

Wheathampstead Parish Council

25 February 2010, 19.30h

Present Councillors:	I Begg	Chairman
	A Brewster	
	G Clark	
	N Clements	
	D Hills	
	N Page	
	T Reason	
	K Stammers	
	J Turner	
	S Walford	
	A Waterfield	
	M Crawley	County Councillor
	J Shardlow	District Councillor
	A Collis	WEB
	N Whitwood	WEB
	J Warren	Clerk to the Council
	Press	0
	Public	2

893-10 APOLOGIES

Apologies were received and accepted from J Burgess (personal reasons).

The Chairman welcomed county and district councillors and members of the public to the meeting.

894-10 AGENDA ORDER AMENDMENT

It was agreed to amend the agenda order to permit discussion of agenda topics following public speaking items. Debate on committee structure and terms of reference was also moved to coincide with receiving committee minutes.

Resolved To amend the agenda order

895-10 SPECIFIC DECLARATIONS OF INTEREST

Councillor Clark declared a personal interest in Minute 917-10, as she is on Plans North of the District Council Planning Authority. The way she votes at Parish Council will not necessarily be the way she votes at District Council.

896-10 PUBLIC SPEAKING - BLACKBRIDGE TIP

District councillor Judy Shardlow reminded parish councillors of the County Council's consultation on waste site allocation. The Parish Council's response as St Albans District Council's was to oppose any notion for re-restoration of Blackbridge Tip. She spoke of her concerns about the tidiness of the public byways in Wheathampstead in particular the access along Sheepcote Lane to Codicote Road. Councillor Shardlow urged the Parish Council to contact the County Council asking that the green gates be removed and footpath access be reinstated.

County councillor Maxine Crawley responded with an update on the situation at Blackbridge. The portfolio holder at county council had responded on 23 February both verbally and in writing through officers that the tripartite agreement (between County Council, District Council and what is now Lafarge) prevents any waste material being imported to Blackbridge Tip. Blackbridge had been necessarily included in the consultation list as it met the LDF (Local Development Framework) criteria. The sustained opposition from SADC, and the lack of support from the County Council to vary the tri-partite agreement meant that there was a question over deliverability. Lafarge's only option would be by a further application to the Lands Tribunal. Lafarge's previous application in 1998 had been withdrawn because of opposition.

897-10 BLACKBRIDGE TIP

Councillor Brewster reported on discussions with Herts County Council's Footpaths officer regarding the locked green gates which prevented vehicular access to the tip which had occurred following illegal dumping some years previously. Keys to the padlocked bollards were held by Lafarge, HCC and the farmer to enable their access to this 'road used as a public path'. The area behind, HCC acknowledged to be untidy. The officer responsible for this work had recently and suddenly passed away and thus delays had ensued.

It was agreed that the Clerk write to ascertain the County Council's position and future plans for this area, and that more generally the Parish Council is notified in advance of works so it is correctly informed rather than subject to local hearsay and speculation.

Resolved: Clerk to write to HCC to ask for clarification of the County Council's plans for the turning circle area beyond this road used as a public path and ask for notification of planned works in the Parish.

898-10 PUBLIC SPEAKING - SMALL BUSINESS ENGAGEMENT ACCORD

Adam Collis of WEB (Wheathampstead for Enterprising Businesses) explained the small business engagement accord, a voluntary code for local authorities, and how signing up to this accord could help WPC keep in touch with the local business community.

As part of its 'Keep it Local' campaign the Federation of Small

Businesses has drawn up a voluntary code for local authorities which aimed to encourage a productive dialogue between small businesses and the council and potentially assist them face the recession.

Of the 14 Accord principles he cited 4 as key:

- Councils should nominate representatives as 'business engagement champions'
- Councils should identify business owners as 'engagement champions' within the business community
- Local authorities must use recognised business organisations when consulting with small businesses
- Councils should hold at least one open meeting a quarter with local businesses and business organisations to encourage an open two-way exchange of information.

In his view WPC would benefit through:

- Better awareness of local businesses
- Use of WEB
- Ensuring that WPC and WEB were working in concert
- Better efficiency in the Village

Together there would be a positive impact on the community. Mr Collis, on behalf of WEB, asked WPC to consider supporting the Accord.

