

# 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 25<sup>th</sup> September, 2013** commencing at 7.30pm

**Present:**

**Councillors: -**

Mrs H Burrage (Chairman)	
J Black	Mrs A Bradshaw
P Buchanan	S Freeman
A Hull	M Victory
B J Knibb	S Atwell
K Wagstaff	Mrs C O' Donnell

**In attendance: -**

District Cllr C Cheeseman

**Apologies recorded: -**

County Cllr Lucy Hodgson, K Hurst and N Johnson

**68/13      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 Buchanan declared an interest in agenda item 15(b) - the community grant application from the All Saints Toddler Group. Cllr Buchanan was given dispensation to speak but not vote on the matter.

**69/13      To Consider Written Requests from Councillors for the Council to Grant a Dispensation (S33 of the Localism Act 2011):** There were none.

**70/13      Minutes of the Parish Council meeting held on 31<sup>st</sup> July, 2013.** The minutes of the meeting held on 31<sup>st</sup> July, having been previously circulated, were approved and signed by the Chairman as a correct record of that meeting.

**71/13      Matters arising from the minutes**

***Minute 52/13 (26th June) - Possible purchase of land for provision of a Cemetery:-***

In relation to the sale of land at Chestnut Hill, members were advised that the land remains unsold and although negotiations were continuing with a number of interested parties it was understood that there were some legal difficulties with the sale process. There remains no intention to sell the land other than as a single lot. All interested parties have already been notified of the

Parish Council's interest. It was suggested that further contact should be made with vendor's agents at the end of October to ascertain what progress was being made with the sale.

### **72/13 Report of the County Councillor – Cllr L Hodgson**

Cllr Hodgson had submitted a written report.

With regard to the issues raised at the July meeting Cllr Hodgson advised that she had requested the re painting of the yellow lines outside the Village Hall, and that she had arranged to meet the Clerk and Cllr Knibb to inspect the issue with worn pavements in the Fruitlands area.

Cllr Hodgson also informed members that she had asked Worcestershire Regulatory Services officers to investigate the level of noise from idling trains in the proximity of the Fruitlands estate.

Allocations had been set aside from Cllr Hodgson's Divisional fund budget to fund the repainting of the telephone box outside the Hall and to help to support improvements to the facilities within the Scout Hut at Assarts Lane.

The County Council was starting to look at next year's budget. From the many announcements from central government it is clear that a large amount of savings will need to be made in the next financial year as well as in following years. There are many pressures on the budget with increases required on the Adult Care budgets and Children's services, alongside pressure to maintain the condition of the roads across the county.

Under the Localism umbrella it may be that there is an opportunity for a service to be delivered by a local community.

The County will be in a position to make public the proposals for next year's budget by the end of October.

Hereford and Worcester Fire Authority had also announced proposals to reduce their budget by nearly £5 million over the next 3 years. They are looking at a number of options which include closing both Bewdley and Broadway Fire stations as well as closing at least one in Herefordshire. Another option is reducing the number of whole time fire engines at key stations and relying on more on call crews. The public consultation will start next month.

### **73/13 Report of the District Councillor – Cllr C Cheeseman**

Cllr Cheeseman reported that work had started on the District Council's medium term budget review. It was likely that further budget reductions would be necessary following the cuts in central government funding

From 12th November the District Council will become responsible for enforcing on-street parking regulations instead of the police. Civil patrol wardens will monitor such issues as the prevention of parking on zigzag lines outside schools, illegal parking in disabled bays and parking contraventions in areas of the district that the Police are unable to visit frequently.

Consultation had been launched on the introduction of the Community Infrastructure Levy (CIL) by the three partners in the South Worcestershire Development Plan - Malvern Hills District Council, Worcester City Council and Wychavon District Council.

The CIL is a nationally prescribed mechanism allowing councils to make a charge on new development, so that the money can then be used to provide vital services such as transport, schools, community & sports facilities, and other forms of infrastructure.

If agreed, the CIL would come into force in 2015 and would help fund some of the infrastructure needed to deliver the economic and housing growth set out in the proposed South Worcestershire Development Plan.

Cllr Cheeseman agreed to liaise with the Clerk to facilitate the process of the application for the release of Section 106 funding to support projects at the Assarts Road playing field

#### **74/13        Reports of Committees / Committee Chairmen**

##### **(a)    Report of the Planning Committee meeting held on 4<sup>th</sup> September, 2013**

Cllr Hull presented the report of the Planning Committee which had been held on 4th September. The report was **noted** and **accepted** by the Council.

