

MICHELMERSH & TIMSBURY PARISH COUNCIL

Minutes of the Parish Council Meeting held on Wednesday 26th January 2005 at 7.30 p.m. in the Jubilee Hall, Timsbury.

Present: Parish Councillors Dr. W. A. Lees (Chairman), Mr. D. Cowling, Mrs. C. Evans, Dr. J. Glasspool, Mr. P. Pritchett-Brown, Dr. M. Subramanyam, TVBC Cllr. David Bidwell, and Parish Clerk Mr. P. Buist.

Action

1. Apologies

Apologies were received from Mr. R. Vie.

2. Open Period

There were no speakers.

3. Declarations of Interest

None.

4. Confirmation of Minutes of the Parish Council Meeting held on 24 November 2004

Item 7.4, second line, the word "felt" was deleted and "left" inserted. The minutes were then **agreed** as a true record and signed by the Chairman.

5. Matters Arising from meeting of 24 November 2004

5.1 Actions completed

- Grant to Tree Warden
- Grant to St. Andrew's Church
- Donation to Timsbury Pre-school

Letters of thanks had been received from St. Andrew's Church & Timsbury Pre-school.

- Clerk's Salary
- Precept
- Main River
- New Planning System
- Doorstep Crime
- Cesspit
- Salvidge Site at Bunny Lane
- Instructions to Solicitor

5.2 Quiet Lanes

The Chairman had pursued this matter and had received no interest from the Highway Engineers who felt that quiet lanes were not meaningful here. The Council **noted** the request from Sharon Thomas about public consultation.

5.3 Public Liability

The Chairman had consulted with Allianz Cornhill and confirmed that it was the Sports Club responsibility to ensure adequate public liability insurance for non club activity on the land that they leased. He had circulated a letter from Allianz Cornhill and had written to the Sports Club requesting a copy of their public liability insurance and a copy of their fixture list.

5.4 Items still to be actioned.

- Freedom of Information Act, publication scheme to be updated.
- Risk Assessment re-draft.
- Standing Orders additions.
- Financial Regulation Amendments.
- Addition of policies to the web site.

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6. Confirmation of Minutes of the Parish Council Meeting held on 12 January 2005.

The minutes were **agreed** as a true record and signed by the Chairman.

7. Matters Arising from meeting of 12 January 2005.

All actions were completed.

8. Planning

8.1 Applications

TVS.10570, Erection of single storey extension, Wynford Farm, Belbins. No objection.

TVS.03213/8, Revised scheme, erection of detached building, Kimbridge Trout Farm. No objection.

Street Trading Consent, G&J Mobile Catering, Layby on A3057. The Council had no objection to the proposal, provided that there was no effect on the cycleway that was to pass through the layby and that all litter problems were solved. The Council suggested that a portable toilet was provided for customers, that drainage problems in the layby were solved and that assurance of public liability insurance should be obtained from the trader.

8.2 Determinations

It was **noted** that the application for Alveston was to go in front of the Planning Committee on 1 February and that the Officer's report had been published before the closing date for comments and it recommended permission. The Parish Council were dismayed to find that the report had not taken into account the views of the Parish Council, nor local residents. TVBC had been asked to remove the item from the agenda but had refused and had stated that an update to the report would be produced prior to the meeting. As a result the Chairman had written to all the TVBC Councillors on the Planning Committee stating the Parish Council objections to the proposal. It was important that a member of the Council spoke at the planning meeting and as the Chairman was not available, Donald Cowling agreed to attend and was mandated to speak on behalf of the Council.

Cllr. Bidwell explained that planning procedures had changed. Previously, if a Parish Council had objected to an application, it went to committee.

Some of these applications can now be decided under delegated authority if the ward councillor agrees. Cllr. Bidwell advised that he had agreed that:

1. Under delegated authority, the planned garage for Pear Tree House should be refused on the grounds of inadequate plans.
2. Under the same rules, the planned outbuilding for Oak Tree House should be granted permission subject to conditions that it could only be used in association with the vineyards and wine making.

Renewal of temporary planning permission for a waste transfer station, BKP Environmental Services Ltd., Casbrook Park. Permission granted by Hampshire CC.

