

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

PRESENT

Councillors: J Butler, A Fay, D Boulton, B Taylor, M Crumpton, G Jancey, S Blackmore, C Nicholls, A Gibbs
Officer: F Thornton

1804. Council to consider change of charity status of Manor Hall – charitable incorporated organisation (CIO) – Mr Dick Whittington, West of England Rural Network to attend

Prior to the meeting information titled 'when to change charity structure' and a checklist from the charity commission was circulated to councillors.

Mr D Whittington addressed Council:-

Background

ACRE (Action with Communities in Rural England) is the main national supporter and advocate of village halls, and provides a comprehensive library of advice on matters concerning their management and operation. WERN (West of England Rural Network) works with rural communities across the former Avon area and is one of 38 'Rural Community Councils' across England; all are Registered Charities.

Charitable status and incorporation

These are two separate issues which Voluntary Groups running organisations such as Village Halls need to understand. Registered as a Charity confers a range of financial and reputational advantages, along with the obligations to follow Charity Commission guidance and standards.

The Manor Hall is governed by a Deed of Trust which establishes the Hall as a Charity. Under the Trust Deed, the Hall is NOT a legal entity. This means it cannot hold property, or indeed contracts (eg with staff or for major building work.) The responsibility falls on Trustees, who are jointly and severally liable in law.

Why Incorporate?

The potential for unlimited liability can – however remote the danger – be a real concern to Trustees, and a sever deterrent to recruiting new ones.

There is some bureaucracy and reporting involved, so it may not be necessary for a small Village Hall with little exposure, but for a busy Hall employing staff, entering contracts or owning a number of assets it can provide sensible reassurance.

The CIO Model

Until a few years ago, Charities such as Village Halls wishing to incorporate had separately to register with Companies House as a Company Limited by Guarantee – thus imposing two separate reporting regimes with quite different requirements. Company House can be a very hard taskmaster, imposing fines for missing reporting deadlines.

The CIO model was introduced by recent(ish) legislation, and took effect over two years ago. It enables Charities to register with the Charity Commission as a Company, thus avoiding the double reporting. Several Village Halls and Company Buildings have recently registered as CIO's.

What are the Benefits of CIO Status?

It provides the reassurance of incorporation – and protection for Trustees from unlimited liability – without registering separately with Companies House.

Reporting to Charity Commission is relatively straightforward and there are no financial penalties for compliance failures.

It underlines the charitable nature of the organisation.

Are there any Disadvantages?

There is quite a bit of process to go through in setting up the CIO, which needs to be done properly and in the right sequence. Charity Commission may take up to six weeks to register a new CIO. As a registered Charity, the CIO will need to meet the normal annual reporting requirements.

The Process for 'Conversion' to CIO

Under the rules of the Trust Deed, the Trustees (ie Hall Management Committee) will need to publicise the proposal and put it to a General Meeting at which Parishioners aged 18+ are entitled to vote. A majority of those attending will need to vote in favour of an appropriately worded resolution to approve the incorporation process and give the Trustees the authority to take it forward and sign necessary documentation.

Once that is done, the Trustees will need to draw up Articles of Association for the new CIO – it would be sensible to use ACRE's model Articles which are endorsed by Charity Commission. They will also need to ensure due diligence in covering transfer of assets, contracts etc.

Role of Parish Council

The Parish Council has no specific role in the process – it is for the Trustees to decide, subject to the approval of residents as above. In principle, the fact that the Hall occupies the land under a Lease from the Council its role is no longer necessary, and should cease.

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015

WESTERLEIGH VILLAGE HALL

Whilst the Parish Council may have no legal influence on the process, it would be sensible for the Hall Trustees to ensure that the Council understand why such a move is advisable, and indeed to look for the active support.

1805. Apologies for absence

None

1806. Declarations of Interest under The Localism Act 2011

None

1807. Reports from South Gloucestershire Councillors on matters relating to the Parish

District Councillor: C Young

Planning issues

Policies, Sites, and Places (PSP) plan

You have the consultation on your agenda and hopefully will have the invitation to attend a meeting with planning officers regarding the Local Green Spaces under Correspondence. I would be very happy to attend the meeting as suggested in the letter if we can find mutually agreeable dates. . 23 June 2015 at 15.30 now full. Emphasise this stage is about soundness and whether the relevant guidelines have been followed.

Top Yard

Following the refusal of the planning application (reference: PK13/4232/F) on 24th April 2015, an Enforcement Notice was served on 20th. Those people who have an interest in the land have until 19th June 2015 to appeal against the Enforcement Notice and, if no appeal is lodged, the period for compliance will be 6 months from that date. If an appeal is lodged, further enforcement action will be held in abeyance until the appeal is determined. I have been promised an update after 19th June. The reference number is COM/13/1114/OD.

