

# The Parish Council Of Lower Peover

Comprising

Nether Peover  
(Cheshire West and Chester)

Peover Inferior  
(Cheshire East)

Clerk to the Council: Mrs Sarah Morgan  
45 Sharston Crescent  
Knutsford  
WA16 8AF  
Tel: 07958055158  
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Dear Councillor,

Parish Councillors are summoned to attend the next Parish Council Meeting which will be held on Wednesday 13<sup>th</sup> March at 7.30pm at Lower Peover School.

Yours sincerely,



**Sarah Morgan**

Clerk to the Council

## *Agenda*

1. (2 min)      **To receive apologies for absence**
2. (2 min)      **To note declarations of members' interests**
3. (10 min)     **Public Participation: A period not exceeding 10 minutes for members of the public to ask questions or submit comments (at the chairman's discretion)**
4. (5 min)      **To receive and confirm the minutes of the meetings held on 9<sup>th</sup> January (*attached*)**
5. (10min)      **To receive a police report (*attached*)**
6.                **To receive news from the Unitary Authority Councillors**

7. **To consider the latest planning applications**

Applications

<a href="#">19/0513M</a>	Peover End, Plumley Moor Road	Variation of condition 3 of existing permission 03/0513P; Extension of existing storage and increase in ridge height
<a href="#">19/00088/FUL</a>	Trout Brook Cottage Back Lane Nether Peover	Change of use from agricultural land to residential curtilage

Comments submitted since the last meeting

<a href="#">18/04526/FUL</a>	Apple Tree Cottage	Single storey rear extension	No objections
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8. **Highways and Footpaths**

- To consider an updated proposal for Highway markers around tree of imagination (£512.93 for 6 or £683.91 for 8)
- To consider the co-ordination of the speedwatch programme following the resignation of the resident co-ordinator.
- To note the date of the Spring Clean event (27<sup>th</sup> April at 10am)
- To consider a quotation for maintenance and improvements to Nether Peover footpath 6 at £1680 (*details attached*)

9. **Housekeeping and Maintenance**

- To consider an update in relation to the Selecta DNA kits
- To receive an update on rural broadband provision
- To consider the contract for grass cutting (£840pa for 3 years)
- To consider a plan for Operation London Bridge (**attached**)
- To confirm the appointment of a representative of Peover Inferior to the Richard Comberbach Trust
- To note the commencement date for purdah and the notice of elections (14<sup>th</sup> March – CEC, 15<sup>th</sup> March – CWAC)

10. **Finance and Personnel**

- To note the receipts and payments to 6<sup>th</sup> March (**attached**)
- To approve payments due (**attached**)
- To confirm the appointment of the Clerk following the probationary period

- To consider a request for financial assistance to maintain the churchyard at St Oswald's (***attached NALC briefing re financial assistance to the Church***)
- To consider a training budget for Members of the Council (£500)
- To receive a verbal update from the Clerk in relation to attendance at the SLCC Practitioners Conference

11. (5 Min) **To consider correspondence**

- Email re average speed watch cameras not being installed (ID)
- Invitation to the Chelford Ward Cluster meeting taking place on 16<sup>th</sup> April at 7pm, Toft Church Hall

12. (2 Min) **Matters for the next agenda**

- To note matters for inclusion on the next agenda

13. (1 Min) **To note the date of the next meeting (10/05/2019)**

# LOWER PEOVER PARISH COUNCIL

Clerk – Sarah Morgan  
Telephone – 07958055158

Chairman – Louise Corlett  
Vice Chairman – Steve Wilson

## Minutes of meeting held at 7.30pm on Wednesday 9th January 2019 at Lower Peover Primary School

### Action

#### 18.91 Present

CLRs Corlett, Brown, Dutton, Kendall, Wilson and Painter

In attendance: S Morgan (Parish Clerk) and Cllr Walton (CEC)

#### 18.92 To receive apologies for absence

Apologies were received from Cllr Geake (personal business)

#### 18.93 To note declarations of members' interests

No interests were declared

#### 18.94 Public Participation

No member of public requested to participate but introductions were made by the public and the Council.

#### 18.95 To receive and confirm the minutes of the meeting held on 14<sup>th</sup> November 2018

It was **RESOLVED** to confirm the minutes.

