

MALVERN WELLS PARISH COUNCIL

Minutes of a Meeting of Malvern Wells Parish Council duly convened and held in The Village Hall, Malvern Wells **on Wednesday 20th February, 2013** commencing at 7.30 pm.

Present

Councillors:

K Wagstaff (Chairman)	
A Hull	Mrs A Bradshaw
J Black	B Knibb
Mrs H Burrage	M Victory
K Hurst	N Johnson

In attendance: Mr D Taverner (Clerk and Responsible Finance Officer)

Apologies recorded: Cllrs Mrs C O' Donnell, S Atwell, S Freeman, and P Buchanan
District Cllr C Cheeseman, County Cllr S Brown

109/12 To Record a) Disclosable Pecuniary Interests for the Meeting and b) any changes to be notified to the Register of Interests and Gifts & Hospitality

No changes were necessary to the declarations which had previously made.

110/12 Closure of the meeting to allow parishioners the opportunity to speak on any matter on the agenda

No questions or statements from parishioners were received.

111/12 To consider the confirmation of the Minutes of the previous meeting held on 6th February, 2013 as a correct record of the proceedings.

It was unanimously resolved to confirm and sign the Minutes of the Parish Council meeting held on 6th February, 2013, after making an amendment to minute **108/12 (a) payment of accounts** to note that the names of Cllrs Wagstaff, Knibb and Freeman had been recorded as voting against the full payment of the invoice presented by Sight Designs Ltd, in the sum of £21,696, in respect of the Gas lamps renovation project, until all snagging works had been completed.

112/12 Matters Arising from the Minutes.

There were no matters arising from the approved minutes.

113/12 Report from Mr Steve Bound- Director of Malvern Hills Conservators- regarding the Council's application for the siting of a play area on Peachfield Road Common.

The Chairman welcomed Mr Bound to the meeting who then updated members on the response to the Council's formal application to site a play area on Peachfield Road Common.

Mr Bound explained that the matter had been considered by the Conservators Land Management Committee at their meeting on 7th February. The Council's application had been refused on the following grounds:-

1. The playground would need to be fenced. Under the Malvern Hills Acts the conservators are able to erect fencing 'for the purpose of protecting and renovating turf'. They may also 'fence or cause to be fenced dangerous places'. The 1995 Act gives them powers to fence to protect ancient monuments, protect and restore the natural beauty and suitability for rough grazing or recreation, to preserve trees, protect and preserve flora and fauna and to prevent accidents at any place which is a source of danger. To classify a children's playground as a source of danger would be tenuous.
2. The Acts allow them to pass byelaws prohibiting the erection of buildings, sheds, tents or other structures in order to protect the Common. This implies that there was a presumption against allowing structures on the Common.
3. The playground would need to be surfaced with some form of bonded safety surfacing. Fencing, surfacing and the erection of structures are all restricted works under section 38 of the Commons Act 2006. Whilst it may be possible to obtain consent from the Secretary of State for these works, this would involve significant additional work for MHC staff.
4. There is a risk that, if the playground were installed, pressure would then be put on the Conservators to provide or allow associated infrastructure. For instance, paths to the playground may become muddy and users may then request a surfaced route. Similarly, parents of children crossing the road to reach the playground might request that the local authority install a pedestrian crossing, resulting in further urbanisation of the Common.
5. Playgrounds, even those designed for younger age groups, are often a magnet for anti-social behaviour- such as underage drinking, vandalism, graffiti and littering.
6. By setting aside an area of the Common for a particular purpose and installing structures and fencing, would effectively result in the exclusion of other users of the Common from this particular piece of land.

Permission to construct a playground on the Common had thus not been granted because, in the view of the Conservators-

- It is far from clear that they have the powers to allow a play area to be fenced and surfaced. Consent from the Secretary of State would be required.
- A fenced play area would effectively exclude other users of the Commons
- Creation of a play area might lead to requests for further urbanisation of the Common
- There is a presumption against structures on the Common

Following questions and objections from Members regarding the grounds for refusal of the project, it was **unanimously resolved** that representatives of the Parish Council should attend the Conservators Board meeting, scheduled for 14th March, to request that the refusal decision, made by the Land Management Committee, should be reconsidered.

