

-85725 13804

INLAND REVENUE

SHAW & SONS LTD.
SHAWAY HOUSE,
LONDON, E.C.2.

This Conveyance

AND TRUST DEED

is made the

First

day of *May* One thousand nine hundred and seventy-two B E T W E E N THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF SALOP (hereinafter called "the Vendor") of the one part and CYRIL LESLIE FORRESTER of Dobsons Bridge Whixall near Whitchurch in the County of Salop FRANK EDGE of Hollinwood Whixall in the said County of Salop and FLOESSIE PHILPOTS of Inglewood Welsh End Whixall aforesaid (hereinafter called "the Trustees" which expression shall where the context so admits include their successors in title) of the other part.

W H E R E A S the Vendor is seised in fee simple in possession free from incumbrances of the property hereinafter described and has agreed to sell the same to the trustees at the price of One thousand pounds

AND W H E R E A S the trustees have requested the Vendor to convey the said property in manner and upon the trusts hereinafter appearing

N O W THIS DEED WITNESSETH as follows:-

1. The Interpretation Act 1889 applies for the interpretation of this deed as it applies for the interpretation of an Act of Parliament.
2. The trustees are the trustees of the WHIXALL VILLAGE HALL (hereinafter called "the charity").
3. In pursuance of the said agreement and in consideration of the sum of One thousand pounds now paid by the trustees to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as beneficial owner hereby conveys unto the trustees ALL THAT piece or parcel of land situate at Whixall in the County of Salop containing point two five nought of an acre or thereabouts being the former premises of the Whixall Church of England Primary School situate in the Parish of Whixall in the County of Salop which piece or parcel of land is with the dimensions and abutments thereof more particularly delineated and described in the plan drawn hereon and thereon coloured pink together with the building erected or to be erected thereon TO HOLD the same unto the trustees in fee simple upon the trusts and subject to the powers and provisions set out in the first schedule hereto.

member appointed after such annual general meeting or to fill a casual vacancy on the day on which notification of his appointment is received by the Secretary;

(c) in the case of co-opted members from the date of their co-option.

(6) All members of the committee shall retire from office together at the end of the annual general meeting next after the date on which they came into office but they may be re-elected or re-appointed.

(7) In the event of any application for representation on the committee being received from any existing or newly-formed organisation operating in the area of benefit the committee may upon a resolution supported at a duly constituted meeting of the committee by the votes of a majority of not less than two-thirds of all the members of the committee allow such organisation to appoint a representative member of the committee in the same manner as if such organisation had been named in sub-clause (3) of this clause.

(8) Upon the occurrence of a casual vacancy the committee shall cause a note thereof to be entered in their minute book at their next meeting and if in the office of representative member it shall be notified as soon as possible to the proper appointing organisation; a casual vacancy in the office of elected member may be filled by the committee and the period of office of an elected member elected to fill a casual vacancy shall commence at the end of the meeting of the committee at which he was so elected.

(9) The constitution of the committee as hereinbefore provided may on the application of the committee be altered from time to time by order of the Charity Commissioners or the Secretary of State (for Education and Science) (hereinafter called "the Secretary of State").

FAILURE TO APPOINT

4. The proceedings of the committee shall not be invalidated by any failure to appoint or any defect in the appointment election or qualification of any member.

DECLARATION OF MEMBERS

5. No person shall be entitled to act as a member of the committee whether on a first or on any subsequent entry into office until after signing in the minute book of the committee a declaration of acceptance and of willingness to act in the trusts of this deed.

MEMBERS NOT TO BE PERSONALLY INTEREST IN THE CHARITY

6. Except in special circumstances with the approval in writing of the Charity Commissioners or the Secretary of State no member of the committee shall take or hold any interest in any property belonging to the charity otherwise than as a trustee for the purposes thereof or receive any remuneration or be interested in the supply of work or goods at the cost of the charity.

DETERMINATION OF MEMBERSHIP

7. Any member who is adjudged bankrupt or who makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the committee a wish to resign shall thereupon cease to be a member.

MEETINGS OF THE COMMITTEE

8. The committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the chairman or any two members upon seven clear days' notice being given to all the other members of the matters to be discussed.

CHAIRMAN AND VICE-CHAIRMAN OF THE COMMITTEE

9. The committee at their first meeting in each year after the annual general meeting shall elect one of their number to be chairman of their meetings and may elect one of their number to be vice-chairman. The chairman and vice-chairman shall continue in office until their respective successors are elected.

If the chairman is absent from any meeting the vice-chairman (if any) shall preside; otherwise the members present shall before any other business is transacted choose one of their number to preside at that meeting.

VOTING IN COMMITTEE

10. Every matter shall (except as in this deed provided) be determined by the majority of the members of the committee present and voting on the question. In case of equality of votes the chairman of the meeting shall have a second or casting vote.

ANNUAL GENERAL MEETING

11. (1) There shall be an annual general meeting in connection with the charity which shall be held in the month of _____ in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of eighteen years of age and upwards shall be entitled to attend and

this deed.

RULES

19. Within the limits prescribed by this deed the committee may from time to time make and alter rules of the management of the charity and in particular with reference to

(a) the terms and conditions upon which the trust property may be used by persons or bodies other than the committee for the purposes specified in this deed and sum (if any) to be paid for such use;

(b) the deposit of money at a proper bank and the safe custody of documents;

(c) the appointment of an auditor;

(d) the engagement and dismissal of such officers servants and agents as the committee may consider necessary and the payment of such persons (not being members of the committee);

(e) the summoning and conduct of meetings including the number of members who shall form a quorum thereat PROVIDED that at meetings of the committee the quorum shall not be less than one-third of the total number of the members for the time being.

