

## **ELDERSFIELD PARISH COUNCIL**

**Minutes of the Meeting of Eldersfield Parish Council held on  
Thursday 14<sup>th</sup> July 2011 at Eldersfield Lawn School, commencing at 7.30 p.m.**

**Present:** H.S. Davis (Chairman), C.H. Jeffes, Mrs C Powell-Chandler, B.N. Parsons,  
D.J. Tombs, Mrs R Willder

**In Attendance:** County Councillor Tom Wells (part time)

**Members of the  
Public:** -

Mrs R Wilder, appointed at the election in May 2011, signed the Declaration of Office in the presence of the Clerk

### **1. Apologies for absence**

Apologies: accepted from Cllr R.S. Manwaring MBE and O D Williams

Absent: Cllr C J Whitehead

### **2. Members' interests**

None.

### **3. Adoption of the Minutes of the previous meeting**

Cllr Parsons requests that the minutes be rectified to indicate that he was present. With that emendation, the Minutes of the meeting held on Thursday 12th May 2011 were accepted as a true record of that meeting and were signed as such by the Chairman of the meeting.

### **4. Matters arising**

None

### **5. Report from Police Beat Manager**

No report was available.

### **6. Reports from District and County Councillors**

County Councillor Tom Wells said that he had held a meeting with the residents living near the composting site and had said to them that the matter would be decided on planning grounds; they appeared to have accepted this and be well prepared. He suggested that where people wished to object to this application - or indeed any other - they should do so directly to the Planning Officer and not the Environmental Health or any other officer.

He had become aware that a site inspection visit was to take place at the Old Timber Yard and that this Council had a right to attend and assist. He had seen correspondence from WCC relating to this application but of which councillors appeared to be unaware and undertook to make available to the Clerk a copy for circulation.

## **7. Public Comment**

None

## **8. Planning matters**

### **PLANNING APPLICATIONS**

#### **SECTION A**

#### **SUMMARY OF PLANNING DECISIONS SINCE LAST MEETING**

- 11/00425/HOU**                      Single storey link to split level rear extension to accommodation for family members
- Yew Tree Cottage, Corse Lawn, Worcestershire, GL19 4LZ
  - Mrs Pat Crockett

#### *Council's Comments*

We note that this new application addresses the reasons for refusal ref 10/00623/1404. In principle there is little difference that warrants any further Parish Council comment

We support the objective and note that regular discussions have taken place with the Planning Officer.

It is to be hoped that flexibility by all parties will deliver a satisfactory solution to this project.

*Approval (Full) Planning Householder*

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- 11/00541/FUL**                      Change of use of former Baptist chapel to workshop with amended access
- Hazeldene, Long Green, Forthampton, Worcestershire, GL19 4QQ
  - Mr and Mrs A McIlwraitha

#### *Council's Comments*

The redundant Baptist chapel has little structural character worthy of restoration. Opportunities for diversification through change of use is therefore limited. We have no problem in principle with an application for 'light industrial use' however we are concerned that the limited parking space for employees, delivering and collections could adequately support this proposal, Inevitably, there would be roadside parking on the A438 (a fast stretch of road already subject of concern for local residents).

We feel therefore we cannot support the application.

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**SECTION B**

**SUMMARY OF PLANNING APPLICATIONS AWAITING DECISION**

- 11/00228/FUL**                      Change of use to Lorry Park (Retrospective)
- Link End Timber, Link End Road, Corse Lawn, Worcestershire, GL19 4NN
  - R Denniss

*Council's Comments*

Access to the site is via a narrow meandering country lane (Link End Lane) for approximately half a mile having left the B4211 opposite the parish school.

Our concerns are concentrated on this stretch of lane as follows:

1. The junction with the B4211

Mornings, afternoon and evenings (when a school event is being held) see up to twenty parents park on the both sides of the Link End and walk across the road to the school with their respective children.

Whilst traffic calming has been introduced 'near misses' are reported quite frequently and confirm that this remains a potentially dangerous stretch of road.

Once in Link End Lane vehicles are confronted by activity from the home for vulnerable young adults and children. Large lorries meandering through this congestion are a recipe for disaster

2 Site entrance into Link End Road

The approach lane is barely wide enough for a lorry, with no bell mouth scope to improve entry into Link End Lane, consequently any lorry leaving the site has to cross the centre of the Link End Lane and cuts the verge on the opposite side of the lane

Not only is this stretch of the lane very narrow, erosion of the land edge and ditch maintenance have resulted in extremely narrow verge for 100 yards at least.