#### 18.96 To receive an update from the Unitary Authority Councillors

Cllr Walton advised regarding directions to attend the cluster meeting on 30<sup>th</sup> January

The Council were also informed about date of the Rural Police meeting which is taking place in Mere on 14<sup>th</sup> January at 7pm at Tabley Parish Hall re farming issues – Cllr Walton to forward email from the organising officer (Emma – Knutsford Police)

Consultations and issues from surrounding parishes were mentioned including the Middlewich marina consultation and the issues with the Plumley ticket machine.

#### 18.97 To receive a police report

A member spoke in relation to a police raid which had taken place on Birchwood Drive on 7<sup>th</sup> December. No information had been received in relation to this incident.

The police report was reviewed and noted.

# LOWER PEOVER PARISH COUNCIL

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## 18.98 Finance

It was requested that the finance item is further down future agendas. SM

The Clerk advised about the recharge for elections and suggestion to budget a small amount each year was agreed.

The budget for Walk to School is not being used and it is considered that this could be spent elsewhere, rather than remaining in the reserve for this purpose only. It was requested that this is included as a separate item on the next agenda to consider projects for improving the area in consultation with residents, potentially using survey monkey to gain feedback. SM

It was **RESOLVED** to approve the precept of £7250 to be split according to the ratio of Band D properties in CWAC and CEC. SM

The updated salary scales from CHALC were noted.

It was **RESOLVED** to approve the Clerk's full attendance at the SLCC Practitioners' Conference at a cost of £299. The Clerk will provide report on the conference SM

## 18.99 To consider the latest planning applications and decisions

SM

The applications were considered, and it was **RESOLVED** to submit the comments detailed below: -

18/04526/FUL	Apple Tree Cottage	Single storey rear extension	No objections
18/6332M	Honeywood, Middlewich Road	Proposed Single Storey Kitchen Extension	No objections

## 18.100 To consider an update regarding the planning enforcement at Land Adjacent and Rear of 13 Holly Tree Drive

A member confirmed that the Legal Department at CWAC are now dealing with the matter. The likelihood of the case being taken to court depends on the severity, likelihood of succeeding and the costs.

Residents have been notified that builders plan to achieve the Middlewich Road connection by 21<sup>st</sup> January but appear to be behind schedule. The road over the site appears to be virtually complete. Evidence has been sent through to Planning Enforcement. 50 to 60 trucks per day have been using the access.

Site buildings have changed and now have two storey compound in neighbouring field which overlooks the neighbours.

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Vehicles turning in residents' driveway – residents considering blocking the road as no parking restrictions are in place to prevent this.

Actions:

- LC to contact Mark Stocks LC
- SM to write press release SM
- Residents to liaise with Clerk with background on the issue.
- SM to contact Highways regarding safety

## 18.101 Highways and Footpaths

- Cllr Brown has met with Peter Atkinson re path on right of Foxcovert Lane up towards the church. Peter is waiting until after winter to commence further works which will consist of removing and recycling the stile and level and board either side.  
AB will bring back costings for consideration.

AB has also had a meeting with the landowner (CH) who has no objections but wants to sign off before it goes ahead AB

Cllr Kendall – land drain has overflowed - oil on top, possibly animals – AB to follow up.

- It was **RESOLVED** to support the installation of 8 verge markers, paying 50% with the Tree of Imagination fund, subject to approval up to a total cost of £250 for each contributor (plus 20% if costs are higher). The Clerk will also investigate the options of Quiet Lanes and Yellow Lines. SM
- An update was given in relation to the phone box. The Clerk is awaiting the transfer papers from the Community Heartbeat Trust. Further ideas for the phone box will be requested in the newsletter.
- The date of the speedwatch was noted. Clerk to reconfirm arrangements. SM
- A date of 27<sup>th</sup> April was agreed for the Spring Clean. LC will check with the Crown if they are happy for the event to start there at 10am LC

## 18.102 Housekeeping and Maintenance

- The list of those who attended the previous Selecta DNA sessions was distributed along with kits for members to deliver. Residents had not received kits due to the lack of police attendance at the event. The next event date was discussed, and it was considered that a Saturday am of teatime would be best. SM to get dates from JS. SM
- The HS2 response was noted and Cllr Painter was thanked by the Chair for her work on this.
- Tatton Tech have offered to speak to the Council about their services for rural broadband. LC will contact to find out more. LC
- Newsletter – Tatton Tech update, Litter pick date, DNA event, priorities for parish, ideas for phone box, Flower festival (July), request for sponsorship for fete, quiz and pudding evening, walk between churches on 11<sup>th</sup> May, promote elections, offer advertising opportunities for future newsletters at £10 an advert. Newsletter to be an A4 folded design. SM

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## 18.103 To consider correspondence

- The nomination for the Chairperson to attend the Royal Garden Party was noted.
- The date of the ward cluster meeting was noted.
- It was requested that the dates of the election briefings be added to the website/social media.

