

**MINUTES OF MALPAS PARISH COUNCIL MEETING
HELD ON THURSDAY 24TH APRIL 2025
IN MALPAS COMMUNITY CHURCH, MALPAS AT 7.00PM**

	<p>PRESENT Cllrs Tina Barnett, Tony Dickenson, Charles Higgle, Julie James Collins, Alan Kirkbride, Karen Meredith, Alan Moore, Oryan Lightning, Dave Parry, Kirsty Parry, Susie Powell, Martin Shackleton, Michael Williams (Chairman) and honourary member Nancy. The Clerk. Three members of the public attended part of the meeting.</p>															
303.	<p>APOLOGIES Ward Cllr Rachel Williams.</p>															
304.	<p>DECLARATION OF INTERESTS Cllr Higgle declared a non-pecuniary interest in item 311 of the minutes as he is a member of Malpas Backgammon Club.</p>															
305.	<p>APPROVAL OF THE MINUTES <u>Minutes of the Parish Council Meeting on 27th March 2025:-</u> Resolved:- The Council approved the minutes of the Parish Council Business Meeting held on 27th March 2025 as a true and proper record. Proposed by Cllr Shackleton and seconded by Cllr Higgle.</p>															
306.	<p>OPEN FORUM</p> <ul style="list-style-type: none">• There was a presentation made by Tilston Parish Council in respect of their grant application for funding towards a car park at Tilston Memorial Hall.• Clare Cawthorn spoke to the meeting about an initiative to recycle blister packs. The Council agreed to consider this formally at the May meeting.															
307.	<p>CASUAL VACANCY CWaC is due to send the new Notice of Election.</p>															
308.	<p>POLICE REPORT A joint quarterly meetings with the police and representatives of all the parish councils and parish meetings in Malpas is due to be held on 29th April 2025. <i>Residents are urged to report all incidents of anti-social or criminal behaviour by calling 101.</i></p>															
309.	<p>VENUE FOR MEETINGS The Community Church is due to be sold therefore the Council needs to seek an alternative venue for future meetings. The Jubilee Hall has confirmed that room 3 at the Jubilee Hall is available on the last Thursday of each month (except December). Resolved:- The Council agreed to hold future parish council meetings at the Jubilee Hall. Proposed by Cllr K Parry and seconded by Cllr Meredith.</p>															
310.	<p>ACCOUNTS 310.1 <u>To approve the following payments:-</u> The Council agreed to make the following online payments:-</p> <table><tr><th>Payee</th><th>Stat Power</th><th>Amount</th></tr><tr><td>Parish Council payments</td><td></td><td></td></tr><tr><td>Running Costs</td><td>s.111</td><td>£ 91.73</td></tr><tr><td>HMRC - PAYE mth 1</td><td>lga 112-119</td><td>Tbc</td></tr><tr><td>Malpas Community Church (April meeting)</td><td>s.111</td><td>£ 32.00</td></tr></table>	Payee	Stat Power	Amount	Parish Council payments			Running Costs	s.111	£ 91.73	HMRC - PAYE mth 1	lga 112-119	Tbc	Malpas Community Church (April meeting)	s.111	£ 32.00
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	Then Media	s.111	£ 24.00
	Victoria Jubilee Hall - room hire (police cluster meeting 28/04/25)	s.111	£ 28.00
	My Local Solicitor Legal Fees		£ 396.00
	Linenhall Chambers - legal fees		£ 360.00
	CHALC (annual subs)	s.111	£ 750.75
	YOU media	s.111	£1,071.51
	The Mossland		
	Reimburse H Enstone costs to install gate at allotment site		£ 90.19
	<p>The Clerk's salary was paid by standing order.</p> <p>Resolved:- The Council agreed to the above payments.</p> <p>Proposed by Cllr Higgle and seconded by Cllr Lightning.</p> <p>310.2 <u>Receipts Received as at 31st March 2025:-</u> Parish Council account:- Christmas Trees:- £110.00 CIL:- £18,425.54 Mosslands account:- Reeves Rental - £1,100.00</p> <p>310.3 <u>Accounts and Bank Reconciliation:-</u> The summary of Receipts and Payments was previously circulated. The reconciled balance in the current bank account as at 31st March 2025 was £289,286.28 The funds are allocated as follows:- Parish Council - £34,936.80 New Homes Bonus - £23,265.78 Community Infrastructure Levy (CIL):- £231,179.48 Allotment Maintenance funds (ring fenced in accounts):- £87.83 Neighbourhood Plan:- (£284.28) Christmas Tree (to be reimbursed) – (£124.28) CCTV donations (to be reimbursed) – (£200.05) Members Budget (balance after paid for road closure) - £125.00 Allotments (to be transferred to The Mossland a/c a/c) - £300.00</p> <p>310.4 <u>Bank Account:-</u> The forms to set up new 35 day notice savings account with Nat West have been returned. The Clerk has spoken with Nat West to go through the details. PC need to decide how much transfer to the 35 day notice savings account. Resolved:- The Council agreed to transfer 80% of the current bank balance to the newly opened Nat West savings account. Proposed by Cllr Moore and seconded by Cllr Dickenson.</p>		
311.	<p>GRANT PROCESS</p> <p>Cllrs noted the following grant applications previously circulated for the 2025 – 2026 financial year. Cllrs agreed that they did not require any further information in respect of the grant applications.</p> <p>Cllrs agreed to the following process when deciding how to allocate the grants at the May meeting:-</p> <ul style="list-style-type: none"> - Councillors are to go through the list of all the grant applications that have been received and decide whether or not the Council wish to allocate a grant. - After this, Councillors will then go through the list of grant applications that they wish to award a grant to and decide on the grant amount that is to be awarded. 		

