

ELDERSFIELD PARISH COUNCIL

**Minutes of the Meeting of Eldersfield Parish Council held on
Thursday 13th September 2012 at Eldersfield Lawn School, commencing at 7.30 p.m.**

Present: H.S. Davis (Chairman), C.H. Jeffes,
R.S. Manwaring MBE, B.N. Parsons, Mrs C Powell-Chandler,
Mrs R Wilder

In Attendance: County Councillor Tom Wells
District Councillor Bronwen Behan
Pc Allen Naulls

**Members of the
Public:** -

1. Apologies for absence

Apologies accepted from: C. J. Whitehead and O D Williams

2. Members' interests

None

3. Adoption of the Minutes of the previous meeting

The Minutes of the meeting held on Thursday 12th July 2012 were accepted as a true record of that meeting and were signed as such by the Chairman of the meeting.

4. Matters arising

Grit: The Clerk reported that he had requested WCC to supply grit and was now awaiting an intelligible reply.

5. Funding of communications

Mrs Karen Humphries advised the meeting that MHDC had made available £500 for various parish councils, including that of Eldersfield, for the purpose of improving communications. The money could be spent in a wide manner of ways: some parishes were considering improving their web presence, or buying a photocopying machine. There were also a number of laptops available to the project as a result of the generosity of Malvern Hills' College.

Councillors briefly discussed a number of potential project but agreed that the matter be tabled at the next meeting.

6. Report from Police Beat Manager

Pc Naulls advised the meeting that there had been a number of anti-social incidents reported recently to the Police. The trend of crime in the area had also shown an increase although he emphasised that the level of crime was low.

He noted separately that the policy at The Lawns had changed in that it was now accepting residents for short rather than long stay.

Councillors instructed the Clerk to write to the manager of The Lawns requesting a meeting.

7. Reports from District and County Councillors

District Councillor Tom Wells reported that changes were likely to the provision of bus services. He sought to arrange a meeting of councillors of the relevant parishes in order to establish whether alternative arrangements, funded by the relevant parishes, could be implemented and would contact the Clerk with a view to setting the date for such a meeting.

County Councillor Bronwen Behan informed the meeting that studies were under way to decide whether the black refuse sack collection could continue on a weekly basis, and whether glass could be collected in addition to other recyclable materials.

8. Public Comment

None.

9. Code of Conduct

The Code of Conduct circulated separately prior to the meeting was noted and Council recognised that it was an under a legal obligation to adopt such a code. Accordingly **it was RESOLVED that the Code of Conduct and modifications to Standing Orders circulated prior to the meeting be adopted.** [They are attached at Appendix 1 hereto].

10. Co-option

No candidates had presented themselves for adoption. It was agreed that the matter would be tabled at the next meeting.

11. Planning Matters

PLANNING APPLICATIONS

SECTION A

SUMMARY OF PLANNING DECISIONS SINCE LAST MEETING

12/00521/LBC

Replacement roof tiles

- The Thatch, Link End Road Corse Lawn, Worcestershire, GL19 4NN
- Mr Malcolm Howes

Council's Comments

We note and appreciate the objective in the proposed tile change. While we are comfortable with the selected materials we recognise that LBC will have the final say. We support the project.

Consent (Listed Building)

12/00823/HOU

Garage with playroom above

- Harp Cottage, Drinkers' End, Corse Lawn, Worcestershire, GL19 4NN
- Mr G Haynes

Council's Comments

The proposed garage will sit sympathetically adjacent to the existing house offering no impact to the neighbouring property. We support the application.

Approval (Full) Planning Householder

12/00896/FUL

Proposed erection of garaging and store

- Greenfield's Funeral Service Limited, Shotts Farm, Malvern Road, Staunton, Worcestershire, GL19 3NZ
- Mr and Mrs John Rowlatt

Council's Comments

The proposed new garage and store are situated at the rear of the property offering no impact on neighbouring properties. Materials selected will sit sympathetically with the immediate surroundings. We support the application.

Approval (Full Planning)

SECTION B

SUMMARY OF PLANNING APPLICATIONS AWAITING DECISION

- 12/00756/CLE** Application for a Lawful Development Certificate for an Existing Use for the continued use of building as residential
- Hooze Farm, Eldersfield, Worcestershire, GL19 4PJ
 - Mr Stuart Carter

Council's Comments

We note the supporting evidence and have no knowledge to the contrary.

Pending

- 12/00893/FUL** Conversion of redundant barns into holiday accommodation (two units)
12/00894/LBC
- Hardwick Court Farm, Eldersfield, Worcestershire, GL19 4PJ
 - Mr and Mrs C Jeffes

Council's Comments

We are delighted to support the restoration of these two redundant farm building in conjunction with listed building control officers to provide holiday accommodation.

