

**MINUTES OF MALPAS PARISH COUNCIL MEETING  
HELD ON MONDAY 11<sup>TH</sup> SEPTEMBER 2023  
IN THE VICTORIA JUBILEE HALL, MALPAS AT 7.00PM**

	<b>PRESENT</b> Cllrs Roger Clifford, Sean Davies, Julie James Collins, Charles Higgle (attended part of the meeting), Oryan Lightning, Martin Shackleton, Adrian Waddelove, Chris Whitehurst, Michael Williams (Chairman). The Clerk. The police attended part of the meeting. No members of the public attended the meeting.		
127.	<b>APOLOGIES</b> Cllrs Tina Barnett (personal reason), Karen Meredith (personal reason).		
128.	<b>DECLARATION OF INTERESTS</b> Cllr Lightning declared a non-pecuniary interest in item 149 of the minutes as he is a member of the Christmas Steering Group. Cllr Williams declared a pecuniary interest in item 137.1.3 of the minutes as he is a neighbour and a non-pecuniary interest in item 149 of the minutes as he is a member of the Christmas Steering Group.		
129.	<b>APPROVAL OF THE MINUTES</b> <u>Minutes of the Parish Council Meeting on 14<sup>th</sup> August 2023:-</u> <b>Resolved:- The Council approved the minutes of the Parish Council Meeting held on 14<sup>th</sup> August 2023; the Chairman signed the minutes as a true and proper record. Proposed by Cllr Clifford and seconded by Cllr James Collins.</b>		
130.	<b>OPEN FORUM</b> In the absence of any members of the public there was no consideration of this item.		
131.	<b>INTERNAL PROCEEDURES</b> Cllrs Whitehurst advised there is no further update; the working party are due to meet to go through the remaining internal procedures.		
132.	<b>FINANCIAL RISK ASSESSMENT</b> The working party is to consider the Financial Risk assessment at their meeting.		
133.	<b>COUNCIL VACANCY</b> There is one vacancy on the Council; there has been no further interest.		
134.	<b>POLICE REPORT</b> 134.1 <u>Update:-</u> PCSO McKeivitt attended the meeting and updated the Council about recent anti-social behaviour in the village which has been dealt with and the situation with short staffing. A new rural sergeant has been appointed and is due to attend a future Council meeting. The Council agreed to write to PCC John Dwyer to follow up the letter that was sent previously and to remind him of his pledge for a replacement PCSO. 134.2 <u>PCSO:-</u> The Council agreed not to take any further action.		
135.	<b>ACCOUNTS</b> 135.1 <u>To approve the following payments:-</u>		
	<b>Chq No</b>	<b>Payee</b>	<b>Statutory Power</b>
	577	VOID	
	578	HMRC - PAYE July 2023	lga 112-119
	579	HMRC - PAYE August 2023	lga 112-119
	580	Running Costs	s.111
			<b>Amount</b>
			£ 113.02
			£ 112.82
			£ 52.42

581	Victoria Jubilee Hall	s.111	£ 66.00
582	CHALC (training)	s.111	£ 25.00
583	GRANT:- Malpas Alport PTA	s.137	£ 600.00

The Clerk's salary was paid by standing order.

**Resolved:- The Council agreed to the above payments.**

**Proposed by Cllr James Collins and seconded by Cllr Lightning.**

135.2 Receipts Received as at 31<sup>st</sup> July 2023:-

None received.

135.3 Accounts and Bank Reconciliation:-

The summary of Receipts and Payments was previously circulated.

The reconciled balance in the current bank account as at 31<sup>st</sup> August 2023 was £238,301.17

The funds are allocated as follows:-

Parish Council - £54,822.70

New Homes Bonus - £23,265.78

Community Infrastructure Levy (CIL):- £155,684.33

Allotment Deposits (ring fenced in accounts):- £550.00

Allotment Maintenance funds (ring fenced in accounts):- £87.83

Neighbourhood Plan:- £8.72

Will Legacy:- £893.95

Christmas Tree (to be reimbursed) – (£12.14)

Police Grant - £3,000.00

135.4 Donation:-

**Resolved:- The Council agreed to donate £100.00 towards the poppy wreath for Remembrance Service.**

**Proposed By Cllr Shackleton and seconded by Cllr Clifford.**

135.5 S.106:-

Cllr Whitehurst and the Clerk attended a virtual meeting on Thursday 8<sup>th</sup> September with CWaC representatives to discuss the s106 funding available. Cllr Waddelove expressed his disappointment at not being invited to attend the meeting.