899-10 SMALL BUSINESS ENGAGEMENT ACCORD

It was noted that the Small Business Engagement Accord appears to fit well with the aims of the Village Plan - which identified 50% of respondents prioritising shops and businesses and was the number one priority.

It was agreed that the Clerk confirm that signing the Accord was legally permissible within the Council's standing orders, and also practice amongst other councils. Council would then be placed to make a decision.

- Resolved**
- 1 Clerk to establish practice in other councils**
 - 2 Clerk to confirm legality within Standing Orders**
 - 3 Council to consider Accord in light of information obtained**

900-10 PUBLIC SPEAKING - SCHOOL TRANSFER PLACES

County councillor Maxine Crawley spoke of the process for secondary transfer, of which she had personal experience as councillor and parent of a child without an initial 'ranked place'. School places would be notified on 1 March. She advised that she was happy to be personally contacted by any concerned Wheathampstead parent. This information would also be available via the Allocation team at County Hall. All parents/carers of

Wheathampstead children without a ranked place would be invited to a public meeting to support, alleviate concerns and advise them on the process of Appeals; a meeting which she hoped to attend. Details of its time and place would be given to the Clerk.

901-10 PUBLIC SPEAKING - WEB CAR BOOT SALES

Norman Whitwood, Chairman of WEB, thanked the Parish Council for permitting the trial car boot sales during 2009. These, he reported, were an unqualified success. They encouraged trade in the Village, for example purchase of refreshments and had a fun family atmosphere. He reminded Council that WEB remains a not for profit voluntary organisation and the funds raised used solely to benefit the village community. An example was the freely distributed guide to local services and events – WOW (Window on Wheathampstead).

On behalf of WEB he requested that a similar arrangement for monthly car boot sales be permitted during 2010, namely first Sunday of each month May - December.

902-10 WEB CAR BOOT SALES

Council agreed (Min 242-09) to a trial period for car boot sales during 2009. Following the presentation at Minute 900-10 members agreed to a further 10 month period of car boot sales in East Lane Car Park. This could then be reviewed for 2011 should a request be received.

Resolved To permit monthly car boot sales May – December 2010 as for 2009.

District Councillor Shardlow left the meeting

903-10 MINUTES OF COUNCIL

The Minutes of the meetings held on 28 January 2010 were approved with an amendment to Minute 819-10. Councillor Stammers had asked that his vote against the resolution to continue PCSO funding be recorded.

Resolved: To confirm the Minutes of the meeting held on 28 January 2010 as amended to be a true and fair account and for these to be signed by the Chairman.

County Councillor Crawley left the meeting

904-10 MINUTES OF COMMITTEE MEETINGS

The following draft committee minutes were received and receipted:

Memorial Hall	1 February 2010
Highways & Public Transport	2 February 2010
Playing Fields & Youth	22 February 2010
Pump	23 February 2010

In presenting the draft Minutes of the Memorial Hall Committee Cllr Turner, committee chairman, under Minute 839-10 presented 3 quotations to replace the dilapidated library windows. Subsequent to the committee's decision to replace the windows WPC had been advised by Herts County Council that the library was undergoing a major refurbishment including technological update and would be closed for a fortnight in March/April. Window replacement in this closedown period would be timely. She explained to the public present that Council policy was to use local traders where possible. Quotations had been received from companies based in Batford, St Albans and Southdown.

It was agreed that the quotation of £1,851 from Ambassador Windows be accepted and work carried out in liaison with library closure.

In presenting the Highways and Public Transport Committee minutes Cllr Clements advised members that the bus shelter cleaning contract remained as for 2009-10 (Minute 852-10). In respect of Minute 851-10 he confirmed that the wooden bollards, to be installed by Herts Highways on Marford Road adjacent to Necton Road would be between verge and footway. He agreed to ask Herts Highways to consider realigning the road here to form a set back area as the opposite side of Necton Road.

The draft minutes of the Rights of Way & Commons Committee of 23 February 2010 were presented to Council.

The Clerk was asked to confirm the status of the Butterfield Road lease with respect to the Nature Reserve (Minute 886-10).

