

**MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON THURSDAY 3RD OCTOBER 2024
IN MALPAS COMMUNITY CHURCH, MALPAS AT 7.00PM**

	<p>PRESENT Cllrs Tony Dickenson, Julie James Collins, Oryan Lightning, Karen Meredith, Alan Moore, Dave Parry, Kirsty Parry, Martin Shackleton, Michael Williams (Chairman). The Clerk. No members of the public attended the meeting.</p>																											
117.	<p>APOLOGIES Cllrs Tina Barnett, Charles Higgle, Susie Powell.</p>																											
118.	<p>DECLARATION OF INTERESTS Cllr Shackleton declared a pecuniary interest in items 123.1 and 135 of the minutes. Cllr Williams declared a pecuniary interest in item 123.1 of the minutes. Cllr Moore declared a pecuniary interest in item 135 of the minutes.</p>																											
119.	<p>APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Meeting on 29th August 2024:-</u> Resolved:- The Council approved the minutes of the Parish Council Business Meeting held on 29th August 2024 as a true and proper record. Proposed by Cllr James Collins and seconded by Cllr K Parry.</p>																											
120.	<p>OPEN FORUM There was no consideration of this item.</p>																											
121.	<p>CASUAL VACANCIES / ELECTIONS The Council has two vacancies. <u>Vacancy No 1:-</u> The Council can co-opt to fill this vacancy. <u>Vacancy No 2:-</u> Sean Davies has stood down from the Council. CWaC have been informed of the casual vacancy and the notice has been posted on the website and noticeboard. CWA have yet to advise whether an election has been called.</p>																											
122.	<p>POLICE REPORT The following concerns were raised with the PCSO:- - Speeding on Chester Road; - Illegal parking outside the Bishop Heber High School. The PCSO is to look into providing enforcement for the above issues. <i>Residents are urged to report all incidents of anti-social or criminal behaviour by calling 101.</i></p>																											
123.	<p>ACCOUNTS 123.1 <u>To approve the following payments:-</u> The Council agreed to make the following online payments:-</p> <table><tr><th>Payee</th><th>Statutory Power</th><th>Amount</th></tr><tr><td colspan="3">Parish Council payments</td></tr><tr><td>Running Costs</td><td>s.111</td><td>£ 86.37</td></tr><tr><td>HMRC - PAYE mth 6</td><td>lga 112-119</td><td>£ 141.99</td></tr><tr><td>NEIGHBOURHOOD PLAN:- Jubilee Hall</td><td>s.111</td><td>£ 11.50</td></tr><tr><td>Malpas Community Church (25/07/24; 29/08/24; 03/10/24)</td><td>s.111</td><td>£ 96.00</td></tr><tr><td>Then Media Ltd - website</td><td>s.111</td><td>£ 24.00</td></tr><tr><td>PKF Littlejohn LLP external audit</td><td>s.111</td><td>£ 378.00</td></tr><tr><td>Then Media</td><td>s.111</td><td>£ 48.00</td></tr></table>	Payee	Statutory Power	Amount	Parish Council payments			Running Costs	s.111	£ 86.37	HMRC - PAYE mth 6	lga 112-119	£ 141.99	NEIGHBOURHOOD PLAN:- Jubilee Hall	s.111	£ 11.50	Malpas Community Church (25/07/24; 29/08/24; 03/10/24)	s.111	£ 96.00	Then Media Ltd - website	s.111	£ 24.00	PKF Littlejohn LLP external audit	s.111	£ 378.00	Then Media	s.111	£ 48.00
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R Williams - Reimburse cost of flowers for planters		£ 74.01
Events Committee payments		
R Shackleton - Reimburse cost of Gifts for Grotto		£ 297.50
R Shackleton - Reimburse cost of penguin suits		£ 418.00
Core Highways		£ 150.00

The Clerk's salary was paid by standing order.

Resolved:- The Council agreed to the above payments.

Proposed by Cllr Lightning and seconded by Cllr Moore.

123.2 Receipts Received as at 1st September 2024:-

None received.

