

# Whixall Parish Council

Chairman: Ian Mercer

Minutes of the Parish Council's Monthly Meeting held on 9 September July 2020 at Whixall Social Centre starting at 7:30pm

**Present:**

**Councillors:** I. Mercer (Chairman), B. Harris, J. Spenser, A. Hague, G Turnbull, A Rawlinson

**County Councillors:** 0

**Clerk:** A Roberts

**Members of the community:** 0

**Representatives of other bodies/ organisations:** 1

**42/20 Apologies for Absence**

Cllr Broadhead, Cllr Mellings (Shropshire Council), Cllr Dee (Shropshire Council)

**43/20 Public Participation**

PCSO Hannah Little attended and provided a report on the following issues:

1. Dog Thefts – there have been a number of reports of suspicious vehicles on social media etc. but when checked they were in the area for valid reasons. Only one dog theft has been reported in North Shropshire and this was in the Shawbury area.
2. 'Nottingham Knockers' – door-to-door sales people. There have been no reported problems and they have now left the area.
3. Social Media – there have been incidents of inappropriate and upsetting material being inserted into seemingly innocent videos, particularly on TIK TOK. PCSO Little urged parents to be alert to this.

**44/20 Declaration of Pecuniary Interests**

Members were reminded of their obligation to declare any interests/ gifts/ hospitality. The following interest was declared:

Cllr G Turnbull in relation to item 11 (Non-pecuniary interest). Members voted to allow Cllr Turnbull to take part in discussions on item 11 in his role as a parish councillor, not as a member of the social centre committee.

**45/20 Minutes of Previous Meetings**

Meeting of Whixall Parish Council held on 8 July 2020:

It was proposed by Cllr Turnbull that the draft minutes, of the meeting detailed above, were an accurate record. This was seconded by Cllr Harris and agreed by all present. (Due to Covid-19 the Clerk signed the minutes on behalf of the Chairman).

**46/20 Planning**

- a. Planning Applications Received

**None**

- b. The following planning decisions by Shropshire Council were noted

Reference	Detail	Decision
20/01930/FUL	Erection of part single and part 2-storey side and rear extension. Stanley Villa, Stanley Green, SY13 2NE	Grant Permission
20/02273/FUL	Erection of single storey extension. Farm Five, The Moss, SY13 2PF	Grant Permission
20/0809/VAR	Variation of conditions 6 Hollinwood, SY13 2NW	Withdrawn
19/04305/FUL	Proposed tourist accommodation Whixall Marina, Alders Lane.	Grant Permission

## 47/20 Clerk's Report

### **Correspondence**

- Planning white paper consultation: This was circulated to members on 12 August by email. The deadline for responses is 15 October. The Clerk will draft a response and circulate it by email for comments.
- Request from Spencer Collins: Members were invited to provide comments on proposed changes to the proposals for the Boatyard. This was circulated by email. It is not on the agenda because it is an informal request. Comments are to be sent to the Clerk.
- Two similar requests for information.
  - a. Lord-Lieutenant of Shropshire: Request for contact details of people who have gone 'above and beyond' to help their community during lockdown and beyond. The Lord-Lieutenant intends to send a 'personal card of thanks'.
  - b. Radio Shropshire: Similar request to that from the Lord-lieutenant but with the intention to arrange interviews.Information will be sent to members following the meeting:

### **Actions**

As well as routine tasks, the majority of actions relate to setting up a physical meeting and to items on the agenda. In addition:

- Remembrance Day: The Clerk has been trying to find out what the situation is for this year's event. At the moment there is no information available, but it is expected in 'early Autumn'.
- Grant Information: Details of the 'Local Authority Emergency Assistance Grant for Food and Essential Supplies' have been put on the announcements page of the website (nb anyone who signs up to receive alerts via the front page of our website and selects 'news' will automatically receive an email when a new announcement is made. There is also an option to select 'planning' alerts)
- Grazing Agreement: A new grazing agreement has been produced for the Marlot. With Martin Spenser's assistance this has been signed by the grazier and the Parish Council. The £1 payment has been successfully banked as the Unity Trust Bank allows cash deposits to be made at the Post Office.
- Neighbourhood Fund
- The Council has received £110.89 in Neighbourhood funding. The Clerk is exploring how this can be used and will provide information at the next meeting.