SECOND SCHEDULE

21st March, 1969. DEED OF EXCHANGE Reverend Alan Holm
Jack Gilgrass and
Geoffrey Richard
Bishop (1)
The Vendor (2).

THE COMMON SEAL of THE COUNTY
COUNCIL OF THE ADMINISTRATIVE
COUNTY OF SALOP was hereunto
affixed in the presence of:-

9075

J. R. Liddell

CHAIRMAN MEMBER

B. C. Vann

DEPUTY CLERK

SIGNED SEALED AND DELIVERED by)
the said Cyril Leslie Forrester)
in the presence of:-

C. L. Forrester

CLYVEDOC MOSSLANE
WHIXALL
WHITCHURCH
SHROPSHIRE
F. TIER

SIGNED SEALED AND DELIVERED by)
the said Frank Edge in the
presence of:-

Frank Edge

Frank Edge
Frank Edge
Frank Edge

SIGNED SEALED AND DELIVERED by)
the said Flossie Philpots in
the presence of:-

F. Philpots

B. G. Harryman
W. L. D. D. D.
W. L. D. D.
W. L. D. D.
W. L. D. D.

4. The Vendor hereby acknowledges the right of the trustees to production of the deeds and documents specified in the second schedule hereto and to delivery of copies thereof and hereby undertakes for the safe custody thereof

5. It is hereby certified that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five thousand five hundred pounds.

IN WITNESS whereof the Vendor has caused its Common Seal to be hereto affixed and the trustees have hereunto set their hands and seals the day and year first before written.

FIRST SCHEDULE

VILLAGE HALL TRUSTS

1. (1) The property hereby conveyed (hereinafter called "the trust property") shall be held upon trust for the purposes of a village hall for the use of the inhabitant of the Parish of Whixall in the County of Salop (hereinafter called "the area of benefit") without distinction of political religious or other opinions including use for meetings lectures and classes and for other forms of recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitant

ADMINISTRATION BY COMMITTEE

(2) The charity shall be administered in conformity with the provisions of this deed by the committee of management hereinafter constituted (and hereinafter called "the committee") who shall be the charity trustees of the charity within the meaning of section 46 of the Charities Act, 1960. PROVIDED that until the end of the first annual general meeting to be held after the date of this deed the charity shall be administered in accordance with the provisions of this deed by the following persons.

John Christopher Allman, Dobsons Bridge Farm, Whixall
Leonard Dulson, Mossleywell, Whixall.

George Harvey, Bank House, Waterloo, Whixall.

Denis Raymond Trow, Church Lane, Whixall.

Cyril George Holland, Charity Farm, Welsh End, Whixall.

Joseph Henry Sadler, 53, Low Hill Gardens, Wem.

Edward Frederick Reeves, Church Lane, Whixall.

Gerald Charles Reeves, Holly Farm, Abbey Green, Whixall.

5. Clerk's Contract of Employment & Annual Review of Clerk's Salary
Resolved : to agree and sign the Clerk's contract.

6. The Future Management of the Moss – meeting held on 11th May 1999
With reference to the minutes of the meeting : The Proposals were considered.
Resolved : that no action could be taken until the Camera Survey had been completed.

Resolved : To write to Mr. D. Wallace at N.S.D.C. requesting a copy of the full Whitchurch-Ellesmere Corridor Report once it is available.

Resolved : To write to Mr. O. Paterson M.P. with a copy of the minutes and the Corridor Report, requesting his assistance.

7. The Old Burial Ground

Rev. David Baldwin had informed the Social Centre Committee that the use of the Old Burial Ground as part of the facilities at the Social Centre was a violation of the agreed use of the ground, and left the Committee liable to prosecution.

The maintenance and control of the Old Burial Ground was transferred to the Parish Council in 1974 by the grant of a Faculty from the Diocese of Litchfield.

The Vicar proposed that a 'Change of Use' should be applied for to the Diocese, and kindly offered to make the application on behalf of the Parish, although legal costs would have to be borne by the Social Centre Committee.

Councillor Jack Hopwood stated that the last internment at the Old Burial Ground was Mr. Hales in 1932, and that he occupied a corner plot.

8. Planning Applications

- ~~Whixall C. E. Primary School – new classroom~~

Councillor Austin Dudley reported that due to an increase in pupil numbers the school would be able to employ a new teacher from next April, and was able to provide a new classroom first. However the L.E.A. would not be able to provide the furniture and equipment for the classroom.

Resolved : to purchase equipment for the new classroom to a cost of approx. £100, Councillor Dudley to discuss with the Headteacher Mr. Lomas.

- Moss Farm, Moss Lane – Free range Poultry Unit

Councillor Vin Hall declared a pecuniary interest in this application.

He informed the meeting that he had discussed the application with Mr. Chris Hogarth of English Nature, who had no objections.

Resolved : no objections to either application

m. J. row.

Thomas Abraham Lovell, The Hawthorns, Stanley Green,
Whixall.

Harry Preston, Platt Lane, Whixall.

Glyn William Brace, White Lion Farm, Coton, Whixall.

Mrs. Doris Mary Pryce, Gilberts Lane, Whixall.

Mrs. Gladys Lister, 1, West View, Coton, Whixall.

Mrs. Marjorie Hall, Post Office Lane, Whixall.

Miss Josephine Darlington, Rose Villa, Hollinwood,
Whixall.

Mrs. Jean Mary Gregory, Brecon, Brades Road, Prees.