#### **75/13        Reports from working groups**

##### **(a)    Report of the Gas Lamps working group meeting held on 4<sup>th</sup> September, 2013**

Cllr Freeman presented the report of the gas lamps working group which had been held on 4<sup>th</sup> September.

Annual maintenance work to each of the lamps was now underway and was due to be completed by 30th September.

Two bills (invoice numbers 276 & 277) had been submitted by the contractor detailing repairs that had been undertaken to various lamps during the period from the beginning of December, 2012 to 31st January, 2013. These invoices had been received on 28th July and, due in part to the delay in their receipt and the fact that some of the works billed for had in fact been covered by the guarantee period, the Clerk had spent a considerable time investigating account queries.

Following a meeting with the contractor (BH) the Clerk advised that the queries had now been satisfactorily resolved and amended invoices had been submitted.

It was **unanimously resolved (R1)** that invoices 276 and 277, as amended, in the sums of £872.64 and £776.88 respectively be approved for payment

BH was to be asked to submit all future invoices for payment on a regular basis and in any event not more than four weeks from the date that the related work had been undertaken

The costs of the current normal maintenance work would be limited to £60 per lantern (inclusive of VAT) in accordance with the current maintenance contract.

There were concerns about the fact that repairs were being carried out by the contracting team without direct approval from the Parish Council.

The contractor's attention had been drawn to condition 3.3 of the maintenance contract which stated that prior Council approval would need to be given for any works, identified under the maintenance contract, which were estimated to cost more than £200.

The current maintenance contract which runs until March, 2014, does not include provision for dealing with repairs to lamps outside the guarantee period or which are not in response to call outs from the Council

The current contract also does not include provision for the costs of the inspection patrols which were being undertaken by the contractor, who had advised that there were occasions where these inspection patrols had picked up problems with the lamps which could be dealt with instantly. In the interest of efficiency some works had been undertaken immediately by the contractor to get the respective lamps working again.

Following discussion **it was resolved (R2)** that, in the interest of efficiency, these types of repairs should be permitted, although prior approval should be sought from the Clerk for any such works which would be likely to cost more than £100 per calendar month in aggregate.

BH had advised that a deep clean of the lamps was now being undertaken as part of the annual maintenance work for 2013. As part of the cleaning routine his team was also able to clean the lamp posts and trim back vegetation at the base of each lamp, aimed at preventing damage, at a cost of £5 per lamp.

The total cost for this work for the remainder of 2013/14 was estimated at £240. **It was resolved (R3)** that this work should be undertaken in association with the normal routine maintenance work at the quoted price of no more than £5 per lamp.

BH had pointed out that his monthly inspection patrols had not previously been charged for and neither had he sought reimbursement for the travel costs involved. A full inspection patrol of the lamps took less than one hour and was undertaken on a monthly basis. BH advised that the hourly rate chargeable for

this service would be limited to £10 per hour and a car mileage rate of 45pence per mile was agreed.

Council **resolved (R4)** that the cost of the monthly patrol costs be approved at an hourly rate of £10 with a travelling allowance of 45 pence per mile. Paid visits were to be limited to one per month and the payment for such visits, including travel costs, would not exceed £15 each calendar month.

Cllr Wagstaff asked that his name be recorded as having voted against the approval of resolutions R2 to R4 inclusively.

BH had also highlighted problems with foliage which was obscuring the light emanating from the lanterns and in some locations and causing potential safety issues with the possibility of fire being caused following contact with the lanterns. It was possible for his team to undertake the necessary pruning and cutting work at a chargeable hourly rate of £25. BH advised that if this work was approved by the Council he would seek any permission necessary from private householders and the Malvern Hills Conservators as appropriate.

BH had estimated that all of the pruning and cutting back that was necessary could be undertaken by his team for a total estimated cost of between £250 to £300

Members were concerned that, due to the wide ranging scope of the work required, it would not be possible to guarantee that the relevant permissions from the appropriate landowners could be obtained and there were concerns about work being carried out safely. **It was resolved (R5)** that the Council would review the extent of the work required on receipt of an inspection report from the contractor before any further action was considered

In order to assist with repairs to the control units of individual lamps the Council **unanimously resolved (R6)** to authorise the purchase of two of the "click in" control units which had been demonstrated at a previous meeting. These units would be kept in the contractors workshop for use as required but would remain in the ownership of the Parish Council

It was agreed that the terms of the maintenance contract should be reviewed and re- negotiated, prior to 1<sup>st</sup> April, 2014. The original contract had been established in October, 2010 and significant changes were now required to that contract to protect both parties interests.

**It was unanimously resolved (R7)** that , in the interests of securing the most favourable contract terms, for all parties , the Parish Council should seek at least three competitive quotations for the new contract working collectively with both Malvern Town and West Malvern Parish Councils as appropriate.

