

ELDERSFIELD PARISH COUNCIL

**Minutes of the Annual Meeting of Eldersfield Parish Council held on
Tuesday 10th November 2020 by tele/video conferencing, commencing at 7.30 p.m.**

Present: Mr P R Chichester MBE (Chairman), Mrs W Burr,
Mrs D E Holt, Mrs C Joseph, Mrs T A Owen

In Attendance: County Councillor Tom Wells (part time)

**Members of the
Public:** -

1. Tele/video conferencing

Councillors noted that the meeting was being held by tele/video conferencing under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

2. Resignation of Cllr Dr Reynolds

The resignation of Dr Reynolds with effect from 1st November 2020 was noted with regret. Councillors expressed their great appreciation for the work she had performed for the Council, and instructed the Clerk to convey to her their grateful thanks.

3. Apologies for absence

District Councillor Bronwen Behan

4. Members' interests

None

5. Adoption of the Minutes of the previous meeting

The draft Minutes of the meeting held on 1st September 2020 were accepted as a true record of that meeting. Because the current meeting was being held remotely, it was **RESOLVED** that the Clerk sign the minutes on behalf of the Chairman.

6. Matters arising

None

7. Report from the Police

The Clerk advised that he had contacted the Police Safer Neighbourhoods Team (SNT) and had invited them to attend the Council's meeting by Zoom. They had declined, claiming that they were not permitted to do so for security reasons. The SNT did, however, advise the Clerk that they would be pleased to answer any specific questions put to them.

The Chairman expressed surprise at the police's stated reason for not attending the meeting and asked the Clerk to provide him with copies of the correspondence.

8. Reports from District and County Councillors

County Councillor Tom Wells

The reports of County Councillor Tom Wells for September and October, distributed before the meeting, were noted. [The public may obtain a copy from the Clerk on request].

Cllr Wells further commented that he understood that a review was being undertaken of the number of councillors required for MHDC to operate efficiently, and that it was likely that the 38 existing posts would be reduced to around 31. This might necessitate the moving of civil boundaries.

He also said that he could make available to the Parish a speed warning sign: a radar-activated sign which would flash 'Slow Down' when a vehicle approached at above the chosen speed limit (either 30 mph or 40 mph). It was battery operated, could be fixed to a post or existing traffic sign, and was moveable. In order to avoid habituation by motorists, most parishes would change the location every few weeks, work usually performed by the lengthsman.

Councillors welcomed the offer. After discussing the matter they came to the view that such a sign could be of benefit, but were uncertain as to the number of locations where it could be usefully deployed and thought that an option might be to share a sign with a neighbouring parish. Questions were raised about certain aspects of the operation and maintenance of the equipment. The Clerk was asked to investigate.

District Councillor Bronwen Behan

'The Distinct has returned to the Rescue stage from the Recovery Stage while we are in a further lockdown situation. Central Government has provided further funding to help support businesses and those having difficulty in supporting families as well as the homeless.

The Boundary Consultation Review will be having a briefing for Parishes and Towns 19 November 6:00. This will talk through the process and answer any questions.

The Planning application for the Gypsy site in Gadfield Elm has been amended with one fewer pitch and a revised Supporting Statement. The case officer, Gillian McDermot, has left the Malvern Hills Distinct Council and a new case officer has been appointed for the application. Any amended responses should be sent as soon as possible.'

9. Public Comment

None

10. CALC Area Committee Meeting

The report submitted by the members attending (and distributed to Councillors before the meeting) was noted. [The public may obtain a copy from the Clerk on request].

11. CALC training

It was noted that Cllrs Mrs Holt and Mrs Joseph attended a CALC Zoom training meeting on 8th September on 'the 5 Ps'. Both Councillors said that the course had increased their knowledge of the role and function of councils and that they had benefited from attending it.