	Applicant	Project	Amount Requested
	Malpas Backgammon Club	Membership Generation	£ 500.00
	Malpas Darts Group	Purchase equipment	£ 650.00
	1st Sandstone Scouts Group	Bickerton Scout Hut - Kitchen Regeneration	£ 500.00
	Young Persons Centre	Malpas Young Persons Project	£ 1,500.00
	Tilston Parish Council	Tilston War Memorial Hall Community Car Park	£ 5,000.00
	Tilston Playing Field Association	Renew three field entrance gates	£ 1,800.00
	Opal Services (Rural West Cheshire)	GO Online in Malpas	£ 1,476.65
	617 (Heber) Royal Air Force Air Cadets	Digital Footprint	£ 1,500.00
	1st Malpas Scout Group	Scout Group Fundraising Equipment Project	£ 500.00
	Malpas Community Minibus Association	Reducing social isolation	£ 1,775.00
	Friday Friends Club	Support for Community Group	£ 200.00
	TOTAL		£15,401.65
312.	BUSINESS PRIORITIES AND PROJECTS - WORK PLAN 2025 / 2026 Cllrs are working on current projects. Cllr K Parry suggested ways that the Council could recognise charity work carried out by residents of the parish including two residents who have celebrated their 100 th birthday.		
313.	PLANNING 313.1 <u>Planning Applications:-</u> 313.1.1 25/01064/LBC - Installation of an Electric Vehicle Charger to side elevation at The Nest Old Hall Street Malpas Observations:- The Council made the following observations:- Background Factors: Within settlement boundary; Conservation area; Listed Building Relevant Malpas and Overton Neighbourhood Plan Policies: BE4 Relevant Local Plan Part 2 Policies: DM3, DM46-48 Potential benefits to the community: None identified Potential impact on neighbours: Non identified Potential impact on wider community: Non identified 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 anyway the setting of The Nest, other listed buildings in the area, and the Conservation Area Resolved:- The Council approved and agreed to submit the above planning observations. Proposed by Cllr Higgie and seconded by Cllr Lightning. 313.2 <u>To consider any applications received after the agenda has been distributed:-</u> None have been received.		