TVS. 10244/2, Outline application for dwelling to rear of Duttons, St. Andrew's Close. Refused.

TVS.10200/1, Erection of three dwellings, Whynot, Stockbridge Road. Approval, subject to conditions.

TVS.01097/10, Erection of conservatory, New Forge Restaurant, Stoneymarsh. Refused.

TVS.05254/1, Erection of pair of farm-workers dwellings, Manor Farm Lane. Permission, subject to conditions.

8.3 Bridle View

It was **noted** that this matter had been referred to the legal department and an update on proceedings was awaited.

8.4 New Planning Act 2004 & Correspondence with TVBC

It was **noted** that:

1. In future the Village Design Statement would need to be revised and a

Parish Plan will be required.

2. TVBC will send the Parish Council copies of the CLE's for Hunts Farm and also advise the PC when enforcement notices were to be served. So far nothing has been received.

As Dr. Glasspool had to leave the meeting, it was agreed to take item 17, on which he wished to speak, at this point in the meeting.

17. Harassment

The Chairman read the following statement:

The Protection from Harassment Act 1997 – makes it a criminal offence for a person to pursue a course of conduct that amounts to harassment. A course of conduct must involve at least 2 occasions. (The fewer the occasions, and the wider they are spread apart, the less likely that there is a course of conduct.) The conduct does not have to be physical and can include verbal conduct. The maximum sentence is six months' imprisonment and/or level 5 fine.

Source: Community Legal Service : a Gov. backed group of organisations involved in law.

During the course of the dispute between the PC and SC the following have occurred.

- *Fire exit of J. Hall blocked by brushwood – moved by a well-wisher.*
- *Fire exit of J. Hall obstructed by placement of rollers, barbecue and ground maintenance equipment, skips and other items – removed at insistence of TVBC Environmental Health Dept. on safety grounds.*
- *The extension of the J. Hall has been frustrated and possibly prevented.*
- *Numerous critical letters to local press*
- *Articles in Local & National press*
- *Web site Statements, Televisions programmes - all commenting on the PC*
- *Letters in the same vein to Clayden of CLERKS & COUNCILS DIRECT, Town, Borough and County Councillors, Officials of TVBC, the Standards Committee of TVBC, the Standards Board of England [complaints about two individual councillors], The Audit Commission, HAPTC and TVAPC and David Gower.*
- *I, in my role of Chairman, have received numerous phone calls from journalists, and the media in general, during 2004 together with others from unpleasant and belligerent people. Occasional calls are still being received.*

In my opinion, a Council, just like any other organisation, can be neither harassed nor coerced. However, as a result of this continuous campaign – which has only paused since the engagement of solicitors – a reasonable man might well consider that individual councillors have been harassed and, as a consequence, that an offence has been committed.

As the dispute is still in Court, I suggest we leave the matter for the time being - unless anyone feels very strongly about this.

Dr. Glasspool felt that the Chairman had been and was being harassed and noted the various complaints to the Standards Board. It was **proposed** by the Chairman and seconded by Peter Pritchett-Brown that the matter was kept under review. This was **agreed** unanimously.

Dr. Glasspool left the meeting after this item.

9. Financial Matters

9.1 Current Financial Situation

The statement of income and expenditure against budget was **noted**. This paper is attached to the minutes.

9.2 Invoices for Payment

There were no invoices to pay.

10. Recreation Ground

10.1 Playground Inspection & consideration of inspection frequency

It was **noted** that the PC insurers required weekly inspection of the playground and formal recording of findings. It was **proposed** by the Chairman and seconded by Peter Pritchett-Brown that a PC volunteer inspects the playground with findings recorded in the minutes, that the monthly check is carried out by TVBC and RoSPA carries out an annual inspection. This was **agreed** unanimously. It was **noted** that this required

an update to the Playground Policy and the following amendments were also **agreed**: WAL

Replace existing paragraph 2 with:

“Institute a regular inspection and reporting system.

- Weekly by volunteer – report to be logged in monthly Council Minutes
- Monthly by TVBC personnel – supported by formal, maintained reports.”

Replace existing paragraph 4 with:

“In addition to the regular inspections [2], carry out a yearly, overall check through the auspices of RoSPA or other competent body.”

10.2 Working Party

The Chairman would arrange a meeting of the WP.

