

BIRLINGHAM PARISH COUNCIL

Minutes of meeting held on Wednesday 20 March 2013
Birlingham Village Hall

Welcome

1) Present: Councillors Hall, Morris, Aston, Butler, Comins, and Hill
In attendance: County Councillor Hardman, District Councillor Davis and Mr Olden

2) Apologies: Councillor New and Footpath Warden

3) Declarations

- a) Register of Interests: Councillors are reminded of the need to update their register of interests.
- b) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature.
- c) To declare any Other Disclosable Interests in items on the agenda and their nature.
Councillor Morris declared an interest in the Hall Farm and Hall Farm Barn applications.

(Councillors who have declared a Disclosable Pecuniary Interest, or Other Disclosable Interest which falls within the terms of paragraph 12(4) of the code of conduct, must leave the room for the relevant items)

Dispensations for deciding the budget and precept – CALC update as appendix

4) Minutes of previous meeting. The Minutes of the previous meetings held on July, September and November 2012 were corrected under the financial year and amended to 2012-2013 not 2011-2012. The Minutes of the meeting held on 16 January 2013, a copy of which had been circulated to all Councillors, were agreed as a true record and signed by the Chairman.

5) Democratic Opening – none

6) Progress Reports

- a) Footpath
 - i) Footpath 502 (Eckington Road to Bakers Hill) steps replaced on stile
- b) District Councillor
 - i) Councillor Davis has sat on the Police Crime Panel. Comments were made on the Police Commissioner's budget of £68,000.00 which includes member's expenses which are mainly for travelling.
 - ii) South Worcestershire Crime Safety Panel – Birlingham 2011-2012 for all crimes there were 5 cases. 2012-2013 again 5 cases 1 of which was a house burglary.
 - iii) Council tax has not increased. If paying by Direct Debit this is over 10 months but it can be requested as 12 months.
 - iv) Saving still needed on the budget but difficult to say what that will be in 2014. Still want a freeze on council tax in 2015. Trying to divert money into the business sector to stimulate the economy. Supporting 140 businesses across the district.
 - v) Parking fees on long term parking has decreased.

- vi) Health – South Worcestershire Clinical Commissioning Group. 32 general practitioners have signed up.
- Alexandra Hospital at Redditch is not fully operational in A&E. Royal Worcestershire is being upgraded to operate 24/7.
 - vii) Planning - 5 year land supply. Still not able to demonstrate a figure and not counted until homes are built so Wychavon District Council is still vulnerable. The figure changes every April so it's a rolling stone.
 - vii) Any update on bridge at Keytec? Nothing definite from Network Rail. Other projects crowding this one out.
- c) County Councillor
- i) Reporting potholes. The County Council no longer employs people to inspect roads and look for potholes. They now rely on members of the public to tell them about such problems. Potholes (and a wide range of other issues, such as drainage problems, fly tipping and road signs) can be reported at www.worcestershire.gov.uk/reportit. One of the Council officers has made a video, based on the song 'My Way', which can be viewed at <https://www.youtube.com/watch?v=9adUVUogc8E>. Well worth a look.
 - ii) Struggling to get Harry Porter to meet. Will revitalise my efforts.
 - iii) Blocked drain at Whitehall and meeting with Mrs Sadler.
 - iv) Revisit the sign issue "no through road for HGV's".
- d) Clerk – see Appendix Clerks report
- 7) Planning
- a) Report on current outstanding planning applications
- i) NM/13/00414/NM Rough Hill House, Upper End -
Non material amendment to Planning Application Ref W/12/01980/PP to form a single storey link between the proposed conservatory and porch.
Decision due 29 March but this does not go out for consultation.
 - ii) W/13/00373/PP Lower End Farm, Berwick Lane, Birlingham WR10 3AD -
Two storey rear extension with balcony and side extension
Decision due 22 April
Parish Council comments: No objections
 - iii) W/13/00360/PP 3 Brook Cottage, Eckington Road, Birlingham
Lower pavement for driveway
Decision due 16 April
Parish Council comments: No objection
- b) Applications approved/refused
- i) W/13/00063/CU Hall Farm Barns, Whitehall Lane, Birlingham
Amendment of planning application W/96/00977 for conversion of barn to dwelling including insertion of additional rooflights, flue and changing asbestos cement covered roof with glazing to form an orangery
APPROVED 12 March
Parish Council comments: No objections

- ii) W/13/00004/LUE Hall Farm, Whitehall Lane, Birlingham
Certificate of lawful existing use for change of use of agricultural buildings from agriculture to a mixed use for agricultural, agricultural storage, non-agricultural vehicle storage, including the storage of a camper van, vintage vehicles and lorries
APPROVED 20 March
Parish council comments: No objection

d) Enforcement - updates

COURT LODGE, Upper End - closure of action

Clerk to Enforcement following Enforcements request on any further action: Quote, "Following our recent discussion I would just re-iterate the Parish Council's stance on the access/driveway at Court Lodge, Birlingham.

At the Parish Council Meeting on 16 January your letter of 8 January was discussed. The Councillors do not see any legitimate reason to insist on a planning application, particularly as Mr Olden refuses to supply any documentation proving that the access was there more than four years ago. The Councillors agreed that action should have been taken earlier and wish to leave the matter as they feel nothing can be gained by pursuing this further".