This stretch of the Link End Lane is used by walkers, pony riders and large agricultural machinery; the additional activity from the horses would again make this a potentially dangerous stretch of road

3. Proximity of roadside Cottages to highway

Whilst accepting that lorries currently proceed with care, there is inevitably noise from such large lorries. This has been measured and evidence is available confirming that noise levels are unacceptable

Currently lorry activity starts early morning (often 4.00 am) and continues for several hours. We would not support any operating hours restriction as concerns raised above would only be escalated

Based on the points listed we cannot support this application and must oppose it.

However the site is well secluded and quite remote from any dwelling, offering opportunity to optimise this site potential with a more appropriate venture.

*Pending*

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**11/000029/CM:**

Variation of Condition 18 to “The annual throughout of material through the site shall be limited to a maximum of 9,000 tonnes per annum and records shall be kept for the inspection by the County Planning Authority on request of the amount of throughput of material for the duration of the operations on site” and removal of Condition 19 “The compost shall only be applied to land on the applicant’s ownership of Planning Permission 407703

- Pendock Environmental, Pendock, GL19 4PR
- Pendock Environmental

*Council’s Comments*

I write with respect to the two planning applications upon which you have recently consulted us.

My council has considered these two planning applications very carefully and I am instructed to pass to you the following comments.

Attendance at the last two meetings of my Council has by historical standards very been large and the key matter of interest has been the above planning application. There is no doubt that all members of the public had very strong, and adverse, feelings on the matter.

Complaints about the existing composting unit were legion and we understand that many of these complaints have been put directly to you or to other officers of your council.

**Smell**

The one clear stark unassailable fact about the existing plant is that it stinks. We know of no measure by which the strength or degree of unpleasantness of the smell can be measured but we do know that it is sufficiently obnoxious for our two most recent council meetings to have had the highest public attendance we have seen for many years, of people who were clearly beside themselves with the misery imposed upon them by the operation of this plant.

If you were to permit an increase in throughput, then we understand that the process is such that the smell would be even greater and we believe that these are sufficient grounds for you to refuse permission.

### **Limited Operating Experience**

We wish also to bring to your attention that the plant commenced operations only in late 2010 and that the operator of the process has therefore had less than one full year's experience of managing the plant. Because not a full year has passed, it is possible that there are sorts of compost which are even more intractable than those which have already passed through the plant.

The problems caused by the plant are acknowledged by the operator. He has experimented with various factors in the production process in an attempt to identify the cause of the smell and reduce or even eliminate it; unfortunately, all of these attempts have failed. It may be that the operator will one day be able to improve the performance of the plant to the extent that it is no longer the object of complaint by local residents, but to do this he manifestly requires more time.

### **Developing Technology**

We understand that the production process for which this plant has been designed and constructed is under review at European level and that the UK government intends to conduct a review in September. Industrial composting is a developing science. The current process has a number of recognised disadvantages and other more environmentally sensitive processes – such as in vessel composting – might be recommended for national adoption.

We believe that the reasons cited above constitute strong grounds for you to refuse the application for a variation of the terms of the planning consent.

*Pending*

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**11/000030/CM**

Replacement of a temporary mobile office with permanent building

- Pendock Environmental, Pendock, GL19 4PR
- Pendock Environmental

#### *Council's Comments*

With respect to the application for permission to construct a permanent building, we believe that your decision should follow your decision in relation to the variation of planning conditions, i.e. if you grant the change in terms of planning consent, we would have no objection to this application being granted but if you were to refuse to vary the conditions we believe that the building should remain temporary.

*Pending*

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**11/00419/HOU**

Erection of extensions to form utility/boot room with two bedrooms adjoining existing gable end  
GUYTHORPE MALVERN ROAD MALVERN WORCS  
GL19 3N2

- Mr & Mrs T Bradford

### *Council's Comments*

The property stands alone in its own grounds remote from any neighbouring properties. The proposed extension sits comfortably with the existing property.

We support the application.

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*Approval (Full) Planning Householder*

**11/00467/FUL**

**Proposed garaging to replace outhouse (Amendment to approved garage, 09/01060/HOU)**

- West End Cottage, Lime Street, Eldersfield, Worcestershire, GL19 4NX
- Mr R Hall

### *Council's Comments*

Demolition of an existing old store shed and replacement using materials sympathetic to the locality we consider a planning gain. We therefore support the application.