WAL

11. Highways & Environment

11.1 Dog Stiles

Agreement had been reached with Aiden Harvey but was still awaited from Sir David Frost. It was **agreed** that four stiles would be purchased and the Chairman would consult with the helpers as to the type of stile to be purchased.

12. Correspondence

12.1 Kimbridge Lane Traffic Calming

The letter from Mottisfont PC was **noted**. The PC took the view that as this was a country lane, additional signs and road markings would create an urban feel and were to be avoided. They preferred not to introduce a priority system on the bridges.

PBu

12.2 Rights of Way Registers

It was **agreed** that Dr. Subramanyam would review the documents and respond on behalf of the PC.

MS

12.3 Referral to Audit Commission

The letter sent to the Sports Club and copied to the PC was **noted**. The Audit Manager had stated that he could see no reason why he should take any action.

12.4 Complaint about Conduct

The PC **noted** the letter of complaint from Richard Hunt and the reply sent by the Clerk. It was **agreed** no further action was required.

12.5 Results of Referrals to the Standards Board

The PC **noted** the results of three referrals to the Standards Board, that there was no requirement for investigation.

12.6 South East Plan

It was **agreed** that Dr. Subramanyan would attend the CPRE meeting on 2 February and that the Chairman would attend the HAPTC Seminar on 14 February.

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WAL

12.7 Test Valley Area Committee

It was **agreed** that Carol Evans would complete the questionnaire and attend the meeting on 22 February at the Romsey School if possible.

CE

12.8 New Ethical Framework Regulations

The letter from the Office of the Deputy Prime Minister was **noted**.

12.9 Test & Itchen Landcare Project

The letter from the above was **noted**. Copies of forms were available for reporting problems.

12.10 CPRE Membership Renewal

It was **agreed** to renew membership of CPRE for a further year at a cost of £25. PBU

12.11 Freedom of Information Act

The letter from the Office of the Deputy Prime Minister was **noted**. Section 36 of the Act provides for information to be exempt from disclosure where that information would, or would likely to, inhibit:

- The free and frank provision of advice, or
- The free and frank exchange of views for the purposes of deliberation, or
- The effective conduct of public affairs.

For Parish Councils, the primary authority for making a decision on disclosure was the Clerk to the Council. The secondary authority was the Chairman.

12.12 Recreation Ground & Sports Pavilion

The letter from the Twinning Association was **noted**. The PC felt that they could not respond to the questions asked while the matter of the Sports Club rent was in the hands of solicitors and a subject for the Court.

12.13 Use of Mechanically Propelled Vehicles on Rights of Way

The letter from DEFRA was **noted** explaining that "The Government's Framework for Action" was now available on the DEFRA web site.

13. Risk Assessment Actions for November

13.1 Review Auditor's recommendations & ensure implementation.

The list of recommendations and actions to be taken was **noted** and **agreed**. The list is appended to the minutes.

13.2 Inspection of Accounts

The Chairman had inspected the accounts and found them to be in order.

14. Consider production of a policy file to include all policies agreed by the Parish Council & to identify what additional policies might be developed and agreed.

The production of a single file to contain all Parish Council policies was **agreed**. The Chairman and Peter Pritchett-Brown would put forward ideas for additional policy statements.

WAL / PPB

15. Disaster Planning

In the absence of Dr. Glasspool, this item was deferred to the next meeting.

16. Parish Plan

In the absence of Richard Vie, there was no report.

17. Harassment

This was taken between items 8 and 9.

18. Meetings Attended

The Chairman had attended a meeting on the new planning law, the HCC Waste Management Committee, the Standards Committee and a meeting with Bells Solicitors.

19. M&T Sports Club

19.2 Sports Club Correspondence and Working Party Report

There was nothing to report.

19.3 Further discussion as necessary about Club, Claim & Legal Advice

There was no news from Solicitors on the subject of mediation, Kirklands were apparently awaiting instructions from their client.

The Chairman reported that Dr. Glasspool had examined the accounts of the Sports Club. He had noted three insurance payments and had wondered if these covered the sub-sections. Also the Club constitution required the bank balances of sub-sections to be included in the accounts, but he had not been able to identify such balances in the document available.