### **Other**

1. The period for the exercise of public rights (AGAR) ended on 31 August. There were no requests to view the 2019/20 financial information during this period.
2. The next SALC North Shropshire Area Committee meeting will take place next Tuesday evening via Zoom. Topics are the Local Plan consultation and Fire Service Integrated Risk Management Plan. An email about the Fire Service plan will be circulated to members.

## 48/20 Financial Matters

- a) To receive monthly bank balance record.  
The Clerk advised the council of the council's bank balances.

DATE	ACCOUNT NAME	AMOUNT
31 August 2020	Current Account	5830.12
	Savings Account	5701.25
	Barclays Account	0.13
<b>TOTAL</b>		<b>£11,531.50</b>

b) To resolve to approve outstanding accounts.

Orders for the payment of outstanding invoices (under "Power to Spend" LGA1972 s.112(2) and 124(1)). As per the financial report of the Responsible Financial Officer (RFO)/ Clerk proposed by Cllr Hague, seconded by Cllr Harris and agreed by all present.

**Resolved: The outstanding accounts should be paid and the payment transactions authorised by two authorised councillors. In addition, payments authorised by email are approved.**

(Due to Covid-19 the Clerk authorised the paperwork on behalf of Cllr Hague).

c) To receive an update on the remaining balance in the Savings Account held with Barclays

The clerk explained that since moving the Council's funds to Unity Trust Bank, an interest payment of 13p had been paid into the Barclays Savings Account, and that Cllr Hague had advised that the funds should be removed so that the account can be closed. Two options were discussed: Either transfer the monies into the Unity Trust savings account or donate it to Barclays' Charity Account.

**Resolved: The Clerk will write to Barclays to arrange for the account to be closed and the monies transferred to Barclays charity account.**

d) NJC Salary Pay Scales 2020/21

The clerk outlined the financial implications of the new pay scales for the Parish Council: The total increase, including pension contributions will be £115.40 if the increase is backdated to 1 April 2020.

**Resolved: The pay award will be implemented from 1 April 2020.**

#### **49/20 Coronavirus Act 2020**

As this was the first physical meeting since lockdown, members were asked to consider whether the Parish Council should now revert to its normal meeting schedule or continue to agree whether or not to meet on a month-by-month basis.

Through discussion it was identified that meeting on Zoom is not practical for some members of the Council and that they preferred physical meetings, but the guidance from SALC is that physical meetings should not be held unless there is no other option. Cllr Harris questioned whether it was wise to go against SALCs advice and queried what impact, if any this would have on insurance. Cllr Hague suggested that the main question was to do with the frequency of meetings. Cllr Rawlinson suggested that there could be a technical solution whereby those who cannot use Zoom meet physically but others can join the meeting electronically. SALC has advised that this hybrid solution is acceptable.

The Clerk advised that, legally, the Council is required to meet at least three times in the Municipal Year (1 May to 30 April) and Whixall PC has already met twice. A further meeting will be required in order to agree the budget and set the precept (Clerk's note: This normally has to be agreed at the January meeting in order to meet Shropshire Council's deadline).

Cllr Mercer suggested that the Council continues to take a fluid approach to when and how meetings take place and noted that planning will probably be the issue that requires a physical meeting.

**Resolved: The date and location of future meetings will be agreed by email until further notice.**

#### **50/20 Parish Matters**

a. The Marlot

The Clerk provided a verbal update on the offer of free trees from the Woodland Trust. The closing date for the next round is March 2021. Martin Spenser has suggested planting a hedge and Natural England (NE) is supportive of this. Cllr Turnbull and Martin Spenser will move this forward in discussion with NE.

Cllr Turnbull told members that the Marlot is currently overgrown with piles of wood that need to be chipped. Cllr Rawlinson had provided a chipper but a larger one is needed. At the moment NE are not able to provide a chipper or volunteers and Cllr Turnbull suggested hiring one. He will provide the Clerk with a cost and the Clerk will check to see if the budget can cover the cost. Cllr Turnbull and Martin Spenser will be tidying up from October onwards.

The ponds are doing well but the middle one requires some work. NE are interested in doing some work on the wooden steps.

