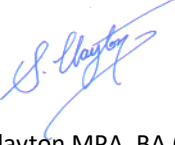




**NOTICE IS HEREBY GIVEN** that a meeting of the above-named Parish Council will be held by Zoom video commencing at 7 pm on Tuesday **15 December** 2020 and Members are hereby summoned to attend for the purpose of transacting the following business. Here is the [link](#) to the meeting.

Signed:

  
Sharon Clayton MPA, BA (Hons), Fellow SLCC  
Clerk

Date of issue: 8 December 2020

## AGENDA

### FILMING AND RECORDING OF COUNCIL MEETINGS AND THE REQUIREMENTS OF THE DATA PROTECTION ACT 2018

Any person present at a Council meeting may not orally report or comment about a Council meeting as it takes place but otherwise may; film, photograph, or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; report or comment on the proceedings in writing during or after a meeting, or orally report or comment after the meeting. Anyone making a recording for non-domestic purposes is advised to seek advice on their obligations to ensure any processing of personal information complies with the Data Protection Act.

**Anyone who objects to being filmed or recorded should notify the Clerk prior to the commencement of the meeting.**

#### 1. Chairman's Welcome

#### 2. Apologies for absence

To receive apologies for absence

#### 3. Police Report

To receive a report from the local policing team

#### 4. Shropshire Council

To receive a report from Shropshire Councillor Joyce Barrow

#### 5. Public Participation

Members of the public will be given an opportunity to make representations to the Parish Council on matters included on the agenda or which are of public interest

#### 6. Minutes

To consider and approve the minutes from a Parish Council meeting held on 24 November 2020

#### 7. Disclosure of Pecuniary Interests

Members are required to declare a disclosable pecuniary interest in a matter to be discussed at this meeting and which is not included in the Register of Interests. Members should leave the room during the discussion and voting on

matters in which they have a disclosable pecuniary interest, whether or not the interest is entered in the Register of Members' Interests maintained by the monitoring officer.

*Members are reminded that there is no requirement to update their DPIs unless a discussion takes place that relates to any interest declared on their DPI.*

## 8. Dispensations

To consider and approve any requests for dispensations

## 9. Declaration of Acceptance of Gifts and Hospitality

To receive any declarations of acceptance of gifts and hospitality

## 10. Planning Matters

### a) Planning Decisions

To **NOTE** the following:

Planning Application Details	Proposals
20/04398/FUL Vine Cottage, Middleton Road, Middleton, Oswestry	Erection of an agricultural storage shed. Permission <b>GRANTED</b> 3 December 2020. <i>The Parish Council supported this application.</i>

### b) Planning Applications

To consider and approve a response to the following:

Planning Application Details	Proposals
20/04852/FULL Fairhaven Barn, Ball Lane, Maesbury	Erection of stables for private use

**NOTE:** *Planning applications not listed above that are received after the issue of this agenda and included on Shropshire Council's website will also be considered in order to meet response timeframes.*

## 11. Clerk's Report

To receive a report from the Clerk

## 12. Financial Matters

To consider and approve:

- Income and expenditure and bank reconciliations to 30 November 2020
- Payments for December 2020 (details to follow)
- To consider and approve that the maintenance grant of £1,000 received from Shropshire Council has been spent in accordance with the grant terms

## 13. Blocked Bridleway

To receive and NOTE the responses received concerning the blocked bridleway near to Llynclys Quarry and approve any further action

## 14. Road Safety

- To consider a request from a member of the public that the Parish Council supports traffic calming measures along Kingfisher Way, Morda
- To receive an update and consider and approve any action required concerning road traffic issues within the parish
- To NOTE that funding for road safety projects is available from the Road Safety Trust ([further information](#))

### **15. Village Halls**

To consider and approve a response to Lanyon Bowdler concerning Trefonen and Morda Village Halls

### **16. The Terraces Brick Works**

To consider and approve action concerning the Terraces Brick Works (Cllr. Les Maguire)

### **17. Local Plan Review**

To consider and approve a further response to the Local Plan Review

### **18. Fairhaven Camping**

To receive and NOTE the response received concerning Fairhaven Camping and approve any further action (Cllr. Claire Mahoney)

### **19. The Elms at Middleton**

To consider and approve any actions required in response to local concern about activity at the Elms in Middleton

### **20. Location Plans**

To consider and approve any action required concerning the lack of information published by Shropshire Council's planning department in connection with planning applications (Cllr. Janet Barlow)