123.3 Accounts and Bank Reconciliation:-

The summary of Receipts and Payments was previously circulated.

The reconciled balance in the current bank account as at 1st September 2024 was £277,723.67 The funds are allocated as follows:-

Parish Council - £51,082.80

New Homes Bonus - £23,265.78

Community Infrastructure Levy (CIL):- £203,541.17

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

Neighbourhood Plan:- (£2.78)

Christmas Tree (to be reimbursed) – (£51.08)

CCTV donations (to be reimbursed) – (£200.05)

123.4 Donation:-

The Council considered a donation towards the cost of poppy wreath for the Remembrance Service.

Resolved:- The Council agreed to donate £100.00 towards the poppy wreath for Remembrance Service and to purchase 10 lamppost poppies at a cost of £50.00
Proposed by Cllr Williams and seconded by Cllr Shackleton.

124. EXTERNAL AUDIT

The Council noted the following report from the external auditors, PKF Littlejohn LLP, regarding the Completion of Limited Assurance Review for the year ended 31 March 2024:-
 External Auditor's Report and Certificate 2023 / 24:-

"External auditor's limited assurance opinion 2023/24:-

Except for the matters reported below, on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

The responses given in Section 1, Box 9 and Section 2, Boxes 11a and 11b are not consistent. The trust fund is currently recorded as having 4 individuals as trustees and not the council as a whole. The council is in the process of trying to establish the legal status of the trust fund. During the year the council has set up a separate bank account for the trust fund and the transactions of the trust fund have been excluded from the figures reported in Section 2. Once the legal status of the trust fund is established the council should ensure the records at the Charity Commission correctly reflect the status of the trustees."

The Clerk has clarified with PKF Littlejohn the correct boxes to tick on the AGAR in respect of the trust fund disclosures. If individual councillors are named as trustees of the trust fund, then the council as a whole cannot be considered a sole managing trustee and they would expect Section 2, Box 11 a to be ticked 'No'. This would then mean Box 11 b would be 'N/A' as would Section 1, Box 9. As the Council has ticked 'Yes' to 11a and 11b this is where the error is; the council is not a sole managing trustee as it stands.

	The Notice of Conclusion of Audit of the AGAR for the year ended 31 March 2024 has been posted on the Council website and noticeboard.
125.	<p>BUSINESS PRIORITIES AND PROJECTS - WORK PLAN 2025 / 2026</p> <p>Cllrs discussed business priorities and projects for the next financial year 2025 / 2026. Suggestions included:-</p> <ul style="list-style-type: none"> - Development of Clayhole Croft - Expanding CCTV to Church Street <p>Cllrs are to consider further ideas for priorities and projects at the next meeting.</p>
126.	<p>PLANNING</p> <p>126.1 <u>Planning Applications:-</u></p> <p>24/02377/S73 - Variation of conditions 2 (approved drawings), 4 (phasing plan), 6 (construction management plan), 7 (public highway plans), 8 (bat avoidance statement), 9 (habitat management plan), 10 (planting), 11 (bird and bat boxes), 13 (hard landscaping), and condition 16 (roads and footways) and removal of conditions 3 (archaeology report), and 14 (boundary treatment), of 19/03521/FUL (Residential development of 31 dwellings and proposed link road - amendment to application 17/04562/FUL) at Land Opposite St Josephs College Tilston Road Malpas</p> <p>Observations:-</p> <p>The Council objects to this application as documented below: By eliminating the link road, it will increase the risk to primary school children by taking the traffic past both primary school entrances and into the centre of an already congested and gridlocked Malpas. The removal of the requirement to show a nett 10% BDG Background Factors: Within settlement boundary; Conservation area Potential benefits to the community: None identified Potential impact on wider community: Loss of connectivity to Sandstone Gate development and potential to take traffic out of the already grid locked centre of Malpas and away from the Primary School entrances. Other relevant information :- This application seeks to alter the site layout so that it no longer links with the Sandstone Gate development providing a link road. The link road would take the traffic from Tilston Road to Chester Road out of an already congested Malpas High Street. The benefit of this would be immense making it much safer for children being dropped off and picked up at the Alport Primary school as the traffic would be taken away from the school entrances. This application seeks to predate the requirement to provide a net biodiversity net gain of 10%. Malpas Parish Council cannot support this. Part of this site is in the Conservation Area and the rest abuts it. The Parish Council would want to ensure that the Conservation Officer is satisfied that these variations do not have a negative impact on the Conservation Area and enhance the entrance into the village.</p> <p>Resolved:- The Council agreed to submit the above planning observations.</p> <p>Proposed by Cllr Meredith and seconded by Cllr Williams.</p> <p>126.2 <u>To consider any applications received after the agenda has been distributed:-</u></p> <p>126.2.1 24/02713/FUL - Single storey extension to existing garage and convert into an annexe to the main house at Hannetts Cottage Tilston Road Overton Malpas</p> <p>Observations:-</p> <p>The Council would make the observations as documented below: Background Factors: Open countryside; Listed Building Relevant Malpas and Overton Neighbourhood Plan Policies: BE3 Relevant Local Plan Part 2 Policies: DM21, DM46-48 Potential benefits to the community: None identified Potential impact on neighbours: None identified</p>