114/12 – Malvern Neighbourhood Watch

The Chairman welcomed Mr Martin Lawrence the New Neighbourhood Watch co coordinator for Malvern to the meeting.

Mr Lawrence explained that he had taken up his role in December 2012 and outlined the manner in which Neighbourhood Watch (NW) Schemes exist to provide a focal point for residents and local businesses to help to reduce the likelihood of their becoming the victims of crime.

By following freely available advice on crime prevention measures and by maintaining "active vigilance" residents can contribute to ensuring that the area in which they live or work is more likely to remain crime free.

In early January there were just 55 NW Coordinators in the Malvern Hills area registered on the police messaging system

In an area where the population is in the region of 33,000 and which has almost 600 streets and roads, there is clearly a need to strengthen the communication between the police and NW volunteers

A large scale recruitment exercise is currently under way which is seeking more such volunteers to come forward

Mr Lawrence explained that the role of a Neighbourhood Watch coordinator is voluntary and the key objectives are to:-

- Get to know and be known by members of existing NW groups
- Act as a point of contact between local coordinators and the police
- To assist local coordinators to recognise where opportunities for crime exist and how to prevent them
- To receive and pass information from the police service and to feed back information to local groups
- To encourage residents to be aware of suspicious occurrences in their area and to report them promptly to the police
- To encourage regular contact between members of local groups in order to increase the amount of local knowledge available to them
- To get to know members of the local policing team and encourage their involvement in local NW groups

The Chairman thanked Mr Lawrence for his informative presentation and invited him Lawrence to attend future Council meetings to report back on matters of interest. The Clerk advised that a link to the Malvern Neighbourhood website had been placed on the Parish Council's website.

115/12 Report from Malvern Hills Conservator elected member -Mr John Tretheway -

Mr Tretheway reported that the Conservators had resolved to increase their Council Tax precept by 2.2% for the year 2013/14

Elder, hawthorn and silver birch scrub has become quite prolific on the Hills and Conservators staff were now working to control the spread so as to minimise disruption to the remaining ground flora.

116/12 Reports from Committees / Committee Chairmen

The Clerk presented the previously circulated report of the **Environment Committee** which had been held on **16th January**.

Cllr Hull presented the report of the **Planning Committee** which had been held on 6th February.

These reports and the recommendations contained therein were **accepted and approved** by the Council.

117/12 Gas lamps working group report

Cllr Burrage presented the report of gas lamps working group which had taken place on 18th February, which Brian Harper (BH), representing Sight Designs Ltd (SDL), had attended.

The group had discussed arrangements for the future monitoring of the maintenance contract.

Following the joint Council meeting with Malvern Town and West Malvern on 13 February a commonality of the approach to the maintenance monitoring process forward had been discussed and mapped out.

Mr Harper had advised that his team were setting up a database system for the control of the reporting of faults and to record the maintenance history for each lamp. The database would be accessible by the Clerks of each Council and would be used to record all work undertaken and help with a consistency of approach to the maintenance of each lamp.

A reporting link had now been placed on the Council's website so that faults to the gas lamps could be reported directly to SDL on line.

BH had advised that maintenance and a deep clean of the lamps would be undertaken on an annual basis during the summer months

The response time for emergency call outs was discussed and it was felt that this should be within one working day, as far as was reasonably practicable.

It was agreed that the terms of the maintenance contract should be reviewed and re-negotiated, as appropriate, by both parties as the original contract had been established in October, 2010 and significant changes were now required to that contract to protect both parties interests.

The Clerk had drawn up a schedule to show when the final payment for each lamp had been made and the length of time that the respective 12 month guarantee period had been in force.

