

# MALVERN WELLS PARISH COUNCIL

Minutes of an Extra-ordinary Meeting of the Parish Council duly convened and held in All Saints Church, Wells Road, Malvern Wells on Tuesday, 18<sup>th</sup> June 2013 commencing at 7.30pm

**Present:-Councillors: -** Mrs H Burrage (Chairman)  
J Black Mrs A Bradshaw  
P Buchanan S Freeman  
A Hull N Johnson  
B J Knibb M Victory\*  
K Wagstaff\*\*

**In attendance: -** WCllr Lucy Hodgson Mrs Susan Hughes (Locum Clerk)

**Apologies recorded: -** Cllrs K Hurst & Mrs C O'Donnell, David Taverner (Clerk)

**Welcome:** The Chairman welcomed all to this Extra-ordinary Meeting of the Parish Council with the primary purpose of discussion on the future provision of a Cemetery and the possible purchase of additional land.

## 28/13 Declarations of Interest

**a) Register of Interests: Councillors are reminded of the need to update their register of interests:** There were none

**b) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature:** There were none

**c) To declare any Other Disclosable Interests in items on the agenda and their nature:** Cllr Mrs Burrage declared an 'Other Disclosable Interest' as she had a purchased plot within the existing Cemetery. Cllr Hull declared an 'Other Disclosable Interest' as he may very well wish to purchase a plot in the existing Cemetery.

\* Cllr Victory arrived at the meeting

## 29/13 To Consider Written Requests from Councillors for the Council to Grant a Dispensation (S33 of the Localism Act 2011)

Cllrs Mrs Burrage (holder of an existing plot) and Hull (potential purchase) had each submitted a written request for a dispensation to both speak & vote on matters relating to the provision of the existing and possible future Cemetery Land and matters arising therefrom. Following discussion, it was proposed (Cllr Victory), seconded (Cllr Knibb) and **agreed** that:

both members be allowed to speak and vote on the matter until the next Local Council elections currently scheduled for May 2015.

## 30/13 To Consider the Purchase of Land to Provide an Extension to the Existing Cemetery

\*\* Having earlier sent apologies for late attendance due to a prior engagement, Cllr Wagstaff arrived during the following discussions.

The chairman gave an extensive visual presentation on the existing provision of Cemetery land with possible capacity for maybe a further 10 years, the options to acquire further land, an outline of what general works would be required to utilise the land as a Cemetery extension and the various options that the Parish Council would need to consider should further land not become available or purchased.

Cllr Burrage then went on to highlight the sale of a piece of land adjacent to the existing Cemetery: the only area of open space in near proximity. As the land was for sale by auction the following week, and the Parish Council had a power but not a

duty to provide Cemetery land clear guidance was required on the principle of whether any further cemetery land should be purchased, how the purchase should be funded and an 'acceptable' price for the land. She gave an indication of how this might affect the Parish precept.

In view of the importance of the decisions to the parish as a whole, it was proposed, seconded and **agreed** to suspend Standing Orders to allow parishioners present to speak.

NB Although public comments were not usually recorded within the Minutes, it was noted that all present spoke in favour of the continued provision of Cemetery land, were in agreement that the Council should buy further land for cemetery use and that the costing for such a purchase should not involve a rise any greater than £2.00 per year for a Band D household's council tax at current rates. The majority welcomed the Council pursuing this particular area of land within the above parameters.

At the end of discussions, the chairman closed the public participation session and continued with the published agenda.

***Taking into consideration the views of the parishioners, Members were asked to consider:***

***a) In the knowledge that there was limited space available in the current Cemetery, should the Parish Council seek to purchase further land for Cemetery use?***

Members noted that under the 1970 Burial Act there was a power but not a duty to provide a Cemetery and having due regard to the public session and their personal opinions and decisions, it was proposed (Cllr Knibb), seconded (Cllr Victory) and **agreed unanimously** that

In principle the Parish Council should pursue the purchase of suitable land to continue with the provision of a Cemetery.

***b) Should the Parish Council seek Borrowing Approval for a loan to part-fund the acquisition of land providing that this action did not result in an increase, in respect of cemetery land, any greater than £2.00 per year for a Band D household's council tax at current rates in the Parish Precept?***

Having due regard to the public session and their personal opinions and decisions, it was proposed (Cllr Victory), seconded (Cllr Knibb) and on a majority vote **agreed** that Borrowing Approval within these parameters be sought through the County Association of Local Councils.

Members noted that should the application be approved it would have a limited life-span but would not bind the Parish Council into a contract should the Approval and a loan not be required.

***c) Assuming that Borrowing Approval was granted, should the Parish Council seek to borrow money from the Public Works Loan Board to part-fund the acquisition providing that this action did not result in an increase in the Parish Precept greater than agreed in b) above?***

Having due regard to attendance at the public session and their personal opinions and decisions, it was proposed (Cllr Hull), seconded (Cllr Johnson) and on a majority vote **agreed** that

If required and subject to Borrowing Approval, a loan be sought from the Public Works Loan Board at the current rate of 2.5% to part-fund the acquisition of land for future Cemetery purposes.

It was proposed by the Chairman, seconded by Cllr Buchanan and unanimously **agreed** 'That pursuant to the Public Bodies Admission to Meetings Act 1960 and the Local Government Act 1972 ss100 & 102, in view of the confidential nature of the

business about to be transacted, it was advisable in the public interest that the public and press should be excluded from the remainder of the meeting. The reasons being Possible Legal Contracts & Staff Contracts'

The chairman suspended the meeting at 8.35pm to allow the parishioners and County Councillor the opportunity to leave the venue.

The meeting was reconvened at 8.40pm.

### **31/13 Possible Land Purchase**

The chairman spoke to the tabled report on the land valuations and the summary of costs that would be incurred per Band D household over a range of amounts to be borrowed against varying loan periods. She made particular reference to the decision reached earlier in the meeting, that there should be no increase greater than £2 per year in the parish precept due to this particular expenditure. She considered that, due to poor attendance at the public meeting, the Council should make provision within the NIL Rise in Precept columns of the Summary Table provided.

Following discussions on the detailed information available, possible parish land availability, the existing unallocated areas in the Cemetery, the estimated likely costs at auction and the decisions agreed earlier in the meeting, it was proposed (Cllr Victory), seconded Cllr Knibb and **agreed** on a majority vote, that;

The Parish Council seeks to obtain borrowing approval and a loan from the Public Works Loan Board over a period of 30 years @ 2.5% for a sum of money as proposed in the detailed confidential Report to members.

### **32/13 Staff Contracts**

The chairman spoke to the circulated Report of the Staffing Committee held on Monday, 10<sup>th</sup> June and the recommendations contained therein.

Following discussions, it was proposed by Cllr Wagstaff, seconded by Cllr Knibb and **agreed** on a majority vote that;

"That the clerk's previous service with another Public Employer as set out in the NJC agreement SHOULD be considered as part of a continuous period of employment with the Council, only for the purposes of Sickness and Annual Leave Entitlement, in his Employment Contract and that this change should be effected as from 1<sup>st</sup> April 2013."

There being no other business the Chairman closed the meeting at 9.50pm.

Chairman .....  
26<sup>th</sup> June 2013