Coalville Road garage redevelopment

As I was concerned that people living in Coalville Road were less likely to have internet access than others, I got Merlin to give me a copy of the plans and took them round to residents there and in the houses backing on to the development on Woodside Road. Most saw the redevelopment of the garage site as a good idea, as they have been a focus for anti-social behaviour. There was some concern about who would be allowed to rent the flats. I spoke to Merlin about what "sensitively let" meant in practice; they are currently discussing this with the Home Choice officer at South Glos. There is concern from some residents of Woodside Road about the flats being a 2 storey building instead of another bungalow. The landscaping officer at South Glos has not objected but has asked for a landscaping condition.

Messenger site (opposite New Inn, Nibley)

The Certificate of Lawfulness application was refused because aerial photography evidence contradicted the supporting statements.

Newholme, Rose Oak Lane

A revised design was submitted which addressed the concerns expressed by the previous Parish Council and neighbours. The Parish Council said that the roof line should remain the same rather than being raised and residents were concerned that it would be overbearing and suggested a hip would reduce the roof line and minimise the impact. The officer's report said, "Through negotiation, the gable end has been changed to a hipped end and the ridge height has been reduced so that it now sits flush with the existing roof height." It was also felt by neighbours that the double garage was a privacy concern. The officer's report said, "However, following officer concerns being raised, the detached garage element has now been removed from the proposal and an integral garage included instead." The application has been approved.

South Gloucestershire Council

We had our Annual General Meeting on Wednesday 27th May. As the Conservatives now have a majority, they will be chairing all the committees. I am still my group's Lead Member on the Communities Committee.

IT outages

SGC will have IT outages from 6pm Friday until Monday morning over the weekends of the 4/5 July and the 11/12 July. Aside from meaning I will have no access to email, the intranet etc at those times, this will affect the public website, including access to planning applications.

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

Ram Hill buses

There have been further reports of speeding buses on Ram Hill, which I passed on to both the police and the transportation team at South Gloucestershire Council. Both have spoken to the bus company, who in turn have spoken to the relevant driver. The police have warned Wessex that they will be carrying out checks. I have also got it added to the agenda of the next Safer Stronger Community Group meeting.

Westerleigh traffic calming

I have asked the officer responsible for the scheme for some timescales for the investigation. He has clarified that the hatching he'd previously suggested to address the concerns following the accident on Shorthill Road was supposed to have been done by the contractor who carried out the road surfacing. However this has not been done and he will be chasing them up.

Review of parking restrictions around the Manor School

I have spoken to the officer responsible regarding the consultation on the review of the parking restrictions around the Manor School. It will be passed to the consultation team early next week and will be sent to both me and the Parish Council for any comments or suggestions before it is made public.

Station Road

I met Cllr Jancey on Station Road this morning to look at some concerns he had regarding the quality of the resurfacing. I took notes and a number of pictures and these are with Street Care.

Quiet Lanes Scheme – Henfield Road

You will recall that last time I reported that officers wanted to put the idea of having a cycle lane on both sides to the Joint Cycleways Forum, rather than just on one side as per the plans the previous Parish Council saw. The response from the forum was mixed – while they generally agreed the two lane option was better for cyclists, concerns were raised about whether the volume of traffic would be sufficient to create the conflict required to reduce speeds, whether the road was too winding and whether it would increase the risk of cyclists colliding head on with cars. It was suggested frequent cycle repeater symbols and coloured surfacing would be needed to increase effectiveness, which isn't in line with the original ethos of the scheme, emphasising it's a country road, not an urban one.

The officer is keen to do the public consultation before the summer holidays because implementing whatever is agreed will need to be done in the summer months. Having surveyed the road width (5.5m) and discussed it further with other officers who have experience of this type of measure elsewhere he says it would be prudent to consult on the single cycle path and leave double cycle paths for roads of 6m wide or greater. However this would attract some criticism in line with the thoughts aired at the forum.

Comments on items on the agenda:

Public participation – Describe how Dodington Parish Council does it.

1808. Reports from Representatives of Other Bodies on matters relating to the Parish

None

1809. Confirm Minutes of Council meeting held on 18th May 2015

Decision: proposed by Cllr J Butler and seconded by Cllr D Boulton agreed by all, the minutes were approved and signed.

1810. Matters arising

none

1811. Finance – approve payment of accounts.

Decision: Proposed by Cllr G Jancey and seconded by Cllr M Crumpton and agreed by all, the attached payments were approved.