Further quote from a Councillor "I believe all Councillors have expressed their views on retrospective planning applications and that the above has little point in being pursued if there is no real documented proof"

MANOR HOUSE – removal of hedgerow

The advisory note was read out at the last meeting. "Where the section of hedging has presumably at some time been removed to allow forward visibility across the south western corner of the paddock, the approved building will be clearly visible from the road. As hedge planting is not a realistic option here, I would suggest the planting of 3 specimen trees (with protection against grazing if necessary) positioned towards the south-western corner but outside any visibility line, to soften the building visually. These could either be native trees e.g. field maple, ash, or fruit trees." I understand that you will be planting trees as advised by the landscape officer but I would ask that you take into account, for highway safety, the necessity of the visibility splay across the south west corner".

Councillors still have concerns, particularly as the hedge is on highways property. The visibility will be affected when the saplings grow. The new fence isn't as good as the metal railings. Clerk to go back to Wychavon.

Clerk to Enforcement at Wychavon - Enforcement has said that they have written to Mr Byrne's agent saying that the development appears to be in accordance with the approved plans and that the enforcement case has been closed. It was however stressed again that the advisory note was to ask Mr Byrne to keep the visibility splay open as concerns had been raised with regard to the corner although this was not a planning issue.

WHITE HALL BARN

A complaint had been received about operations of a metal business. On further investigation by the Enforcement Department it was clarified that the access gates are not opened until 8am.

There were no signs of metal. However, in December a lorry had transported supporting beams to reinforce one of the barns.

An application has been received as a Certificate of Lawfulness on the site since this complaint was received.

Note: SatNavs send traffic intended for the barns via Whitehall Lane

8) Financial Matters

- a) Bank balance - £3,073.02 as at 28 February 2013
- b) The Accounts for 2012/13 were resolved. The reserves are at £600 and are gradually being rebuilt. The advisory limit is to hold 12 months of expenses so the Parish Council are on target. The accounts are always available at the meetings for parishioners.

c) Receipts:

£240.00 – Lengthsman (December)

£330.00 – Lengthsman (£180.00/November 2012 and £150/January 2013)

Payments:

£410.00 - Carl Brassington - Lengthsman (extra due to flooding November) cheque number 264

£240.00 – Carl Brassington - Lengthsman (December) cheque number 266

£330.00 Carl Brassington – Lengthsman cheque number ???

- the combined figures of £180 and £150 as follows

- £180.00 – Carl Brassington - Lengthsman (balance overdue from November)

- £150.00 – Carl Brassington – Lengthsman (January)

£26.98 – website domain renewal 23/1/12 – 23/1/13 cheque number 271

d) Future payments

£20.00 – John Hill and Clerk attendance at the Special Event NALC – financial management (CALC) * (credit note £10.00 still due because of non-attendance by Clerk)

£10.00 – Clerks Gathering – Grant Thornton and the Audit Process ** (credit note has since been received as Clerk was unable to attend due to illness)

£20.00 – Eckington Parish Council – Parish Council training***

£115.40 – H M Revenues & Customs PAYE- January, February, March

£462.10 - Clerks pay – January, February, March

£25.00 – Clerks expenses – January, February, March

£90.00 – Lengthsman (February)

Tree Forum ?

- e) Precept – request to be agreed at Wychavon at £5,000.00 ****

Explanation / figures for clarity and transparency

- f) Internal Auditor for 2012/13 has been approached

Note: the audited accounts are available for inspection and this is published on the noticeboard

- 9) May meetings – Reminder and confirmation
Date and time - 7pm on Wednesday 15 May 2013 for Annual Parish meeting preceding Parish Council meeting at 7.30pm. The meetings were agreed and the dates confirmed. (Emailed Mary Sadler 3 November)
- 10) Jubilee Wood
Tree Preservation Order. Plaque. Upkeep of area/responsibility/maintenance. Agreement?
The Clerk has contacted the Tree Officer at Wychavon District Council.
Defer item until the May meeting for further discussion and agreement.
- 11) Litter Pick reminder for Saturday 23 March at 10am (alternatively 6 April).
Confirmed and noted by all Councillors.
- 12) Website advertising
Consider due to next financial year. Website still to be “officially launched”.
Update on meeting held on Thursday 14 March matters discussed were:
Which page should we put ads on?
Where on the page?
What size ads?
How much do we charge?
How do we get people to advertise?
How long should ads run for and how frequently can they be updated?
What do we do with the income?
The long-term maintenance of the website and the village emails.

Notes from the meeting follow:

Present: Tony Hall, John Comins, John Hill, Paula Aston, Steve Morris
Apologies: June Hiden, Charlotte Butler, Marion New

1. Which page should we put adverts on and in what position?

It was generally agreed that we did not want the website to have too commercial a look and that pages should be kept as clean as possible. However, it is important for visitors to the site to be able to find adverts easily.

Therefore it was agreed that we should have a separate page for adverts (under the Businesses main menu option, with an option to continue on to the existing directory listing). Adverts would be rotated at regular intervals.

There should also be something on the Home page to point people to the adverts.

2. What size ads?

There will be one size of advert, to make it simple to administer and lay out. Adverts will be roughly 113mm x 37mm (allowing two adverts across the page). For example:



Picture Scene
Tel: 01386 750547
Rose Cottage
Birlingham WR10 3AQ



The Gardener's Cottage
Holiday let in rural worcestershire
Telephone: 01684 293640
Mobile: 07771 906060

3. How much do we charge and for how long?

There will be a fixed fee of £25 for 12 months' advertising, from April 1st annually.

4. How do we get people to advertise?

Steve will email Birlingham businesses (of which there are over 20) with the details. The businesses will then be divided up among the councillors, who will contact them personally.

5. What do we do with the income?

It was agreed that the income would be paid into the general PC account but kept in a separate fund (similar to the Tree fund), which would be available for giving grants for village projects that will be of benefit to the community but would not normally be financially supported by the council.