There were still issues with those lamps which were illuminated during daylight hours and BH outlined the reasons for this. BH anticipated that all such faults would be eradicated by no later than the end of March.

It was agreed that the costs for the routine maintenance of each lamp would be limited to £60 per lantern in accordance with the maintenance contract and the SDL quotation dated 14th May 2010.

Prior approval will need to be given by the Parish Council for any repair works, to any individual lantern which are estimated to be likely to cost more than £100. It was agreed

that no additional work would be sanctioned without prior consent having been agreed via an official written order from the Parish Council.

SDL had agreed to provide the Council with a unit cost price for consumable items, to include the cost of the new mantles and the cost of the "click in" replacement base units which would be used as necessary. It was proposed that two of these units would be held in stock for use as required.

National Grid had been asked to provide the estimated costs of re-connecting those lamps for which there was no gas supply. SDL also agreed to provide a quotation for a replacement lamp near to 12 Watery Lane as soon as practicably possible.

Malvern Town Council had intimated that they would be prepared to discuss the possibility of arranging cover for future year's maintenance arrangements and details were to be discussed at a future joint project group meeting.

SDL had submitted a bill in the sum of £6,870 for the costs of the additional work which they had undertaken on the various design intricacies of the lamps. The District Council, after negotiation, had agreed to pay 75% of these additional costs. Strictly SDL had not complied with the requirement to seek advance authorisation from MHDC for the costs of any additional work identified and MHDC were reluctant to pay the bill at all at first.

Brian Harper then spoke to outline the reasoning behind the composition of the additional costs bill.

With the Parish Council having given the matter careful consideration, it was then proposed by Cllr Burrage that the Council should pay the 75% additional costs grant which had been received from MHDC towards the bill, together with a contribution of 5% from Parish Council funds. This proposal was seconded by Cllr Victory

By way of an amendment Cllr Wagstaff proposed that, as SDL had not complied with the requirement to seek advance authorisation from MHDC for the costs of the additional work which had been undertaken, the 75% grant which had been received from MHDC should be returned to them. SDL would then need to make an application directly to the District Council for the payment of their additional costs invoice. This proposal was seconded by Cllr Knibb

On being put to the vote the amendment was declared lost with Cllr Knibb requesting that his name should be recorded as having abstained from that vote.

It was thus resolved that the Parish Council should make a payment in the sum of £5,496 to Sight Designs Ltd, representing 80% of their additional costs invoice dated 22nd November totalling £6,870

118/12 Actions undertaken by the Clerk since the previous meeting

The Clerk reported that the order for works to erect new fencing to the Jubilee fountain garden had now been placed (minute 106/12 dated 6th February refers)

A meeting had been arranged for 28th February with representatives from BWB Consulting Limited, a leading environmental consultancy, with a view to them being appointed as the managing agents/consultants with responsibility for the design of a drainage alleviation scheme for Assarts Road playing field.

119/12 Financial matters

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

Cheque number	Payee		Amount £
2976	Malvern Wells Village Hall	Room Hire	56.00
2977	Arkell & Hurcombe	Cemetery plaques	163.20
2978	D M Taverner	Clerk Salary and Expenses - February	1,694.68
2979	Sight Designs ltd	Gas lamps additional costs	5,496.00
2980	Malvern Hills District Council	Rate Relief - Spar Shop , Wells Road	379.69

(b) Discretionary Rural Rate relief application - The Spar Shop, Wells Road

A discretionary rate rural rate relief application had been received from Mr Alan Rawlings in respect of the Spar shop, Wells Road.

As it was felt that the business is of direct benefit to the local community the Council **unanimously resolved** to support the application and agreed to the payment of a financial contribution in the sum of £379.69 being paid to Malvern Hills District Council to enable the maximum level of rate relief to be applied

There being no further business the Chairman closed the meeting at 10.10 pm

Signed.....

Chairman –20th March, 2013