SM

## 18.104 Matters for the next agenda and other items to note

- Update on missing signposts reported by resident – to report to CEC in first instance including Foxcovert Lane.
- Complete newsletter by mid Feb for distribution at the end of February/ first week in March.
- Ideas/survey for what residents would like to see/improvements in the village.
- Mowing quotes.
- Fingerpost quotes

SM

SM  
GD

## 18.105 To note the date of the next meeting

The date was noted

NEXT MEETING 7.30 P.M. WEDNESDAY 13<sup>TH</sup> MARCH AT LOWER PEOVER SCHOOL HALL.

Parish	Chelford	Lower Peover	Peover Superior	Nether Alderley	Ollerton & Marthall	Plumley Toft & Bexton	Snelson
<b>Burglaries Dwellings</b>					19/02/2019 Chelford Road Under Investigation		
<b>Burglaries Non-Dwellings</b>				09/02/2019 Church Lane No Access Gained  15/02/2019 Churchill Avenue Garden/Plant Theft	19/02/2019 Sandhole Lane Under Investigation	01/02/2019 Plumley Moor Road 3 Arrested	
<b>Theft Other</b>			01/02/2019 Lower Moss Wood Under Investigation		20/02/2019 Marthall Lane Theft from Motor Vehicle		
<b>Property Lost &amp; Found</b>							
<b>Suspicious Persons &amp; Vehicles</b>			04/02/2019 Lower Moss Wood Extra Attention Given	04/02/2019 Congleton Road Intel Submitted  05/02/2019 Welsh Row Vehicle All in Order			
<b>999 Alarms All in Order</b>	01/02/2019 Broomfield Rd						20/02/2019 Common Lane
<b>Anti-Social Behavior</b>				01/02/2019 Crossroads Alderley Park Vehicle & Cyclist			
<b>Criminal Damage</b>				11/02/2019 Congleton Road	14/02/2019 Chelford Road		



				Vehicle Damage	Animal Enclosure Fence Damaged		
<b>Animals in the Road</b>				14/02/2019 Chelford Road Cows in Road			
<b>Traffic Incidents, Obstruction, Tree, Parked Vehicles etc.</b>					21/02/2019 Seven Sisters Lane Tree in road	18/02/2019 A556 Debris in Road Damaging 4 Vehicles  21/02/2019 Plumley Moor Road Oil in road	
<b>Police Enforcement Traffic</b>						05/02/2019 A556 TOR Issued	
<b>Road Traffic Collisions</b>	22/02/2019 Chelford Farm Supplies RTC	05/02/2019 B5081 RTC			05/02/2019 Moss Lane RTC	07/02/2019 A556 RTC Debris	
<b>Fatal</b>							
<b>Speed Watch Vehicles Passing Through</b>							
<b>Letters sent for those over speed limit</b>							
<b>Traffic Enforcement Visits no Activations</b>							
<b>Intel Submitted</b>							
<b>Other</b>				Report submitted to Traffic Management. Double white lines			

				need repainting			
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### Police Surgeries

Saturday 2<sup>nd</sup> March 2019 14.30 – 15.30 Marton Meadows Golf Club SK11 9HF PCSO Short

Monday 4<sup>th</sup> March 2019 1500-1600 Plumleys Garden Centre WA16 9SD PCSO Bell

Saturday 9<sup>th</sup> March 2019 1100-1200 Marton Meadows Golf Club SK11 9HF PCSO Bell

Monday 11<sup>th</sup> March 2019 1100-1200 Marton Meadows Golf Club SK11 9HF PCSO Bell

Tuesday 12<sup>th</sup> March 2019 14.00 – 15.00hrs Community Crossroads Partnership Building A54 Bosley SK11 0PS PCSO Short

Saturday 16<sup>th</sup> March 2019 11 – 12.00hrs tree Tops Nurseries, Holmes Chapel Road, Knutsford WA16 9RD PCSO Short

Tuesday 19<sup>th</sup> March 2019 1100-1200 Marton Meadows Golf Club SK11 9HF PCSO Bell

