

CLEOBURY MORTIMER PARISH COUNCIL

Minutes of the MEETING of the CLEOBURY MORTIMER PARISH COUNCIL held at the Market Hall on Monday 4th April 2011 at 6.00 p.m.

PRESENT: Cllr K Reynolds, Cllr M Reiner, Cllr G Hainsworth, Cllr S Thorogood, Cllr D Brown, Cllr G Butler, Cllr J Griffiths, Cllr B Davies.

Clerk: Mr M Sheehan

C.M.P.C. Solicitor Mr Justin Parker. MFG Solicitors.

Public: About 20 parishioners present

Cllr K Reynolds welcomed everyone to the Parish Council meeting and started proceedings

04 (2011)

ORDER OF BUSINESS

04.0 Apologies for absence

Cllr K Woodfield sent e-mail, work commitments.

At this point Cllr G Butler proposed that Standing Orders be suspended to allow an open public discussion about the proposed new Medical Centre. This was seconded by Cllr G Hainsworth. Voted all in favour **RESOLVED.**

Mr Justin Parker started the discussion by explain the position so far.

He said that as it stands the parcel of land was transferred with a unilateral undertaking in 2008, which was a legally binding document. He then explained that rather than pay a substantial amount in tax to go towards highways and public funding possibly £100,000 to £120,000, they applied a section 106 agreement to gift a parcel of land so it was not free but at a cost to you the tax payer.

So it was not a gift but a transaction.

Next the Parish Council entered into a discussion with Muller about the land and on 4th August 2010 the Parish council acquired the land and while on going entered into discussion with Matrix and Bovis, who have similar standing in law as private companies to acquire for commercial gain.

Despite the intervention of Shropshire council in 2010 we still did not own the land when Matrix withdrew their offer in July 2010.

Since owning the land there has only one offer made to the Parish Council which is not from Matrix and has not been accepted.

Mr Parker quoted Section 123 of the Local Government Act which had simple legislation up until 2006 to follow about Community Gain and he read out some examples.

He said that we still needed an offer from Matrix so we can get on with it.

Mr Parker explained how a value was to be achieved.

The District Valuer is an officer of government for taxation to prevent public bodies entering into improper deals and works only for Public bodies like the PCT (Primary Care Trust) to make sure that a maximum figure is set out therefore the rent set is limited as to what the Doctors can pay and they have clear instructions to tell the truth.

But Matrix is a private company.

Dr Powick then questioned the date that the letter to Matrix was sent.

Mr Parker said that he posted the letter himself.

Dr Powick then referred to a letter sent to Matrix and the 7 day offer also that there was an expression of interest from Speller Metcalf, but wanted it known that Matrix is the Doctors preferred developer and the Muller site is the preferred site and is big enough for the Medical Centre.

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Dr Powick said that she agrees that the doctors cannot pay more than what they say but if Matrix will only pay that amount due to the current political climate then it may be smaller.

Mr McCrorie then said that Mr Parker should have sent the letter recorded.

The Clerk said that he had to answer that point of the letter. The Parish Council only meets once a month to make decisions and as soon as Matrix had sent a letter an extraordinary meeting was called as it would have been too long to wait. Also only the council as a whole can make decisions so a meeting with the solicitor was held on the 23rd and within one day a letter was produced and agreed to be sent out.

He said that as soon as he was informed from Matrix that a letter was not received he had another sent out that day and also sent a copy via e-mail as to Matrix request. So the Parish Council are working very hard to get on with things.

Mrs Jenny McCrorie said that she was Chair of the patient's voice and voiced concern that another developer had expressed an interest.

Mr Parker said that it was a duty of the Parish Council to consider any offer that was received.

Mrs McCrorie said that Matrix had already said the Muller land was the preferred site.

Dr Powick said that the original agreement was straight forward but if the Council refers for Bovis to buy Muller site and use Jag site. It is not Bovis decision it is the Parish Councils.

There was a brief discussion on a Tri party agreement and a land swap deal.

A parishioner then said that we need to get back to what the Parish Council is for, to serve the people of Cleobury Mortimer and Neen Savage. We need doctors and facilities and we need proper services.

Another parishioner said that is it the end of April the deadline that we may lose it but it is public money and public concern.