VESTING IN THE OFFICIAL CUSTODIAN FOR CHARITIES

2. The trustees and all persons holding any property of the charity shall take such steps as may be necessary for the purpose of vesting in the Official Custodian for Charities all freehold and leasehold lands and other property at any time belonging to the charity. _____

COMMITTEE OF MANAGEMENT

3. (1) Except as hereinafter in this clause provided the committee shall consist of sixteen elected members and may include not more than four co-opted members. _____

(2) The elected members (other than those appointed under sub-clause (8) of this clause to fill casual vacancies) shall be elected at the annual general meeting to be held as in this deed provided. _____

(3) A representative member shall ordinarily be appointed not more than one month before the annual general meeting provided that an organisation which fails to appoint a representative member before such meeting shall make the appointment as soon as practicable thereafter. Each organisation shall notify to the secretary of the committee the name of its representative. _____

(4) Co-opted members shall be appointed at a duly constituted meeting of the committee. _____

(5) Subject to the provisions of sub-clauses (6) and (8) of this clause the period of office of members shall commence:- _____

(a) in the case of elected members at the end of the annual general meeting at which they were elected;

(b) in the case of representative members appointed before the annual general meeting in any year at the end of that meeting or in the case of a representative

Whixall Parish Council

Minutes

Wednesday 21st July 1999

7:30 p.m.

Present:

Chairman : Martin Trow
Councillors : John Lester, Austin Dudley, Freda Bradbury,
Jack Hopwood, Phoebe Mills, Vin Hall

Clerk : Ann Matthews

Vicar of the Parish of Whixall Revd. David Baldwin

1. Apologies

Gerald Reeves, Denzil Hollis
David Astbury – Chairing County Presidents' Bowls Meeting

2. Minutes of the Meeting held on Wednesday 9th June 1999

Resolved that the Minutes of the Meeting be accepted and signed.

3. Matters arising from Minutes of Wednesday 9th June 1999

Stanley Green – Water has still been seen flowing by the new electricity pole.

Resolved : To contact Severn Trent regarding progress

Starks Bridge

It was reported that the bridge has been damaged and has now been fixed in the open position for one week.

Resolved : Councillor Vin Hall to report progress back to the next meeting.

The Marl Allotments

A letter was received from Mr. Keith Lea of The Orchard, Whixall in favour of the common being improved.

vote at the annual general meeting.

(3) The first annual general meeting after the date of this deed shall be convened by the persons named in clause 1 (2) hereof and subsequent annual general meetings by the committee. Public notice of every annual general meeting shall be given in the area of benefit at least fourteen days before the date thereof by affixing a notice to some conspicuous part of the trust property or other conspicuous place in the area of benefit and by such other means as the conveners think fit.

(4) The persons who are present at the first annual general meeting after the date of this deed shall before any other business is transacted appoint a chairman of the meeting. The chairman of subsequent annual general meetings shall be the chairman for the time being of the committee. In his absence the vice-chairman (if any) shall take the chair but if neither is present the persons present shall before any other business is transacted appoint a chairman of the meeting. In case of equality of votes the chairman of the meeting shall have a second or casting vote.

(5) The committee shall present to each annual general meeting the report and accounts of the charity for the preceding year.

REPAIRS AND INSURANCE

12. The committee shall cause all the buildings and other property of the charity at all times to be kept in repair and sufficiently insured against fire theft public liability and other insurable risks.

APPLICATION OF INCOME

13. After satisfying its obligations under clause 12 hereof the committee shall as and when it thinks fit apply the net yearly income for the purposes of the charity.

SURPLUS CASH

14. Any sum of cash at any time belonging to the charity and not needed as a balance for working purposes shall (unless otherwise directed by the Charity Commissioners or the Secretary of State) be invested.

FURTHER ENDOWMENTS

15. The committee may receive any additional donations or endowments for the general purposes of the charity and it may also accept donations or endowments for any special objects connected with the charity not inconsistent with the provisions of this deed.

The Ground is not covered by the insurance policy of Whixall Church other than for the purposes of quiet reflection and the visiting of graves. A right of way now exists across the Ground to Whixall Bowling Club, and this will be covered by the insurance policy of the club.

In order that the Ground could be legally used as an extension to the facilities of Whixall Social Centre a new Faculty (church planning permission) is required.

The Vicar suggested that a meeting should be called between himself, Churchwardens, Social Centre Committee representatives and members of the Parish Council to discuss the detail of the application once the forms had been received.

The Faculty could include details of the work needed to remove the flat memorial stones and to tidy up the vault as well as the extension of use to include Village fetes and Children's Sports etc.

All costs would be borne by the Parish Council.

Resolved : To apply for a new faculty from the Diocese, and to have a joint meeting to discuss the application.

The Chairman thanked Revd. David Baldwin for attending the meeting, and for his investigation into the matter. The Vicar then withdrew from the meeting.

6. Local Plan – Issues Paper

The Chairman reported on the meeting with Mr. David Wallace, N.S.D.C., held on Friday 9th July 1999, attended by members of the public and Mr. Owen Paterson M.P.

Whixall currently consists of five local village settlements and one hamlet : Whixall, Hollinwood, Platt Lane, Stanley Green, Welsh End and the hamlet, Sandy Bank. Housing policies currently permit infilling, small groups of houses, and building conversions within the settlement areas.

Councillors filled in the questionnaire having considered the issues.

The role of English Nature in the process was discussed:

English Nature is a statutory consultee, as are the Environment Agency etc. The Local Plan includes policies on nature conservation and wildlife protection, and any comments received from English Nature will carry considerable weight. The Local Plan will also have to comply with any relevant European legislation.