The updated spreadsheet detailing s106 payments and a brief report was circulated to the Council.

There are s106 monies allocated for the following usage in the parish:-

- Play and open space;
- Public footpath on Chester Road between the Fire Station and Leech Lane;
- Improvements to bus stops;
- Highways speed warning sign on Old Hall Street;
- Playing pitches;
- Affordable housing;
- Allotments.

Concerns were raised regarding whether the s106 funds would be returned to the developer after five years have passed.

The Clerk is to clarify the situation and to enquire what happens to any funds which remain unspent where the project has not taken place and are not returned to the developer.

With regards to the public footpath on Chester Road between the Fire Station and Leech Lane the Clerk is to contact Highways regarding the following:-

- Who actually owns the land from the telephone exchange to Leech Lane;
- Where are the Highways boundaries on this stretch of land;
- How does CWaC intend to deliver the public footpath;

	<p>- To request a meeting with the Localities Officer to discuss delivery of projects using the s106 monies that are allocated to Malpas. Cllr Clifford is to progress with the drawing down of s106 funds that are allocated towards the provision of allotments; a report is to be prepared detailing works and costings which will formally be considered by the Council.</p>
136.	<p><b>BUSINESS PRIORITIES AND PROJECTS</b> <b>Resolved:- The Council agreed that the Council's business priorities are to spend the s106 monies that have been allocated to projects in the village (see item 135.5 for further details).</b> <b>Proposed by Cllr Waddelove and seconded by Cllr Shackleton.</b></p>
137.	<p><b>PLANNING</b> 137.1 <u>Planning Applications:-</u> 137.1.1 23/02498/FUL - Conversion of existing garage into home office space with new external doors at The Old Dairy The Hough Higher Wych Road Wigland Malpas <b>Observations:-</b> The Council would make the observations as documented below: If CWaC is minded to approve the application the Parish Council would request that the following conditions be included: Removal of permitted development rights. Background Factors: Open countryside Relevant Malpas and Overton Neighbourhood Plan Policies: BE3 and H2 Relevant Local Plan Part 2 Policies: DM21 and DM22 Potential benefits to the community: None identified. Potential impact on neighbours: The proposed entrance to the home office is noted as being outside the curtilage of the property boundary, as defined in the location plan associated with the application. Potential impact on wider community: None identified Other relevant information: If Planning are minded to approve this application then the Council would request that the facility is condition as being for home office use only and that no commercial business is allowed to function at the property without approval of a further planning application. The application form has indicated that there trees and hedges in close proximity to the proposed development. The Council does not support the removal or cutting back of any living trees/hedges unless it poses a danger to life. If trees are removed the council would request a two for one replacements with native species. Polices DM45 and LC4 refer. <i>The Council like CWaC, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.</i> <b>Proposed by Cllr Shackleton and seconded by Cllr Higgle.</b></p> <p>137.1.2 23/02592/FUL and 23/02593/LBC - Change of use from a shop to a residential dwelling with internal alterations at The Old Shop High Street Malpas <b>Observations:-</b> The Council would make the observations as documented below: If CWaC is minded to approve the application the Council would request that the following conditions be included: That provision be made for the inclusion of space for Bin and cycle storage Background Factors: Within settlement boundary; Conservation area; Listed Building Relevant Malpas and Overton Neighbourhood Plan Policies: BE3, BE4, SF1 &amp; LC3 Relevant Local Plan Part 2 Policies: DM5, DM16, DM22, DM46 &amp; DM47</p>

Potential benefits to the community: None identified

Potential impact on wider community: Loss of a retail outlet from the core of the village; Loss of potential future employment; Increase in parking on an already congested High Street

Other relevant information: The Council notes that the application is an attempt to increase the public realm view of the shop front which is currently an eye sore on the High Street. That said, there are a number of issues the council would like to raise. The Council does not support the change of use of retail outlets in the core of the village without extremely strong evidence that there has been a concerted integral marketing campaign and has proved unsuccessful.