### **21. Traffic Lights for Cyclists**

To consider and approve any action required concerning the lack of traffic lights for cyclists (Cllr. Claire Mahoney)

### **22. Roadside Verges**

To consider and approve any action required concerning roadside verges (Cllr. Paul Milner)

### **23. Mud on the Road**

To consider and approve any action required concerning the movement of trucks leaving mud on the road (Cllr. Tony Milner)

### **24. Strategic Plan and Action Plan**

- a) To consider and approve a review of the Parish Council's Strategic Plan (information previously circulated)
- b) To consider and approve the Parish Council's Action Plan Monitoring Report (information previously circulated)

### **25. Consultation**

To consider and approve a response to consultation received

### **26. Correspondence**

To receive and **NOTE** correspondence emailed to Members including the following:

- a) SALC information bulletin and NALC information
- b) Letter of thanks for grant aid from Trefonen Defibrillator
- c) Letter of thanks for grant aid from Hope House

### **27. Agenda Items for Next Meeting**

Members are invited to suggest items for inclusion on the agenda for the next meeting Tuesday

### **28. Date for Next Meeting**

To **NOTE** that the next meeting will take place by Zoom video on Tuesday 26 January 2021

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### **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to Section 1(2) of the above Act and due to the confidential nature of the following business to be transacted it will be **PROPOSED, SECONDED and RESOLVED** that the public and press should not be present

### **29. Planning Enforcement**

To **NOTE** planning enforcement notifications received

## Oswestry Rural Parish Council

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### Minutes of a virtual Parish Council meeting held at 7 pm on Tuesday 24 November 2020 by Zoom online video conference

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**Present:**

Chairman: Cllr. Peter Richardson, Cllr. Janet Barlow, Cllr. Pam Broomby, Cllr. John Davies, Cllr. Peter Davies, Cllr. Martin Jones, Cllr. Bob Kimber, Cllr. Les Maguire, Cllr. Claire Mahoney, Cllr. Phil May, Cllr. Paul Milner, Cllr. Tony Milner, Cllr. Elliot Roberts Jones, Cllr. Tracy Rowe.

**Clerk to the Council:**

Sharon Clayton

**In attendance:**

Approximately 14 members of the public.

**858/20 Chairman's Welcome**

The chairman welcomed everyone to the meeting.

**859/20 Apologies for Absence**

Apologies were received from Cllr. Robert Milton who had a work commitment  
**This apology was accepted and AGREED as APPROVED absence.**

Apologies were also received from Shropshire Councillor Joyce Barrow.

**860/20 Police Report**

The following written report was received from the Oswestry Rural South Safer Neighbourhoods Team:

26/10/20 – Highway incident (sheep) – Trefonen.  
29/10/20 – Possible Covid breach – Maesbury. Advice given.  
29/10/20 – Telephone fraud – Morda.  
29/10/20 – Suspicious incident. Morda. (Ended up being a removal van.)  
31/10/20 – Driving offence – Mile End.  
31/10/20 – Neighbour dispute – Morda.  
02/11/20 – Theft of man-hole cover – Trefonen Road.  
02/11/20 – Highway incident (breakdown) – A5 Aston.  
05/11/20 – Possible Covid breach – Advice given, no offences.  
06/11/20 – Concern for safety, A5 Mile End.  
09/11/20 – Highway incident, HGV breakdown. Mile End.  
09/11/20 – Neighbour dispute/civil dispute – Morda.  
09/11/20 – Burglary (business premises) – Crickheath.  
12/11/20 – Theft. Mile End.  
12/11/20 – Theft. Mile End.  
12/11/20 – Abandoned vehicle – Morton. (Was recovered.)  
14/11/20 – Possible Covid Breach – Morda. No offences.  
16/11/20 – Theft. Mile End.  
16/11/20 – Sheep Worrying Offence – Morda.  
17/11/20 – Theft. Mile End.  
18/11/20 – Possible Covid Breach – Morda. No offences.  
20/11/20 – RTC (road traffic collision) Damage only. Morda.  
20/11/20 – Dangerous driving – A483.  
20/11/20 – RTC, Damage only – Morda.  
20/11/20 – RTC Damage only. Trefonen.  
22/11/20 – Anti-social behaviour – Woolston.

**NOTED.**

**861/20 Shropshire Councillor Report**

There was no report as Cllr. Joyce Barrow was not in attendance.

