

CHILDSWICKHAM PARISH COUNCIL

Minutes of Childswickham Parish Council held at the Memorial Hall on Thursday 26th April 2012.

Present Cllr's Mr Halling (Chairman), Miss Brigden, Mrs Watts, Mrs Read,
Mr Patrick and Mrs Perry.

In attendance Mrs J Shields (Clerk).

1. Apologies for Absence.

Apologies were received and accepted from Cllrs Mrs E Eyres (District and County) and Mr Parmenter (District), and CSO P Schoenrock

2. Declaration of Interests.

Councillors were reminded to update their register of interests.

3. To Consider the Adoption of the Minutes Of the Meeting Held On 29th March 2012.

The minutes of the meeting, having been previously circulated, were agreed as a true record and signed.

4. Finance.

a) To Consider Invoices for Payment.

The following invoices were approved for payment;- Worcs CALC Membership £311.68, Lengthsman £176.00, H Ebrey £112.00, Clerks expenses (Stamps) £38.82.

b) Financial Report.

The Council had received the following remittances;- VAT Reclaim £162.79, Lengthsman £176.00.

Financial report was presented to the Council.

5. Correspondence.

The Council had received an E Mail from a concerned parishioner regarding irresponsible dog owners.

The following information has been obtained from the Wychavon, who employ Dog Wardens.

- Dog owners are responsible for the action of their dogs, which includes keeping them under control.
- All dogs must wear a form of identification, such as a collar and tag.
- It is an offence for a dog owner not to clear up after their dog has fouled on any open public land, an on the spot fine of £75 may be given to any person who fails to clear up after their dog. In certain circumstances the individual will be prosecuted instead, and the Courts can impose a maximum fine of £1000.
- Loose dogs may be collected by the Warden. After identifying the dog a statutory fine will be imposed, an administration charge and a daily kennel fee plus any veterinary bills that may be incurred, if the dog is in ill health, or has been injured.

The Statutory Fine is £25.00

The administration charge is £15.00

Each day or part day that the dog is at the kennels costs £11.00 including VAT.

The council will report any person or animal to either the police or Wychavon, it also urges parishioners to do the same.

An article on the above will be submitted to the Parish Magazine.

Following an E Mail from another Parish Council regarding 'Policing in the Community' the Council will reply that they are happy with the level of policing in

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Childswickham, as the Parish has a good rapport with the Community Support Officer.

The Council will not be participating in the 'Wychavon Bursary Award'.

The Clerk will inform Cllr J Smith that the Parish does not have street lights.

6. Bunches Brook Bund Fund Raising Update.

200 Tickets for the Barn Dance have been sold, Cllr's Brigden and Perry were very pleased with the response from the community, especially Mr and Mrs Perry, on whose land the event is taking place and whose help has been invaluable. Broadway traders have been very generous in offers of Raffle prizes.

The 100 club has only had 10 entrants to date.

7. Update On The Jubilee Celebrations.

In progress, response to date has been slow.

8. To Discuss Maintenance On The Playing Field.

As reported at the last meeting.

Cllr Patrick will organise a working party to remove the ivy from the tree.

9. The Localism Bill and Implications for the Council.

LOCALISM ACT –

The Localism Act received the Royal Assent at the end of last year, but its various sections will come into force bit by bit, as secondary legislation is issued. One part that has already come in is the restriction on excessive council tax rises although this does not apply to parish or town councils at present, but it is being kept under review.

The Localism Act is intended to devolve power from central government to individuals, communities and local councils. One of the key provisions in the Act is the Community Right to Bid (Assets of Community Value), which was formerly known as the Right to Buy which was supposed to come into being in April 2012 but hasn't done so yet - watch this space.

The Localism Bill includes five key measures that underpin the Government's approach to decentralisation.

- Community rights
- Neighbourhood planning
- Housing
- General power of competence
- Empowering cities and other local areas

Community rights - Community Right to Bid

Across the country there are buildings and amenities that are lifelines to the communities that use them – a village shop, a pub, the post office, a community centre or a library, for example. The closure or sale of these places can create lasting damage to communities.

New [Community Rights](#) are an attempt to ensure that a community based organisation has a fair chance to bid to purchase land and buildings that are important to them.

Initially they have to nominate them for inclusion on a list of assets maintained by the local authority.

If the owner of a listed asset then wants to sell that asset, a six month moratorium period will be triggered during which the asset cannot be sold. This gives community groups some time to develop a proposal and raise the required capital to bid for the property when it comes onto the open market at the end of the moratorium period.

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Community Right to Challenge

The Community Right to Challenge is designed to enable charities, social enterprises, and other groups to express an interest in running a service that is either being provided by, or on behalf of, the local authority. The idea behind this right is giving more power to local people and enabling them to play a bigger role in designing and delivering local services. This could be very wide ranging, including managing a park, running a transport service, or providing social care.

Neighbourhood planning

New rights will allow local [communities to shape new development](#) by coming together to prepare [neighborhood plans](#).