Mrs McCrorie said that Ben is discussing with Liz Walsh and someone else from the PCT and sent an e-mail to say that would only consider what District Valuer said.

Mr Parker said that that would be a commercial decision following the government criteria; the District valuer sets the rent value.

Cllr G Butler said that the Jag site is only for employment use and has a covenant that if used for anything else like housing then Shropshire Council would have a claw back of money.

Mr Parker said that his instructions to date are that the Parish Council does not prefer the Jag site.

A parishioner asked if the Parish Council receives offers, can it take the highest offer.

Mr Parker said that it must justify it promotes well-being in the offer.

Mr Sewell said that Doctor Powick said that she trusts the Matrix Group so there should have been more liaisons with the medical Centre in the beginning.

Cllr M Shingleton said that at present the Parish Council owns the land sold for £1.00 and is Industrial Land but what has the Bovis Land have.

Mr Parker said that there is no condition on Muller Land and the acquisition land is scheduled for Industrial use, no planning consent applied for so only Industrial.

Cllr M Shingleton asked who is making an offer and what do they want the land for.

Mr Parker said that he is not aware of any offer.

Cllr M Shingleton said that someone will make a lot of profit somewhere.

Mr Parker said any offer will be on the basis of open market value.

Mr Dimond said that the Parish Council are committed to the 28th April.

Mr Parker said that was the date to make the land available and has but the Parish Council, as yet still does not have an offer it can accept

Cllr Butler said that we are committed to provide a site for the Medical Centre and we will have the site.

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The Clerk explained that the Parish Council only meet once every month and as soon as we receive any information it has been acted on straight away. We could have waited until next month to discuss things but the Parish councillors met within 24 hours of a letter from Matrix and had met with the Solicitor and replied within 48 hours, so the Parish Councillors are working hard to sort out the Medical Centre.

Dr Powick asked that if Matrix made an offer what happens next, do they go to Bovis?

Mr Parker If it was put in it is then the choice of the Parish Council and may proceed with one purchaser and can either accept or reject it.

First question is preferred site, but still no offer yet from Matrix for preferred site.

Cllr K Reynolds said that the Parish Council would meet as soon as possible when an offer is received, but the Parish Council is whole heartily acting within the law and to obtain best value.

Cllr M Shingleton said that best value could be social gain.

Mr Parker said that we couldn't pre judge the position before receiving an offer.

A gentleman then asked if it had been considered to lease the land.

Mr Parker said that his personal view is the lease option because you control the site and can prevent the land being used for anything else than a medical centre, this way the Parish Council has a degree of control.

Dr Powick said that a covenant could be used.

Mr Parker said that a covenant is less effective than a lease.

Cllr K Reynolds said that we are doing all we can working within the law.

After a few more minutes of discussion Cllr G Butler proposed to reinstate the Standing Orders, which was seconded by Cllr M Reiner. Voted all in favour. **RESOLVED.**

04.1 Declaration of Interests

Cllr B Davies item 04.7.9 Personal

Cllr G Hainsworth item 04.7.11 Personal

Cllr S Thorogood item 04.7.4 Personal

Cllr M Reiner item 04.7.12 Personal

Cllr K Reynolds item 04.6 Personal

04.2 To adopt the minutes of the Meetings held on the 2nd March 2011 & 7th February 2011

For the 2nd March 2011 minutes Cllr B Davies proposed to adopt the minutes as correct, which was seconded by Cllr M Reiner. Voted 5 for and 3 Abstained. **RESOLVED**

For the 7th February 2011 minutes **Cllr G Hainsworth** proposed to adopt the minutes as correct, Seconded by Cllr B Davies Voted 7 in favour 1 Abstained. **RESOLVED.**

04.3 Matters Arising From the Minutes

No matters arising.

04.4 Councillor's report and Items for future Agenda

Cllr J Griffiths said that the trees at the bottom of the Hurst look out of place with the good job done on the others and it is difficult to see when pulling out.

The Clerk said that he would look into what action could be taken.

Cllr M Reiner said that there were pot holes by Ronhill Crescent.

The Clerk noted for action.

Cllr B Davies said that some of the manholes needed looking at the back of the Talbot.

The Clerk said that he had others to report and would add to list.

Cllr K Reynolds said that the drain cover at the top of the Hurst is a mess.