	<p>Potential impact on wider community: None identified</p> <p>Other relevant information: The Council would want to ensure that the Heritage and Conservation Officers are satisfied that the work and materials are in keeping and do not harm in any way the setting of the listed building.</p> <p>126.2.2 24/02759/FUL - Change of use of C3 dwelling house to 4 bed Children's home C2 at Woodhouse Grange Dymocks Mill Lane Oldcastle Malpas</p> <p>Observations:-</p> <p>The Council would make the observations as documented below:</p> <p>Background Factors: Open countryside;</p> <p>Relevant Local Plan Part 2 Policies: Strat 9</p> <p>Potential benefits to the community: Creation of 2 full time jobs and 3 part-time</p> <p>Potential impact on neighbours: Increased traffic on Dymocks Mill Lane which is a single-track lane</p> <p>Resolved:- The Council agreed to submit the above planning observations.</p> <p>Proposed by Cllr Meredith and seconded by Cllr Williams.</p> <p>126.3 <u>Recent decisions by CW&C:-</u></p> <p>Approved:-</p> <p>24/01217/FUL - The Peckforton Cross O Th Hill Road Malpas</p> <p>24/01542/FUL - Outbuilding At Dymocks Mill Dymocks Mill Lane Oldcastle Malpas</p> <p>126.4 <u>CWAC design and housing strategy consultation:-</u></p> <p>Resolved:- The Council agreed to respond to the CWaC design and housing strategy consultation. The Clerk is submit a copy of the design code document and to advise that Malpas Parish Council has already its own design code document dated Jan 2024; this updates the IBI Taylor Young Malpas Character study dated October 2012.</p> <p>Proposed by Cllr Moore and seconded by Cllr Dickenson.</p>
127.	<p>NEIGHBOURHOOD PLAN STEERING GROUP (NPSG)</p> <p>The Council is to carry out consultation with the community in November.</p> <p>Resolved:- The Council agreed to submit the parish statement to CWaC (previously circulated).</p> <p>Proposed by Cllr D Parry and seconded by Cllr Dickenson.</p>
128.	<p>MONTHLY SURGERY</p> <p>No residents attended the September surgery.</p>
129.	<p>THE MOSSLAND</p> <p><u>Charity Commission:-</u></p> <p>The Clerk is still waiting for a response / advice from the new solicitors Stone King LLP (specialists in Charity Law) regarding various queries about The Mossland.</p> <p>In the meantime, the Clerk has contact CCA (Cheshire Community Action) for advice regarding the legal situation.</p>
130.	<p>SLOW DOWN FOR MALPAS</p> <p>Cllr Moore updated the meeting regarding Speedwatch and current situation regarding the speed gun. Cllrs raised concerns that ex Cllr Chris Whitehurst has refused to return the speed gun to the Council.</p> <p>The PCSO is to arrange further training sessions for use of the speed gun.</p>
131.	<p>HIGHWAYS</p> <p><u>Village Entrance Signage:-</u></p> <p>The Council considered updating the signage entering Malpas; Cllrs are to come back with suggestions.</p>
132.	<p>MALPAS JOINT BURIAL COMMITTEE (MJBC)</p> <p>The letter that was previously agreed by the Council has been sent to MJBC.</p>