It is reasoned that the state of the property coupled with the sale asking price would have had a significant effect on the potential sale of the shop.

It is noted that the Heritage Impact Assessment states:

*“The external envelope is in reasonable condition, however the interior is suffering from rising damp from the basement walls which is rising above ground floor level resulting in mould growth on the walls.”*

The assessment also states:

*“The roof is fairly watertight save for a small area of penetration below the front raked valley and minimal repair will restore the water tightness of the envelope.”*

The ingress of water into the building is the cause of the rising damp the basement and into the shop walls.

Affecting repairs to the frontage would have prevented basement dampness and the growing of mould, and would have arguably made a sale of the retail premises more attractive to perspective buyers.

The Council notes there is no space for car parking associated with the property.

New residential developments should be conditioned to provide two parking spaces as defined in the parking planning Supplementary Planning Document. (SPD)

There is also no reference in the application to space for bins or cycle storage and an EV charging point. These elements are important given the narrowness of the pavement and the lack of curtilage associated with the property boundary.

Whilst it is noted the proposal includes an attempt to maintain the public realm street scene, the council would want confirmation that the conservation officer is satisfied with the proposed alterations and materials to be used within the building.

The property lies in close proximity to the schedule monument of Malpas Cross and other listed and character buildings.

It is therefore important that any alterations to the building do not have an adverse impact on the setting of the Cross or other surrounding properties, and the existing facade.

*The Council like CWaC, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.*

**Proposed by Cllr Shackleton and seconded by Cllr Higgle.**

137.1.3 23/02761/CAT - Removal of Cupressus Leylandii hedge at Greystones High Street Malpas

**Observations:-**

The Council would make the observations as documented below:

If CWaC is minded to approve the application the Council would request that the following conditions be included: That the removal of the hedge is compensated for by the planting additional trees of a native species and of a sufficient size to ensure that mature.

Background Factors: Within settlement boundary; Conservation area

Relevant Malpas and Overton Neighbourhood Plan Policies: LC4  
 Relevant Local Plan Part 2 Policies: DM45  
 Potential benefits to the community: None identified  
 Potential impact on neighbours: Potential loss of privacy.  
 Potential impact on wider community: Reduction in the carbon capture capability in an area off the High Street and very near the Alport Primary School  
 Other relevant information: The Council regard this as a very poor application. There is no tree report with the application to state that the hedge is over grown and has become unmanageable. There is no planning statement to suggest a valid reason for the removal of the hedge, the only evidence provided is an extremely old photograph that could have been taken anywhere in the country.  
 The view from the public realm is a reasonably tidy one at present. Exposure of the wall could result in an eyesore being visible and may not enhance the conservation area in which the property resides.  
 Malpas has seen numerous request in the last two years for tree and hedge removal. Most of those applications have lacked sound reasoning. The constant removal of trees and hedges without clear safety issues is contradictory to CWaC's drive to achieve a green sustainable environment.  
*The Council like CW&C, has declared a climate emergency and would expect all proposals for new developments, extensions or alterations to recognise this, specifically by ensuring properties are at least carbon neutral, avoiding the use of fossil fuels and have facilities for the charging electric vehicles.*  
**Proposed by Cllr Shackleton and seconded by Cllr Lightning.**

137.2 To consider any applications received after the agenda has been distributed:-  
 None have been received.

137.3 Recent decisions by CW&C:-  
Approved / Decided:-

Approved / Decided:-

23/00815/LBC - 1 Church Street, Malpas

23/00814/FUL - 1 Church Street, Malpas

23/01151/LBC - The Lower Rectory, Church Street, Malpas

23/01586/TPO - The Cedars, Old Hall Street, Malpas

23/01549/FUL - The Lower Rectory, Church Street, Malpas

23/01774/CAT - St Oswalds Church, Church Street, Malpas

**138 MONTHLY SURGERY**

Cllrs Whitehurst advised that no members of the public attended the September surgery.