The Clerk noted to action and agreed he had noticed how bad it was but the person he needed to see about it was away for a few days.

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04.5 Correspondence & Reports

Cllr K Reynolds said that Bovis had been in touch to know if they could put some temporary grass outside their show home.

Cllr G Butler suggested the Clerk ask Mr Parker and inform Cllr K Reynolds.

04.6 Planning Applications

PLANNING REFERENCE: 11/00841/FUL

DEVELOPMENT PROPOSED: Erection of single storey extension with extension to roof pitch to replace existing porch together with installation Of first floor dormer

LOCATION: Wells House, 14 Church Street, Cleobury Mortimer Kidderminster, Shropshire

OS REFERENCE: 367477 – 275809

This item was discussed and Cllr S Thorogood proposed **No Objection** Seconded by Cllr M Reiner Voted 7 for 1 Abstained. **RESOLVED.**

PLANNING REFERENCE: 11/00842/LBC

DEVELOPMENT PROPOSED: Erection of single storey extension with extension to roof pitch to replace existing porch together with installation Of first floor dormer, rooflight, 2 no. windows to north Elevation and internal alterations affecting a Grade II Listed building.

LOCATION: Wells House, 14 Church Street, Cleobury Mortimer Kidderminster, Shropshire

OS REFERENCE: 367477 – 275809

This item was discussed and Cllr S Thorogood proposed **No Objection** Seconded by Cllr M Reiner Voted 7 for 1 Abstained. **RESOLVED.**

PLANNING REFERENCE: 11/01154/FUL

DEVELOPMENT PROPOSED: Erection of a two storey extension to side

LOCATION: 3 Castle Hill, Cleobury Mortimer, Shropshire, DY14 8DA

OS REFERENCE: 367324 – 275859

This item was discussed and a site visit was proposed. Cllrs B Davies, M Reiner, J Griffiths, K Reynolds and G Butler. The Clerk to arrange with owners and notify councillors.

04.7 Financial Matters and Accounts for Payment.

Outstanding payments - Wages, HMRC Tax and NI, ALC & NALC Affiliation Fees, Shropshire Crucial Crew, CM Bus Travel, CM Sports & Social Club, St Mary's Youth Project, ALC Training, Mortimer Solutions, Cemetery Rates, J McGrath, MGF Solicitors

Cllr G Butler proposed this which was seconded by Cllr D Brown. Voted all in favour **RESOLVED.**

04.8 Medical Centre Update (Clerk)

Covered earlier.

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04.9 Bus Shelters Update (Cllr S Thorogood, Cllr D Brown)

Cllr S Thorogood said that after the new shelters were put up, they were inspected and were not happy so called them back to rectify the poor work.

A 75% grant for the cost was obtained so we only have to pay 25%.

Cllr M Reiner proposed it be paid which was seconded by Cllr S Thorogood. Voted all in favour. **RESOLVED.**

04.10 Toilets Update (Cllr K Reynolds)

Cllr K Reynolds explained that after meeting with Steve Brown from Shropshire council it would be better to mothball the old toilets and if agreed, use the Market Hall toilets until the new ones are built and pay the Market Hall £100 a month to help with costs.

Cllr G Butler said that if we were to take over the toilets as they are with the staff we would be liable for all PAYE implications and the Eagle Lane toilets are not DDA compliant so we would have to spend a lot of money to refurbish them.

Cllr S Thorogood asked how long the Market Hall would have to supply temporary toilet facilities.

Cllr G Butler said that if we could get hold of the plans then we could go out to tender in June and sign off the money in August

The Clerk said that all tenders had to be sent to him sealed and would stay sealed until the meeting.

Cllr S Thorogood said that the toilets should only be available while the Clerk was there.

Cllr J Griffiths said that if the CCTV was further on being fitted then we would also have that.

Cllr G Butler said that a decision needed to be made tonight or the toilets will be closed for good.

Cllr G Hainsworth said he was in agreement if open when Clerk in the office.

Cllr D Brown said there is a concern if open when no one is at the Market Hall.

Cllr B Davies said that they could be closed when no one at Market Hall and trial for a month.

Cllr G Butler proposed that the old toilets be mothballed and the toilets at the Market Hall be used when the Clerk is there, seconded by Cllr M Reiner Voted all in favour

RESOLVED.