6. The long-term maintenance of the website and the village emails

Steve is currently updating and expanding the website, with the intention of an official launch in April. There will also be a system for automatically generating web pages on a daily basis, so that the site will be easier to maintain and be kept as up to date as possible.

However, in due course, maintenance will have to be taken on by one or more other people. The Parish Council will continue to own the website and have overall control of it but day-to-day maintenance and development could be done by a separate group, who could also take on responsibility for the village emails (with checks still carried out by Clerk and one or more councillors).

It should also be possible to share information with The Bystander and ensure that the magazine and website complement each other. There was discussion about the possibility of making previous editions of the Bystander available on-line. It was also thought that it might be possible to set up a local history group to build a set of village history pages.

Note: Since the first version of the website was launched on 11th May last year there have been 2420 visitors, viewing 8600 pages.

At the CALC meeting 26 February a question had been asked regarding advertising and the “profit” from income. Proper practices should be followed and the Parish Council should not make a surplus/profit. Surely if the money was put towards the community (as suggested in note 5) this was not for the benefit of the Parish Council? Clerk to contact CALC and ask again.

- 13) Kiosk - Information to be placed on “E-mail news” regarding the final adoption and any suggestions for its use. Details had already been placed 21 August 2012 but this would be done again. The Flower and Produce Show Committee have asked if the telephone box could be used as a ‘home’ to advertise the Village Show – to put up information about Grow for the Show, have a seed or plant swap, to raise awareness and keep a focus on the show through the year. This was agreed by all Councillors as an excellent idea for its use.

Caryl Mills to be contacted by the Clerk.

- 14) Code of Conduct

Copies sent to all Councillors. Agreement clarification following lengthy correspondence. All Councillors confirmed their understanding of the Code.

- 15) Planning & Neighbourhood Development Plans / Parish Plan

Training session attended by Chairman and Vice-Chairman. The Councillors confirmed that the course had been informative. A Neighbourhood Plan is not appropriate for Birlingham as it is intended as a way of increasing development. However, a Parish Plan would still be useful as it would give us input into the planning process and could also cover other community activities.

- 16) Method of Handling Planning Applications

Reminder of procedures/standing orders/clarification

At present the agreed procedure (2004) is to:

- delegate planning comments to the Clerk in consultation with three named councillors.
- circulate the plans to the three councillors, Clerk to summarise their comments for submission to planning. If there are any conflicting comments Clerk will call a meeting to resolve them, otherwise the clerk will assume the 3 Cllrs are in agreement with each other’s comments.
- however, if 2 or more object to a plan, or feel a site meeting is appropriate then a site meeting is held, to which all Councillors are invited to attend.
- The comments are discussed away from the site and joint comments are written down and agreed by all in attendance, then given to the Clerk to be sent to Wychavon.

CALC has made a comment that planning applications should be for open discussion.

However, the current procedures by the Council were acceptable with the delegation to the Clerk. Advertising via our website makes it clear. The Parish Council must always act in a transparent way.

The Standing Orders would be amended to say “delegate *the sending of* planning comments to the Clerk in consultation with three named councillors”.

- 17) Councillors’ reports and items for future agenda

- none

18) Closure – with nothing further to discuss the meeting closed at 9.40pm.

The next Parish Council Meeting is on Wednesday 15 May 2013 at 7.30pm. This is preceded by the Annual Parish Meeting starting at 7.00pm

Signed: Councillor Anthony J Hall, Chairman

Date:

- * Special event for Councillors & Clerks with Peter Lacey Accounts and audit advisor at NALC – Financial Management – the responsibilities of Councillors and clerks plus the latest developments in parish council finance
Quote from CALC “we have been very fortunate to get Peter Lacey, NALC’s accounts and audit advisor to come and talk to us about what responsibility councillors and clerks each have for the proper financial management of the council. He will also give us the latest on this and related topics, like the future of external audit and whether or not the requirement to make all payments by cheque will be repealed.
- ** Quote from CALC “Grant Thornton have won the contract for the external audit of town and parish councils in Worcestershire, after Clement Keys held it for several years. The fee scale for the audit had been revised, and many councils will not now pay a fee. I understand Grant Thornton are new to this area of work, so it will be useful to know if their approach will differ from Clement Keys’s and if it does what that might mean.
- *** 25 February – Planning and Neighbourhood Development Plans – Councillors Hall and Morris
25 March – Other aspect of localism, Code of Conduct and dispensation, CiICA qualification – Councillor Hall and Clerk
- **** Letter from Wychavon dated 24 January quotes “ Following my letter (Oct 2012) requesting details of your Parish Council precept for 2013-14 and Alison Williams letter (Dec 2012) giving details of the changes to your Council Tax base as a result of the government requiring Council Tax Support to be included within the Council Tax base and the impact of this on your precept, please find attached a form which needs to be signed by your Chairman in order to finalise the funding requirement for your Parish Council in 2013-2014. Please ensure that this form is returned to me by 11 February so that we have the documentation supporting the recommendation to the members of Wychavon District Council later that month when, as members of the billing authority, they approve the full set of Council Taxes for the area. As you will see on the attached form, the total amount required by our Parish Council has now been divided into the formal “Precept for council tax setting purposes” and a grant, calculated as previously outlined, and once these have been approved by your Chairman and the District Council you should receive the total sum (i.e. both the precept and the grant) in a similar way to how the precept has been paid previously i.e. in two equal payments prior to 30 April and 30 September 2013”