Mr. Owen Paterson M.P. asked about the implications for the area of the Whitchurch – Ellesmere Corridor Project Report Summary, the full report not yet being available. Mr. Wallace explained that the project had been an information gathering exercise with a view to enhancing and co-ordinating existing projects, and developing new ones, possibly with National or European funding. The District Council was involved with Countryside Management Projects : the Whitchurch Country Park and canal arm, the development of the wharf site in Ellesmere, the creation of cycle routes along the old Cambrian Railway, the mere sites with the canal linking it all together, creation of circular walks from tow paths, possibly onto the Moss, countryside access : the Shropshire Way, the Maelor Way, National

MINUTES AND ACCOUNTS

16. The committee shall provide and keep a minute book and books of account. All proper statements of account in relation to the charity shall in each year be prepared as prescribed by section 32 of the Charities Act, 1960, and copies thereof shall be sent to the Parish Council of Whixall.

MORTGAGES AND CHARGES

17. The committee may with the consent of the Charity Commissioners or the Secretary of State from time to time by mortgage or otherwise obtain such advances on the security of the trust property or any part thereof as may be required for maintaining extending or improving the same or any part thereof or erecting any building thereon or for the work carried on therein and may continue or may repay in whole or in part and from time to time any existing mortgage or charge on the trust property.

LETTING OR SALE

18. If the committee decides at any time that on the grounds of expense or otherwise it is necessary or advisable to discontinue the use of the trust property in whole or in part for the purposes stated in clause 1 it shall call a meeting of the inhabitants of the age of eighteen years or upwards of the area of benefit of which meeting not less than fourteen days' notice (stating the terms of the resolution that will be proposed thereat) shall be posted in a conspicuous place or places on the trust property and advertised in a newspaper circulated in the area of benefit and if such decision shall be confirmed by three-quarters of such inhabitants present and voting at such meeting the committee may with the consent of the Charity Commissioners or the Secretary of State let or sell the trust property or any part thereof. All moneys arising from such letting or sale (after satisfaction of any liabilities properly payable thereout) shall with such consent as aforesaid be applied either in the purchase of other property approved by the committee and to be held upon the trusts for the purposes and subject to the provisions hereinbefore set forth (including this power) or as near thereto as circumstances shall permit or towards such other charitable purposes or objects for the benefit of the inhabitants of the area of benefit as may be approved by the Charity Commissioners or the Secretary of State and meanwhile such moneys shall be invested and any income arising therefrom shall be accumulated (for such time as may be allowed by law) by investing the same and the resulting income thereof in like manner as an addition to and to be applied as the capital of such investments or shall be used in furthering the purposes specified in

The Auditor's Report

Resolved: To :

5. The Marl Allotments

Discussed in matters arising.

6. The Old Burial Ground

Several objections to the Citation Notice had been received.

Resolved: to remove the clause from the petition that relates to the possible removal of memorial stones, and write to the objectors asking if that satisfied their objection.

Resolved: Chair Martin Trow to arrange a joint meeting between the Vicar, representatives from the P.C.C., the Social Centre Committee, and the Parish Council to discuss the details of the petition.

7. The Whitchurch – Ellesmere Corridor Project Report

Cllr. Hollis introduced the report. He emphasised the potential dangers of regarding the whole area as one site, given that the Whixall, Fenns and Bettisfield Moss has been put forward as a S.A.C.. This would mean that Europe could intervene directly in planning issues in Britain, without regard to the Government in Westminster, and that English Nature would have to act on directives from Brussels.

He quoted the example of a recent planning application to run a free-range poultry unit adjacent to the SSSI. The Applicant had received letters from English Nature expressing concern that chicken waste spread on land near the SSSI could damage the delicate eco-system of the Moss because of the high levels of nitrogen that would be released into the atmosphere.

By implication restrictions on farming practices could be imposed across the whole of the Corridor in order to achieve environmental aims.

Resolved: Councillors to read the report before further discussion at the next meeting.