Councillor Page, chairman of Rights of Way and Commons Committee, clarified the location of the maple trees, on Brocket View behind the Drama Society workshop, which were scheduled for felling (Minute 882-10). They grew in the hedgerow/roadside verge. Debate ensued over the discharge of functions by committees and terms of reference. The Clerk confirmed that a local authority (as WPC) may arrange for the discharge of any of its functions by a committee (LGA 1972 s101). It is not necessary for the full council to ratify decisions. (The only powers which can not be transferred are those of issuing a precept for a rate and of borrowing money.)

Members agreed not to receive the minutes following advice that council could not overturn the decision of the committee

- Resolved:**
- | | | |
|----------|--|-------------------------|
| 1 | To receipt the draft Minutes of Memorial Hall | 1 February 2010 |
| | Highways & Public Transport | 2 February 2010 |
| | Playing Fields & Youth Pump | 22 February 2010 |
| | | 23 February 2010 |
| 2 | Not to receipt the draft Minutes of Rights of Way & Commons | 23 February 2010 |

- 3 To accept the quotation to replace the library windows form Ambassador Windows and that this work be undertaken during het library refurbishment period**
- 4 Clerk to confirm the status of the Butterfield Road lease with respect to the Nature Reserve**

Councillors Hills and Page left the meeting together with members of the public

905-10 COMMITTEE STRUCTURE & TERMS OF REFERENCE

Councillors expressed concern that through delegating functions to committees decisions could be made by a small number of councillors.

LGA 1972 s101 was reiterated and the chairman reminded the remaining councillors that the need to consider committees, committee structure and terms of reference had been considered on a number of occasions at council in 2009 and in meetings with the peer mentor. Committees had been asked to determine whether they were committees or working groups.

Advice to the 30 April 2009 meeting had been:
For local authority , and WPC purposes:

A committee or sub committee is formally constituted by resolution of council/parent committee to act as a unit forming part of the hierarchy of legal powers, and

- *Has functions of the local authority referred or delegated to it (LGA 1972 s101)*
- *Has fixed and NOT a fluctuating membership (LGA 1972 s102(2))*
- *Has its proceedings regulated by standing orders &/or Sch 12 LGA1972*
- *Must admit public & press to all or part of meeting*
- *Cannot wholly comprise or include paid officers (LGA 1972s80)*
- *Must comprise at least 2 and preferably 3 members*
- *Has a limited term of office and prescribed area of authority (LGA 1972 s102(2))*
- *Can, in the case of a committee, delegate its functions to a subcommittee (which it alone can appoint) or, equally with a sub committee to an officer unless terms of ref forbid it (LGA 1972 s101)*
- *Must reach decisions by a majority vote of members present voting in prescribed manner (LGA 1972 Sch 12 para 39)*
- *Must keep formal minutes as prescribed (LGA 1972 Sch 12 para 41)*

- *Will ordinarily report its decisions direct to council (for committee) or committee (for sub committee) not through an intermediary*
- *May exclude from participation in the business of its meeting any person, including councillors (save for their common law right to be present on the basis of 'need to know'), who is not among the number of members of committee appointed by the council, or in the case of a subcommittee, appointed by the committee.*

The council's committee system is thus regulated by law, structure and procedure. It must be framed to meet WPC's objectives: it is an administrative instrument through which WPC can effectively, efficiently, lawfully and democratically discharge its functions.

Council determines whom it appoints to serve its committees (LGA 1972 s102).

Except for the finance committee charged with regulating and charging finance (LGA 1972 s102(3)), membership may include co-opted, ie non voting members.

*Advisory Committees, also known as working parties/groups/panels, may be set up to **advise** council (LGA 1972 s102(4)) upon the discharge of its functions. They have no power to discharge the functions of the Council. They also do not need to be advertised in the same way, ie give public notice. They may also consider matters in private*

It was agreed that there was a need to review committee terms of reference (TOR) and committees each review their TOR for approval by Council within 3 months.

Discussion followed on the need to be clear regarding overlap of committee responsibility, clarity and well thought through decision making. Overlap between Rights of Way & Commons with Pump, Highways & Public Transport and Playing Fields and Youth, and Playing Fields and Youth with Memorial Hall Committees was identified. Regret was expressed regarding the inadvertent impact of the log list entry in the Pump.