Appendix

Dispensations for deciding the budget and precept

Quote from Issue 7 February 2013 “A copy of a letter from Brandon Lewis MP is attached. Mr Lewis is a junior minister at the Department for Communities and Local Government. I have had this from a County Officer colleague, and as you will see, it is addressed to “all Local Authority Leaders” so presumably it has gone to principal authorities. The letter contains the welcome news that the DCLG does not think that it is necessary for councillors to obtain a dispensation to allow them to decide the budget and precept, and that it intends to revise its practical guide for councillors to reflect this view. What is less welcome is that the letter says that the DCLG does not offer legal advice, so how far you can rely on this letter or the practical guide for councillors is not at all clear. I suppose that it is fortunate it has been issued too late to be of any practical effect for the majority of parish councils this year, so there should be time to arrive at a sensible position for next year. In addition to telling councils what to do, and then saying that they cannot

rely on it as guidance, the civil servant who has written this letter for Mr Lewis seems to have a tenuous grasp on the new standards regime and on logical argument. A said person's parlour game might be to go through it and pick out the flaws, with a prize for the one who finds the most, but the sad person would have to value their time very cheaply. On the other hand, I may well have completely misunderstood the new standards regime – who am I to gainsay an undersecretary of state? But as I have, so have Worcestershire monitoring officers and the National Association legal team.

I think CALC has a responsibility to recommend caution to its members until there is unequivocal guidance that the Localism Act and the regulations mean something different from what they say, or even better, they reinstate the bit of the old statutory code of conduct which said that is an issue affected everyone in the parish the same, it did not give a councillor an interest to declare. I suggest that it is safest for councillors to have a dispensation for deciding the budget and precept, but if not, at least you have Mr Lewis to fall back on.

Clerks report

i) Journal request

[Clerk to Lynne Wilson at Midlands Newsquest:](#)

Quote, "I have been asked by residents of Birlingham if it is possible to have your newspaper delivered to the village. The Parish Council own the (ex) telephone kiosk and would like to use this as a drop off point for the newspapers allowing interested villagers to collect them from the red phone box themselves.

Birlingham does not have a delivery. Is it possible for say 20 papers to be placed in the kiosk each week so that they can be picked up from there?
I await your response".

[Reply from Newsquest:](#)

Quote, "Thank you for your e-mail regarding delivery of the Pershore Journal to Birlingham. Unfortunately the newspaper industry is still going through unprecedented reductions in advertising revenue which is having a massive impact on profitability. Some papers are simply fighting for survival.

There are no plans, at the present time, to increase the distribution area of the Pershore Journal, even by a small amount, at this time.

I am sorry that this is not the reply you wanted, maybe if the current climate improves we may be given permission to extend the distribution area of the Pershore Journal".

ii) Jubilee Wood

[Clerk to Wimpy Derbyshire:](#)

Dear Wimpy

This is an extract from the Parish Council minutes in November:

9) Jubilee Wood

The Jubilee Wood has been planted and it was a brilliant job by the volunteers. 420 saplings have been put in. Discussion took place on the future maintenance of the Jubilee Wood. Should the Parish Council take responsibility for it and ensure that we have a suitable safeguard in place with the landowner, Mrs Derbyshire to ensure its long-term survival? Maybe a yearly agreement

rather than forever. Could the wood have a preservation order put on it? What is the view on protecting a communal wood? Councillor Morris would investigate further.

I haven't given you any updates before as Steve Morris assures me he has been keeping you up to date on what has happened or is happening.

Thank you for your assistance and I hope you agree with the Parish Council and Jubilee Committee that the "wood" is there for the future and will be a celebration in the years to come.

Kind Regards

[Response from Wimpy:](#)

Thank you June - I will wait to hear what Steve Morris says. If necessary I can always have a word with my land agent or solicitor for the best way forward. Best wishes Wimpy

iii) **News e-mail**

[Birlingham News 21](#) Sunday 10 February

The snowdrops are up in the churchyard and the crocuses will follow soon, so now is the time to get your family and friends to visit. Teas are available most days – see below for details.

In this issue:

1. Valentine's Night at the Swan, 14th February
2. Bulb Sunday, 17th February, & Bulb Teas
3. Litter Pick, 23rd March
4. Missing Dog
5. Planning Applications

[Birlingham News 22](#) Thursday 7 March

It's now a year since the first news email was sent out. During that time, there have been 21 emails and 4 updates, covering 85 events, issues and planning applications in the village. Thank you to all those who have supplied us with information. If you would like us to include something in a future email, please send the details to news@birlingham.org.

In this issue:

1. Mothering Sunday Service, 10th March
2. Mothering Sunday at the Swan, 10th March
3. Village Litter Pick, 23rd March
4. Flower & Produce Show – Grow For Your Show
5. Missing Cat
6. Planning Applications

[Birlingham News 23](#) Saturday 16 March

The next Parish Council meeting takes place on Wednesday and it's the annual litter pick the following Saturday.

In this issue:

1. Village Hall AGM, 20th March
2. Parish Council Meeting, 20th March
3. Village Litter Pick, 23rd March
4. Easter Day Service, 31st March
5. Annual Church Meeting, 4th April
6. Planning Applications

iv) **Blocked drain on Broadway Road**

[Clerk to \(Martyn\) WDC Engineers](#) copied Roy Fullee and David Hunter (Lengthsman)

Thank you for your response with the update from Ray Grundy (*Dec 12 = I have spoken to Ray this morning and he confirmed that the landowner in question has cleared the ditches down the side of Broadway Road and beyond the corner towards the river – he is happy with what he has done and showed me some accompanying photographs. Not saying this will cure the problem particularly during periods of heavy rainfall when the ground is already saturated, but from the point of view of what action we can take under the Land Drainage Act, we are somewhat limited in precisely what we can make the landowner do*).