8. Training of Clerk – Local Policy Distance Learning Course

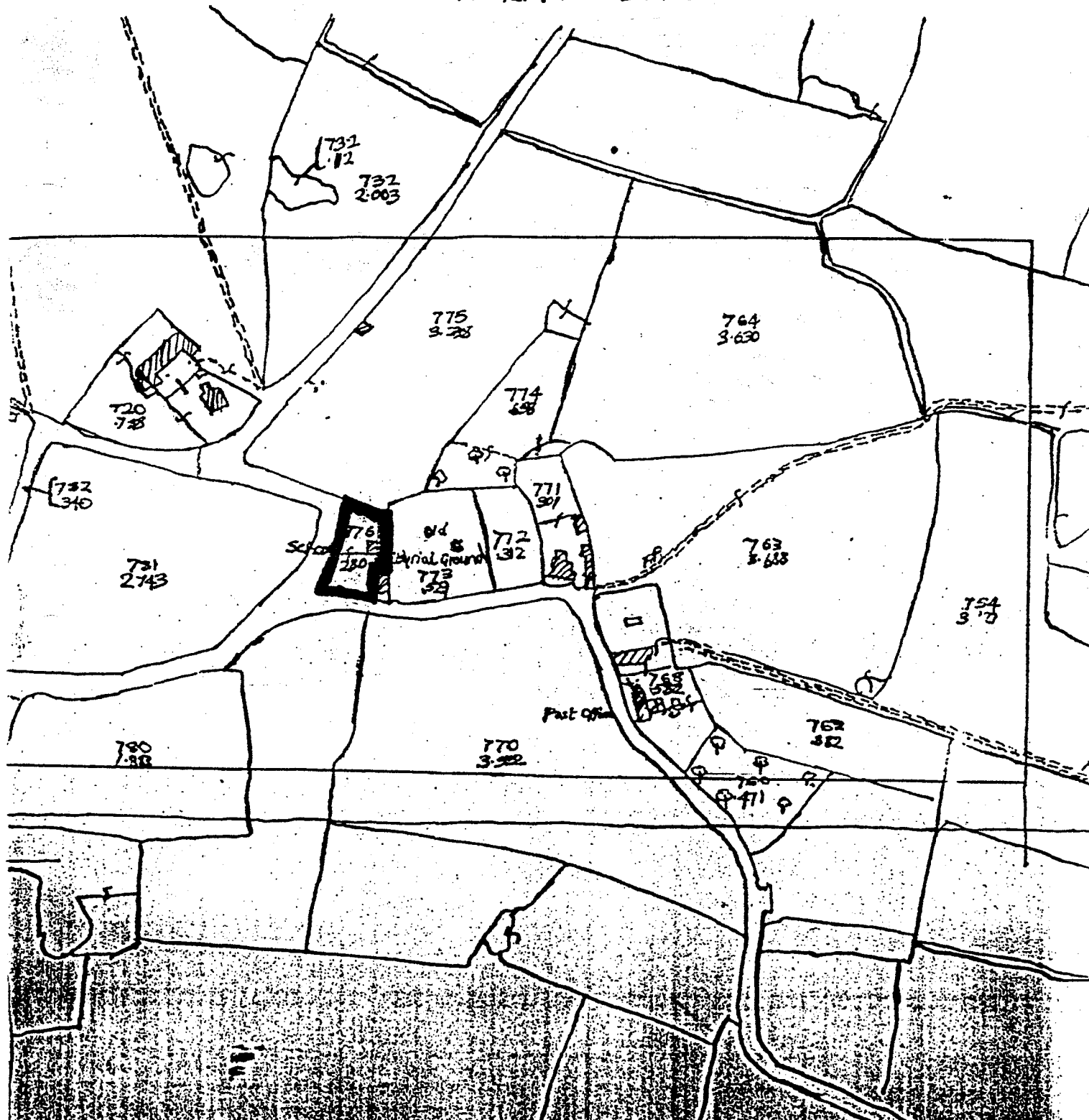
The Clerk requested permission to attend the Local Policy course being run by Cheltenham & Gloucester College of Higher Education. This would consist of a number of modules to be studied for locally under the tutor-ship of Malcolm Kimber, director of the Community Council of Shropshire. The cost of the course would be £1000 over two years, to be shared by Welshampton & Lyneal Parish Council.

The council decided that although in favour of training, the administration costs of running the Council were becoming too high relative to the amount of funds available.

Resolved: the Clerk should explore the possibility of obtaining financial assistance from other sources.

M. Trow

WHIXALL CHURCH OF ENGLAND SCHOOL



Whixall Parish Council

Chair : Martin Trow

**Minutes of Discussion Meeting held on Wednesday 6th October 1999 at 7:30 p.m. at
Whixall Social Centre**

Present:

Chair: Mr. Martin Trow (PC, SCC)
Revd. David Baldwin (PCC)
Mr. Victor Ratcliffe (PCC)
Mrs. Freda Bradbury (PC, PCC, SCC)
Mrs. Barbara Reeves (SCC)
Mr. Rob Pridding (SCC)
Clerk : Mrs. Ann Matthews (SCC)

The Chairman introduced the meeting, the purpose of which was to discuss the application for a new petition regarding the use of the Old Burial Ground adjacent to the Social Centre.

He emphasised that all present were there to represent the electors of the parish, and to decide what would be in the interest of the majority. He explained the application process, and read the formal objections that had been received by the Parish Council. He presented a list of a possible range of uses.

Mr. Baldwin expressed his opinion of Parish Councils in general. He and Mr. Victor Ratcliffe objected to applying for permission to hold dog shows and junior five-a-side football on the Ground. Mrs. Barbara Reeves informed the meeting that she had relations buried in the Ground, and that she did not object to any of the proposed uses.

The Chairman expressed the view that the changes granted by the new faculty should be left as broad as possible so as to permit flexibility in the future. He suggested that it should be left to the Chancellor of the Diocese to strike out any uses of the Ground that the Church thought inappropriate. It was pointed out that individuals who had a particular objection to any proposed use had had ample opportunity to object formally to the Diocese. It was pointed out that enforcement of any restrictions would present a problem.

The uses agreed to be put forward to the Parish Council were as follows:

- Fetes including stalls
- Barbecues
- Use by Toddler Group
- Use by hirers of the Social Centre for children's parties, including organised games/races for children
- Restricted games, for example by Youth Club, at the discretion of the SCC
- Development of a Millennium Peace Garden
- As an area for quiet enjoyment by the public

Those suggested uses not agreed were as follows:

- Access for repair to Social Centre or grounds maintenance, for example erection of scaffolding, machinery access e.g. digger, hedge-cutter, lawn mower.
- Dog shows
- Five-a-side junior football

It was agreed to present the results of the discussion meeting to the Parish Council for their information, and to send a copy of the minutes to all organisations present.

Meeting closed at 8:40 p.m.

Roden View, Dobsons Bridge

N.S.D.C. replied that the issues raised will be fully investigated.