04.11 Street lighting (Clerk)

Changing over to Shropshire Council from Npower

The Clerk explained that the Parish would save up to £1,000 a year by changing supplier to Shropshire Council and also they would be a lot easier to deal with.

Cllr S Thorogood proposed that the Parish Council change supplier from N Power to Shropshire Council, seconded by Cllr K Reynolds. Voted 6 in Favour, 1 abstained, 1 Declared an interest. **RESOLVED.**

Pilot Scheme

No update to report

Vandalised Streetlight Whitcombs Orchard

The Clerk said that the vandalised light was reported to him on a Saturday morning and immediately called out engineers to make it safe. It has been reported to the police and they were investigating.

It will be replaced in the coming few weeks.

Cllr G Hainsworth said that while talking about the streetlights, there was a need for

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another light near the start of the Tenbury Road because it is very dark, so could it be brought up at a future meeting.

The Clerk said it would be best to identify all places and do in one go at a future meeting.

04.12 Royal Wedding Mugs Update (Cllr K Reynolds)

Cllr K Reynolds said that the mugs have been ordered and will be collected before the wedding.

Cllr B Davies said that it should be advertised and they could hand them out from the Market Hall.

04.13 Sports & Social Club Donation Request (Cllr G Butler)

Cllr G Butler said that we did say that the Social Club could come back to us and they have with a shortfall of £4,804.50 for extra work that had to be done.

Cllr K Reynolds said that they are a charity and have raised over £500,000 for the Air Ambulance.

Cllr G Butler proposed to donate the shortfall of £4,804.50, which was seconded by Cllr M Reiner, voted all in favour **RESOLVED**.

04.14 CCTV Update (Clerk)

Cllr G Butler said that because of the changes in local government it has been delayed but will chase it up.

04.15 Insurance Renewal (Clerk)

The Clerk said that he had looked into the Parish Council Insurance and we were not getting the best deal. He had obtained three quotes from Aon who we are currently with, Zurich Ins and Came & Company who specialise in Parish Councils.

The Clerk said that there are a lot of things to sort out which needs to be done quickly and the best option would be a Sub Committee with the power to meet and make those decisions.

Cllr G Butler proposed that a Sub Committee consisting of Cllr G Butler, Cllr M Reiner, Cllr B Davies and Cllr G Hainsworth be set up and meet with the Parish Clerk, with the powers to make the decision on behalf of the Parish Council. This was seconded by Cllr D Brown. Voted all in favour **RESOLVED**.

04.16 Lime Trees Update (Cllr S Thorogood)

Cllr S Thorogood said that they had been done for another year by Shropshire Council, who owns the trees, which meant that even though we had agreed to pay to have them done, it was not necessary now. Flo Hadley from the Horticultural Society had been sorting it out with him.

04.17 Website Update (Cllr D Brown)

Cllr D Brown said that she has been working on the site, putting notices on the Notice Board and the Clerk has got a couple of flash drives to use for transferring documents to her to update the site.

04.18 Parish Hall Caretaker (Clerk)

The Clerk said this item was put on the Agenda as requested by the Parish Council at the last meeting the Parish Hall was after help to fund a caretaker.

Cllr B Davies said that if we paid for a caretaker we would have to put the Precept up.

Cllr S Thorogood said that perhaps if in the future we were to employ someone and provide that person for a few hours a week to the Parish Hall. Perhaps when we have new toilets and have to employ a cleaner we can look at it again.

04.19 PAYE (Clerk)

The Clerk said that with all the work required and the changes coming through with PAYE keeping up to date was getting difficult and while his wife helps with a lot of the work we should let Shropshire Council take over for the cost of £380 a year, which was well worth

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it. Also it would save on cheques having to be sorted and basic wages can be paid on time straight into the bank.

Cllr G Butler proposed that Cleobury Mortimer Parish Council employ Shropshire Council to do all its PAYE, Seconded by Cllr B Davies, Voted all in favour **RESOLVED.**

04.20 Street Cleaner Award (Clerk)

The Clerk said that as we won the Cleanest Town in Britain Award, it was down to the street cleaner Mr Mick Hendy and we should perhaps consider showing our appreciation by giving him an award.