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*Pending approval (Full Planning)*

## **9. Notice boards**

The Clerk reported that he had received an estimate of the work which could be needed to refurbish two notice boards, being the one at the Butcher's and the Footpath Notice board outside the School. The cost would depend on the amount of work to be performed. It was **RESOLVED** that the Clerk be authorised to commission such work and at such cost as might seem to him reasonable, having consulted the Chairman or Vice-Chairman, to refurbish the two notice boards, on condition that such costs in the aggregate did not exceed £300 excluding VAT.

## **10. Parish Lengthsman**

The Clerk reported that no candidates had presented themselves for the position of Lengthsman which had been advertised since February. One councillor expressed interest in assuming the role and it was agreed that the matter should be further discussed at the next meeting.

## **11. Worcestershire County Association of Local Councils (CALC)**

The Clerk explained that CALC provided a forum in which councillors of different parish councils within the county could meet and exchange views on topics of mutual interest. CALC also had well qualified staff who were capable of providing high quality training for new - and indeed more experience - councillors and of giving advice on general legal matters. It was **RESOLVED** that the council renew its membership with CALC for the year commenced April 2011 and pay the subscription of £244.94

## **12. Risk Assessment Statement**

There was a discussion of the draft Risk Assessment Statement circulated before the meeting. It was noted that electrical equipment owned by the Council would be checked periodically by the school electrical contractors. The absence of a formal tariff for the hiring out of

equipment was thought to be reasonable, given that the tariff applied should be appropriate to the organisation making the hiring and the purpose for which the equipment was being hired. Greater formalisation of the issuing and receiving procedures for hired equipment was thought unduly cumbersome. Accordingly it was **RESOLVED that the draft Risk Assessment circulated prior to the meeting be adopted as the Risk Assessment of the Council and that authority be given to the Clerk to set such prices for the hiring of the Council's equipment as might seem to him reasonable.** (The Statement is reproduced at page 555 *et seq.*)

### **13. Diamond Jubilee**

It was noted that HM the Queen would celebrate her Diamond Jubilee in 2012 with a special Jubilee Week-end of 2nd - 5th June having been declared. The Council thought it appropriate to take early action to discover if within the parish any initiatives to mark the Jubilee were either under way or being considered and then to assess what support, if any, it would be appropriate for the Council to give. The Clerk was therefore asked to place appropriate advertisements on notice boards and in the parish magazine.

### **14. Authorisation of Disbursements**

It was **RESOLVED that the following disbursements be made:**

£242.66	J L Gabbott
£58.46	HMRC
£244.94	CALC

### **15. Future Meetings**

It was noted that, in accordance with item 19 of the meeting of 11<sup>th</sup> November 2010, future meetings of the Council would take place at Eldersfield Lawn School at 7.30 pm on the following Thursdays in 2011: 8<sup>th</sup> September and 10<sup>th</sup> November

### **16. Correspondence**

The following correspondence was noted:

- Rural Services Network

### **17. Other business**

None

There being no further business, the meeting closed at 8.50 pm.



## **RISK ASSESSMENT STATEMENT**

*This statement was adopted by the Council at its meeting on 14th July 2011*

### **ASSETS**

The Council has very few assets compared with other councils. Two telephone kiosks, a shed, cups and saucers, tables and chairs were identified. There is no village hall, bus stops, lighting or cemetery.

**Risk:** **Injury.** The shed is lit and although people could fall this is not considered likely. Chairs could fail.

**Loss:** by fire or theft.

**Mitigation:** (i) The possibility of limiting access to the shed to the hours of daylight was considered but discarded on the grounds of being impractical.

**Decision:** Existing insurance is considered adequate and appropriate.

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### **LAND**

The Council holds no beneficial interest in land but acts as a nominee for two charities, for each of which it has a right to nominate two Trustees.

It is understood that any liability relating to the land of which the charities are the beneficial owners would attach to the charities, not to the Council.

**Risk:** The above understanding could be incorrect with the result that the Council is responsible for liabilities arising out of the land and its management.

**Mitigation:** It would be possible to seek a qualified legal opinion but the cost of so doing is thought disproportionate to the probability and cost of the risk being run.

**Decision:** No action on the part of the Council is considered necessary.

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### **EMPLOYEE**

The Council currently has one employee, the Clerk

**Risk:** Injury. Even though he works at home, the Council is responsible for his safe working conditions.

**Mitigation:** (i) Insurance.  
(ii) Other means of mitigating this risk (e.g. by third party inspection) are considered disproportionately onerous.