**862/20 Public Participation**

One member of the public said that Shropshire Council's newsroom carries an article "Have your say on trees". It states that the Council and the government have tree planting ambitions in response to the climate change emergency. The Council has set up a tree planting survey and wants as many people in Shropshire to participate. One of the aims is to determine where more trees can be planted.

One member of the public asked Members to support her planning application for an affordable dwelling. She has MS and the building has been designed to accommodate wheelchair access with wider doors and suitable for her needs. It has been located as close as possible to her parents and her horses. The application was supported by local neighbours and has been approved by local connections to build an affordable dwelling and also approved by housing enabling.

The Chairman explained that the Parish Council had already supported the local connection for this application and would consider the planning application later in the meeting.

One member of the public thanked the Council for the £750 grant awarded towards the cost of maintaining Morton Playing Field. Amongst others the playing field is used by 125 participants in sports, children from Llanymynech and their supporters. The field is also used for exercise and dog walking as well as those that like to rest on the seats in the peace and quiet of the countryside. The Parish Council had also supported a project by giving £595 towards a defibrillator for which nearly £4,000 had been raised. This project is costly due to the need for a connection to a power source. The member of the public also said that she had been told by cyclists that the traffic lights at Maesbury Road junction made no provision for cyclists to cross safely. She asked the Parish Council to request that a pedestrian light be added to the traffic light sequence at the Maesbury Road junction.

One member of the public asked that the Coed-y-Go traffic safety initiative be included on each agenda as a standing item to enable regular monthly updates. He said that because it was not on the agenda for this meeting it could not be discussed and there is no provision for 'any other business'. He then referred to the earmarked funds for Morda and Sweeney Village Hall and that there was no end date for which earmarked funds should be allocated and this was preventing funds from being used elsewhere. He also asked for a link from the Parish Council website to be added to link to Shropshire Council's tree survey as mentioned earlier.

The Chairman explained that council agendas cannot include 'any other business' because agendas must be received by councillors 3 clear days before a meeting and therefore only items specifically stated can be discussed. The Chairman further explained that once the public session had ended members of the public could no longer speak as the rest of the meeting was for making decisions which could only be made by councillors.

Cllr. Les Maguire explained that he did not ask for Coed-y-Go traffic calming to be included on this meeting's agenda because it had been agreed by the Safer Roads Working Group that, until the traffic counter had been installed, there would be nothing more to discuss, and that installation of the counter would be delayed until after COVID restrictions because otherwise the data may be skewed. He said that he would have asked for it to have been included on the agenda if there had been anything further to discuss.

Having been a parish councillor for many years, Cllr. Bob Kimber concurred with the Chairman that any other business is not allowed on parish council agendas.

Cllr. Phil May explained that he was leading with the Nantmawr speeding campaign and suggested that the Parish Council's website could be used to inform residents about what is actually going on and that if anything critical was raised on the website then the Parish Council could ask for it to be included on an agenda for a forthcoming council meeting.

The member of the public continued to inform that more traffic counts had taken place since the meeting of the working group and that there were other avenues to explore. He reiterated that it should be an ongoing item on the agenda and that it is the Parish Council as their representatives that should request speed limit reductions and not members of the public.

Cllr. Paul Milner, as a member of the Safer Roads Working Group agreed that it should be an ongoing agenda item so that there would always be the option to receive reports and this was supported by Cllr. Les Maguire.

Another member of the public referred to the agenda item concerning the blocked bridleway around Llynclys Quarry which links Llynclys to Treflach. It is a safe path that keeps horses away from cars. However, the entrance to the bridleway had been blocked by someone who says he owns the driveway to the derelict cottage where he keeps his livestock. The alternative route was a narrow winding lane used by vehicles, often driving quite fast, and was not as safe. Before the quarry was extended the previous road was destroyed and the bridleway provided an alternative route which was now blocked. She asked the Parish Council to find out who owns the land that is blocked and does the Parish Council know anything about the agreement that was made to reinstate the bridleway when the quarry was extended and the old road destroyed.

The Chairman explained that this would be discussed further later in the meeting.

Another member of the public also referred to the access route and said it has never been registered as a bridleway. The quarry was extended about 30 years ago and the bridleway was installed as an alternative route which is used by walkers, cyclists and horse riders. The person who had closed the route said he had done it because he was threatened with prosecution due to COVID restrictions and is claiming that he owns the land that the drive is on. The member of the public had been in touch with Tarmac, the quarry owner, who could not find any record of ownership so it was unclear who actually has the right to close the road.