**139. THE MOSSLAND**

Cllr Clifford circulated the following notes:-

- Land Registry:- The Title Absolute, Proprietor is Malpas Parish Council, care of Council Secretary, Langdale, Sarn, Malpas SY14 7LN as Trustee of the Moss Land Charity ( 511409 ). The solicitor has advised that the Land Registry will only allow four individuals to be entered on the Register. In the Deed of Trust these individuals can be authorised to act only on the directions of the Parish Council. The initial four named trustees are chosen taken into account likely length of service on the council.
- Deed of Trust:- the Charity will operate in its current form (with Cllr Clifford added as Trustee ) until the new documentation is produced. Hill Dickinson Solicitors have been asked to provide a cost.
- Financial Accounting for the Charity:- this is planned to continue with the Clerk.
- Conflict of Interest Policy:- this is required.
- Ponds:- The ground work has been completed, four ponds, ditch cleared, allotments build up and levelled, awaiting seeding around ponds, grass will need to be cut and removed to reduce nutrient levels, for native wild plants.

	<ul style="list-style-type: none"> <li>- Conservation Status:- a 30 year agreement with CW&amp;C, annual payment equivalent to value of grass, can be listed as a Local Wildlife Site after 20 years re CWT.</li> <li>- Biodiversity Net Gain:- new legislation in November BNG to be 10%, funding available for Public Land.</li> <li>- Green Space funding:- available over winter to replant hedges, also to create a Boggy Woodland.</li> <li>- Allotments:- pre AGM meeting held on Sunday, AGM to be arranged for end of month, allotment 12 has been let, half allotments have been created at request of interest parties.</li> <li>- S106 Funding:- there is £6,253.47 available, the Allotments Committee has been asked to produce a wish list.</li> <li>- Rental Agreements:- these need to be revisited.</li> </ul>
<b>140.</b>	<p><b>HIGHWAYS</b></p> <p>140.1 <u>B5395 Speed Limit:-</u>  The Clerk has contacted neighbouring parish meetings (Agden and Tushingham, Macefen and Bradley) to request that they contribute towards the cost to implement the speed limit to the border.  The Clerk has contacted CWaC to enquire whether the speed limit can only go to the parish boundary CWaC has replied to advise that under the Council's speed limit guide, any recommended changes to speed limits are promoted by the requestee, in this case MPC. They suggest that the Council contact neighbouring parishes for a contribution (this has already been done; CWaC advised that it should be noted if they have not been involved to date they are within their rights to refuse.) The route was assessed in its entirety which is standard practice and cannot be separated into Parish specific sections.  Cllr Waddelove requested for better signage at the bridge (i.e. recommended speed limit); Cllr Williams is to follow this up with the Ward Cllr.</p> <p>140.2 <u>Chester Road Pavement:-</u>  Ward Cllr Rachel Williams has advised that Bovis are not replying on changing the S106 allocation, even though they agreed to a meeting. She is to follow this up with CWaC.</p>
<b>141.</b>	<p><b>FOOTPATH 10 (FROM HUGHES LANE TO THE CHURCH)</b></p> <p>141.1 <u>Members Funding:-</u>  The request for £950.00 from Members Funding to contribute towards improvements to footpath 10 has been paid by CWaC.</p> <p>141.2 <u>Improvement Works:-</u>  The Council have agreed to placed purchase order for improvement works to Footpath 10 from Hughes Lane to the Church (total cost £1,950.00). The cost is to be met by the funding of £950.00 from the Members Budget and £950.00 by the Council  Ward Cllr Rachel Williams is due to speak with the landowner.  An order for the work has been placed.</p>
<b>142.</b>	<p><b>HIGH STREET CAR PARK</b></p> <p>Ward Cllr Rachel Williams advised that she is working with Huxley's and CWaC to resolve the access issues.</p>
<b>143.</b>	<p><b>THE CROSS</b></p> <p>The Clerk has contacted Historic England to request a site meeting to discuss remedial work required for The Cross.  Cllr Waddelove is to lead the project.</p>
<b>144.</b>	<p><b>CCTV – PHASE TWO</b></p> <p>Cllr Lightning suggested to the meeting that CCTV is installed on the High Street with two cameras sited on wall at the Jubilee Hall – one positioned looking up the High Street and the other looking down the High Street.</p>