4. Financial Report

	£
Senior Citizens	407.85

Community Account	883.35
-------------------	--------

High Interest Account	5606.57
-----------------------	---------

6489.92

Outstanding Accounts :

	£
Mr. Roy Davies	40.00

N.S.D.C Election expenses	43.40
---------------------------	-------

83.40

Transfer to High Interest Account £2500

Resolved : To pay all outstanding accounts.

Presentation of Accounts 1998/99 prior to the Audit on 30th July 1999.

Resolved : To accept and sign the Accounts.

5. The Old Burial Ground

The Council was grateful to the Vicar, Revd David Baldwin for kindly agreeing to attend the meeting to attempt to allay the current confusion over the permitted uses of the Old Burial Ground. The Vicar explained that the Agreement signed in 1973 between the P.C.C. and the Parish Council could not at present be located, but that he perused the P.C.C. Minutes, and had contacted the Revd. Shaw, the then Vicar, who said it was to be an area for the quiet enjoyment of local people. The Vicar said that the area had been wonderfully maintained by the Parish Council over the years, but that the remaining memorial stones should be moved as under the terms of the 1906 Open Spaces Act they should be stood up around the edge of the Ground, or disposed of if dangerous. He suggested that the four stones currently away from the edge of the Ground could be covering a vault and that it should be

5. The Marl Allotme

Regretfully the notice
Community News.

ober issue of the

Resolved to re-submit it for the November issue.

A letter was received from Dr. Joan Daniels, English Nature, following the site meeting held at the end of July. She proposed a joint meeting with representatives of British Waterways to discuss the way forward.

Resolved to reply the Councillors would like to meet British waterways once a response had been received from the notice in the Community News.

6. The Old Burial Ground

The minutes of the Discussion Meeting held on Wednesday 6th October 1999 were received and agreed to be a true record of the meeting except for the omission of a proposal that the parish should have a public recreation ground. A lengthy discussion ensued.

Resolved to include all the uses of the Ground that had been under discussion in the Faculty application to the Diocese.

Abstentions: Cllr. Freda Bradbury (PCC) and Cllr. Jack Hopwood (PCC)

Resolved to ask Mr. George Mills to photograph the Ground for inclusion in the Faculty.

7. The Whitchurch-Ellesmere Corridor Project Report

Resolved to defer discussion to the next meeting.

8. Planning Applications

N/99/764/WX/277 – Installation of new rooflight, door and window and erection of boundary wall – 2 Upper Barn, Bostock, Whixall

Resolved no objections to this application.

9. Correspondence

- English Nature, Dr. J. Daniels – Marlot Improvement Scheme
- Whixall C.E. Primary School – letter of thanks
- Whixall Marine Ltd. – Starks Bridge
- N.S.D.C. – Esso Tree Week
- N.S.D.C. – Public Entertainment Licences
- N.S.D.C. – deregulation order 1999
- S.C.C. – Highways – maintenance survey

Resolved the Chairman to complete the survey

- N.S.D.C. – replies to questions sent to SAPTC meeting
- Sovereign playground equipment – special offer

Resolved to pass to the Whixall 2000 Group

- Rukba – help for the elderly – invitation to presentation 22nd October
- N.S.D.C. – reply re Lord Hill Culvert
- South Maelor Community Council – invitation to meeting 30th November 1999
- Whixall C.E. Primary School – reply accepting the Millennium Oak.

The North Shropshire District contains National Parks and a possible World Heritage Site in the Shropshire Union Canal.

The report will contain maps showing a full catalogue of the sites and how they link together.

Concern was expressed regarding the pressure on roads that would be caused by increased numbers of visitors.

Concern was expressed that decisions affecting the whole area would be taken without consulting the concerns of local people, particularly as the Summary of the Report had already been accepted by the Planning Committee at N.S.D.C. .

Proposed to invite English Nature to discuss the Corridor Report in connection with the Local Plan at a future meeting.

7. New Councillor Training – Report by Councillor Phoebe Mills

Declarations of Interest – Councillors were advised to err on the side of caution and declare any pecuniary or non-pecuniary interest e.g. membership of a committee, following which they should withdraw from the meeting. Failure to declare such an interest can expose the member to the risk of prosecution by the Director of Public Prosecutions with a possible fine of up to £5000.

Standing Orders – it was recommended that Councils should formally adopt Standing Orders, which provide a framework for the conduct of meetings, the rules of debate and the process of voting.

Resolved : To photocopy and distribute copies of Parish Pump to all Councillors.

8. Report on New Political Structures – the Clerk

The County Council will be changing its structure from being committee led to being cabinet led. This is in order to make the decision making process faster, more transparent, and more accountable to local people. Liaison between local government at district, town and parish level and county level should improve. It is also in line with a directive from Central Government that will come into force next year.

9. Report on SAPTC Meeting 21st June 1999 – the Clerk

Inspector Whitlegg explained that the Police Cell Closures would be going ahead in Whitchurch but that he would be closely monitoring the situation.

Malcolm Kimber, Director of the Community Council for Shropshire, reported that the N.A.L.C. is undergoing a review of its constitution and suggested that the proposed restrictions on representatives should be opposed. The Council had achieved success in its Campaign for Change recently, in that the Government was not now going ahead with its plan to charge a flat rate levy on all food retailers. Also that it had succeeded in deterring the Audit Commission from spreading the cost of investigation. Westminster

Whixall Parish

Chair: Martin Trow

Minutes of an additional meeting of the Parish Council held on Wednesday 27th October 1999 at Whixall Social Centre starting at 7:30 p.m.

Present:

Chairman: Martin Trow
Councillors: Freda Bradbury, David Astbury, Gerald Reeves
Clerk: Ann Matthews

1. Apologies

Phoebe Mills – on holiday; Jack Hopwood – illness, Vin Hall – another meeting, Austin Dudley.