The grazing agreement has been signed and cows are expected to start grazing next week. Cllr Turnbull acknowledged the work carried out by Martin Spenser during lockdown and stressed the need for volunteers to assist.

b. Newsletter

Members stated that they were willing to deliver newsletters this year. It was agreed that the content would cover all aspects of the parish including:

- General information relating to Covid-19
- How the social centre is now operating
- Neighbourhood watch update
- Chairman's introduction
- The Marlot
- Christmas Party
- Information from the school and local groups
- Scarecrow initiative

Members are to send information to the Clerk by the end of September and the draft newsletter will be produced in time for the date of the next scheduled meeting, whether it goes ahead or not.

c. Senior Citizens' Christmas Party

**Resolved: Due to Covid-19, the Parish Council will not run the Christmas Party this year, with the intention of running it again in 2021. An explanation of the decision will be provided in the newsletter.**

d. Parish Plan

Cllr Harris stated that the current Parish Plan is dated 2013 and needs to be looked at formally to ensure that it is compliant, particularly in relation to planning matters as it contains terms that are now obsolete.

Cllr Mercer suggested that it should either be reassessed or updated and Cllr Harris agreed suggesting that the COUncil should make sure it is happy iwht the content, make minimum changes and then ratify the new version.

Cllr Mercer pointed out that the Parish's Open Countryside designation can be both an advantage and a disadvantage but Cllr Harris stated that without it development levels could increase dramatically.

Cllr Turnbull asked if the plan, as it stands, reflects current planning practice and Cllr Harris confirmed that it does not. Cllr Turnbull suggested just updating the document to reflect current practice as this has been talked about for a while and now just needs to be done.

**Resolved: A small working group will propose updates to the Parish Plan document.**

The working group will be led by Cllr Harris, with Cllr Spenser and Cllr Turnbull. The group will report back to members in November.

## 51/20 The Old Burial Ground

A briefing note was circulated to members with the meeting papers. It is attached to these minutes for information. The Clerk talked members through the briefing note and asked them to focus on the following five questions (from the note):

- a. Is the Parish Council happy to negotiate and agree a boundary with the Social Centre Committee and to continue with the present arrangement, albeit with a clearer understanding of risk and maintenance responsibilities?
  - b. If so, does the Parish Council wish to enter into a formal agreement?
- Does the Parish Council want to continue to take the risk and responsibility for a site, the use of which it currently has no control over?
- Does the Parish Council wish to take control of the use of the site?
- Does the Parish Council wish to explore options for formally passing risk and responsibility to the Social Centre Committee through a lease and peppercorn rent?
- Does the Parish Council wish to explore the ownership of the land under the committee room?
- Is there an alternative arrangement that could be pursued?

Cllr Mercer told members that no-one has been around for long enough to fully understand or sort out the current situation but the parish council needs to move it forward. The discussions that followed focused on the need to agree the boundary and the advantages and disadvantages of pursuing a lease and peppercorn rent arrangement.

### Boundary

It was accepted that the approximate boundary shown in Appendix A for the purpose of illustrating what a quarter of an acre looks like equated to the boundary that the Social Centre Committee (SCC) had adopted. However, as the Old Burial Ground (OBG) is owned by the Diocese, they will be asked to provide clarification.

### Management Arrangements

When discussing the option of passing maintenance and management responsibility a number of points were put forward including:

- The Social Centre site (which includes the OBG) is the focal centre of the parish and its maintenance and upkeep are important. The site is used for events within the parish and is the natural gathering point for local people at times of celebration etc.
- If the Parish Council were to pass responsibility to the SCC they are unlikely to be able to afford to carry out the maintenance of the OBG
- There is no reason why we should not just agree the boundary and maintain the status quo
- It is difficult to understand what the benefit for the parish council was when the original faculty was granted in 1973
- The Parish Council is steadily learning to manage its assets and exploring the arrangement for use and management of the Old Burial Ground is part of this process
- The current arrangement seems to work effectively
- Currently the Parish Council pays to cut the grass on OBG but, because it can only be used in conjunction with a Social Centre booking, the cost of grass cutting should be shown in the budget as a donation to the social centre
- If the SCC take over full control of the OBG they can bid for funding for the maintenance of the site and it is their decision whether or not to cut the grass
- In the future, if budgets are reduced, as things stand the Parish Council could decide not to cut the grass at either of the sites covered by the current contract. It was agreed that this is not something that we would want to do as the Parish Council wouldn't want to harm the operation of the Social Centre.
- There was concern that in suggesting the option of passing all responsibility to the SCC the Parish Council could be seen as being unreasonable. This led to discussion of the option of passing responsibility on a rolling five-year arrangement, with the Parish Council