12. Defibrillator

The Clerk advised the meeting that an alert Councillor had reported that the defibrillator installed on the wall of the School is not in fact registered on the South West Ambulance Services (SWAS) database, or indeed on any other database, and is therefore invisible to the emergency services. In addition, the School claims that it has no record of the access code, or indeed any other documentation which may have been provided when the machines was installed. The machine is therefore currently useless; indeed, not only is it useless but it is potentially dangerous, in that in an emergency it might attract attention which would more profitably be directed elsewhere.

From correspondence circulated prior to the meeting, Councillors will be aware that the School confirmed in March 2019 that it had contacted SWAS as the first part of the registration process but it had remained silent as to any action taken thereafter. A request from the Clerk to the School for information dated 2nd October had not been replied to (despite a reminder) when the Agenda was issued on 2nd November.

The Clerk informed the meeting that he had been advised that if the code is not known the most efficient way of obtaining access to the cabinet is by engaging the services of a locksmith.

The Chairman undertook to pursue the matter further with the School and to establish whether a potential recovery code works; failing the foregoing, Council agreed that the Clerk should engage the services of a locksmith to open the cabinet, at a fee not exceeding £100.

13. Broadband

The Chairman presented a report which he had received from Mr Tony Reynolds [attached at Annex]. It was clear that great progress had been made, and was being made, and the Chairman expressed, yet again, the thanks of all to Mr Reynolds.

14. Parish Plan

Cllr Mrs Holt advised that work on the Parish Plan had been deferred to enable a response to be made to the White Paper consultation, (*vide* item 15 below).

15. Planning for the Future White Paper Consultation

The response submitted by the Council was noted. [The public may obtain a copy from the Clerk on request].

16. Charities Trustee

It was noted that the Council has the power to appoint trustees to two charities: the Allotments For Exercise And Recreation (Charity 1063222) and Allotments for the Labouring Poor (Charity 502031); that on 14th November 2017 it appointed Mr Marc Spurling as its trustee to serve until 14th November 2021; that the Council has been informed that Mr Spurling has resigned the trusteeship of both Charities.

The Clerk confirmed to Councillors that the Council had no duty to appoint a trustee, but that any trustee it did appoint would be entirely independent of the Council. He emphasised that such a trustee – who need not be a Councillor – would not represent the Council to the Trustees, and would not be under an obligation to act in accordance with the Council's wishes or instructions, and that any liability arising from any action or omission of the trustee would be that of the trustee, not the Council.

After a short discussion it was **RESOLVED** that **Mrs Tracy Ann Owen be appointed as Trustee to each of two charities, being the Allotments for Exercise and Recreation (1063222) and Allotments for the Labouring Poor (502031), to serve for the period commencing on 11th November 2020 and ending on 10th November 2024.**

17. Request for grant from Eldersfield Parochial Parish Council

The Clerk tabled a request from Eldersfield Parochial Parish Council for a grant, which the PCC hoped would be 'substantial', for the repair and maintenance of pathways of the churchyard.

The Clerk explained to the meeting that on receipt of the request he had sought advice from CALC, one of whose duties it is to provide legal advice to the Council. Their response was that there had been no change in the legal position and that their previous advice, given in 2018, still stood. That advice was that the Local Government Act 1894 in s 8 (1) (i) gives a power to local authorities, such as this council, to make grants for various purposes 'but not [in relation to] property relating to affairs of the church'. He said that this was a *prima facie* proscription of the grant now being requested. CALC is aware that sections of other acts have been interpreted by some as overriding this proscription, but the position has not been clarified in the courts and accordingly the recommendation of CALC is that grants of the sort now being requested should not be made.

The Clerk acknowledged that this advice would be seen by some as disappointing, but no matter how disappointing the advice may be it was the advice the Council had received from their legal advisors – advisors whom they paid and who were legally liable to them for the correctness of the advice they gave; as such it was advice which they refused at their peril.

He added that the need of the PCC – whether it be great or small - was irrelevant to the question of legality.

He concluded his remarks by reminding the Council that they had a duty to act in accordance with the law, whether or not they agreed with that law.

The Chairman thanked the Clerk for his report.