	<p>Barlows have quoted £2,010.00 to carry out the work. There is a surplus of £410.00 from the previous grant that was awarded by the PCC.</p> <p>Cllr Lightning is to apply to the PCC fund for further funding to carry out phase two.</p> <p>Cllr Shackleton offered for The Dry Cleaning Company to contribute £500.00 towards the cost.</p> <p>The Clerk is to contact CWaC to request that the hedges are cut back in the High Street car park as they are impeding the CCTV.</p>
<b>145.</b>	<p><b>APPEARANCE OF MALPAS</b></p> <p>145.1 <u>Street Furniture:-</u> The Clerk is due to carry out an inspection of the Council assets and report back to the October meeting.</p> <p>145.2 <u>Bus Shelter Old Hall Street:-</u> The bus stop needs to be moved to the new bus shelter. The Clerk is to request that CWaC carry out the works required.</p> <p>145.3 <u>Planters:-</u> The Council considered the arrangements for the planters during winter. <b>Resolved:- The Council agreed to place an order with Walkers Nurseries to refill the seven planters in the village at an approximate cost of between £50.00 - £60.00 plus VAT each.</b> <b>Proposed by Cllr Clifford and seconded by Cllr Lightning.</b></p> <p>145.4 <u>Weeds:-</u> CWaC have sprayed the weeds in the village this week.</p>
<b>146.</b>	<p><b>COMMUNITY ORCHARD</b></p> <p>Cllr Higgle suggested that a community orchard be put on the land between the Hughes Lane / Oak Tree Rise Estate and Love Lane. The Clerk is to make enquires with CWaC.</p>
<b>147.</b>	<p><b>RURAL MARKET TOWN</b></p> <p>The Council considered and agreed to take up the offer of free membership for Rural Market Town until March 2024.</p>
<b>148.</b>	<p><b>REMEMBRANCE SUNDAY</b></p> <p>Update for Remembrance Sunday Parade which is taking place on Sunday 12<sup>th</sup> November with Cllr Williams acting as the lead for event:-</p> <p>148.1 <u>Remembrance Day Event Guidance 2023 application form:-</u> This has been sent to CWaC.</p> <p>148.2 <u>Insurance:-</u> The Council's insurance company, Zurich, have confirmed as follows:- "The event will automatically be covered under your Public Liability providing it has under 2000 attendees at any one time and the Council are adhering to the following guidance: - Carrying out a thorough risk assessment - Complying with HSE guidance. - Training event volunteers and staff. - Ensuring that third-party suppliers have their own Public Liability Insurance."</p> <p>148.3 <u>Amberon:-</u> The proforma invoice for £684.00 has been paid and an email has been sent to Amberon Ltd to advise.</p> <p>148.4 <u>Risk Assessment:-</u> The Risk Assessment used last year has been updated.</p>
<b>149.</b>	<p><b>CHRISTMAS</b></p> <p>149.1 <u>Christmas Lights:-</u> Update:-</p>

- The Clerk has contacted Barlows to provide a quote to put up and take down the street lighting on both the High Street and Church Street and to inspect the electrical supply boxes in advance of the street lighting going up.
- A request has been made to Community Links to take down the bunting well in advance of the lights going up in November.
- The Clerk is to write to the properties where the lighting is attached to ensure they are in agreement for the Christmas Lights to be attached to their property

149.2 Other actions for the Christmas event:-

Update:-

- Medical assistance - quote due from North West Medical Solutions
- Insurance Cover – Zurich due to reply regarding cover and cost (if any)
- Events Licence – CWaC due to reply with application form
- Alcohol Licence – CWaC due to reply with application form

The following documents have been prepared (available on request):-

- Event plan
- Site location map
- Gazebo risk assessment
- Site risk assessment
- Advisory Gazebo safety notice to stall holders
- Highways closure - Road closure notice's from Amberon x 2 (the committee will be looking to pay the costs for the closure)

149.3 Christmas Trees:-

The Clerk is to make arrangements with businesses / residents to provide the small Christmas trees which are placed in the brackets attached to their properties. The Clerk is to contact Walkers Nurseries for a quote to supply the Christmas Trees (the Council orders and pays for the trees which the businesses / residents reimburse the Council for the cost for the Christmas tree). Cllr Williams mentioned that the lights for the trees need to be replaced; this is to be included on the October agenda.

