

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 at 7.30pm on **Wednesday 20th June, 2012**

Present –

Councillors: -

Mrs H Burrage (Chairman)

P Buchanan, M Victory, Mrs A Bradshaw, S Freeman, S Atwell, B Knibb, A Hull, J Black, N Johnson

Apologies:

Cllrs k Wagstaff, Mrs A Cheeseman, Mrs C `O Donnell,

County Councillor S Brown, District Councillor C Cheeseman, J Tretheway – Elected Conservator

In attendance:

David Taverner (Clerk and Responsible Finance Officer)

31/12 Declarations of Interest for the meeting and any changes to be notified for the Registers of Interests and Gifts & Hospitality:

Cllr Burrage registered a non prejudicial interest in the agenda item relating to Summer Events in her capacity as a member of the Village Hall Management Committee

32/12 Closure of the Meeting to allow Parishioners Present to speak on any Matter on the agenda

There were no questions from parishioners.

33/12 Minutes

The Minutes of the Annual Meeting and Parish Council meeting which had been held on 24th May, 2012 were unanimously **approved** by Members and **signed by the Chairman** as a correct record of that meeting.

34/12 Matters arising from the Minutes

There were no matters arising from the approved minutes

35/12 Local Policing team report

The Chairman welcomed Pc Susan Parr to the meeting. Pc Parr had recently taken up the post of local policing officer for the area.

PC Parr gave the following a breakdown of crime statistics for the month of May.

Thefts from Vehicles 3, thefts from property 1, domestic burglaries 1, other burglaries 3, Criminal damage 4

The incidents of criminal damage related to vandalism that had occurred to car tyres being slashed. The vehicles targeted had been were mainly parked in the areas of Thirlstane Road, College Road, Wells Road and Belle Vue Terrace or on roads near to Malvern College – a suspect had now been arrested and was being held in Police custody.

Pc Parr advised Members that details of crime statistics for the local area could be accessed online at the crime and community safety page of the Worcestershire County council website.

36/12 Summer Events

The Clerk advised members that the Jubilee commemorative mug and coaster sets had now been distributed to the two local primary schools. Spare sets were still available for residents to purchase at a charge of £5 each

The event to mark the rededication of the Village Hall and the "bring and share" Jubilee celebration lunch had been very well attended and enjoyed by all. Council had agreed that funding of up to £250 would be available to help support the event and invoices from the organisers were awaited. It was agreed that payments should be limited to £150 as a contribution to the rededication plaque, £50 for the costs of the Jubilee Well dressing and up to £50 as a contribution towards the decoration of the Village Hall and the paper crockery that had been purchased for the event.

Cllr Johnson advised that a meeting of the fete organising team had been held and tasks had been allocated to the volunteers who had attended that meeting. Preparations were well in hand.

Further meetings of the organising team would be called as and when necessary.

37/12 Wells News –The Clerk reported that the Summer Edition had now been printed and distributed to the volunteer delivery team. Invoices for the advertising space taken up would be issued in due course

38/12 Gas lamps Refurbishment project

Cllr Black presented an update report to Members. 30 lamps had now been completed and work was in progress on a further 10 lamps in the contractors workshop. The refurbishment of the remaining 8 lamps had not yet been started but it was intended that work on those lamps would start before the end of June.

The contractors were aware of problems with some of the lamps which had been on full burn during the day time and steps were being taken to deal with such issues as they arose.

The Clerk advised that he had received further invoices from the contractor for payment and the relevant grant funding had been received from the District Council. Payment of the invoices for the completed lamps would now be sent to the contractor.

The target for completion of the project had now slipped to the end of August although this would continue to be closely monitored

39/12 Neighbourhood Plan: The clerk advised that work had been started on the introduction section of the Parish Council's Neighbourhood Plan. It was now intended that members of the working group would visit the District Council's planning officers to obtain details of the local evidence base which had been used in the construction of the draft South Worcestershire Development Plan and which could be adopted for use in the Neighbourhood Plan.

Further advice from the District Council's planning officers would also be sought on the neighbourhood plan process.

40/12 Extension of Children's play facilities.

Cllr Freeman reported that further information on the legal considerations governing the land under the control of the Malvern Hills Conservators had now been received.

The Parish Council was considering the extension of the provision for play facilities for children within the Parish both by an extension to the existing facilities as Assarts Road and by the intended development of a new play area on Peachfield Road common. An area of land on Peachfield Road Common had been identified but the Parish Council will require the consent of the Malvern Hills Conservators for the provision of play facilities on the proposed site.

The Conservators, have no statutory obligation to grant such an application. However, the grounds of any refusal by the Conservators are open to judicial challenge if not consistent with the Malvern Hills Acts or the Byelaws

The legal advice that had been given to the Council was that, prior to making any formal application to the Conservators; it was **recommended** that the Parish Council should:

1. request the Conservators to provide (a) copies of previous decisions of the Land Management Committee on comparable applications including the minutes of the meetings at which they were taken and (b) if not disclosed in such minutes a copy of the principles/guidelines applied by the Committee in making such decisions.