#### **863/20 Minutes**

The minutes of a Parish Council meeting held on 27 October 2020 were considered for approval.

**It was PROPOSED, SECONDED and RESOLVED that the minutes be signed and ADOPTED as a true record.**

#### **864/20 Disclosure of Pecuniary Interests**

Members were reminded that they are required to leave the room during the discussion and voting on matters in which they have a disclosable pecuniary interest, whether or not the interest is entered in the Register of Members' Interests maintained by the Monitoring Officer.

Cllr. Peter Richardson declared a pecuniary interest concerning Fairhaven Camping.

#### **865/20 Dispensations**

None requested.

#### **866/20 Declaration of Acceptance of Gifts and Hospitality**

None declared.

#### **867/20 Planning Matters**

##### **a) Planning Decisions**

The following planning decisions were **NOTED**.

<b>Planning Application Details</b>	<b>Proposals</b>
16/04616/FUL Pentre Issa, Trefonen, Oswestry	Internal and external alterations in connection with refurbishment of existing dwelling, including conversion of part of existing barn into office accommodation and erection of a detached 3 bay equipment store. Permission <b>GRANTED</b> 18 November 2020. <i>The Parish Council's response was that the recommendation from Highways regarding insufficient information was noted. The Parish Council requests to be re-consulted once further information is received. The Parish Council would bring to the Case Officer's and Highway's attention the applications at Bryn Y Pentre which is close to this site (17/04509/FUL and 16/04510/LBC).</i>

16/04617/LBC Pentre Issa, Trefonen, Oswestry	Internal and external alterations in connection with refurbishment of existing farmhouse to include conversion of part of existing barn into office accommodation and erection of detached 3 bay equipment store affecting a Grade II Listed Building. Permission <b>GRANTED</b> 18 November 2020. <i>The Parish Council's response was that the recommendation from Highways regarding insufficient information was noted. The Parish Council requests to be re-consulted once further information is received. The Parish Council would bring to the Case Officer's and Highway's attention the applications at Bryn Y Pentre which is close to this site (17/04509/FUL and 16/04510/LBC).</i>
20/03851/FUL Maesbury Hall, Newbridge, Maesbury, Oswestry	Erection of rear entrance porch and boot room following partial dismantling of existing lean-to. Permission <b>GRANTED</b> 19.11.20. <i>The Parish Council supported this application.</i>
20/03852/LBC Maesbury Hall, Newbridge, Maesbury, Oswestry	Erection of rear entrance porch and boot room following partial dismantling of existing 20 <sup>th</sup> C rear lean-to porch affecting a Grade II Listed Building. Permission <b>GRANTED</b> 19.11.20. <i>The Parish Council supported this application.</i>

## b) Planning Applications

The following planning applications were considered:

Planning Application Details	Proposals
20/04398/FUL Vine Cottage, Middleton Road, Middleton, Oswestry	Erection of an agricultural storage shed. <b>It was PROPOSED, SECONDED and AGREED to support.</b>
20/04516/FUL The Byg Farm, Old Racecourse, Oswestry	Demolition of majority part of existing agricultural building, north side part of existing structure to be retained and converted to one dwelling and erection of detached carport with store. <b>It was PROPOSED, SECONDED and AGREED to support and to comment that the location plan was insufficient to locate the property as there were no directions.</b>
20/04547/VAR Ridgewood, Coed Y Go, Oswestry	Variation of Condition number 2 (vary design to include removal of conservatory from approved plans) application reference 14/02077/FUL. <b>It was PROPOSED, SECONDED and AGREED to support and to comment that the location plan was insufficient to locate the property as there were no directions.</b>
20/04567/FUL Proposed affordable dwelling west of Vine Cottage, Middleton Road, Middleton, Oswestry	Erection of single plot exception (SPE) affordable dwelling and garage. <b>It was PROPOSED, SECONDED and unanimously AGREED to support although the site map was poor.</b>
20/04607/FUL Proposed dwelling east of 1 Offa House Estate, Off Oak Lane, Treflach	Erection of one bungalow. <b>It was PROPOSED, SECONDED and AGREED to support, subject to clarification that the development does not affect Offa's Dyke.</b>
20/04660/HHE 26 The Terraces, Morda, Oswestry	Erection of a single storey rear extension to semi-detached dwelling, dimensions 4.15 metres beyond the rear wall, 3.30 metres maximum height, 2.30 metres high to eaves. <b>It was PROPOSED, SECONDED and AGREED to support.</b>

## c) Tree Works

Planning Application Details	Proposals
20/04121/TPO 11 St Anne's Drive, Morda	Works to reduce the tree in girth by 6m and height by 12m of one Sycamore tree protected by The Council of the Borough of Oswestry (Morda House, Morda, Oswestry) TPO 1977.