Councillors discussed the matter. They noted that the Applicant had quoted an extract from a circular issued by the National Association of Local Councils and they decided that before determining the application the Clerk should confirm whether this circular had been fully considered by CALC when providing the Council with its advice.

18. Lengthsman

The Clerk advised the meeting that WCC had informed the Council that the lengthsman was permitted to work during the current lockdown, subject to the agreement of Council.

19. Accounts

The Clerk advised that since the issue of the Agenda for the meeting the Internal Auditor had issued a clean report in respect of the Financial Year ended 31st March 2020. [A copy of the Internal Auditor's report is available on the Council's website.]

20. Authorised bank signatories

Subsequent to the resignation of Dr Reynolds, it was **RESOLVED** that the name of **Dr Reynolds be removed from the list of authorised signatories of the Council's bank account.**

21. Authorisation of Disbursements

It was **RESOLVED** that the following disbursements be made for goods and services:

£ 140.87	J L Gabbott
£35.40	HMRC
£472.00	Jeremy Moore (Lengthsman, £236 Aug, £118 Sep, £118 Oct)
£60.00	CALC training

22. Future Meetings

It was agreed that the next meeting of the Council be held on Tuesday 12th January 2020, commencing at 7.30 p.m.

15. Any other business

- a consultation from the Cheltenham Motor Club had been received and would be distributed;
- MHDC had sought a meeting with the School in order to progress the matter of the operation of the traffic warning lights outside the School; (the Council now has no further involvement);
- the Boundary Commission will be providing a short virtual briefing for Parish and Town Councils in the Malvern Hills District on Thursday 19th November at 6pm with a 20 minute presentation on the process;
- anyone interested in becoming Footpath Warden for the Parish should contact the Clerk.

There being no other business, the meeting closed at 9.35 p.m.

JLG
12.11.20

BROADBAND

Report received from Tony Reynolds

- Community Interest Company (CIC) is in the process of being set up
- Legal documents to permit network to run across owners land are being written
- Parish council agreed in principle to support costs of the above - at the moment we do not have the costs, as soon as they are available we will advise the parish council to enable a decision to be made.
- The CIC will own the network that is laid - this will not be a commercial company. The benefit of a CIC is that if the network should be sold to a commercial organisation in the future the revenue from that sale will become available to support Community projects.
- DCMS has approved the voucher funding request that we submitted, the request covered the slow Eldersfield connections (<3mbps) and the properties in the Corse Lawn area that can currently access faster broadband services (up to ~60mbps). We are also in discussion with Superfast Worcestershire to access additional funding if needed.
- The network implementation will be split into a number of phases - phase 1 comprise the majority of the slow connections (Frogmarsh, Hogs Pitch, Church Lane, Bridgend, Marshes, Moorend Road, Lime St and Drinkers End. Phase 1A will be remaining slow properties, Gadfield and Staunton Road. Phase 2 - properties in Corse Lawn.
- Please note - whilst the planning has taken place for Phase and government funding agreed this phase will only take place if someone living in this area of the village champions this phases and takes responsibility for achieving a take up level that makes it commercially viable for the implementation contractors.
- The take up level (based on current registration) in phase 1 is sufficient to make the solution viable and enable implementation of super fast broadband to properties at no cost (in very few cases a small fee may be required due to distance from core network).
- Please Note: Everyone in the phase 1 area has been offered the opportunity to take up the service - due to the need to strictly manage budgets, if owners choose not to take the service in this phase, redundant equipment will not be installed in the network. This will mean that future requests (after phase1) for connection in this area will incur costs
- The project team walked the network route on Saturday and met with most landowners to advise them of the route for the network. As this is a community project it is important that landowners are willing to provide permission for network to be laid without any type of ongoing wayleave payment.

- The back haul connection to connect the network to the UK internet infrastructure has been ordered.
- An update newsletter will be sent to all premises in phase 1 scope this week to request on-line registration for service. It is critical that we get registrations logged asap otherwise it will delay implementation.
- Whilst we do not have fixed timelines at this point (we are dependent on backhaul connection timescale) we hope that implementation will commence very early in 2021.