As it currently stands, the planning system doesn't give local communities enough influence over decisions that make a big difference to their lives. New rights in the Act will mean local people can decide:

- where new homes and businesses should go
- what they should look like

Parish and town councils or, neighborhood forums will lead the creation of neighborhood plans, supported by the local planning authority.

Neighbourhood plans will enable local people to ensure there are enough homes in their area by providing planning permission for homes in community ownership (particularly through the Community Right to Build). Town centre revitalisation, protection of green spaces, and regeneration through neighbourhood planning - local people will have genuine opportunities to influence the future of where they live.

How this will work in practice remains to be seen.

Housing

The Localism Act will mean that more decisions about [housing](#) are taken locally, and the system is fairer and more effective.

Councils will get the flexibility to better manage their housing stock by adapting to meet local needs. Giving councils more discretion will create better long term outcomes for social tenants and the wider community.

The Act changes the way social housing is funded to pass more power to a local level.

Councils also will get back the control of the revenue raised by council rent. This more predictable and stable basis will enable them to plan long term investment and decide how best to spend the money in their area.

Power of Well Being and the General Power of Competence

The Localism Act replaces the power of well being with the general power of competence.

The general power of competence gives councils the green light to work in innovative ways. Sometimes councils are wary of doing something new because they're not sure the law allows them to - even if they think it might be a good idea.

The Localism Act includes a 'general power of competence'. This gives local authorities the legal capacity to do anything an individual can do that isn't specifically prohibited; but they will not, for example, be able to impose new taxes.

The general power of competence prescribed conditions order for parish councils came into force on 28th March. This means that parish and town councils which meet the prescribed conditions may now resolve at a meeting that they meet the conditions, and may then exercise the general power.

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Bromsgrove District council is leading on drafting the Worcestershire model code of conduct, which we hope all councils in the county will adopt when the new standards regime begins on 1st July.

Under the new standards regime, the district council monitoring officer will continue to be the monitoring officer for parish and town councils within the district. The district council must set up procedures for receiving and dealing with allegations of breach of the code of conduct, including allegations made against parish and town councillors.

Predetermination

At present, councillors must abide by the code of conduct which was issued as secondary legislation in 2007. This part of the Act came into force on 15th January.

The code most directly affects council members when they have to decide what interests they should register, and whether they need to declare interests at meetings. Standards for England advice was that if a councillor could reasonably be judged to have decided in advance an issue which he would later be invited to make a decision about in discharge of the responsibilities of his/her office as a councillor, then s/he should not take part in the decision making process.

This advice led to a great deal of uncertainty, and to many councillors refraining from taking part in making decisions, or to them refusing to state an opinion, in case they could be held to have pre-judged an issue.

The present government promised to improve this situation, and to make it clear that councillors were perfectly entitled to have, and to state, strong opinions, without running the risk of having pre-determined an issue.

They have done this by including a provision in the Localism Act at Chapter 6, section 25. This says that if there is a question as to the validity of a decision of a council, resulting from an allegation of bias or predetermination, and it is relevant whether the person or persons making the decision had a closed mind when making the decision, then those persons are not to be held to have had a closed mind just because they had previously done anything which indicated what view they took about something relevant to the decision.

The government's Plain English Guide to the Localism Act says that this "makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result," which seems to be a bit of a leap from what the Act actually says. That is that if a councillor has stated opinions before voting on a decision, having done so will not invalidate the decision.

This does not alter the requirement that councillors must not decide issues in advance, must not to be biased when making decisions and they would be most unwise to lead anyone to think otherwise.

10. Flooding and To Discuss Clearing Bunches Brook.

Clerk to ask Highways to clear their side of the Brook on Farmers Lane, from the Forge to the pumping chamber.

11. Planning

a. For Consideration.

Non to date.

b. Decided by Wychavon.

Approved By Wychavon.

W/12/00108/PN Mount Pleasant Farm, Hinton Road, Childswickham. Erection of an agricultural building and laying of associated hard standing.

Refused by Wychavon

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W/12/00115/CUSlade Barn, Buckland Road, Childswickham,
Extension and change of use to form 2 no holiday lets.

c. Neighborhood Planning.

The council need to decide of this is appropriate for Childswickham.

12. Reports

a) Clerk.

Reported trees by the HOD to Tree Officer at Wychavon.

Replied to Mr Simms re the brook.

Completed and posted VAT reclaim.

Signed and returned lengthsman contract to Highways.

Prepared and posted lengthsman contract with Mr S Gwilliam.

Submitted PAYE.

b) P C Greenhouse/PACT.

c) Highways.

The Chairman to ask Mr Ebrey if he could cut the grass between Green Close and the green outside No 1, Green Close.

Clerk to contact Highways again regarding the pot holes in Blacksmiths Lane.

d) Playing Fields.

e) County Councillor.

f) District Councillor.

g) Bus Shelter.

In progress.

13. Items for Future Agenda.

Childswickham Village Fete will take place on the 1st September 2012.

14. Date Of Next Meeting.

31st May 2012 Annual Parish Council Meeting.