After a brief discussion Cllr B Davies proposed that the parish council provide a glass trophy to the value of £50 and also £50 of high street vouchers, seconded by Cllr S Thorogood, voted all in favour **RESOLVED.**

04.21 Review of Regulations to be adopted (Clerk)

Financial Regulations
Publication Scheme
Standing Orders

The Clerk said that for the internal audit we need a subcommittee to look at all these three items that were out of date or never adopted and needed urgent action.

Cllr G Butler proposed that the subcommittee for the Insurance could also do this, consisting of Cllr G Butler, Cllr M Reiner, Cllr B Davies and Cllr G Hainsworth is set up and meet with the Parish Clerk, with the powers to make the decision on behalf of the Parish Council. This was seconded by Cllr D Brown. Voted all in favour **RESOLVED.**

04.22 Cemetery Path Update (Cllr M Reiner, Clerk)

Cllr M Reiner declared an interest in one of the quotes.

The Clerk read out the two quotes and the third quote had been requested twice and he still had not received it.

One quote from a local firm was the highest but also the path quoted for was shorter.

The Clerk also pointed out that the lower quote would be 50mm deeper with more hard core put down so better value.

Cllr S Thorogood proposed that we give the local firm a chance to lower their quote, but if they would not we go with the other quote to be done as soon as possible. This was seconded by Cllr G Hainsworth, voted all in favour, **RESOLVED.**

04.23 Internal Audit (Clerk)

The Clerk said that the Audit had to be completed and agreed by the end of June, which is why the subcommittee was important to sort out some parts of a long list the Internal Auditor had requested. This makes it better for us as a Council because we are reviewing a lot of items.

04.24 Skips Update (Cllr K Reynolds)

Cllr K Reynolds said that we still need to supply a skip and we could look at putting it on the Muller land.

Cllr G Butler said that we would need to check our insurance for public liability and we are not sure if our Insurance covers the land.

Cllr B Davies said that it would only be for four hours.

Cllr K Reynolds said that we could give it a go and propose once a month.

Cllr G Butler suggested that he talk to Shropshire Council first as they do bulk collections for houses. He will check into it and report back.

04.25 Big Belly Compactor (Cllr S Thorogood)

Cllr S Thorogood said that the bin which compacts the rubbish up to 75% was shown to him and Cllr B Davies at the Clean Britain awards, and he read out the details from the

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brochure. He said we could have one at £60 a month and could get one on a promotional trial.

Cllr B Davies said it was very good and would reduce the need to empty it so often.

The Clerk said that the ideal place would be outside the chip shop.

Cllr S Thorogood proposed a trial for six months outside the chip shop at a cost of £60 per month plus VAT. Seconded by Cllr B Davies, voted all in favour **RESOLVED.**

04.26 Parish Council AGM Meeting date (Clerk)

The Clerk explained the date needed setting for the AGM and according to Standing Orders it has to be the first or second Wednesday in May.

After a brief discussion Cllr K Reynolds proposed Wednesday 11th May, seconded by Cllr D Brown voted all in favour **RESOLVED.**

04.27 Marquee request (Cllr G Butler)

Cllr G Butler said that he has had a request from Cleobury Country for a donation towards the cost of a new marquee. They have been to the LJC and secured £1,500 but the total cost is £2,100 and are asking for £550 grant.

Cllr G Hainsworth said that when rented out for local community there should be a discount. This was agreed by other councillors.

Cllr G Butler proposed the grant of £550, seconded by Cllr G Hainsworth voted 4 in favour, 3 against, 1 abstained. **RESOLVED.**

04.28 Parking Review (Cllr G Butler)

Cllr G Butler said that there was a meeting arranged in the main street on Thursday 21st April at 10am by the crossing with Glyn Shaw from Highways to talk over the parking issues with Cleobury Mortimer. If anyone wanted to attend.

The Clerk and Cllr S Thorogood said they would attend.

Cllr B Davies made her apologies and left at 8.45pm.

At this point Cllr G Butler proposed to exclude the public and press for the following items, seconded by Cllr S Thorogood voted all in favour **RESOLVED.**

Under section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12a of the Act by virtue of the paragraph specified against the item.

04.29 Employee Overtime / Holliday Relief Schedule 12A Part 1 (1)

04.30 Letter Received Housing (Personal) Schedule 12A Part 1 (1&2)

MEETING CLOSED AT 9.15pm

SIGNED (CHAIRMAN) DATE