2. commission further research to establish if there is any case law on the interpretation of the Malvern Hills Acts and/or the 1999 Byelaws.

3. ascertain whether the Conservators have any written guidelines or regulations governing the submission and management of applications of this nature

A meeting of the Play and Open spaces group would be called to draw up a specification for works to extend the existing Assarts Road play area and to consider the content of the legal briefing and the advice which had been provided with regard to the proposed Peachfield Road site.

Thanks were extended to Cllr Freeman and his colleagues for the comprehensive report and legal information summary that had been presented for consideration.

41/2 Model Code of Conduct

The Clerk advised that following the introduction of the **Localism Act 2011** ("the Act") the National Association of Local Councils (NALC) had developed a revised model Members Code of Conduct.

In order to achieve consistency across the County Area and to ensure that all Parish Councils complied with the legislation contained in the Act, a pan - Worcestershire Model Code had been drafted by Worcestershire District Council monitoring officers. This was due to be adopted by the Principal Authorities in the County.

The Act requires all local authorities to adopt a code of conduct which complies with its requirements, and it repeals the previous standards regime and code of conduct.

Parish Councils can choose to adopt their principal authority's code, or devise one of their own.

NALC's recommendation is that the Parish Council should adopt the Worcestershire Model Code.

There will then be consistency within the County, it will be easier for councillors to know what is expected of them, members of the public will be more easily able to find out what standards they should expect from councillors, councillors will be able to rely on consistent interpretation of the code by monitoring officers, and they will be able to benefit from the training provided by district councils

It would now also be necessary for Council Members to complete forms showing declaring Disclosable pecuniary interests (**DPIs**) as defined by the regulations contained within the Localism Act.

The list of DPIs would include Member's

- Employment, trade or profession
- Sponsorship of council members and contributions to election expenses
- Contracts between the councillor and the council
- Ownership of land in the council's area or a licence to occupy land in the area
- Tenancy of property owned by the council
- Ownership of more than 25,000 shares in organisations which have a place of business or own land in the council's area, or ownership of more than one hundredth of the total issued share capital of such a body.

Councillors must register interests which they have as well as those of their spouse or civil Partner or a person with whom they are living as a spouse or civil partner.

Interests must be registered within 28 days of becoming a Council member, or of acquiring the interest.

Failure to register an interest, or to declare one when appropriate, or providing false or misleading information when registering or declaring an interest may result in a criminal offence, subject to a fine of up to £5,000 and disqualification from being a member of a council for up to five years.

Interests must not only be registered with the District Council, but the District Council must publish them on its web site, and the Parish Council must also publish them on its web site.

The requirement to adopt a new code of conduct which complies with the Localism Act, and to register and declare at meetings the new disclosable pecuniary interests, came into force on 1st July.

The **Council unanimously resolved**

- To adopt the Worcestershire model code of conduct with effect from 1st July, and to delegate to the clerk the ability to amend the document as needed when a final version is made available.
 - To delegate to the Finance and General Purposes Committee the ability to make any changes needed to standing orders to allow the Council to comply with procedural changes resulting from adopting the new code
 - That all Council members should register their disclosable interests with the Clerk as soon as possible

 - That under Section 31 of the Localism Act 2011, a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered or being considered at a meeting of the Council at which that Member or co-opted Member is present and the disclosable pecuniary interest is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council's dispensation procedure.
 - The provisions on dispensations are significantly changed by the Localism Act 2011. There are 5 circumstances in respect of which a dispensation may be granted, namely:
 - 1.1 That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would "impede the transaction of the business";
 - 1.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.;
 - 1.3 That the Council considers that the dispensation is in the interests of persons living in the authority's area;
 - 1.4 That, without a dispensation, no member of the Council would be able to participate on this matter; or
 - 1.5 That the Council considers that it is otherwise appropriate to grant a dispensation.
- Any grant of a dispensation must specify the duration up to a maximum of 4 years.
- The Parish Council has determined that in respect of grounds 1.1 and 1.4 above it is considered appropriate to delegate dispensations on these grounds to the Clerk in consultation with the Monitoring Officer for determination.
 - In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgment such that it is considered appropriate that the discretion to grant

dispensations on these grounds is also delegated to the Clerk after consultation with the monitoring officer

41/3 Financial Matters

The under mentioned accounts were **Approved** for payment

Cheque			£
2917	Severn Trent Water	Cemetery water charges	45.87
2918	Sight Designs Ltd	Jubilee Mug and Coaster sets	2,712.00
2919	N power	Cemetery Electricity Supplies	20.24
2920	David Taverner	Clerks Salary & Expenses - June	1,499.60
2921	Steve Maund	Outdoor works June	674.95
2922	AON Ltd	Insurance Premium	1,810.54
2923	Worcestershire CALC	Subscription 2012	712.14
2924	HMRC	Payroll Tax & Nat Ins June Qtr	1,342.56
2925	Helen Burrage	Well Dressing - Jubilee	50.00

42/3 Date of next Council meeting

The date of the next Parish Council meeting was set as Wednesday 25th July, 2012

There being no other business the meeting the Chairman closed the meeting at 9 15pm

Signed.....

Chairman
25th July, 2012