2. The Old Burial Ground

Letters were received from Mr. Kevin Hartley, Diocese of Lichfield advising the Council to re-advertise the Citation Notice including in it the detailed list of Uses which were now being applied for. He advised that the Chancellor would wish to be certain that electors were aware of exactly what Uses were being proposed.

Resolved to display the detailed Citation Notice inside and outside St. Mary's Church, Whixall; outside Welsh End Chapel; outside the United Reformed Church; on the Parish Noticeboard; and at Whixall CE Primary School.

Resolved to insert a Public Notice in the Whitchurch Herald advising electors of the whereabouts of these notices or to contact a Parish Councillor.

Resolved to insert a copy of the Citation Notice in the Community News.

The Public Notice would be published in the Whitchurch Herald on Thursday 4th November, therefore the Notices would be displayed for two weeks from that date, and electors would have twenty-one days in which to make known any objections, that is until Thursday 25th November 1999.

3. Planning

N/99/795/WX/380 – Retrospective application for alterations and additions including conservatory, balcony, window and chimney – Strensall, Stanley Green, Whixall

Resolved to write to Mr. A. Venables, NSDC, objecting on the grounds that planning procedure has not been followed correctly, these changes should have been applied for as an amendment application as the dwelling was still under construction, and therefore the electors have lost the opportunity to express their views.

m. y. row-

Gift for Mr. Charles Brown

A pen and pencil set with engraved plaque was paid for by the Councillors and will be presented to Mr. Brown at the Senior Citizen's Party.

Payment for Wreath

Councillors paid Cllr. Jack Hopwood for the Remembrance Day wreath.

4. Minutes of the Additional Meeting held on Wednesday 27th October
Resolved that the Minutes of the Meeting be accepted and signed.

5. Matters arising from Minutes of Wednesday 27th October 1999
None.

6. Financial Report

	£
Senior Citizens	408.90
Community Account	276.85
High Interest Account	<u>5632.66</u>
	5909.51

Outstanding Accounts :

	£
Clerk's Salary	497.86
Petty cash	100.00
Chester Chronicle	25.87
Society of Local Council Clerks	20.50
Shropshire County Council	<u>1850.00</u>
	2494.23

£2500 to be transferred from the High Interest Account

Resolved that all outstanding accounts should be paid.

7. Budget Statement for Precept 2000/2001

The Clerk presented a Draft Financial Statement for discussion. It was thought that more money should be allocated for community projects. The Clerk was asked to enquire as to the cost per elector should the precept be raised to £5000.

1999/2000 Precept of £4000 equates to £12.79 Band D equivalent.

An increase to £5000 would increase the cost per household by approx. £3.20 to £15.99

8. The Old Burial Ground

A letter of objection was received from the Vicar, Revd. David Baldwin, objecting to the permitting of ball games etc. and dog shows. Concern was expressed regarding the possible health risks from dog shows. Cllr. Phoebe Mills expressed her regret at not having been present at the meeting when the resolution was made, as she was now unable to put her point of view, which was in support of the Vicar.

Resolved that the application should go ahead as previously agreed now that the time limit for receiving objections had elapsed.

9. The Elizabeth Barber Charity

Cllr. Jack Hopwood confirmed his willingness to continue as the representative of the Elizabeth Barber Trust. Cllr. David Astbury kindly offered to drive Mr. Hopwood to meetings should the weather prove bad.

10. The Whitchurch-Ellesmere Corridor Project Report

Councillors agreed that they had a duty to inform the public about the information contained in this report.

Resolved that it should be the subject of the Annual Parish Meeting, and that this should be held in March 2000.

11. Highways Issues

Mr. Sillitto – Hollinwood

Mr. Sillitto of Cumberland Lane had complained to the Parish Council that a ditch on his land floods all winter following the installation of the sewage plant at Hollinwood. The ditch is part piped for a 20ft length, and it belongs to Mr. Horton. Mr. Sillitto himself plans to contact the Environmental Health department as the ditch water is dirty. There has been difficulty in establishing the responsible agency for this matter, whether Severn Trent or a department of the District Council.

Resolved to write setting out the circumstances to establish a way forward.

Flooding at Slacks Corner

Severe flooding has been experienced around two bends in the road at this corner. Concern was expressed about the danger to children as it is close to the school. It was thought that the pipes were inadequate to cope with the amount of rainfall experienced.

Resolved to write to the Highways department requesting an urgent repair or replacement of the pipes with larger ones.

Flooding at telephone kiosk and post box, Whixall Social Centre

The road and approach to the telephone and post boxes has now been flooded for six weeks despite being jetted by highways. The problem is a broken pipe.

Resolved to write to the Highways department requesting an urgent repair.

Potholes

Potholes were reported in Garners Lane; Abbey Green; between Bostock Hall and Slacks Corner the side of the road has collapsed. Between Lower House Farm and Brook House Farm water runs down the road and floods one corner – thought to be since BT replaced some telegraph poles.

Illegal parking

Two cars were reported to be permanently parked on the verge outside Hollinwood Chapel

Resolved to contact NSDC or the Police to get them removed.

M. T

Old Burial Ground

The Clerk reported that the application had been submitted at the beginning of December.

Senior Citizens' Party

The Chair reported that this was a most enjoyable evening and thanked Cllrs. and their partners for all their help.

Resolved to book the entertainment earlier next year.

Suggestions were: Peter Westwell or Kath Iken and David Stokes.

Resolved to discuss at the AGM.