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

1812. Correspondence/Communication with Council

REQUIRING RESPONSES/COMMENTS/ACTIONS/INFORMATION

1. This year Westerleigh cricket team are playing in the top division. It is very important that the field is cut every week and as late in the week as possible (preferably on Friday). If a contribution to the cost is required then the cricket team will do - **Decision: S Howard advised this should be on hold until the current situation is established.**
2. WERN is holding our Annual General Meeting on Thursday 25th June. As well as hearing all about the work of the West of England Rural Network, you will also get a chance to learn about new rural funding through the LEADER programme. More details to follow. (*)
3. Focus Group on South Gloucestershire Council's Single Equality Plan (*)
4. The date of the next Safer Stronger Community Group meeting is Tuesday 30th June 2015 at 7.30pm at The Manor Hall, Henfield Road, Coalpit Heath, BS36 2TG. Everyone is welcome and encouraged to attend. (*)
5. Please find attached the minutes of the last Safer Stronger Community Group meeting held on 30 March 2015. Also attached is a copy of the Village Action presentation from the meeting. (*)
6. Paul's Place Pig Race Fundraiser + Happy Memories Day, about Dementia (*)
7. Carers Project Worker Vacancy (*)
8. 2015 Engage Festival of Culture will be held on Saturday 17th October – details of (*)
9. Change of date : Towns and Parish Council Forum 14th July 2015 (*)
10. Minutes of the Town & Parish Councils Forum meeting held on 14 April 2015. (*)
11. Women sports week (*)
12. SG DEN is organising an exhibition and sale of work to celebrate the work of disabled artists and artisans on the weekend 25 – 27 September 2015. (*)

FROM SOUTH GLOUCESTERSHIRE COUNCIL

Consultations:

Policies, Sites and Places (PSP) Plan - Proposed Submission publication

Publication of the proposed submission version of the Policies, Sites and Places (PSP) Plan

Open date: 22 May 2015. Close date: 03 Jul 2015.

See https://consultations.southglos.gov.uk/consult.ti/PSP_ProposedSubmission/consultationHome (*)

Agenda for:-

1. Agenda for Council, Wednesday, 27th May, 2015 (*)
2. Economy & Skills Strategic Partnership meeting due to be held on the 2nd June 2015 (*)
3. Safer and Stronger Communities Strategic Partnership, Friday, 12th June, 2015, 9.30 am (*)
4. Waste Management Forum, Tuesday, 23rd June, 2015, 7.00 pm (*)
5. Children & Young People Committee, Wednesday, 17th June, 2015 (*)
6. Development Control (West) Sites Inspection Sub Committee, Friday, 19th June, 2015 (*)

Other:-

PUBLICATIONS

Health Watch e bulletin – June (*) CVS recruitment alert (*)

(*) indicates emailed to all Council members

1813. Planning Matters

PLANNING APPLICATIONS FOR CONSIDERATION:

Garage Site Adj To 24 Coalville Road Coalpit Heath BS36 2QS

Demolition of garages to facilitate erection of 4no dwellings with access and associated works

PT15/2099/F **Decision: OBJECTION on the grounds that the two storey dwellings are not in keeping with the surrounding existing dwellings ie bungalows. Council wish to see the construction at the same roof line as the rest of the road and would like to see a condition that the dwellings are for occupancy by persons over the age of 60.**

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

36 South View Crescent Coalpit Heath Bristol BS36 2LP
Conversion of existing garage and erection of first floor side extension to form additional living accommodation
PT15/1889/F **Decision: No objection provided that the parking provision is adequate for the site.**

The Kendleshire Henfield Road Coalpit Heath BS36 2XG
Erection of extension to clubhouse to provide 22no bedrooms and enlarged restaurant area
PT15/2344/F **Decision: No objection however Council would like to see any resultant additional noise on site to be managed, especially in relation to neighbouring properties.**

Bristol Fire Westleigh Close Yate BS37 4PR
Works to fell 2 no. Sycamore trees covered by Tree Preservation Order no.18 dated 12th July 1968
PK15/2376/TRE **Decision: OBJECTION. Council wish to see the trees pollarded rather than removed.**

9 South Avenue Yate Bristol South Gloucestershire BS37 5JA
Erection of two storey side rear, and single storey rear extension to form additional living accommodation
PK15/2129/F **Decision: No objection**

20 Boundary Road Coalpit
Erection of a timber shed/open fronted wood and bin store. (Part retrospective).
PK15/2003/F **Decision: OBJECTION The construction is simply too large and has a detrimental effect to the street scene. The size and height is not in keeping with the normal size of a standard issued refuse bin.**