A review of committee structure would later be considered including whether to remove all committees and revert to more frequent full council meetings

Councillors considered the decision of the Rights of Way and Commons Committee to fell the maple trees and whether, had it been a full council decision, the same resolution would have occurred. Members acknowledged that the decision, taken by a committee with delegated authority, could not be altered. Councillors wished for their support for the decision to be recorded for public record. The vote records that councillors present did not support the resolution of the Rights of Way and Commons Committee (minute 882-10).

The motion : 'This Council supports the decision made by the Rights of Way and Commons Committee (minute 882-10) to fell the maple trees' was not supported. Members voted against this.

- Resolved:**
- 1 Committees to review their terms of reference for approval by Council within 3 months**
 - 2 To consider committee structure**
 - 3 Not to support the decision of the Rights of Way and Commons Committee (Minute 882-10) to fell the maple trees. This to be a matter of public record as the committee had full delegated decision making powers and thus the trees would be felled.**

906-10 RISK ASSESSMENTS

It was reported that the Chairman, vice-chairman, Cllr Clements and Clerk had met to carefully consider and review the risk assessments (relating to the business as usual workings of the council as opposed to projects which would be subject to individual and specific risk assessment) as previously approved. Individual project risk assessments were the responsibility of the person undertaking the work to demonstrate that they have assessed the risks and taken the necessary steps to convince the council/committee that the work could go ahead in a safe manner (Minute 909-10). The amended and updated version had been circulated for consideration, approval and adoption by Council. Members noted that specific projects had their own risk assessments. These risk assessments were approved and adopted subject to annual review

- Resolved**
- 1 To approve the risk assessments as initially reviewed by Chairman, vice-chairman, Cllr Clements and Clerk**
 - 2 To formally review risk assessments annually**

907-10 INSURANCE

The insurance schedule was reviewed by chairman, vice-chairman, Cllr Clements and Clerk. Details for possible amendments had been requested from Zurich (with whom Council entered a 5 year agreement in June 2009). Once the information had been received it was agreed that the alterations would be considered with committees looking at their specific coverage requirements. This would include debate on whether to pay for insurance or 'self insure' the risk, that it decide to bear the replacement costs if damage befell.

It was noted that at this point the Fidelity Guarantee was increased to £350k per audit recommendation and also 6-10 volunteers had been included within the Policy's Personal Accident part.

- Resolved**
- 1 Committees to each review insurable items within their terms of reference**
 - 2 Council to look holistically at amending policy schedule following responses from Zurich.**

908-10 INTERNAL CONTROL REVIEW

Under the Accounts and Audit Regulations 2003 (as amended) Council is required to annually review the effectiveness of its system of internal controls. This was detailed in a report previously circulated. Members acknowledged the importance of internal audit and agreed the internal audit programme (based upon NALC recommendations in the Practitioner's Guide). It was noted that Internal Audit's advice is available throughout the year.

Consideration was also given to its recent changes in banking (transfer to using the Co-op in the High Street Post Office)(Minute 697-09), risk assessments and insurance (906/907-10).

The Internal Auditor's report would be considered following completion of his review in March. This would complete the internal control review for 2009-10.

- Resolved**
- 1 To approve the internal audit programme**
 - 2 To acknowledge the ongoing advice of internal audit**
 - 3 To agree the internal controls report including review of insurance (ongoing) and banking (minutes 906/907-10)**
 - 4 To consider Internal Audit's report in March and so complete the internal control review**

909-10 POLICY DOCUMENTS

Council agreed to review its policy documents, to update, amend and add to these. At this meeting members specifically reviewed and approved the Small Projects Policy Process

Attention was drawn to the fact that on 4 January 2010 Standards for England issued guidance on the adoption of procedures to deal with notifications about complaints in particular so that confidentiality was preserved. Under the Standards Committee (England) Regulations 2008 St Albans District Council notifies the Clerk if a complaint was made about one of the parish council members. It was agreed that the Clerk be asked to draw up a draft procedure following these guidance lines, for review at a subsequent meeting. The monitoring office should be notified once the procedure was in place

It was further agreed that other policies be reviewed at a later Council meeting.