The Lengthsman has told me that the culvert runs under the road and so is Highways responsibility? The landowner (Revill's) managed to partially clear the culvert but it needs pressure jetting and clearing to increase the flow. He agrees that they have done a good job clearing down the track/ditches so far.

How would you suggest I get further action then from the County Council if you say there is nothing further that you can do under the Land Drainage Act?

I would appreciate your recommendation”.

[Reply](#): 21 January - We could take action against the County Council using the powers of the Land Drainage Act if necessary, but it appears from Roy Fullee’s response that they may take an interest without the need for us to do this.

If however you do not make any progress, by all means let me know and I will instruct our new Land Drainage Inspector to have a look – don’t know if you are aware but Ray retired at the end of December and Gary Beatson is his replacement.

[Clerk to Roy Fullee](#) (wanting to know where culvert was)

The culvert is below Woodfield Farm at the end of Shorthill on the sharp bend where it meets Broadway Road and the track

[Reply](#): 23 January - I'll arrange to have this inspected.

v) **Litter pick**

[Clerk to WDC](#)

Dear Karen

I believe you are now organising the Litter Picks for the Parish Councils. Could I ask you to action pickers/paperwork etc for Saturday 23 March for Birlingham Parish Council.

Should the weather not be clement it would be re-organised for Saturday 9 April.
I wait to hear from you.
Thanks and regards

Reply: I've provisionally booked you in for collection of equipment on Friday 22nd March, to be returned Monday 25th March. We should be grateful if all paperwork, including the insurance and disclaimer form, is returned to us at least two weeks before the due date. If you have any further queries please don't hesitate to contact me.

vi) **Worcestershire County Council- waiting restrictions and street parking - wedding and funeral services**

Worcester County Council (DISTRICT OF WYCHAVON – NON-URBAN AREAS) (Civil Enforcement Area) (Waiting Restrictions and Street Parking Places)

Consolidation Order 2004 (Variation No.1) Order2013

This consultation relates to the whole area listed in the title above and specifies an exemption to vehicles used for the purposes of Wedding and Funeral services should it be deemed necessary in the future.

If then a request is made in the future; a specific Initial Consultation and plan would be made for that location and this order will therefore allow that process. Maps or Plans therefore are not included as this relates to the Area not location; however to assist in the understanding of the intention I enclose the proposed wording to be added at (h) to the existing Consolidation Order :-.

(a) At the end of Article 8 (1) of Part II of the Consolidation Order there shall be inserted:

“(h) where expressly indicated on the plan(s) attached to this Order a specially constructed or adapted vehicle, if it cannot conveniently be used for such purposes in any other road or side of road, to be used for the purposes of Wedding or Funeral services.”

This consultation has occurred successfully in Kidderminster to assist parking issues at certain locations; however it now needs to be cited for the other relative Civil Enforcement Parking Areas in other parts of Worcestershire. I would be grateful to receive your views on this proposal by 19th February 2013 so that I may continue the consultation procedure. If I do not hear from you by that date then I will assume you have no objection but your earliest response would assist me greatly.

Julian A Turner MBE MCIHT Traffic Engineer

vii) **Upper End flooding**

[Adrian Hardman to Dave Lavender cc Roy Fullee](#)

I really hate to burden you with this but at the last Parish Council meeting the question of the flooding in Upper End came to light again and we appear to be little further forward in having a solution to this since I note from June's last email that Ray has been out and had a good tramp around the fields and doesn't seem to have found a solution above and I am coming to the conclusion that we need to have a meeting with Major Harry Porter to discuss the drainage below.

I still find it rather odd to think that we don't have a drainage system that connects into the right hand side of the Avenue and that it runs across the Cricket Club. Tony Hall is willing to attend as Chairman of the Parish Council and I am hopeful that I can persuade Harry to attend as well. If we can fix a date over the next couple of months or so I would be grateful but a newish member of the Parish Council who lives up that way, maintains that all the trouble is actually when they built that new house and that the builders just slashed their way through the drainage pipes. Whether there is any truth in that or not I have no idea but I would be grateful if we can have another bash at trying to find a solution to this, even if it involves me using some of next year's local members Divisional Fund to ensure that the work is done.

viii) **Potholes**

[Lengthsman to Roy Fullee with photos](#)

The Lower End of the village is flooded again and traffic is having to use Broadway Road and Shorthill to access the Lower End.

There are some magnificent potholes past the farm going into Broadway Road which are quite dangerous in the dark. These could do with some attention asap please.

There are also holes in Grange Road and by Clock House

[Roy Fullee to Lengthsman](#) 29 January

I'll arrange to have the area inspected, but following the recent freezing weather, I'll request the roads in Birlingham village are looked into at the same time.

ix) **Highway reporting**

Dear Parish/Town Councils

With the way the weather has been over the last few months (eventful to say the least!), a large number of general highway defect enquiries have been received by the County Council from Parish/Town Councils, with many of these enquiries being forwarded to me for investigation/reply.

I would be very grateful if highway defects could be reported direct to the Worcestershire Hub in the first instance, their contact details can be found below (in red). This will not only enable your enquiry to be recorded quickly, particularly when I am on leave or undertaking other highway duties (which can mean that I will not always be in a position to see your enquiry straight away), but also this process will enable you to obtain updates at a later date by quoting the service request reference numbers to the Hub (each enquiry logged with the Hub will produce a service request reference number).