PLANNING DECISIONS

Land To The North Of Ram Hill Coalpit Heath BS36 2TX
Erection of a single storey extension to facilitate change of use of stone barn from agricultural use to office use (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).
PK14/5036/F Refusal

Woodlands Manor Nursing Home Ruffet Road Winterbourne BS36 1AN
Retention of pump house
PT15/0953/F Approve with conditions

Athelstan House Oakley Green Westerleigh BS37 8QZ
Erection of single storey extension to form double garage and retrospective permission for the change of use of land to allow existing access to be used as residential.
PK15/0251/F Approve

Newholme Rose Oak Lane Coalpit Heath Bristol South Gloucestershire
Erection of two storey side and single storey front and rear extension to form additional living accommodation.
PT15/0560/F Approve with conditions

The Pines 60 Henfield Road Coalpit Heath Bristol South Gloucestershire
Erection of two storey side extension to form additional living accommodation. Erection of rear porch and front portico. Alterations to

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

existing driveway
PT15/0853/F Approve with conditions

Land Opposite The New Inn Badminton Road Coalpit Heath BS36 2NT
Application for a certificate of lawfulness for the existing use of land for the storage of two lorries (Use Class B8).
PK15/0783/CLE Refusal

6 Old Mill Close Westerleigh Bristol South Gloucestershire BS37 8QD
Erection of two storey rear extension to facilitate loft conversion
PK15/1546/F Approve with conditions

Planning Enforcement Updates

Location: Windmill Bungalow, Westerleigh Road, Coalpit Heath BS36 2UP
Description: Untidy Land and possible Change of Use
Reference NO: COM/15/0246/UNT

I refer to the above alleged breach of planning control.

This email will serve as a form of further update to your complaint submitted to the Planning Enforcement team on 24th March 2015.

As discussed, a breach of planning control occurred with the unauthorised storage of vehicles for display purposes on designated agricultural land located within the Green Belt.

I can confirm a site visit was conducted on 18th May 2015 at which contact was made with the relevant landowner. A final date of 15th June 2015 was made to remove the vehicles on site.

Upon communication with the landowner, it was stated to myself that these requirements would be met.

If requirements are not met, then for reasons stated above, formal enforcement action would be considered.

FW: Ref: COM/15/0258/OD - Windmill Golf Academy, Henfield Road, Westerleigh, South Gloucestershire BS36 2FE

I have now received a response to the Planning Contravention Notice from the planning agent instructed by the operator of Windmill Golf Academy. In summary, this states that:

- The access was constructed on 1st April 2015 in order to facilitate the importation of materials. I understand that an access has previously been in this location previously;
- Approximately 5,000m³ of soil has been deposited on the land to landscape the golf course;
- A CL:AIRE declaration (which relates to the movement of material from one site to another) has been issued by the Environment Agency;
- The modular buildings have been on site since 2007 and have been located in their current position since April 2015 in order to be used as a temporary golf academy club house; and
- No planning permissions have been obtained in respect of the above works, and the operator of the golf course wants to enter into pre-application discussions with the Council with a view to submitting a planning application to regularise the position.

I have spoken to Simon Price at the Environment Agency who has confirmed that the CL:AIRE declaration has been issued and that a site visit was carried out last Friday. He confirmed that, from what he saw on that visit, they were satisfied that the importation of material was taking place as agreed.

I am now going to discuss this information with my Team Leader regarding how best to proceed. I suspect that we will ask the planning agent to submit a formal pre-application enquiry within a certain time period and, if they do so, we will withhold taking any formal enforcement action whilst discussions are taking place (which is best practice in such circumstances).

I will provide you with a further update in 6 weeks' time.

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

1814. PSP Plan proposed submission – Council to comment

South Glos. Council is now publishing its proposed submission version of the PSP Plan for a period of statutory, formal consultation in accordance with Regulations 19, 20 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition to the PSP Plan, a document setting out the changes to the Policies Map will also be published and the Main Issues Statement which explains how the Council has sought participation from communities and stakeholders during the preparation of the Plan and the Council's response to any issues raised. This is the final stage for making representations before the PSP Plan is submitted for independent examination by a government appointed Planning Inspector. Representations are invited on the Plan for a 6 week period **from 22 May 2015 until close of business on 3 July 2015.**

A Parishioners concerns/comments were made available to council regarding PSP40 – intensification of existing traveller sites, and removal of green belt status and other established conditions

Decision: Council comment as follows:

1. Proposed Increase in Traveller Pitches

Council disagree with the proposed increase in traveller pitches and the effect this has within this parish. At each stage of the consultation process, this Council has stated that it wished to see NO increase and that this parish already has one of the highest proportions of pitches within the whole of South Gloucestershire.