Saturday 23<sup>rd</sup> March 2019 15.00 – 16.00hrs Chelford Farm Supplies, Knutsford Road, Chelford SK11 9AS PCSO Short

Wednesday 27<sup>th</sup> March 2019 09.00 – 12.00hrs Four Oaks Nurseries, Longshoot Lane, Lower Withington SK11 9DX PCSO Short

Sunday 31<sup>st</sup> March 2019 1100-1200 Marton Meadows Golf Club SK11 9HF PCSO Bell

Tuesday 2<sup>nd</sup> April 2019 14.00 – 15.00hrs Marton Meadows Golf Club SK11 9HF PCSO Bell

### Events all PCSO Short

Friday 1<sup>st</sup> March Chelford School Internet safety key sage 1 & year 3 & 4

Tuesday 5<sup>th</sup> March Lower Peover Sch Assembly key stage 2

Wednesday 6<sup>th</sup> March Peover Superior Sch Internet Safety Key Stage 2

Thursday 7<sup>th</sup> March Chelford Pre –School Chelford School – People who help

Monday 18<sup>th</sup> March Lower Peover School Internet Safety Key Stage 1 & 2

Quotation for repairs and improvements to Nether Peover footpath no.6

Works quoted for below. Decided to remove stile half way along as it serves no purpose. If the field as you enter at the end of the fence line has stock present in the future, then a structure will need to be reinstalled somewhere, likely at the start of the field.

100m from road to field edge.

To scrape off muddy path, remove old stile, install board edging where required.

Lay MOT stone and compact, topping off with grit stone, raked level and compacted.

Any waste to be removed from site and disposed of correctly.

Total Price: 1,680.00 excl VAT.

Report for meeting: 13/03/19

### Operation London Bridge

Operation London Bridge is the codename for the plan for what will happen in the days after the death of Queen Elizabeth II. The plan was originally devised in the 1960s and is updated several times each year. It involves planning from government departments, the Church of England, Metropolitan Police Service, the British Armed Forces, media and Royal Parks of London. Some key decisions relating to the plan were made by the Queen herself, although some can only be made by her successor after her death. The phrase "London Bridge is down" will announce the death of the Queen to the Prime Minister and key personnel, setting the plan into motion.

Protocol Guidance for Operation London Bridge and for the death of other senior national figures has been issued to parish councils in relation to the following: -

- Council Services
- Time Table
- Flags
- Condolence Books
- Church Services
- Flowers
- Ties/rosettes
- Website

It is recommended that parish councils liaise with local churches and Rev Lloyd is open to discussing a plan with the parish council.

To enable the Council to be prepared for this event, black ties, rosettes and a condolence book could be purchased, and a plan could be drawn up for the laying of flowers and locations of a condolence book in the village.

Black ties cost £4.75 each plus delivery and black rosettes cost £3.70 each plus delivery. A budget of £100 would allow for the purchase of ties, rosettes and a remembrance book.

The Clerk will seek advice from the webhost on preparing the recommended changes to the website if the Council wish to prepare for this event as per the guidance issued.

**LOWER PEOVER PARISH COUNCIL**

SUMMARY RECEIPTS AND PAYMENTS  
PERIOD 1<sup>st</sup> January 2019 to 6<sup>th</sup> March 2019

Opening Balance Barclays A/C	£ 15070.23	Payments (See Below)	£ 2299.80
Receipts	<u>0.00</u> <u>15070.23</u>	Balance c/d	<u>12770.43</u> <u>15070.23</u>
Balance b/d	12770.43		

**PAYMENTS**

Date	Cheque No	To	For	£
11/01/19	BACS	S Morgan	Postage/A-board	37.60
11/01/19	BACS	SLCC	SLCC Membership	77.00
11/01/19	BACS	SLCC	SLCC Conference	339.00
08/02/19	BACS	Lower Peover School Governors	Room hire	45.00
08/02/19	BACS	Warburtons	Grass cutting	1008.00
12/02/19	100599	L Corlett	Printing	66.00
05/03/19	BACS	S Morgan	Salary	581.80
05/03/19	BACS	HMRC	PAYE	<u>145.40</u>
				2299.80

**RECEIPTS**

Date	From	For	£
			<u>0.00</u>

**PAYMENTS FOR APPROVAL**

Expense Claim for S Morgan	£76.75
Web hosting	£200

**BANK RECONCILIATION STATEMENT AS AT 6<sup>th</sup> MARCH 2019**

Balance as per Bank Statement (6 <sup>th</sup> March 2019)	£ 12770.43
	<hr/>
Closing balance in the cashbook	<u>12770.43</u>

### Funds Summary

Parish Council	£1,963.68
Grant of Easement	£1,462.75
New Homes Grant	£4,344.00
Walk to School/New projects	£5,000.00
<u>Total cash</u>	<u>£12770.43</u>

31 JANUARY 2018

## **L01-18 | FINANCIAL ASSISTANCE TO THE CHURCH**

### **Introduction**

The purpose of this briefing is to consider whether a parish council or, in Wales, a community council may provide financial assistance to the church (or other religious bodies).