Examples of highway defects are:

- * Potholes/ruts/cracks (carriageway, footways and footpaths)
- * Damaged/loose kerbs and slabs (inc dislodged block paving)
- * Missing/non functioning road studs (i.e. cats eyes)
- * Blocked/damaged highway gullies, culverts and grips
- * Loose/missing gully covers (utility covers should be reported to the appropriate utility)

company, but it is prudent to inform us via the Hub too as we can make the area safe where necessary)

- * Non functioning/damaged street lights, traffic signals and zebra crossing beacons
- * Damaged/missing road signs (street name plates are managed by the District Council, but can still be reported to the Hub)
- * Damaged/missing highway railings, bollards and marker posts (i.e. the black & white reflective items)
- * Faded/missing road markings
- * Overgrown vegetation overhanging the carriageway, footways and footpaths (if emanating from adjoining private land, you may wish to contact the landowner and if no success, then notify us)
- * Overhanging, damaged or fallen trees (please note that highway trees will not be attended to if they're blocking light in to a property, affecting radio/TV signals or causing a 'nuisance')
- * Highway flooding
- * Gritting and snow clearance (including grit bin enquiries/grit bin filling)

Some of these defects may be resolvable through your lengthsmen. The last 2 items are issues which can be deemed as severe events which often or not require reporting urgently, so the Hub should be the first point of contact. In respect of winter service activities, information can be found on the County Council's website, while you may already be in direct contact with the Winter Service Team on some issues.

I apologise if this e-mail appears dictatorial, but contacting the Hub will enable your enquiry to be processed more efficiently and quickly, as well giving you the opportunity to obtain updates if required. If you have difficulty registering an enquiry with the Hub online, or by phone, they can e-mailed at worcestershirehub@worcestershire.gov.uk If you have on-going concerns/issues with any defects that have been reported, please either contact the Hub or myself for further investigation.

As an option, you may wish to consider informing your parishioners, through newsletters, on how they can report highway defects as I have no doubt many get reported to you in the first instance.

Many thanks for your co-operation on this matter, it is very much appreciated. However, if you have concerns about this procedure, please do not hesitate to contact me.

Kind regards

Roy Fullee
Senior Highways Liaison Engineer

x) **Precept**

Precept for Council Tax setting purposes - £4,794 / Grant - £206 / Total amount required - £5,000

Band D 2013/14 - £29.63

The Chairman signed the form in order to finalise the funding requirement (due 11 February). The amount is divided into the formal "Precept for council tax setting purposes" and a grant

which once approved should mean the Parish Council receive the total sum. Due 30 April and 30 September.

xi) **PC training with Eckington**

[From Eckington Clerk](#) - circulated to all Councillors. We now have the dates arranged for the training which I previously contacted you about. They are:

25th February - Planning & Neighbourhood Development Plans

25th March - Other aspects of localism, Code of Conduct & dispensation, CilCA qualification.

Both sessions will be held at Eckington Village Hall and will run from 7.00pm - 9.00pm.

Councillor Morris attended the 25 February meeting and gave this report:

The first half covered planning in general and Parish Council responses to applications. There wasn't much we didn't already know but a few interesting points.

The second half was on Neighbourhood Development Plans. These are obviously intended for parishes that want to see more housing development than is included in their local plan, and are clearly not appropriate for Birlingham.

After the meeting I spoke to Richard Levett about planning consultations and parish plans.

He said that the safest way of dealing with planning applications is to discuss them in an open meeting. With our method of passing the plans round the sub-committee we are effectively delegating the decision to June, in consultation with members. Even if we get together to discuss an application, unless it is a formal meeting it is still ultimately the same delegation. That should not be a problem with most of the applications we get but he felt that anything likely to be controversial should be discussed at a properly constituted meeting.

With regard to parish plans, he thinks these are well worth doing as they can cover much more than just development areas. However, if we are to do one we should have a very clear idea before we start of exactly what it is we are trying to achieve and what topics we want to include that are not already covered by the local plan. I wonder whether it would be worth having an informal meeting with the residents who have expressed an interest to see if we actually have enough issues of interest to continue with the idea?

xii) **The Bystander – dates for your diary**

[Clerk to Edward Farrar copied to Mary Sadler](#)

The dates and times for the Parish Council meetings are as follows:

7pm Annual Parish Meeting - Wednesday 15 May

7.30pm Parish Council Meeting - Wednesday 15 May

7.45pm for the Parish Council meetings on Wednesday

17 July
18 September
20 November

xiii) **Revised Parliamentary Constituency boundaries**

[Clerk to Electoral Services](#) following a request from a Councillor:

Is there any information available on your website regarding the recently published proposals?

Reply: Deputy Returning Officer and Electoral Services. They were postponed until at least 2018 so no changes for now. I have hard copies if you wanted to see what the proposals had been or there is information on the boundary commission website

<http://consultation.boundarycommissionforengland.independent.gov.uk/about-the-review/>

News article re postponement is here www.bbc.co.uk/news/uk-politics-21235169

xiv) **Cotswolds Conservation Board Annual Forum**

[Nicola Greaves, Information and Interpretation Officer, Cotswold Conservation Board](#)

Dear Parish Clerk,

I am delighted to announce that this year's Cotswolds Conservation Board Annual Forum will be taking place on Friday 1 March, from 9am, at Forest Green Rovers, Nailsworth, nr Stroud.

This year, the theme will be focusing on the value of the Cotswolds Area of Outstanding Natural Beauty to the local economy. As part of the event, there will be a presentation on the key findings from a piece of new research conducted recently by Cumulus Consultants Ltd to find out from businesses and stakeholders what the benefits and impacts of being located in the AONB are.

In addition, the event will include speakers from Defra and the Peak District National Park. Each of these speakers will be able to pass on their own experiences and knowledge of protected landscapes and their value to local economies, as well as looking at ways to encourage businesses to use the environment to create a distinctive marketing edge for their product or service.