**(b) Report of the Play and Open spaces working group meeting held on 17<sup>th</sup> September, 2013**

The Clerk presented the report of the play and open spaces working group which had been held on 17<sup>th</sup> September.

**(i) Drainage alleviation scheme for Assarts Road Playing field**

The Clerk advised that a CCTV survey of the field's drainage system had now been undertaken by a specialist drainage survey company. The Council's consultants (BWB Consulting Ltd) had subsequently drawn up a specification for a suggested drainage scheme for the playing field.

A copy of the full CCTV survey report was available from the Clerk on request.

The working group had expressed their disappointment with the length of time that the consultants had taken to compile the report and the fact that the documentation supporting their report had not been complete in the first instance. The Clerk had been asked to write to BWB to register the Council's dissatisfaction with the overall service which had been provided to date.

The CCTV survey which had been undertaken had suggested that repairs to the public network on Assarts Road and Assarts Lane should also be considered, particularly with regard to damage to the connection under Yew Tree Lane which appeared to be causing a 50% blockage of that pipe. The consultants view was that replacing this pipe would reduce the build-up of water through the pipe system and ensure blockages do not occur closer to, or within, the site

It had been estimated that the likely costs of completing the work set out in the BWB specification would be in the order of £11K.

Following discussion it **was unanimously resolved** that the Clerk should write to BWB consulting expressing the Council's disappointment with the length of time it had taken for them to have drawn up their report, in view of the fact that they had been given their initial brief back in early March. The final report presented had not been complete as an appendix had been missing and the Clerk had needed to chase both that part of the report and the copy of the survey DVD.

It was also **unanimously resolved** that the Clerk should contact Worcestershire County Council to ask them to consider repairs to the public drainage network on Assarts Road and Assarts Lane, particularly with regard to the reported damage to the connection running under Yew Tree Lane.

Members expressed their concerns that the solution proposed by BWB would not deal with the drainage of the whole of the playing field and **it was unanimously resolved** that the Clerk should write to BWB to

seek assurance that their proposed scheme would be sufficient to deal with the alleviation of the drainage of the whole of the playing field. If such an assurance was forthcoming from BWB then they should be instructed to invite at least three competitive tenders from suitable contractors able to undertake the works that had been identified in the scheme specification.

(ii) **Finalisation of the terms of the new Scout Hut Lease**

The working group noted that the final terms of the lease were being drawn up by Cllr Freeman and, when completed, would be sent to the Scouting Association Trust for signature.

Cllr Freeman advised that MHDC had placed a restrictive covenant on the title to the land prior to its conveyance to the Parish Council in 1990. This ostensibly prevented the use of the land for anything other than a playing field and there had been no mention of the use of a portion of the land as a Scout Hut.

These covenants needed to be varied to regularise the existence and use of the Scout Hut, and to allow additional community use of the playing field.

The Clerk was asked to contact the relevant officers at the District Council to progress these particular matters.

(iii) **Assarts Road Play area fencing – review of the quotations received and to decide on the style of fencing to be erected**

At their meeting on 25th July, the Finance and General purposes committee had agreed to recommend to Council that a quotation of £5,998.72 for replacement mesh fencing for the play area from Paul Stanley fencing Ltd should be accepted.

Following consultation with a large majority of local residents in Assarts Road, their preference was for metal "bow top" replacement fencing to be fitted. This type of fencing not only looked better aesthetically but was also much sturdier than the mesh type fencing and had a longer workable life.

The most complete quotation for Bow Top fencing had been received from Paul Stanley Fencing in the sum of £9,155.38. Within the terms of this quotation the fencing line would be brought forward some 3 meters from its present position to allow for the future installation of new play equipment.

Following discussion **it was resolved** that the revised quotation for Bow Top Fencing from Paul Stanley Ltd in the sum of £ 9,155.38 should be accepted.

The Clerk advised members that there is provision of £15k in the 2003/14 approved budget for the costs of replacement fencing and the provision of new play equipment. These costs will be offset by the release of any remaining section 106 funds following the completion of the Assarts Road Drainage scheme.

(iv) **Maintenance of the hedge border at Assarts Road playing field**

**It was resolved** a suitable contractor be identified to cut back the height of the perimeter fencing around the playing field.

The parish lengthsman would also be undertaking further work to cut back over growth around the Scout hut Fencing.

The costs of this work would be contained within the approved open spaces budget.

(v) **To receive an update report from the Clerk regarding the potential Development of a new play facility on Peachfield Road Common.**

The Clerk advised that he had been in correspondence with Steve Bound, the Director of Malvern Hills Conservators, who had been broadly supportive of the development of the type of play facilities set out in the indicative design proposals drawn up by Playdale Ltd which had previously been presented to the Council.