underwriting the cost of maintenance. There was a suggestion that this arrangement should be in perpetuity, not simply for a rolling five-year period. But the rolling arrangement was suggested as a safeguard to protect the OBG in the unfortunate event that the SCC had to cease operations.

- There is a possibility that, currently, both parties' insurances cover the OBG
- At the moment the Parish Council has a duty to maintain the OBG but has no formal relationship with the Social Centre over its use.

**Resolved: The Parish Council will pursue the option of passing responsibility for managing and maintaining the Old Burial Ground, to the Social Centre Committee on a rolling five-year arrangement. This will include budgeting for, and underwriting, the associated maintenance costs.**

It was agreed that the Clerk will write to the Diocese in order to obtain a copy of the original faculty and any associated plans showing the boundary of OBG. In addition, the Clerk will explore options for developing a formal agreement between the two parties before the Social Centre Committee is formally approached on this matter.

Scheduled date of next meeting: **14 October 2020**

The meeting closed at 9.15pm

## **The Old Burial Ground, Whixall: Briefing Note**

### Introduction

The Old Burial Ground (OBG) is under the management of Whixall Parish Council. The Parish Council does not use the site but is responsible for all maintenance and carries the associated risks.

The site is a facility for the people of Whixall, but anyone wishing to use it needs to book the site through the Social Centre Committee (SCC) and, in most cases, to use the Social Centre car park and facilities. The Social Centre charge a fee for use of the site by parishioners. In addition, it is used for fund raising activities by SCC.

The site shares a boundary with Whixall Social Centre but this boundary is not delineated and it is unclear which assets are the responsibility of either organisation.

SCC have approached the Parish Council with a request for the boundary to be identified and associated maintenance responsibilities to be acknowledged.

The purpose of this report is to summarise the background and current situation and present to members a range of options to stimulate discussion around the future management of the OBG.

### Background

The maintenance and control of the OBG was transferred to the Parish Council by the grant of a Faculty<sup>1</sup> from the Diocese of Lichfield. The Faculty, dated 1973, stated that the Parish Council has 'for ever thereafter care, management, control, maintenance and upkeep' of the OBG.

In 1999, in order for the OBG to be legally used in conjunction with the hiring of the Social Centre facilities, a new Faculty was obtained. The petitioner for this 'change of use' was the Parish Council. The new Faculty allowed for the site to be used for activities, including dog shows, barbecues, stalls etc. but did not change the arrangements under which the Parish Council had control of the site.

Anecdotal evidence suggests that the extension (committee room) may have been built on land managed by the Parish Council. No information can be found to support this, but the Diocese may have access to detailed plans of the site.

### Current Situation

The Parish Council has a contract for grass cutting which includes the OBG and, at present, this is the extent of the maintenance that is carried out on the site.

The Parish Council does not use the site, and although it retains overall control under the 1973 Faculty, control of how and when the site is used is exclusively the responsibility of the Social Centre Committee. Minutes of Parish Council meetings show that the PC never intended to delegate booking decisions to the SCC and there is no information available to show how this situation came about. There is no formal agreement in place between the two organisations.

The Social Centre Committee owns and maintains the Social Centre building and car park.

### Going Forward

---

<sup>1</sup> A grant of Faculty is the Church's equivalent of planning permission

This report arose from a request to identify maintenance responsibilities, but there are a number of aspects that could be explored. These include:

1. a. Is the Parish Council happy to negotiate and agree a boundary with the Social Centre Committee and to continue with the present arrangement, albeit with a clearer understanding of risk and maintenance responsibilities?  
b. If so, does the Parish Council wish to enter into a formal agreement?
2. Does the Parish Council want to continue to take the risk and responsibility for a site, the use of which it currently has no control over?
3. Does the Parish Council wish to take control of the use of the site?
4. Does the Parish Council wish to explore options for formally passing risk and responsibility to the Social Centre Committee through a lease and peppercorn rent?
5. Does the Parish Council wish to explore the ownership of the land under the committee room?
6. Is there an alternative arrangement that could be pursued?

