

MALVERN WELLS PARISH COUNCIL

Minutes of the Meeting of Malvern Wells Parish Council duly convened and held in The Village Hall, Wells Road, Malvern Wells on **Wednesday 10th December, 2014** commencing at 7.30pm

Present: Councillors Mrs H Burrage P.Buchanan
A Hull Mrs A Bradshaw
J Black B Knibb
K Wagstaff K Hurst

Apologies for absence: Councillors M Victory, S Atwell, and, S Freeman

In attendance: David Taverner (Clerk and Responsible Finance Officer)

109/14 Declarations of Interest

a) **Register of Interests: Councillors were reminded of the need to update their register of interests.** No changes were required.

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 Buchanan declared an interest in agenda item 4 –Future Maintenance of St Peters Churchyard - in that he was a member of All Saints Malvern Wells & The Wyche Parochial Church Council.

110/14 To Consider Requests from Councillors for the Council to Grant a Dispensation (S33 of the Localism Act 2011): There were none

111/14 St Peters Closed Churchyard

The Clerk reminded Members that a letter, dated 22nd September, 2014, had been received from All Saints Malvern Wells and the Wyche Parochial Church Council (PCC) requesting the Parish Council to assume responsibility for the future maintenance of St Peters Closed Churchyard.

Under legislation outlined in Section 215 of the Local Government Act 1972 the Parish Council has 3 months, from the date of the request, to either agree to it, or pass on the request to the District Council in its role as the Local Authority for the area.

The Parish Council had previously advised the PCC that it could not accede to their request in view of the following difficulties with the site:-

1. The insufficient access arrangements to the Churchyard for contractors maintenance equipment and machinery.
2. Disputes concerning the legal titles affecting the precise boundaries of the Churchyard land and those of the owners of the adjoining properties.
3. The poor state of repair of the stone walls surrounding the Churchyard which need to be satisfactorily and sympathetically repaired and restored.
4. The indiscriminate planting of trees and shrubbery giving rise to concerns relating to tree root damage to the adjoining Village Hall and the need for a tree survey to determine whether any associated safety work may be required.
5. The need to ensure that, as some of the memorials within the Churchyard are presently insecure, that reasonable steps are taken to ensure the safety of visitors to the Churchyard, together with that of any contractors working within it.

In view of the Parish Council's concerns the PCC had now agreed to withdraw their formal request notice and to re- issue it at the end of February, 2015 to give more time for the Parish Council to consider the matter.

Cllr Buchanan suggested that if such a time extension was granted by the PCC then, prior to any decision on future maintenance responsibility being taken, a site meeting involving the Diocesan legal team, the owners of the properties bordering the site and the Parish Councils legal advisors might be beneficial in addressing some of the legal difficulties with site access and the existing boundaries of properties bordering the Churchyard.

Cllr Black indicated that he was also in favour of this approach as long as the legality of the time extension was properly confirmed.

Following further discussion the majority of Members present expressed the view that, as there had been no improvement to the problems encountered with the site since the Churchyard was formally closed in October, 2010, it was unlikely that an extension of a further three month notice period would see any resolution of the outstanding issues.

At the conclusion of the debate **Cllr Wagstaff formally proposed** that, in accordance with the provisions contained within Section 215 of the Local Government Act 1972 that the Parish Council should resolve to pass on the PCCC request with regard to the future maintenance of St Peters Churchyard to Malvern Hills District Council (MHDC).

This proposal was seconded by Cllr Knibb.

A named vote on the proposal then followed and was recorded as follows:-

For - Cllrs Mrs H Burrage, Mrs A Bradshaw, K Wagstaff, A Hull, B Knibb, k Hurst

Against- Cllr J Black

Abstention -Cllr P Buchanan

The proposal was thus declared as carried and the Clerk was asked to advise the PCCC and MHDC of the resultant Parish Council resolution.

112/14 Financial matters

(a) Approval of the payment of accounts The following accounts were approved for payment:-

Chq	Payee	For:	£ NET	£ VAT	£ GROSS
3183	Steve Maund	Cemetery and outdoor work December	479.06	-	479.06
3184	Steve Maund	Cemetery materials	73.94		73.94
3185	Print Plus	Wells news printing	957.00		957.00
3186	SLCC	CiLCA registration	250.00		250.00
3187	Worcestershire CALC	CiLCA Training	30.00		30.00
3188	County Building Supplies	Cemetery materials	20.44	4.09	24.53
3189	Martin Thomas	Cemetery and outdoor work December	263.16		263.16
3190	Sight Designs Ltd	maintenance of lamps December	789.40	157.88	947.28
s/order	David Taverner	Clerk salary December	1,396.77	-	1,396.77
TOTALS			4,259.77	161.97	4,421.74

(b) Approval of the 2015/16 National pay award in respect of the Clerk of the Council

The Clerk advised the meeting that the National Joint Council for Local Government Services (NJC) had reached agreement on the following:

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- New pay scales for 2014-2016 to be implemented from 1 January 2015.
- A non-consolidated (one off) payment of £100 for employees on NJC Scale points 5 - 49 in December.

New pay scales for Clerks, under the terms of the NALC model contract, had been agreed which had the impact of increasing the Clerk's gross annual salary from to £20,860 to £21,198 with effect from 1st January, 2015.

In accordance with clause 6.1 of the Clerk's current contract, Members **unanimously resolved** to implement the terms of the NJC agreed pay award.

There being no other business the meeting the Chairman closed the meeting at 8.35pm.

Minutes approved - Wednesday 28th January, 2015

Approved.....

Cllr Mrs Helen Burrage- Chairman of the Council