It was **agreed** to ask our solicitor to request copies of the SC insurance policy and fixture list.

20. Chairman's Mandate

The Chairman was mandated to speak on behalf of the Parish Council on the items contained in these minutes.

21. Any Other Business

There was no other business

22. Dates of future meetings.

Parish Council – Wednesday 23 February 2005.

Parish Council – Wednesday 23 March 2005

All meetings in the Jubilee Hall, starting at 7.30 p.m.

The meeting closed at 9.50 p.m.

Peter Buist
Parish Clerk
January 2005.

Michelmersh Parish Council

Internal Audit of Accounts for year ended 31 March 2004.

Suggestions and comments made by the Internal Auditor, Mr. John K Murray and actions taken by the Parish Council.

Suggestion or Comment	Action to be taken	Status of action
1. Financial Regulations: Review PC Financial Regulations and amend in line with NALC model template.	Review Financial Regulations and make recommendations to May meeting of PC.	
2. Risk assessment: Maintain regular inspections of playground and introduce formal logging of findings.	Inspection and logging of findings to be considered at January meeting of PC.	
3. Fidelity Guarantee: Consider increase to between £20,000 to £23,000	PC to consider fidelity guarantee amount at March meeting of PC, prior to renewal of insurance policy.	
4. Minutes: Sign minutes of Annual Parish Meeting at next Annual Parish Meeting.	Adopt recommendation.	
5. Accounts: Take refund action to reclaim small overpayment.	Adopt recommendation.	Action complete.
6. VAT: Claim VAT refund at year end.	Adopt recommendation and reclaim VAT in March.	

Peter Buist
Clerk to Michelmersh & Timsbury Parish Council

25 January 2005.

Michelmersh & Timsbury Parish Council - Financial Report

Actual Amounts are as at 19 January 2005

	2004/5 Budget £	2004/5 Actual £		
INCOME				
Precept	14000.00	14000.00		
Sports Club Rent	0.00	247.50		
Jubilee Hall Rent	5.00			
VAT Recovered	160.00			
Interest on Bank Account	50.00	153.70		
Grants/Donations	0.00			
Newsletter Advertising	100.00	117.00		
Transfer from Earmarked Reserves	4949.00	4949.00		
Total	19264.00	19467.20		
EXPENDITURE				
ADMINISTRATION				
Unavoidable Costs				
Clerk's salary & expenses	3500.00	2674.99		
Petty Cash + stationery + refs	200.00	40.90		
Election Costs [data ex TVBC]	0.00			
Insurance	2200.00	2268.42		
Audit	600.00	140.00		
Pocket Park rent	10.00			
Bank charges	25.00	7.50		
Village Hall hire	250.00	165.07		
Legal / Professional Fees	3500.00	200.00		
ADMINISTRATION				
Avoidable Costs				
SLCC/CPRE/HAPTC subs	200.00			
Newsletter	800.00	860.68		
Web Hosting Fee		105.69		
Deliveries	90.00	30.00		
Training	100.00	100.00		
Framing Picture		25.00		
GRANTS & DONATIONS				
Unavoidable Costs				
Jubilee Hall	2949.00			
GRANTS & DONATIONS				
Avoidable Costs				
Parish Churches	500.00	500.00		
Parish Plan	500.00			
Others	100.00	50.00		
REC GROUND & PAVILION				
Unavoidable Costs				
Fire alarm maintenance	400.00	255.28		
Electrical inspection	100.00			
Maintenance	1500.00			
REC GROUND & PAVILION				
Avoidable Costs				
Grass cutting	0.00			
Playground	2000.00	456.40		
Fences	0.00			
Seats	0.00			
ENVIRONMENT				
Avoidable Costs				
Grass cutting/Tree Warden	450.00	345.18		
Bus shelter/signs	1000.00			
Other (Inc. N. Hecks on B. Plan)	1000.00			
Dog Stiles	200.00			
Total	22174.00	8225.11		

Current Financial Statement as at 19 01 05			
		Gold Account	21781.35
		Current Account	1445.06
		Petty Cash	2.93
		Cheques written but not cashed	902.26
		Invoices awaiting payment	0.00
		Funds available	22327.08
		Invoices to be paid	
		Total	0.00