Pending

- 12/000025/CM** Change of use to an end of life recycling yard
- Land at the Old Timber Yard, Link End Road, Corse Lawn, GL19 4NN
 - Mr R Wilks

WCC application

Council's Comments

1. Description

The application site lies within a compound in quiet, remote countryside. The Applicant states that several mobile homes use the site for residential purposes, a use permitted by the Certificate of Lawful Use. Access to the main road network from the site – the B4211 - is via a track ('Log Lane') for 0.2 km to Link End Road, and thence via a 0.8 km long narrow country lane that passes through the hamlet of Poolhay, before joining the B4211 opposite Eldersfield Lawn Primary School.

We note that that Log Lane has been used for many years as a public footpath and that an application has been lodged with WCC (and is currently under consideration) for it so to be officially recognised.

The site was last used as a timber yard when a sawmill operated on it more than 20 years ago. Since then there has been no obvious use made of it as a timber yard or for forestry. Enforcement action to cease its unlawful use as a vehicle haulage depot is in progress. Local residents report that apart from its unlawful use as a haulage depot only negligible traffic has used the site for at least 20 years.

We understand¹ that the site would be open to the public except on Sundays.

2. Policy

The Worcestershire Waste Core Strategy Background Document ‘Identifying Areas of Search’ places² ELV facilities in Category 1, viz. operations which are akin to industrial activities.

Table 2³ of that document states that redundant agricultural or forestry buildings or their curtilage are not considered suitable for Category 1 uses.

The policy is unambiguous. The document very clearly states⁴ that

‘the industrial nature of category 1 facilities would not be suited to a rural location redundant agricultural or forestry buildings or land.’

In the light of the above we believe that granting permission would constitute a breach of the policy.

3. Proximity

Policy WCS1 of the Worcestershire Waste Core Strategy requires that facilities be located as close as possible to arisings.

Demand for ELVs is centred on urban areas. The proposed site, being at the southern tip of the county – some 20 miles distant from Worcester - is manifestly remote from such areas and will require a larger number of car and lorry trips than would otherwise be the case.

This is contrary to the Policy.

4. Access

Policy WCS 6 requires that the site be ‘well connected to the strategic network’. Access to the strategic network, being along Log Lane and Link End Road, does not, in our view, constitute being ‘well connected’.

We contrast this application with an application for a development at Mitre Farm, supported by the Council, where the site had immediate access to the B4211.

5. Sustainability

We are concerned that this development may not be sustainable.

5.a A survey by WCC reports that:

¹ Applicant’s letter to WCC, dated 2nd August 2012

² Table 1, page 13

³ Page 14

⁴ Page 16

- the number of car breakers in Worcestershire has reduced⁵;
- the market for used spare car parts is changing: cheaper new cars means that fewer people seek to repair their old cars;
- a significant number of ELV operators in Worcestershire state that they have enough space, or have space to expand but do not intend to do so.
- the cost of complying with regulations is seen as a growing threat for smaller ELVs.

The view of WCC is expressed in the Worcestershire Waste Core Strategy Background Document, Metal Recycling, which reaches the conclusion⁶ that

‘there is no evidence ... of any shortfall in ELV capacity in Worcestershire’.

We do not believe that, in face of the evidence that there is an adequate supply of ELVs, there can be an argument that this application is either strongly justified or justified.

5.b The market is a tough one and the proposed site is close to the southern border of the County. There are established ELV sites across that border at Twigworth, Gloucester and Bishop’s Cleeve, all of which are better placed to take arisings from the major sources. The Applicant has estimated an annual throughput of 1,000 cars but he does not explain how this has been derived; it may be no more than the average for the County (which is expressed in the Worcestershire Waste Core Strategy Background Documents). Given the remote location of the site and the existence of established, and better located, competitors that estimate may reasonably be questioned.

Accordingly, we are not convinced that the proposed ELV is sustainable.

6. Noise

The vehicle crushing technique proposed is rudimentary – a 25 tonne digger. This will create sharp peaks of noise which are capable of constituting a nuisance for local residents.

The Applicant gives few details of the volume of such noise or how, or if, it would be abated. Indeed, we are concerned that his sole reference⁷ to noise is that the site would not result in any increased noise compared with the sawmills which were in use 25 years ago and which, he says, ‘resulted in significant noise levels’. Given that in the intervening period techniques have advanced and environmental standards tightened, we find no comfort in this assurance.

7. Impact

If a change of use were to be permitted and an ELV facility created, there would be an adverse impact on the locality. Given the above, it is our view that such an impact would be unacceptable.

⁵ Waste Core Strategy, Background Document, Waste Sites in Worcestershire, p57, et seq

⁶ Page 24

⁷ Applicant’s letter to WCC, dated 12th April 2012, last page (i.e. page 6)

8. Consultation

The plan submitted with the application indicates that the permission being sought includes Log Lane, the lane leading from the Old Timber Yard entrance to Link End Road. This land is not registered as being in the ownership of the applicant.

The owners of the land bordering Log Lane may have riparian or other interests in it and they, together with other landowners for whom the lane is a means of access to their property, should have been consulted on this application. We are not aware that they have been.

9. Conclusion

In the light of the above, we are of the view that the application is not justified and we recommend that permission be refused.