- Resolved**
- 1 To approve the Small Projects Process including amended template**
 - 2 Clerk to draw up draft complaints procedures for later consideration**
 - 3 To review other policies at a later Council meeting**

910-09 DESIGNATED PREMISES SUPERVISOR

The Memorial Hall is licenced to supply alcohol during specified periods for which there has to be a Designated Premises Supervisor (DPS). The current DPS, Cllr Stammers, had indicated his desire to stand down from this role.

It was reported that WPC had the option of appointing another individual as DPS or seeking status as a 'community premises' in which case the commitment would lie with all councillors. Details had previously been circulated, following which Cllr Begg, who had a personal licence, has indicated that he was willing to become DPS subject to a set of operating procedures which will include a signature from hall hirers when alcohol was being supplied. This would cost a nominal £23 compared to £89 plus training for community premises.

It was agreed that Cllr Begg take over responsibility as DPS from Cllr Stammers who agreed to pass over relevant paper work to Cllr Begg subject to clarification of responsibilities and liabilities

- Resolved** **Cllr Begg to be appointed DPS subject to clarification of responsibilities and liabilities**

911-10 GRANT REQUESTS

It was reported that grant applications had recently been made for Councillor Crawley's Locality Grant money - £500 towards Village Day and £2,550 towards refurbishment of the Rectory Meadows play area. Further bids had been made to the LSP and one was in progress to the Lottery Fund toward the Heritage Trail.

At Minute 879-10 the Rights of Way committee, in the absence of Cllr Reason, had received a fascinating presentation into progress and aspirations of the Station Working Group from David Johnston. He also gave an update on approaches for external funding. The Station Working Group was formally set up by the November Council (Minutes 694/5-09 refer) to build upon successful partnership working between WPC, Royal Navy (facilitated through SADC), CMS and local volunteers. The aim was to improve the heritage site of the former station platform and bring vibrancy to the Village. Support for this project, a feature of the Heritage Trail, was to be potentially sought from local businesses. It was agreed in principle that a lunchtime business fayre in the Memorial Hall was acceptable. Details to be discussed at a future Council meeting. It was also agreed that Mr Johnston be invited to do a presentation on the Station Platform Project for the Annual Parish Meeting on 12 May.

Hertfordshire Highways had agreed to part fund a street lamp on the Mill Bridge, additional funding may be forthcoming from SADC. It was agreed to progress this project with WPC funding up to £1,148.

- Resolved:**
- 1 To note the grant applications**
 - 2 To consider a lunchtime business briefing at a later meeting**
 - 3 To invite David Johnston to make a presentation on the Station Platform Project to the Annual Parish Meeting**
 - 4 To install an additional street lamp on the Mill Bridge**

912-10 BENCH PLAQUES

A request had been received from the Harpenden Village Rotary Club to pay for and fix plaques to the refurbished bench on the High Street. Minute 826-10 agreed that this be deferred pending further details of the Club's history. It had been confirmed that the Wheathampstead Round Table no longer existed. The Harpenden Village Rotary Club was chartered in 1988 and consisted of members living in Harpenden, Kimpton, Redbourn and Wheathampstead, including some former members of the Wheathampstead Round Table.

Consideration was given to fixing bench plaques commemorating the Harpenden Rotary Club and Terry Pankhurst and John Burgess who had refurbished village benches. It was agreed that rather than fix additional plaques a feature thanking these gentlemen be included in the next Pump newsletter (pending their permission) which would subsequently be delivered to all local residents.

Resolved:

- 1 To include a feature on the bench refurbishment in the next Pump newsletter including thanks for supporting the Village**
- 2 Clerk to contact the Rotary Club thanking them for the kind offer**

913-10 BUTTERFIELD ROAD FORMER EDUCATION CENTRE

Planning permission had now been granted to Persimmon for the development centre. Council had been asked to consider the proposal from Persimmon Homes (via Herts CC) for a 19mm water pipe and a single phase electricity supply.

This was agreed subject to provision being equal to or better than earlier service provision.