150.	<p><b>COMMUNITY RESILIENCE PLAN (CRP)</b> Cllr Lighting has carried out some work to the CRP. Cllr James Collins provided a template for a CRP which can be adapted for the Council.</p>																			
151.	<p><b>COMMENTS ON FACEBOOK</b> The Clerk has taken legal advice regarding an allegation that was made on Facebook; the Council agreed to pursue the matter.</p>																			
152.	<p><b>CHALC ANNUAL MEETING</b> The Annual meeting is on Thursday 12th October at Helsby Community Sports Club, Callendar Way, Helsby, Councillors are invited to attend.</p>																			
153.	<p><b>CLERK'S REPORT</b></p> <table border="1" data-bbox="185 1563 1530 2051"> <thead> <tr> <th data-bbox="185 1563 300 1608">No.</th> <th data-bbox="300 1563 603 1608">Item</th> <th data-bbox="603 1563 1530 1608">Update</th> </tr> </thead> <tbody> <tr> <td data-bbox="185 1608 300 1682">153.1</td> <td data-bbox="300 1608 603 1682">Request for Dog Poo Bags</td> <td data-bbox="603 1608 1530 1682">Request has been submitted to CWaC and the bags have been delivered.</td> </tr> <tr> <td data-bbox="185 1682 300 1794">153.2</td> <td data-bbox="300 1682 603 1794">External Audit</td> <td data-bbox="603 1682 1530 1794">The Clerk has responded to various queries raised by the external auditor, PKF Littlejohn, regarding the Annual Governance and Return for 2022 – 23.</td> </tr> <tr> <td data-bbox="185 1794 300 1868">153.3</td> <td data-bbox="300 1794 603 1868">CCTV</td> <td data-bbox="603 1794 1530 1868">The CCTV has been added to insurance policy (there is no extra cost) and added to the fixed asset schedule</td> </tr> <tr> <td data-bbox="185 1868 300 1942">153.4</td> <td data-bbox="300 1868 603 1942">The Mossland</td> <td data-bbox="603 1868 1530 1942">Various queries forwarded to David Swaffield regarding legalities.</td> </tr> <tr> <td data-bbox="185 1942 300 2051">153.4</td> <td data-bbox="300 1942 603 2051">CIL Report</td> <td data-bbox="603 1942 1530 2051">Form detailing monies received and spent during the 2022 – 23 financial year has been completed and returned to CWaC. The form has been posted on the website.</td> </tr> </tbody> </table>		No.	Item	Update	153.1	Request for Dog Poo Bags	Request has been submitted to CWaC and the bags have been delivered.	153.2	External Audit	The Clerk has responded to various queries raised by the external auditor, PKF Littlejohn, regarding the Annual Governance and Return for 2022 – 23.	153.3	CCTV	The CCTV has been added to insurance policy (there is no extra cost) and added to the fixed asset schedule	153.4	The Mossland	Various queries forwarded to David Swaffield regarding legalities.	153.4	CIL Report	Form detailing monies received and spent during the 2022 – 23 financial year has been completed and returned to CWaC. The form has been posted on the website.
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	153.5	Event Booking	Cheshire West and Chester Online Connections Event: Develop a new strategic plan for the borough 27th September at 6pm – booked Cllrs Whitehurst and Meredith to attend.
	153.6	Training	Booked Cllr James Collins to attend CHALC induction training on 10/10/23.
<b>154.</b>	<b>EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX</b> List previously circulated to Cllrs.		
<b>155.</b>	<b>UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES</b> There were no updates.		
<b>156.</b>	<b>PART 2 PRESS AND PUBLIC</b> <b>Resolved:- To resolve to exclude the press and members of the public as the items to be discussed relate contractual matters and are of a sensitive nature.</b> <b>Proposed by Cllr Williams and seconded by Cllr Waddelove.</b>		

**The meeting closed at 9.20 p.m.**

NB copies of the attachments can be obtained from the Parish Clerk