Finally, there will be a few local case studies of how businesses in the Cotswolds AONB benefit from being in a protected landscape. We also plan to hold an optional workshop, following the main event, with businesses to discuss these aspects in more detail and find ways of building closer links between the AONB and the local economy for mutual benefit.

For further details, timings and how to register your place, please visit our website page: <http://www.cotswoldsaonb.org.uk/annual-forum-2013>

I do hope you will be able to join us and I look forward to hearing from you.

xv) **New Homes Bonus - Birlingham Village hall - refurbishment**

[From WDC Tracy Perkins, Partnership Support Officer to Clerk update](#)

Further to my letter dated 11 July 2012, you may recall that I said I would contact you to see how the project is progressing.

Could you please drop me a note to let me know if the re-roofing has taken place and what improvements it has made.

[REPLY from Clerk:](#) Below is an extract from my Report to the Parish Council: January 2013) [Birlingham Village Hall Roof Project- The Legacy - Completion and Celebration 24 November 2012](#) An invitation was received from the Chairman of the Village hall to join with the Committee in celebrating the completion of the 2012 Roof Project and the continuing success of our Village Hall. Quote, “ Without the support and goodwill of the users of the Hall it just would not have been possible, equally without the incredible support of several grant making individuals and bodies we would not be such a privileged position to have achieved the replacement roof in the relatively short time that we did. Please join with us on Saturday the 24th November to formally thank the people who made this happen, including the building contractors who have also understood that people matter most and the mostly unseen individuals who keep the Hall going. Each contributor to this project has effectively worked in isolation; understanding the whole picture, supporting the aspiration and knowing that many others are just as supportive- and yet never meeting these other people. This celebration brings together everyone who has shared the vision and importance of Birlingham Village Hall. This celebration is also my opportunity to personally recognise and thank the many supporters of Birlingham Village Hall.

I attended the opening with the Chairman and Vice Chairman of the PC in attendance with Harriet Baldwin MP. Coincidentally I sat with Jem Teal who was there in his capacity of the grant from the Community Fund.

In the local rag there is also the following quote from the Hall Chairman "I shall in my report to the AGM provide full details as to all donations and grants. I would like to mention June Hiden who applied on behalf of the Parish Council to Wychavon Council for the current year's New Homes Bonus. A modest but very welcome amount of money (£460)".

So the roof is complete although the funding is still ongoing (the hall secured a loan to get the works done) and everyone benefits from the improvements that have be made.

On a sad note we have been informed by the Ward Member that Birlingham is the only village this time not to receive any Bonus at all.

[Further response from WDC:](#) I’ve just read through your email and noticed the bit at the bottom about no NHB for this year. Don’t forget you still have £2,300 left from your Year 2 Bonus Also I would point out that Birlingham isn’t the only village not to receive any Bonus this time, there are quite a few

xvi) **Wychavon District Council Chairman's Invitations**

Circulated to all Councillors. Invites from the Chairman of the Council for a Charity Dinner at Woodnorton Hall and Golf Day

xvii) **S106 Agreements and Potential Projects**

[Email circulated from WDC to all Councillors – hard copy available](#)

I am writing to you as a result of a number of changes that impacted on the way that section 106 monies can be used and to request your help and local expertise in ensuring that any returns from s106 agreements is maximised. Hopefully you will have a basic understanding of 106 contributions but if you are unclear how these agreements work after reading this, please do not hesitate to get in touch. Section 106 agreements are used to improve the ‘infrastructure’ for an area resulting from new housing.

The justification for any 106 contributions is set out in the WDC Supplementary Planning Guidance <http://www.wychavon.gov.uk/cms/pdf/wdc-planning-policy-spg-supplementary-planning-guidance2.pdf>, those categories of contributions that are of importance to Community Development are:

- Public Open Space - 3 categories; general, play and formal sport.
- Leisure Facilities - the built sports environment.
- Community Buildings - such as village halls.
- Public Art\Culture

There are also other contributions that include highways, re-cycling and education but these are determined by the County Council and of course there is the Affordable Housing.

xviii) **Communicate - February**

Circulated the latest edition of Communicate, the news bulletin for and from Wychavon's Strategic Partnership and the LSPs.

xix) **Member Conduct Committee** - Information sent to all Councillors

xx) **Parish Matters** circulated to all Councillors

xxi) **Code of Conduct** [item on agenda](#)

[Kim Paul to Clerk](#) 9 October

Thank you for forwarding the Register of Interest forms for your six councillors, with just Mrs News' remaining form to be sent in due course. In the meantime, could you let me have her address please so that I can update my records? Regarding the Code of Conduct, could you also email me a copy of the adopted code as we need to keep these on file.

Many thanks Kim

[Clerk to Kim Paul](#) 9 February

You will see Ian's email below which has clarified the situation with regards to the Code of Conduct and his advice on accessing a copy. I am therefore sending you Birlinghams Code for the record.

I have also chased Councillor New for her Declaration form (again) and trust she will forward a copy shortly.

[Clerk to Kim Paul](#) 17 February

CODE OF CONDUCT - for file reference

Extract from the September 2012 quotes:

10) Standing Orders and Adoption of Code

Adoption of the Code of Conduct (Localism Act 2011) amendment to Standing Orders. To allow for the requirement for council members to leave the meeting when they have declared an interest and secondly to set out the procedures for councils to grant a dispensation from this requirement.

It was a statutory duty to adopt a code and therefore it was agreed to adopt the drafted Worcestershire model code as endorsed by CALC.