Council was further asked to suggest a marketing name for the new development appropriate to the locality and its history. A number of names had been put forward. It was agreed that this decision be delegated to a subcommittee of Cllrs Brewster, Clark, Reason and the Clerk

Resolved

- 1 To agree the provision by Persimmon Homes of a 19mm water pipe and single phase electricity supply to the pavilion at Butterfield Road (subject to confirmation that this did not constitute a reduction in provision).**
- 2 To appoint a sub committee comprising Cllrs Brewster, Clark and Reason with the Clerk to put forward marketing names for the new development**

914-10 CCTV

It was reported that this item had been referred from the Highways and Public Transport Committee (Nov) min 653-09. The sight lines of the CCTV camera at the junction of Mount Road and the High Street was in part obscured by tree branches. It was agreed that the Clerk write to the owners of the offending tree requesting that it be pruned.

Cllr Clark reported that SADC had advised that money would be available imminently to the parishes for CCTV. It was agreed that a request be made on behalf of WPC

- Resolved**
- 1 Clerk to write to the owners of the tree at the junction of Mount Road asking that it be pruned so as to avoid the sight lines of the CCTV camera**
 - 2 Clerk to apply for CCTV funding from SADC**

915-10 ADDITIONAL TIME

- Resolved: To approve additional time to complete agenda items as the time approached 22.30.**

916-10 ACCOUNTS FOR PAYMENT

The schedule of accounts for payment in February had been circulated.

Approval was also sought and given for payments to Debenhams Ottaway for professional fees, the clerk to attend the CIPFA SE spring conference and to Playdale for the refurbishment works to Rectory Meadows play area

- Resolved: To pay the accounts per revised February 2010 schedule amounting to £19,100.95**

917-09 PLANNING

Councillor Clark, as chairman of Planning Committee, took the chair for this Minute.

The following plans were considered:

5/10/0267	87 Necton Road	First Floor extension
5/09/2374	24 Caesars Rd	Partial hard surfacing of front garden to create a drive and pathway and erection of gates
5/10/0186	29 The Broadway	Part removal of garage. Erection of 2 storey side, single storey rear and first floor extensions including insertion of roof light
5/10/0199	36 Marshalls Way	Extension to roof and rear elevation to provide further habitable accommodation in the roof space, including roof alterations from hipped to gable end and insertion of two side dormer windows and four roof lights
5/10/0190LB	The Grove, Pipers Lane	LBC internal alternative to create two ensuite bathrooms at first floor
5/10/0174	Land adjacent to 3 Garrard Way	Erection of one, four bedroom detached dwelling

- Resolved: RECOMMEND: No objection**

918-10 CONSULTATION RESPONSES

Draft responses to the Draft Hertfordshire Economic Development Strategy and Community Safety Plan Consultation had been circulated and were approved with the addition to the former that each community should be discrete and balanced with every effort made to prevent coalescence.

Resolved To approve the consultation responses to the Draft Hertfordshire Economic Development Strategy and Community Safety Plan Consultation

919-10 REPORTS FROM COUNCILLORS ON MEETINGS ATTENDED

None

920-10 EXCLUSION OF PRESS AND PUBLIC

Resolved: To exclude the press and public, as publicity would be prejudicial to the public interest due to the confidential nature of the business to be discussed

921-10 EDF CONTRACTOR FELLING OF 2 WILLOW TREES IN EAST MEADS – NEGOTIATIONS

As reported at Minute 891-10 a specimen White Willow and Violet Willow had been felled by EDF contractors despite notification of refusal for tree works being given both orally and on the written 'permission' (refused) form. WPC believed that there was no need for felling as the imminent undergrounding of cables rendered it unnecessary (Minute 817-10). EDF and contractor had met with representatives of the Parish Council within 24 hours to begin discussions upon recompense for lost amenity. Both EDF and its contractor had apologised in writing and EDF offered to enter negotiations with the Parish Council for the loss of amenity. It was agreed that negotiation of a solution be delegated to Chairman and Clerk.

Resolved Clerk and Chairman to negotiate with EDF for recompense.

The Chairman declared the meeting closed at 23.02h.

Dated this day of 2010

Chairman