	<p>313.3 <u>Recent decisions by CW&C:-</u> Approved:- 24/03112/FUL - Tentree House Old Hall Court Malpas 24/03179/FUL - flat 2A The Cottage High Street Malpas</p> <p>313.4 <u>Fisher German:-</u> The Council agreed for Cllr Kirkbride to write to CWaC Spatial Planning Dept with the request that they remove the Fisher German report from their Local Plan portal due to the inaccurate and misreading representations in the report.</p>
314.	<p>NEIGHBOURHOOD PLAN STEERING GROUP (NPSG) The first public consultation for the amended Neighbourhood Plan took place on Saturday 19th April 2025 at the Jubilee Hall with over 50 people attending. The second public consultation is on Saturday 3rd May at the Jubilee Hall; Cllrs are invited to attend.</p>
315.	<p>MONTHLY SURGERY The following issues were raised at the March surgery:- - Bus Service:- Request made for an hourly service. - Speed Gun:- Request for it to be used on Old Hall Street. - Neighbourhood Plan Travel Survey:- Request made for a better service in the area. - The Cedars - VAS:- Request for installation as soon as possible. - Speed Limit Reduction on Old Hall Street to Agden:- Update provided. - Church Street / Wrexham Road:- Request for 20mph to be chased for implementation. - Speedwatch volunteer.</p>
316.	<p>THE MOSSLAND Work in progress regarding adapting the template / model constitution (governing documents) as per the link that was sent by the Charity Commission. The Council agreed for a visit to the allotment site on Saturday 17th May at 10.00 am.</p>
317.	<p>HIGHWAYS (INCL SLOW DOWN FOR MALPAS / SPEEDWATCH) Cllr D Parry updated the meeting about Speedwatch. Further training for new volunteers is due to take place. A letter has been sent to the headteacher of the Bishop Heber High School to request a meeting regarding parking outside the school.</p>
318.	<p>MALPAS JOINT BURIAL COMMITTEE (MJBC)</p> <p>318.1 <u>Insurance:-</u> Zurich (The Council's insurance provider) has responded to the enquiry about have a combined quote for insurance to include both Malpas Joint Burial Committee and Malpas Parish Council. They advised that it is not possible to add MJBC to MPC's insurance policy due to the joint committee status. <i>"You have stated that Malpas Joint Burial Committee is not a separate legal entity but have also stated it is made up of 4 separate entities with split annual accounts. This is contradictory information, and it may be in your best interest to seek legal advice to fully understand where liability falls. We would only be able to include Malpas Joint Burial Committee within your policy if all liability, assets, accounts, and decision making was directly under the sole control of Malpas Parish Council."</i></p> <p>318.2 <u>Payroll:-</u> The Accounts Centre have been instructed to do the payroll for the Clerk of MJBC (and for MPC).</p> <p>318.3 <u>Green Waste Bins:-</u> A request for two green waste bins for community use so as residents can put the rubbish from community cleaning in the village has been sent to CWaC and are due to be delivered.</p>

318.4 Accounts Reporting:-

CHALC has advised the following:-

“That “each council must account for their portion of the income, expenditure, assets and liabilities of the joint committee”. Accounts (but not an AGAR) must be prepared for the joint committee, so that the income and costs can be apportioned between the member councils.

MJBC is not required to submit accounts for audit, but if Malpas and the other councils have not been accounting for these costs correctly, they should all restate their 2023/24 accounts in the 2024/25 AGAR, with an explanation to the external auditor. If any council has not had its 2023/24 accounts signed off, it should inform that the accounts are wrong, if they do not account for its share of the JBC. Where past years accounts have been audited, there is no process for amending them and getting them re-audited.

Para 5.139 of the guidance explains that “Joint arrangements are not bodies corporate and may not own assets, hold bank accounts in their own name, have employees or enter into any form of contract”.

As you seem to be aware, parish councils are not allowed to borrow money without the consent of the Secretary of State (Schedule 1 of the Local Government Act 2003) and any borrowing can only be agreed by the full council, not a committee. The borrowing appears to be ultra vires, the councils are acting unlawfully and should take legal advice as soon as possible.

The accounting records of the council must identify its liabilities, in accordance with the Accounts & Audit Regulations 2015. The lender may not want the public to know who lent the money, but it is completely unreasonable to expect the councils not to know who they are borrowing from, or who they owe money to.

If the JBC has spent £50,000 or more improving a domestic property for rent, the JBC and the council shouldn't assume that they are entitled to reclaim VAT on the expenditure. Property rental is a VAT-exempt business activity and the right to reclaim VAT is limited.

The council(s) might also want to consider ensuring that their representatives on the JBC are properly briefed, exercise proper scrutiny and report back to the council on the activities the JBC carries out on its behalf.”

With regards to the above, please note the following:-

- Reporting of MJBC accounts:- *the income and costs can be apportioned between the member councils.* The Clerk has contacted the Clerk of MJBC to enquire whether there is a formation document which details the percentage of income and costs that are apportioned between the Parish Councils and Parish Meetings. She is due to advise.
- In the event there is no Formation Document then one will have to be prepared and formally approved by each Parish Council and Parish Meeting represented on MJBC. There is no specific way to apportion or allocate costs or income. As an example, it could be based on the number of burials each year, depending on where the deceased was from, or it could be based on residents or electors or households or dwellings, or an agreed percentage. If one body has no income and expenditure to account for, it may be possible for the other bodies to agree that they account for the costs between them.

This will have to done as a matter of urgency as the Annual Governance and Annual Return (AGAR) has to be submitted to the external auditors, PKF Littlejohn by 1st July 2025 (the AGAR has to be formally approved by the Council and the internal audit carried out before this date).