The following alteration would be placed on the Standing Orders relating to the Declaration on Interests:

Declaration 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 when the relevant item of business is to be transacted.
- b) Councillors may apply in writing to the proper officer (Clerk) 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.

Agenda in future will read:

Declarations of Interest:

- a) Register of Interests: Councillors are reminded of the need to update their register of interests.
- b) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature.
- c) To declare any Other Disclosable Interests in items on the agenda and their nature.

(Councillors who have declared a Disclosable Pecuniary Interest, or Other Disclosable Interest which falls within the terms of paragraph 12(4) of the code of conduct, must leave the room for the relevant items)

Clerk to notify the Monitoring Officer at Wychavon District Council of the amendment to the Standing Orders and the Adoption of the Code of Conduct.

Clerk to confirm that all Register of Interest forms have been returned to the Monitoring Officer. Councillor New outstanding at present due to her co-option.

I trust this satisfies the Parish Council's obligation with the adoption of the Code according to CALC's Good Practice Guide

[Clerk to Ian Marshall](#) 18 February

I have received your letter dated 15 February 2013 (ref IGM/ML) today. My apologies for not getting back to you sooner but I have been in contact with Kim Paul. My email below has crossed with your correspondence.

The Code was adopted at the 18 July 2012 meeting as per the following extract:

10) Code of Conduct

The final version of the Model of the Code of Conduct (drafted by Worcestershire Monitoring Officers) and Register of Interests form had been received from CALC. The Code needs to be adopted as soon as possible and the Register of Interests should be signed by 27 July. There has been a Standards Training event at Wychavon and the Clerk has asked for information following that which had then been circulated to all Councillors.

The Code of Conduct was adopted by the Councillors.

and then for clarification the Standing Orders were amended as stated in the extract and it was reiterated that it was the Worcestershire model code that was being adopted.

I have found some of the Localism Bill confusing to say the least. Is there anything more I need to do in order that you do not have to notify the Council's auditor or CALC?

[Ian Marshall to Clerk](#) 18 February

Thanks for your note. You are not the only one that has found the Localism Act confusing!

I am pleased to note that the Code of Conduct was adopted on 18.7.12.

Please can you e-mail a copy of the adopted Code to Kim & copy me in. We are asking all Parish Councils to do this. We are then keeping an electronic copy on file for each Council which we can then access if & when any conduct issues arise.

[Ian Marshall to Clerk following receipt of Code](#) 19 February

Noted. Thank you.

xxii) **Letter to Steven Byrne** The Manor House (22 February) giving update on parish plan
[Clerk to Mr Byrne](#)
PARISH PLANS

Firstly, my apologies for not replying to your letter sooner. Secondly, thank you for continuing to express an interest in volunteering to help with the creation of the village plan.

As you know the Parish Council awaited the legislation of the Localism Bill in April 2012 in order to see what opportunities it offered in relation to a village plan. The basis of the Act is an opportunity to produce a neighbourhood plan. Whilst the plan will not provide the definitive role in deciding where development should occur, it enables the village to specify the features and characteristics which should be preserved.

At the Parish Meeting in May 2012 discussions took place on neighbourhood development, parish plans, the Neighbourhood Development Order (NDO's) a Neighbour Plan and the Community Right to Build. It is not compulsory to do a plan.

A Councillor has contacted the Senior Policy Officer at Wychavon Council asking for an update on how Parish Plans are viewed. They are not quite as important as the statutory Neighbourhood plans which are more formal, however, there is some status with Wychavon and it is viewed as

worth preserving. He recommends that a committee be formed, including different ages, sex, employment to give a reasonable representation. There is no financial assistance.

A very willing resident had been a promoter of starting a plan at the time of initial discussion but is now deceased and unfortunately Councillor Comins had reservations and is now withdrawing from village commitments and therefore will not be available to carry forward the Plan.

It is felt that The Plan will be a long and drawn out process possibly over 5 to 6 years. It is proposed that it will still be useful to do a plan but the time should not be under-estimated. Questions were asked. Will the volunteers who came forward be interested in carrying on? What strategy should be followed particularly as the South Worcestershire Development Plan is nearly in place. Will there be a belief in the Council's decisions?

The Parish Council have concluded and agreed for the time being to wait the outcome of the South Worcestershire Development Plan (swdp) and then progress further at a later stage.

I am sorry if this is not the answer you are expecting however I will endeavour to keep you updated on the progress of any plan.

xxiii) **Kiosk** agenda item

Ideas for kiosk from the Flower and Produce Show prompted comments:

That sounds good to me. It might pave the way for future use!

If it means that somebody is actually using the phone box let them carry on with their idea
Great idea they can sweep away the cobwebs

xxiv) **BVH minutes and agenda**

Unconfirmed Minutes of last Meeting, the Agenda of the next Meeting and the AGM and the unconfirmed Minutes of the 2012 AGM received from Edward Farrar

xxv) **Cotswold Conservation Board**

Forwarded to all Councillors. Agenda for the meeting of the **Cotswolds Conservation Board** to be held on Thursday 21 March 2013.

Also unconfirmed Minutes of the last meeting, held on 13 December 2012, and the AGM which immediately followed.

xxvi) **Road Closure Order**

From Worcestershire County Council - TEMPORARY ORDER 2013 - a copy of the Public Notice to be published in the Evesham Journal received from County regarding the closure of Berwick Lane from 30 April. Asked Jayne McKenzie to circulate to Lower End residents. Circulated also to Revills and Wimpy. Put on website.

Bruce Hayward had passed on details to the Greenfields, Meadow View and Lilac Cottage.

Question was asked on where is Meadow Lane?