	A meeting is due to take place on Monday 7 th October 2024 with Malpas Parish Council and No Mans Heath and District Parish Council and MJBC.
133.	<p>APPEARANCE OF MALPAS</p> <p>133.1 <u>Street Furniture:-</u> Ongoing.</p> <p>133.2 <u>Bench outside the Jubilee Hall:-</u> The Clerk has contacted CWaC to clarify whether the cost of the bench could be paid s106 funding allocated towards the improvement of the bus stop. CWaC have said no. The Council is to contest this decision.</p> <p>133.3 <u>Village Pump:-</u> The Council is in the process of retrieving the pump.</p> <p>133.4 <u>Planters:-</u> The Clerk has contacted Walkers for a quote to replant the planters,</p>
134.	<p>MALPAS QR HISTORY TOUR</p> <p>The Council agreed to set up a Steering Group to work on the project and to liaise with YOU Media. Cllrs Lightning and Williams volunteered to join the Steering Group.</p>
135.	<p>CLAYHOLE CROFT</p> <p>A report was previously circulated to Cllrs to update the works carried out at the site including request for a budget to carry out further improvements.</p> <p>Resolved:- The Council agreed to the following:-</p> <ul style="list-style-type: none"> - Agreement in principle to support a contribution towards the cost to carry out further improvements to Clayhole Croft; - To make enquiries with CWaC as to whether s106 funding can be used to carry out the works; - To request a further two quotes for the proposed works to the site. <p>Proposed by Cllr Williams and seconded by Cllr Meredith.</p>
136.	<p>ST OSWALDS CHURCH</p> <p>136.1 <u>Invite:-</u> An email has been sent to invite Rev Janine Arnott to attend a meeting of the Council to discuss various concerns. It is hoped that she will be able to attend the November meeting.</p> <p>136.2 <u>Grounds Maintenance:-</u> The Church Warden at St Oswalds has written to the Council regarding who is responsible for the payment of the ground maintenance at St Oswalds. The Clerk has contacted CHALC for advice regarding the matter. CHALC has advised that the Council will need to write to the PCC (Parochial Church Council) asking them if the churchyard is closed and whether they have written to the Council asking them to take on its maintenance or not. The maintenance is the responsibility of the PCC unless the PCC has previously written to the Council and the Council has accepted the responsibility in writing. Based on the advice received from CHALC, the Clerk has replied to the Church Warden at St Oswalds to advise of the above.</p>
137.	<p>THE CROSS</p> <p>The Clerk has written to Historic England regarding the work for the lightning conductor. They have asked several questions which have been forwarded to the contractor for a response. The contractor has replied and the responses have been sent to Historic England. Historic England has replied to confirm that the work will not need Scheduled Monument Consent, so the Council is free to go ahead with the works. Cloud to Ground Ltd is to confirm the quote is still valid.</p>
138.	<p>EVENTS COMMITTEE</p> <p>Cllr Lightning is to finalise and then circulate the finances for the village fair.</p>

