obtained from Derbyshire Association of Local Councils as follows;

“The first consideration here is whether the parish council has formally resolved a position in relation to a submitted planning application? The council cannot “object” to a planning application without first resolving to do so at a council meeting.

The second consideration is what the parish council's correct role should be in these circumstances. Parish councils have the legal power to be notified of and comment upon planning applications as statutory consultee; there is no legal power that allows a council to spend public money fighting a planning application. Whilst the council could consider using s.137 of the Local Government Act 1972 for this purpose, generally speaking this activity is best left to third party campaign or action groups. The council could potentially consider relying on s.137 of the Local Government Act 1972 to support a third party campaign or action group, assuming the relevant criteria as set out in s.137 of the Local Government Act 1972 are satisfied. That said, councils should bear in mind that s.137 donations are donations of public money and the council should be very careful about backing any particular side in a contentious issue that may divide a community. Is the council able to demonstrate that the development is objected to by an overwhelming majority of the community? Any contribution to a campaign group should be made carefully, with consideration as to whether expenditure in these circumstances would be an appropriate use of public funds."

Councillors are also reminded that it is their responsibility to ensure they are making financial decisions that were proper and legal, and that in some circumstances Councillors could be pursued in the courts for recompense if a decision was found to be ultra vires.

509/19 Locum Clerk's Reports

- a) Members are advised that two emails have been received thanking the Parish Council for their support in objecting to the Axis 50 planning application (Attached at Annexe C and D).
- b) An email has been received requesting that South Staffs Water wish to discuss water supply arrangements and carry out a water regulation inspection at Willington Cemetery/Allotments, Willington Sport Ground and Willington Bowls Club. A representative of the Council is required to attend a meeting on site and report back to a future Meeting of the Parish Council. No decisions are required. Nominations are requested.

510/19 Neighbourhood Development Plan Feedback and any Resulting Actions

511/19 To Receive a Report as the Burial Authority on Burial Matters, the Cemetery and Garden of Remembrance.

A Meeting of the Burial Committee will be held on Tuesday 19th November 2019 at 7.00 pm at The Old School.

512/19 To Receive Reports from Cllrs on Outside Bodies and of Meetings Attended

513/19 Bulbs for the Station Garden

Bulbs for the Station Garden have already been purchased and planted. Councillors are requested to authorise reimbursement of this payment (£18.96), which is included within the income and payments item (Agenda Item 513/19). For future reference, all items should be authorised as per the Council's Financial Regulations before purchase is made.

514/19 Repair of Stile adjacent to Twyford Road Playing Field

A quote has been received for £75.00 to repair this stile as it is unsteady. If the stile was to be removed, the cost would be £10.00. Members instructions are sought.

515/19 Finance – Income and payments October to 12th November 2019

To approve the attached income and payments for September to 8th October 2019. An update may be provided at the Meeting (Attached at Annexe E).

Please note that all invoices will be available for inspection at the Meeting.

516/19 To agree the following payments;

- a) To service the Bowls Club mower at New Blades, Derby.
- b) To replace the yale lock on the pavilion with a combination lock at a cost of £69.95, due to the existing lock showing signs of age.

517/19 Committees, Sub-Committees, Informal Groups

To consider a report on the administration of Willington Parish Council's Committees/Sub Committees (Attached at Annexe F).

518/19 Loop and Speaker System for Willington Old School Trust (Cllr I. Walters)

519/19 Mediation – DALC

To consider an offer of mediation further to a request for a proposal following a meeting of Full Council on 8th October.

520/19 Whistle Blowing Policy (Cllr P. Cullen)

It has been requested that a Whistle Blowing Policy be considered for adoption. Before this can be considered, Members need to establish: exactly who the policy is to cover, is it Councillors, staff or both, and how this policy can be implemented in such a small Council as Willington, who only have 1 member of staff, and how it will fit in with other policies. Also, how the Public Interest Disclosure Act 1988 already provides statutory protection.

521/19 Tree adjacent to the Railway Station.

Further to a Meeting of Council on 8th October, it was agreed that RAC Committee members view and agree a replacement tree before installation. As there hasn't been an RAC Meeting, and this matter is considered urgent, it has been brought before Full Council to make a decision (Photos attached at Annexe G).

522/19 South Derbyshire Call for Sites

To advise Councillors of South Derbyshire's 'Call for Sites', which is currently taking place until 12th December 2019 (Attached at Annexe H).

523/19 Recruitment Update

At a Meeting of Full Council on 8th October 2019, it was resolved to continue with the recruitment process for the Clerk and Admin Assistant. A verbal update on this process will be provided at the Meeting.

524/19 Items for Information

All items of interest have been circulated by email

525/19 Personnel/Staff related performance issues contained within the Clerks Report submitted to Full Council on September 10th 2019, and discussed further at the Extraordinary Meeting held on 24th September 2019, and additional performance related issues (Cllrs J. Cullen, P. Cullen, C. Blanksby and R. Casey).

Please note that the Clerk's report was issued in public, and discussed in public on 24th September 2019, when the report was noted. The Locum Clerk who was the author of this report is unaware of any reference to 'personnel/staff related performance issues' that it may have contained.

526/19 Exclusion of the Press and Public

Pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the Meeting due to the confidential nature of the business to be transacted.

527/19 To confirm the confidential Minutes of Willington Parish Council Meeting held on Tuesday 10th September 2019. (Attached at Annexe I)

528/19 To confirm the confidential Minutes of Willington Parish Council Extraordinary Meeting held on Tuesday 24th September 2019. (Attached at Annexe J)

529/19 Date of the next Meeting

The date of the next Willington Parish Council Meeting is 10th December 2019 at The Old School, Castle Way, Willington, commencing at 7.00pm.