For example, two sites within the parish are less than a mile apart, whilst other parishes have no provision what so ever.

This clearly has a disproportionate effect on the local community and these people feel clearly let down by the consultation process.

2. Change of status of Traveller Sites from temporary to permanent

Council strongly disagree with this change of status. By definition a traveller is a person who 'travels' so permanent sites are not necessary.

If the existing sites become permanent within this parish then the demographics of the local communities are significantly altered. At no stage during the consultation stage was this proposal awarded the same importance as other areas of consultation hence many of those consulted were not fully aware of this change.

3. Removal of Green Belt status on Traveller Sites.

All parcels of land within the green belt should be treated in a consistent manner. Exceptions should not and cannot be made in this manner.

Any site should be afforded equal status in considerations to development within the Green Belt and this process is facilitated within existing planning application processes.

Pockets of land should not be made an exception just because they are occupied by a particular section of the population. This is discrimination against the rest of the population who are outside of this section.

Policy decisions such as this will set a precedent for using the inset mechanism.

Once removed from Green Belt status these sites will be inset within the Green Belt and will therefore be totally inappropriate to the surrounding area; whilst also be viewed by others as a precedent to follow. What other 'difficult' problem will then be awarded the same status, thus making a mockery of the Green Belt as a whole.

As part of the consultation process, approximately a quarter of the population in Westerleigh village signed a petition to maintain the Green Belt in its current form and these views have simply been ignored in the process as a whole.

The governments planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development.

The Secretary of State's policy position that any unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

Local planning authorities, such as South Gloucestershire Council, as well as planning inspectorates must be reminded as to this material consideration in their planning decisions.

WESTERLEIGH PARISH COUNCIL
MINUTES OF THE FULL COUNCIL
15TH JUNE 2015
WESTERLEIGH VILLAGE HALL

Parish Councillors are invited to attend a meeting to discuss the list of nominated Local Green Spaces for inclusion in the PSP Plan

Decision: Cllrs B Taylor, J Butler, M Crumpton, G Jancey to attend meeting on 1st July at Chipping Sodbury Town Hall.

1815. Council to consider request for Kendleshire Boundary signs

SCG Traffic Management have provided Council with plans illustrating locations for boundary signs for Kendleshire for information and consideration. The approximate cost would be £2223.

Decision: Council are in favour of signage to provide local identity, this is an important principle. It was agreed to ask residents in Kendleshire to investigate the existing signage to look to the possibility of piggy backing such signage onto existing.

1816. Council to consider request for resurfacing works at Pansy Vale

Residents of Pansy Vale have written to draw the attention of Councillors to the condition of the track across Pansy Vale which leads to the properties. The surface has not been repaired for at least 50 years by the parish council. The poor surface is now a threat to their vehicles, and they are therefore asking council to resurface the track.

Decision: Clerk to obtain three quotations for a tarmac surface for consideration.

1817. Council to review public participation at meetings

The current arrangements for public participation at council meetings are:-

If you wish to speak at a Council meeting:-

Please contact the Clerk if you wish Council to discuss a particular issue to ensure the item in question is on the agenda.

At the appropriate agenda item you will be invited to comment/discuss the agenda item but you not have the facility to vote on any resolutions.

If you merely want to report a matter to Council, such as a pothole in the road, you will be given the opportunity at the end of the meeting at the agenda item – Items to Report

A question asked by a member of the public during public participation at a meeting shall not require a response or debate.

Decision: It was agreed that the current arrangements had worked well but that perhaps parishioners were not fully aware of them

It was agreed that signing in of parishioners to be added to this protocol, with copies to be placed on noticeboards and on the website. Also display next to the signing in book for all to see on arrival.

1818 .Manor Hall Trustee appointment by this Council

Cllr G Jancey reported to council matters arising from this appointment and correspondence relating to this position with the Manor Hall Trustees which has delayed his taking up this post.

1819. Items of Report

(Items can be discussed but members can make no decisions – a council cannot lawfully decide any matter which is not specified in the summons.)

1. Community benefits working group meeting 18th June cancelled and will now take place in July – Sun Edison to re-arrange
2. Lease on copier has expired. Current quarterly charge is £48.90, new three year lease is £46.57 or £31.00 for five year lease.
3. Cllr B Taylor reported that complaints regarding the advertising signs at Oakley Green are being looked at by South Glos Council.

1820. Date of Next Meeting Full Council 6th July Manor Hall

Signed

Date: 6th July 2015