- MJBC accounts from previous years:- *Where past years accounts have been audited, there is no process for amending them and getting them re-audited.*

	<ul style="list-style-type: none"> - Bank account:– this requires attention. - Reclaiming VAT by MJBC:- The Clerk is looking into this as it appears that Malpas Joint Burial Board has previously submitted a claim to HMRC to reclaim VAT. The Council suggested that the allocation of income and costs be allocated between the precepted Councils (i.e. Malpas Parish Council and No Mans Heath and District Parish Council) as the parish meetings do not have a precept. Cllr D Parry is to discuss this with MJBC. <p>318.5 <u>Maintenance:-</u> Cllr D Parry updated the meeting about work to tidy up the cemetery and that there is another tree which requires attention.</p>
319.	<p>APPEARANCE OF MALPAS</p> <p>319.1 <u>Planters:-</u></p> <ul style="list-style-type: none"> - An order has been placed with Walkers Nurseries to refill all seven planters and to repair the planter that is located outside the post office at a cost of £95.00 plus VAT. - Order has been placed with Simon Collins to reclad four planters. <p>319.2 <u>Hanging Baskets:-</u> No update.</p>
320.	<p>BT RED PHONE BOX, CHURCH STREET</p> <p>An email has been sent to BT to confirm that Malpas Parish Council wish to add their interest to adopt the Kiosk located at Lloyds Bank Ltd Church Street Malpas, SY14 8NX to their internal database BT has replied to confirm that they have logged the Council's interest and to advise that the Council also needs to let CWaC that they wish to adopt this kiosk Further emails have been sent to CWaC to advise of the request.</p>
321.	<p>CCTV EXTENSION</p> <p>Cllr Lightning is in the process of obtaining quotes.</p>
322.	<p>CLAYHOLE CROFT</p> <p>The Council are to continue with the drainage works, scraping surface and supressing the weeds as previously agreed.</p>
323.	<p>EVENTS COMMITTEE</p> <p>323.1 <u>Christmas Event:-</u> Work in progress to obtain samples of Christmas Tree lights.</p> <p>323.2 <u>Summer Fair 2026:-</u> Cllr Lightning is exploring the insurance options for a Soap Box Derby when the Summer Fair takes place in 2026.</p>
324.	<p>MALPAS QR HISTORY TOUR</p> <p>Cllr Lightning is working on the Malpas QR History Tour.</p>
325.	<p>COMMUNITY WEBSITE</p> <p>Then Media has advised that the Malpas Cheshire site received 19,101 sessions between 1st April 2024 and 31st March 2025 (a session starts when a user engages with your website and no session is currently active; a session ends after 30 minutes of user inactivity.) Unfortunately, it appears as though a glitch has occurred on the Malpas Parish Council site which has prevented statistics from being collected. This has now been resolved. Resolved:- The Council agreed to remove all admins who are not on the Council and to appoint Cllrs Lightning, Moore, K Parry and James Collins to act as admin for the website. Proposed by Cllr Barnett and seconded by Cllr Williams.</p>
326.	<p>ST OSWALDS CHURCH</p> <p>The Clerk has written to Rev Arnott to request a meeting with Cllrs D Parry and Higgle to discuss various concerns; she has declined.</p>

327.	CLERK'S REPORT		
	No.	Item	Update
	327.1	Bus Stop Old Hall Street	Line markings are due to be done in April.
	327.2	VAS Old Hall Street	Update from CWaC 11/04/25:- Due to be installed early this financial year.
	327.3	Allotments Association (AA)	AA to advise regarding:- - Amendments to constitution - Locked gate at site Work in progress to obtain quotes to re-surface the car park
	327.4	PAYE Arrangements	Instructed The Accounts Centre to carry out the monthly payroll.
	327.5	Police Cluster Meeting	The Jubilee Hall has been booked for the Cluster meeting on 29/04/25. Invites have been sent to:- NMHD Parish Council; Threapwood Parish Council; Agden Parish Meeting; Tushingham Bradley Macefen Parish Meeting; Ward Cllr Rachel Williams
	327.6	Annual Parish Meeting	Invites have been sent to the organisations that the Council made grants to in 2024:- - Malpas Alport Endowed Primary School - Malpas Backgammon Club - Malpas Community Minibus Association - Malpas Opal Club - Malpas Young Persons Project - Victoria Jubilee Hall
328.	EXTERNAL CORRESPONDENCE INCLUDING SUGGESTION BOX List previously circulated to Cllrs.		
329.	UPDATES FROM OUTSIDE ORGANISATION REPRESENTATIVES There was no consideration of this item.		
330.	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 Shackleton seconded by Cllr Meredith.		

The meeting closed at 8.55 p.m.

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