### **Relevant legislation**

s.6(1) (a) of the Local Government Act 1894 (“1894 Act”) transferred powers from the Vestry and Churchwardens to the newly formed parish councils **“except so far as relates to the affairs of the church or to ecclesiastical charities.”** s.6(1) (c) of the 1894 Act confirms the powers, duties and liabilities conferred on parish councils include “the holding and management of parish property **“not being property relating to affairs of the church or held for an ecclesiastical charity”**”.

S.8 of the 1894 Act gives parish councils further powers including the power “to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers in s.6 , **“not being property relating to affairs of the church or held for an ecclesiastical charity”** and further “to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned”. It should be noted that the prohibition relates to the nature of the property concerned not to the use to which that any funding will be put. Thus funding to make a church hall suitable for meetings of the guides and scouts is still prohibited because the building is church property.

Despite references in the above provisions to parish councils, the 1894 Act applies to both England and Wales.

The powers in the 1894 Act prohibit councils’ involvement in property relating to the affairs of the church e.g. the maintenance or improvement of buildings or land or contributing to the costs. The question often asked is whether that prohibition still applies or is it overridden by legislation made after the 1894 Act. Examples of such legislation are:

- s.214(6) of the Local Government Act 1972 (“the 1972 Act”) which provides that councils which are burial authorities may contribute to another

person's expenses (e.g. the PCC or synagogue) in providing a cemetery in which residents in the council's area may be buried.

- s.215 of the 1972 Act permits a council to maintain a closed churchyard.
- s.137 of the 1972 Act which allows a council to incur expenditure for any purpose except one which is subject to a statutory prohibition, restriction or limitation.
- s.138B of the 1972 Act empowers a parish council to support or facilitate a religious event.
- The General Power of Competence in s.1 of the Localism Act 2011 ("the 2011 Act") is available to eligible parish councils that satisfy the conditions in Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012/965.

### **NALC's views**

There is an accepted legal principle, applied by the courts, which is that in interpreting what an Act of Parliament means, a specific provision overrides one of a general nature. In other words, if two statutory provisions are in conflict or overlap, the detailed provision will prevail over the more general one. In applying this principle, NALC's views are as summarised below.

Ss.137 and 138B of the 1972 Act and s.1 of the 2011 Act constitute general provisions and do not override the specific prohibitions in s.8 of the 1894 Act. S.137 expressly provides that expenditure cannot be incurred purposes which are subject to a statutory prohibition, restriction or limitation.

S.2 of the 2011 Act confirms that the general power of competence does not allow an eligible parish council to get round any statutory prohibition, restriction and limitation which existed before the general power was introduced.

S.214(6) of the 1972 Act which permits a council as a burial authority to contribute to the expenses of anyone else providing a cemetery, appears to overlap with the specific provision in s.8 of the 1894 Act which prevents a council from contributing to the affairs of the church and, in NALC's view, the specific provision would prevail.

S.215 of the 1972 Act is a specific provision in respect of the responsibilities of a council (whether or not a burial authority) to maintain a closed churchyard which, in NALC's opinion, thus overrides the prohibitions in ss. 6 and 8 of the 1894 Act.



## Summary

There is no current case law to resolve the question of whether or not the 1894 Act restrictions override the provisions in later Acts of Parliament and ultimately it would be for the courts to determine the extent of any prohibition from the 1894 Act. Any court action started so as to resolve this point is likely to be expensive and time consuming.

It would, of course, be possible for Parliament to clarify the point with a specific provision in new legislation, however, the Government's current view on the legal issues is that there is no need for any further legislation as they believe the 1894 Act restrictions do not override the provisions in later Acts of Parliament.

Whilst there is no consensus on this issue, a council that considers making a payment in these circumstances needs to consider whether it is prudent to take a course of action that it cannot be certain is legally valid.