NB These questions are raised for the purpose of stimulating discussion.

#### Recommendations

The outcome of this piece of work should be a formal agreement between the two parties, but the Parish Council needs to agree on the outcome it should pursue on behalf of local residents. Once the Parish Council knows what it wants to achieve, terms of reference can be agreed for the task and finish group.

---

A Roberts (Parish Clerk)  
August 2020

#### **Additional Information**

##### **Appendix A**

#### Social Centre Land

Measures 0.25 acres

Incorporates the old school footprint

The boundary is not shown clearly on any plans



*Aerial View*



*Approx. 0.25 acre for illustrative purposes only*

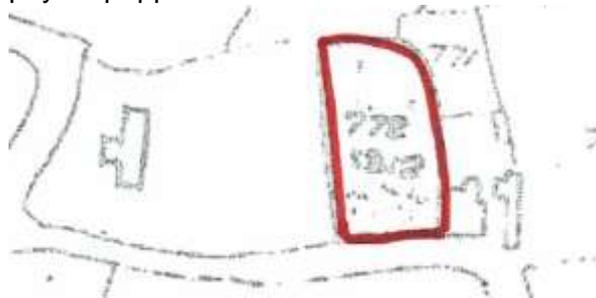


Location Plan from 1972 Conveyancing Document (from Shropshire CC to Whixall Social Centre Trustees).NB this shows some construction outside the boundary ie on land managed by the PC.

### Bowling Club Land (PC Owned)

The Bowling club:

- is responsible for maintaining the site boundaries
- has right of access from the car park, across the Old Burial Ground
- pays a peppercorn rent and has a formal lease for use of this land



Land registration plan for Bowling Club site.

Notes from the Parish Council Meeting held in January 2016

### 06/16 Parish Matters

#### **a) Social Centre- Burial ground management**

Cllr Mercer invited S Grogan and M Peake from the Social Centre Committee to address the council.

They gave the council an overview of their financial situation and the efforts of the committee to make the Social Centre a more viable service for the community. The recent purchase of a new boiler (when the old boiler broke down just before Christmas) was a large expense at over £3,000. SG urged the council to kindly consider their request for a donation later in the meeting.

Cllr Mercer congratulated them on the success of the New Years Eve party.

#### Burial Ground Management-

All parties acknowledged their understanding of the documents associated with the responsibility of the ground.

#### Summary of main points for the purpose of the minutes:

*The Old Burial Ground (land to the rear of Whixall Social Centre) is owned by the Church, responsibility for the control and maintenance of The Old Burial Ground was transferred to the Parish Council in 1974 by the grant of a Faculty from the Diocese of Lichfield (see WPC minutes from 9<sup>th</sup> June 1999, point 7).*

*Following an application made by WPC in December for the "occasional extension of permitted uses" which are as follows:*

1. Village fetes, including stalls, dog shows and five-a-side junior football competitions;
2. Refreshments, including barbecues;

3. *Use by Toddler Group;*
4. *Children's' parties, including organised games and races for children;*
5. *Restricted games, for example by the youth club at the discretion of the committee;*
6. *Access for maintenance.*

*Receipt of The Chancellor, John Shand's judgement was received and acknowledged in April 2000. The Faculty was granted as sought on the assurance that the Parish Council retained ultimate responsibility.*

The point that the Burial Ground can never be hired out separately; it must only be hired in conjunction with the Social Centre.

The Parish Council asked that the Social Centre Committee (SCC) amend their terms and conditions of use to include a statement to make users aware of the land's status as an old graveyard/ burial ground and as such that they treat it with respect.

Cllr Mercer requested that if ever the SCC had any concerns over the appropriate use of the land then the Parish Council be informed and a view is sought. If time is not available to wait until a full meeting of the council then the Chair/ Vice Chair and the Clerk to the council should meet to administer a decision.

Cllr Fitton raised the question of insurance which was duly discussed- the outcome of this discussion was that it was agreed insurance cover from all involved parties is sufficient but that both parties should be mindful that the cover is reviewed and scrutinized as necessary.