Mr Bound had asked the Clerk to draw up a report, setting out the details of the proposed new facility, to be presented to the Conservators Land Management Committee meeting in November.

A draft copy of the proposed report would be presented to the next meeting of the Council, prior to its submission to the Conservators Board.

(vi) **Fruitlands Green – to consider the reintroduction of Christmas Illuminations**

**It was resolved** that a suitable new tree should be purchased for Fruitlands Green with a view to it being decorated with lights during the Christmas season.

The Clerk was asked to contact the County Council street lighting team to seek the appropriate permissions and to repair and test the suitability of the existing lighting connection.

The Council's current earmarked reserves contain a provision of £1,500 to support this expenditure.

(c) **Events Working Group**

It was resolved to delegate the following matters to the events working group for consideration at its next meeting:-

- (i) The agreement of the working groups terms of reference
- (ii) Remembrance Service - 10<sup>th</sup> November
- (iii) Christmas carol concert - 13<sup>th</sup> December
- (iv) Summer Fête, 2014
- (v) Britain in Bloom entry 2014



## **76/13 Chairman's Communications**

### **(i) Wyche Water Treatment works**

Confirmation had now been received that the works to the pumping station had now been completed and the Lower Wyche road had now been fully re-opened.

### **(ii) Assarts Road Playing field - Tree works**

Complaints had been received regarding the felling of a tree on the Assarts Road playing field. The Clerk had written to the complainants to explain that, following a report from a tree surgeon, the Council had been advised that work had needed to be undertaken urgently to cut back the willow tree in question which, due to its condition, was in imminent danger of collapse.

(iii) Following correspondence with the County Council a new school crossing patrol warden had been appointed at the Wyche School

## **77/13 Report of representatives on other bodies.**

There had been no meetings of note since the previous Parish Council meeting.

It was noted that there was still a vacancy for a Parish Council representative to serve on the Village Hall Management Committee.

## **78/13 Cemetery Matters**

The Cemetery working group had met to discuss the work needed to allow for interments on a new section of the existing cemetery.

It was likely that there would have to be some works undertaken to move or cut back some of the cemetery trees and hedges and a further report would be made to Council by the Cemetery working group as appropriate.

## **79/13 Financial matters**

### **(i) 2012/13 External Audit**

The clerk reported that the 2012/13 External audit of the Council's Accounts had been satisfactorily completed by Grant Thornton LLP and there were no matters arising from the Audit.

(ii) **Payment of Accounts**

The following accounts were approved for payment:-

<b>Cheque number</b>	<b>Payee</b>	<b>For:-</b>	<b>£</b>
3036	Excell Print	Wells News Printing	869.00
3037	PCC of Malvern Wells & The Wyche	Room hire June	35.00
3038	Adrian Hope	Tree Surgery	522.00
3039	Martin Thomas	Cemetery Works Aug & Sept	533.25
3040	Grant Thornton LLP	Audit Fees	480.00
3041	Worcestershire CALC	Charles Arnold Baker 9th Edition	56.25
3042	Glasdon UK	Litter Bin - Richmonds Pitch	158.11
3043	N Power	Cemetery Electricity	28.35
3044	D M Taverner	Salary & Expenses - Aug & Sept	1,725.49
3045	Steve Maund	Outdoor & Cemetery works - Aug & Sept	900.98
3046	Trevor Brooke Grab hire	Cemetery Digger hire	140.00
3047	Drain Jet Surveys	CCTV Survey - Assarts Road	708.00
3048	BWB Consulting	Outline Drainage Scheme - Assarts Road	900.00
3049	Sight Designs Ltd	Gas Lamps Maintenance	1,649.52
3050	British Gas	Gas for lamps - June quarter	613.86
	Campaign for Protection of Rural		
3051	England	Subscription 2013	29.00
3052	PCC of Malvern Wells & The Wyche	Community Grant All Saints Toddler Group	250.00

\* *Schedule to be presented for amendment at Council meeting on 6<sup>th</sup> November*

It was agreed that payment of an invoice in the sum of £900 to BWB Consulting should be withheld subject to a satisfactory response to questions regarding their work on the design of the proposed Assarts Road drainage scheme.

**80/13 Date of next meeting**

It was agreed that the date of the next meeting of the Council would take place on Wednesday 6<sup>th</sup> November, 2013.

There being no other business the Chairman closed the meeting at 9 50pm.

Approved..... Chairman

**Cllr Mrs H Burrage**

Dated 6<sup>th</sup> November, 2013