**Decision:** No further action on the part of the Council is considered necessary.

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## **CONTRACTORS**

The Council lets a few, but not many, contracts every year. The value is low.

***Risk:*** Fraud.

***Mitigation:*** (i) By segregating duties (Councillors make decisions, the Clerk implements them) the risk of collusion is reduced but not excluded. This is provided for in the Financial Regulations already adopted by the Council.

(ii) Some insurance in place.

***Decision:*** No further action on the part of the Council is considered necessary.

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## **BANKING**

The Council maintains one current account, with LloydsTSB.

***Risk:*** Fraud.

***Mitigation:*** (i) Considered minimised by the requirement a) that two councillors sign, b) that the cheque book is kept with the Clerk, and c) that the mandate to the bank excludes the possibility of overdraft.

***Decision:*** No further action on the part of the Council is considered necessary.

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## **RECORDS**

The Council's records (e.g. minutes, contracts and banking records) are held in both electronic and paper format by the Clerk.

***Risk:*** Loss of data by flood, theft or electronic failure could occur. The results of such a loss would require re-compilation of the data, the main cost of which would be the Clerk's time but original records (e.g. signed minutes) could not be replaced.

***Mitigation:*** (i) The purchase of a fire-proof safe was considered but discarded on the basis that the cost was likely to be greater than the cost of the loss of the documents.  
(ii) An electronic copy of the Council's data is made occasionally and held on a different computer.

***Decision:*** No further action on the part of the Council is considered necessary.

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## CATERING EQUIPMENT

The Council owns and lets out catering equipment to local organisations.

**Risk:** Accidents and consequential damage or injury could be caused by faulty use or operation of the equipment.

**Mitigation:** (i) The Council arranges that periodic inspection of electrical equipment be conducted by qualified personnel. The Clerk and Chairman periodically inspect other equipment for signs of faults.  
(ii) Equipment is hired out only under the Council's conditions of hire which reduce and seek to eliminate liability on the part of the Council.

**Decision:** No further action on the part of the Council is considered necessary.

**Risk:** Greater income could be achieved by increasing the prices charged.

**Mitigation:** None

**Decision:** The Council will review the tariff .

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## SLANDER AND LIBEL

**Risk:** The Council's debates are open to the public. Although Councillors cannot issue statements binding the Council, there is a possibility that they could give rise to an action against the Council for slander or libel

**Mitigation:** The likelihood of a liability arising under this heading is thought to be remote, but see below.

**Risk:** The Clerk, as employee of the Council, is the sole person who can formally issue statements in the name of the Council and therefore there is a risk that such statements could be slanderous or libellous.

**Mitigation:** (i) **Selection.** The Council applies rigorous and demanding criteria in selecting its employee and permits to this senior appointment, which requires a combination of acute political awareness, substantial experience of managing TV, press and media relations and a detailed knowledge of law, only a person of the highest calibre who satisfies all these criteria in ample measure.

(ii) **Insurance.** The insurance of the Council includes cover against the legal costs of defending an action for slander or libel.

**Decision:** The Council believes that the mitigation adopted is proportionate to the risk, that the insurance cover (of £250,000) is unlikely to be insufficient and concludes that no further action on the part of the Council is necessary.

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## **EVENTS**

The Council on occasions organises and supports events at which the public is present, e.g. bi-monthly public meeting at the School, Guy Fawkes' bonfire.

**Risk:** If the event is organised directly by the Council, liability for accidents could arise.

**Mitigation:**

- (i) The Council's practice is to make clear when giving financial support to external bodies that it is the organisation being supporting which is directly responsible for the event and that the Council's liability extends only to making the financial contribution promised.
- (ii) The Council has insurance cover in respect of General Liability.
  - Any special requirements of the insurance company (as in the case of bonfires) are rigorously adhered to in order not to nullify cover.

**Decision:** No further action on the part of the Council is considered necessary.

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## **INSURANCE**

The Council holds insurance, issued by a first class insurance company of international repute, and designed specifically for parish councils.

**Risk:** The Council might hold inappropriate or inadequate cover, or be paying excessively high premiums.

**Mitigation:** The Council renews its insurance policy annually but before so doing considers the cover being purchased and premium to be paid.

**Decision:** The current procedure is considered satisfactory.