05/00 Financial Report

	£
Senior Citizens	387.46
Community Account	303.72
High Interest Account	<u>3163.00</u>
	3466.72

Outstanding Accounts :

	£
A. D. Jones	45.00
NWF	<u>112.80</u>
	157.80

Resolved to pay all outstanding accounts.

06/00 Clerk's Training – Newsletter Project

Resolved that the Clerk should produce a newsletter to publicise Parish Council matters and contact numbers as part of her training.

Resolved that the newsletter should be incorporated in the Community News and appear quarterly or as appropriate.

07/00 Budget Statement for Precept 2000/2001

1999/2000 Precept of £4000 equates to £12.79 Band D equivalent.

An increase to £5000 would increase the cost per household by approx. £3.20 to £15.99.

Resolved unanimously that the Precept should be increased to £5000 to provide some funds for community projects, but that it should then remain at that amount for several years.

08/00 The Whitchurch-Ellesmere Corridor Project Report

Cllr. David Astbury had requested more copies of the report from NSDC, but they are currently out of print.

Resolved that the Annual Parish Meeting should be held on 15th March 2000.

Resolved to invite a panel including English Nature, Shropshire Wildlife Trust, District Cllr. Denzil Hollis, Mr. Dave Wallace of NSDC.

Resolved the Clerk to confer with Cllr. Denzil Hollis initially.

Whixall Parish Council.

Chair: Martin Trow.

Minutes of an additional meeting of the Parish Council held on Tuesday 25th April 2000 at Whixall Social Centre starting at 7:30 p.m.

Present:

Chair: Martin Trow
Councillors: Freda Bradbury, Phoebe Mills, Gerald Reeves,
Vin Hall, Austin Dudley, John Lester
Clerk: Ann Matthews

33/00 Apologies

David Astbury - previous engagement
Jack Hopwood - ill

34/00 Old Burial Ground

The judgement from the Chancellor of the Diocese of Lichfield was received. Cllrs. were pleased to note that all the Changes of Use requested had been granted.

Cllrs. discussed the concerns of the Chancellor regarding the hiring of the Old Burial Ground for the permitted uses. From the wording of the petition it appeared that the Parish Council had delegated responsibility for the Old Burial ground to the Social Centre Management Committee. This had not been the intention of the petitioners.

Proposed by Cllr. John Lester, Seconded by Cllr. Phoebe Mills and Resolved unanimously to form an Old Burial Ground Committee, and delegate decision-making powers to that committee regarding the hiring of the Old Burial Ground. The Parish Council would of course retain responsibility for any decisions taken.

Resolved that Cllr. Vin Hall should chair the committee, and that Cllrs. John Lester and Austin Dudley should be members of the committee.

The mechanism for hiring the Old Burial Ground would work as follows: Bookings are made with the Bookings Secretary, Mrs. Beryl Trow. On receipt of a request to hire the Old Burial Ground in conjunction with the hiring of the Social Centre, Mrs. Trow would contact Cllr. Vin Hall. Cllr. Vin Hall would then call a committee meeting of the Old Burial Ground Committee. Mrs. Trow would await the response of the Committee before confirming the booking with the hirer.

It was never the intention of the petitioners that the Old Burial Ground should be used in isolation from the hiring of the Social Centre, and any such request would be refused.

cont. overleaf...

M.R. Trow

Resolved to write to the Social Centre Management Committee explaining this procedure and requesting their concurrence.

Resolved to enclose a copy of these minutes when writing to the Chancellor.

35/00 Countryside Bill

Cllrs. received a letter from Owen Paterson MP requesting comments on the letter which he had received from Mr. David Arnold-Forster, Chief Executive English Nature, following his recent speech on the new Countryside Bill in the House of Commons.

- The reference to the purpose of the Consultation Zone being to reduce the number of applications which are referred to English Nature is inaccurate in its effect because in practice NSDC refer all applications from within the zone.
- Mr. Arnold-Forster's information was inaccurate regarding the lack of early contact with local staff by the applicants in the case of the Free Range Poultry Unit. In this case, Mr. Vin Hall, one of the applicants, had consulted Mr. Chris Hogarth, English Nature at a public meeting held in Whixall in May 1999 on this issue:
Mr. Hogarth had replied that he would simply check that the drains from any proposed poultry unit ran away from the catchment area of the Moss, and, if they did so, then he would have no comment to make on any such application.
- Cllrs. thought that consulting with the Institute for Terrestrial Ecology was adopting too clinical approach.
- Cllr. Vin Hall reported that he had been required to produce data proving the direction of the prevailing wind. This would have proved costly had not the nearby Aluminium works at Fenns Bank fortunately been able to supply him with the data. This was required by English Nature to ensure that the delicate eco-balance of the Moss would not be disturbed by high levels of nitrogen in the atmosphere being blown across it as the chicken manure decomposed.
- Cllrs. were concerned to note that the points Mr. Paterson made in his speech about the application of cow manure to the land by dairy farmers were ignored in Mr. Arnold-Forster's reply. They wish to request clarification on that point, because Whixall is a dairying area and any restrictions could put already threatened livelihoods at risk.
- Cllrs. felt that it would be important to negotiate a clear system of compensation for any restrictions that may be imposed. At present compensation to farmers within the SSSI appears to be very much on an ad hoc basis. There is no system for compensation for loss of value to property.

Resolved to reply to Mr. Paterson

36/00 Planning Applications

N/00/239/WX/170 Erection of a single storey extension to rear of existing dwelling to provide granny flat - Rose Cottage, 9 Canal Side, Whixall

Resolved - no objections

Meeting closed at 8:30 p.m.