Pending

12/0000950/CM

Proposed agricultural building

- Marsh Court, Bridge End, Eldersfield, Worcestershire GL19 4PN
- Marsh Court Farm Limited

Council's Comments

This proposed agricultural building will sit sympathetically alongside existing buildings

We support the application

It was noted that the application in respect of the Old Timber Yard had been withdrawn by the applicant.

12. Diamond Jubilee

The return to the Council by the Monday Committee of £136.24 of funds advanced to them but unspent was noted but because of unavoidable absence it was not possible to discuss the matter of the Jubilee commemorative booklet.

13. Notice Board

The Clerk reported that the notice board at the School has been vandalised and it was **RESOLVED** that the Clerk, having consulted the Chairman or in his absence the Vice-Chairman be authorised to spend not more than £400 excluding VAT on the purchase of a new notice board.

14. Finance Committee

The Vice-Chairman, as a member of the Finance Committee, reported that good progress had been made in the matter of the lease and that a resolution could be expected before the next meeting.

15. Authorisation of Disbursements

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

£182.51	J L Gabbott
£43.43	HMRC
£96.24	WCC (hall hire, being
	▪ £64.16 for Council meetings in May, July, September and November 2012;
	▪ £16.04 for Jubilee committee meeting of 12 th December 2011, and
	▪ and £16.04 for Pendock Environmental Group meeting of 10 th July 2012)

16. Future Meetings

It was noted that, in accordance with item 19 of the meeting of 11th November 2011, the next meeting of the Council would take place at Eldersfield Lawn School at 7.30 pm on Thursday, 8th November 2012.

17. Correspondence

The following correspondence was noted:

Received:

- CALC:
- National Grid: Update
- Rural Services Network: updates

Sent:

- Charity for Recreation and Allotments (sent 14th November 2011; no reply received)

18. Other business

None.

There being no other business, the meeting closed at 9.20 p.m

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of Eldersfield Parish Council.
- (2) You should read this Code together with the Ten Principles of Public Life which are set out in Appendix 1.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
"meeting" means any meeting of
 - (a) the authority;
 - (b) any of the authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (c) the executive (Cabinet) of the authority or its committees (Not applicable to Parish Councils or authorities not operating executive arrangements)

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Malvern Hills District Council;

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.

(2) You must not:

(a) do anything which may cause your authority to breach any of the equality enactments;

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:

- (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6. You:
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity.
- 7. You must:
 - (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
 - (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority
- 8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Part 2

Interests

Disclosable Pecuniary Interests (“DPI”)

9. (1) You will have a Disclosable Pecuniary Interest (“DPI”) under this Code if:-

(a) such interest meets the definition prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

- (i) your spouse or civil partner; or
- (ii) a person with whom you are living as husband and wife: or
- (iii) a person with whom you are living as if you were civil partners;

and you are aware that the other person has the interest.

Registration of DPis

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given

(2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPis notify the Monitoring Officer in writing.

Other Disclosable Interests

11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-

- a pecuniary interest in the matter under discussion which is not de minimis; or
- b a close connection with the matter under discussion.

- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) DPs: formal meetings

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and
- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

(2) DPs: informal meetings

If you have a DPI you must not participate in informal meetings or briefings and site visits and must disclose the DPI in any correspondence with the Council.

(3) Single Member Decisions (Not applicable to Parish Councils or authorities not operating executive arrangements)

If when participating in single member decision making you have a DPI affecting the matter being decided then you may take no steps other than asking for the matter to be decided in some other manner.

(4) Other Disclosable Interests

If you are present at a meeting of the Council and you have an Other Disclosable Interest then you must:

- a Disclose the nature and existence of the interest; and
- b If the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

(5) Dispensations

You may take part in the discussion of and vote on a matter in which you have a been granted a dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:
- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten Principles of Public Life

The general principles governing your conduct are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

APPENDIX 2**The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member of a relevant authority in carrying out duties as a member, or towards the election expenses of a member of a relevant authority.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the knowledge of a member of a relevant authority)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the knowledge of a member of a relevant authority) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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Definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“member” includes a co-opted member;

“relevant authority” means the authority of which a member of a relevant authority is a member;

“relevant period” means the period of 12 months ending with the day on which a member of a relevant authority gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means a member of a relevant authority or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Amendments to Standing Orders

adopted by the Council at its meeting on 13th September 2012

1. Code of Conduct

References to the Code of Conduct which was adopted by the Council on 10th January 2002 or to other codes of conduct by which members have hitherto been bound shall read as if they refer to the Code of Conduct now being adopted by the Council.

2. Declarations of Interests

a) Councillors with a Disclosable Pecuniary Interest or with Other Disclosable Interests falling within the definition included in paragraph 12(4) of the code of conduct, must leave the room or chamber when the relevant item of business is to be transacted.

b) Councillors may apply in writing to the proper officer of the council for a dispensation to allow them

- i) to participate in the discussion of the matter but not to vote, or
- ii) to participate in the discussion of the matter and to vote.

If the council considers that the application meets the relevant criteria in the Localism Act 2011, section 33 (2), it may grant a dispensation for a period of up to four years.

JLG
28.8.12