139.	REMEMBRANCE SUNDAY Update:- <ul style="list-style-type: none">- Road Closure:- Arrangements have been made to Core Highways to enable the road closure for the parade to take place.- Event Application:- The form has been submitted to CWaC.- Insurance:- Zurich insurance have confirmed that the Council's Public Liability Insurance will cover the event.- Risk Assessment:- This has been updated; Ward Cllr Williams has advised that the Air Cadets are to lead the event.											
140.	CHRISTMAS Updates:- <ul style="list-style-type: none">- <u>Christmas Lights:-</u> Barlows is yet to confirm the cost to erect and take down the Christmas Street lighting – the Council is due to consider and agree payment. The Council 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- <u>Other actions for the Christmas event:-</u> Risk Assessment, Event Plan and Site Plan have all been prepared. Medical assistance - quote due from North West Medical Solutions. Insurance Cover – Zurich Insurance have confirmed that the Council's Public Liability Insurance will cover the event. Highways closure – Ward Cllr Williams is liaising with Core Highways; the Clerk has applied to the Members Budget for £895.00 to pay for the road closure. Temporary Events Licence – the Clerk has submitted the application to CWaC. Alcohol Licence - the Clerk has submitted the application. Grotto Gifts – purchased 250 selection boxes (to be paid from the donation made by the Co-op). Grotto mascots – order placed for 4 penguin costumes.- <u>Christmas Trees:-</u> Quote due from Walkers Nurseries for the small Christmas trees. Cllr Williams is to make enquiries with Edge for a quote.											
141.	DATES FOR 2025 MEETING The Council agreed to the following dates for meetings in 2025 (including proposed change of scheduled date for the January 2025 meeting):- Thursday 23 rd January Thursday 27 th February Thursday 27 th March Thursday 24 th April Thursday 29 th May Thursday 26 th June Thursday 31 st July Thursday 28 th August Thursday 25 th September Thursday 30 th October Thursday 27 th November											
142.	CHALC ANNUAL MEETING The CHALC Annual Meeting is on Wednesday 17 th October; the Clerk is hoping to attend.											
143.	CLERK'S REPORT <table><tr><th>No.</th><th>Item</th><th>Update</th></tr><tr><td>143.1</td><td>Bus Shelter Old Hall Street</td><td>No update; Clerk to follow up October.</td></tr><tr><td>143.2</td><td>Chester Road Footpath</td><td>No update; Clerk to follow up October.</td></tr></table>			No.	Item	Update	143.1	Bus Shelter Old Hall Street	No update; Clerk to follow up October.	143.2	Chester Road Footpath	No update; Clerk to follow up October.
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	143.3	VAS Old Hall Street	No update; Clerk to follow up October.
	143.4	30 mph speed limit to be implemented up to Chorlton Villas, Whitchurch Road, Malpas	No update; Clerk to follow up October.
	143.5	The Mossland: Risk Assessment and Hedging at entrance	Work in progress.
	143.6	Fisher German	Chased up response from letter that was sent to Fisher German and CWAC to request withdrawal of inaccurate report.
	143.7	CIL	The CIL report has been completed and returned to CWaC. A copy of the CIL report has been posted on the website. The Council is to note the following:- <i>"Please note that any CIL monies that your parish/town Council receive should be spent within 5 years of receipt. From looking at our records and CIL reports you have returned, Malpas Parish Council received some CIL money in 2019 which has not been recorded as spent. The sum of £11,278.75 has been held by the parish since April 2019 and we would advise that this money must be spent within the next 12 months to avoid recovery by the Council under CIL regulation 59E. A further amount of £11,278.75 has been held by the parish since October 2019 and we would advise that this money must be spent by October 2025 to avoid recovery by the Council"</i>
	143.8	TRO	Email sent to CWaC to advise that the Council supports the TRO to permit vehicles to only proceed on the following length of road in the direction specified: Oldcastle Lane (Sunnyside to Dog Lane) - north-west to south-east.
	143.9	Speed Gun	Ongoing to retrieve from CW.
	143.10	Bench	CWaC advised that the s106 monies could not be used for a bench at the bus shelter; a further email has been sent to dispute the decision and to request that CWaC reconsider that the section 106 sum of £1,000.00 is used towards providing adequate seating at the bus stop that is located outside the Jubilee Hall in Malpas based on a list of reasons.
	143.11	PCC	Ongoing to make arrangements for meeting.
143	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX List previously circulated to Cllrs.		
144.	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES There were no updates.		
145.	Part 2 PRESS AND PUBLIC Resolved:- To resolve to exclude the press and members of the public as the items to be discussed relate to contractual matters which are of a sensitive nature. Proposed by Cllr Williams and seconded by Cllr Meredith.		

The meeting closed at 8.44 p.m.

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