Planning Application Details	Proposals
	<b>It was PROPOSED, SECONDED and AGREED to object on the grounds that the tree is protected and has been there a very long time and should remain.</b>

The Chairman declared a pecuniary interest and left the meeting. In his absence the Vice Chairman, Cllr. Phil May chaired the meeting.

#### **d) Fairhaven Camping**

Members received a letter from Natural England in response to a complaint made by the Parish Council concerning activities at Fairhaven Camping. It stated that Freedom Camping Club had arranged a site assessment visit and had issued an exemption certificate which allows Club members to camp on land without a site licence and to benefit from the permitted development right under the Part 27, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development Order 1995). Concerns or issues with planning and consultations are dealt with by the local planning authority which can also apply to withdraw a certificate where they believe it is required.

As a member of the Maesbury Ward where Fairhaven Camping is located, Cllr. Martin Jones expressed concern about the site assessment visit that took place on 22 October 2020 at which a site walkover and inspection of current facilities took place and a questionnaire was completed. The Parish Council had not seen the questionnaire and Cllr. Jones said that proof of this should be provided because there were discrepancies between the dates that Freedom Camping, Natural England and Shropshire Council planning have. Furthermore, the letter regarding the application sent to Ashfield Farm bears no relation to the property the consultation was based on. A letter from Freedom Camping was acknowledged by Shropshire Council stating that if a response had not been received by 8 January 2020, Freedom Camping would assume that the Council had no comment and would continue to process the application for exemption. This letter was dated 6 December 2019. Freedom Camping were recommended to contact the local residents as many issues had been raised.

Cllr. Jones proposed that the Parish Council's complaint to Natural England should be escalated to Stage 2 and move on to Stage 3 if an acceptable response was not received. Proof of the site visit should be provided because it should have been included with the planning application and would have been carried out during COVID regulations.

**It was PROPOSED, SECONDED and AGREED:**

- a) That Shropshire Council should be asked to remove the exemption certificate.
- b) That the complaint be escalated to Stage 2 and a FOI request should be submitted to Natural England requesting details of the questionnaire and any other relevant information in relation to the site visit.
- c) Owen Patterson MP should be asked to support the complaint.

Cllr. Peter Richardson returned to the meeting.

#### **868/20 Clerk's Report**

Members received a written report from the Clerk on action taken following decisions made at the last Parish Council meeting.

**NOTED.**

#### **869/20 Financial Matters**

##### **a) Income and Expenditure and Bank Reconciliations**

Members considered for approval income and expenditure and bank reconciliations up to 31 October 2020.

**It was PROPOSED, SECONDED and AGREED that the income and expenditure and bank reconciliations to 31 October 2020 be APPROVED.**

##### **b) Payments for November 2020**

Members considered for approval payments for November 2020.

**It was PROPOSED, SECONDED and AGREED that the following payments for the month of November 2020 be APPROVED.**



PAYEE	DESCRIPTION	AMOUNT £
Hope House Children's Hospice	Grant award	750.00
Trefonen Defibrillator	Grant award	120.00
Morton Playing Field	Grant award	750.00
Mark Evans	Bus shelter cleaning	60.00
PKF Littlejohn LLP	External audit	360.00
HMRC	PAYE/NI	177.95
Viking	Stationery and postage stamps	203.66
Silver Marbles	WordPress training	36.00
SLCC	Training and book on legislation	213.80
A G Royce	Grounds maintenance	725.00
Sharon Clayton	Salary/expenses/reimbursements	949.06
	<b>TOTAL</b>	<b>4345.47</b>

#### **860/20 Trefonen Bus Shelter**

Members considered for approval the regular cleaning of Trefonen Bus Shelter at a cost of £6 per month. **It was PROPOSED, SECONDED and AGREED that Trefonen Bus Shelter be cleaned on a monthly basis at a cost of £6 per month. It was further PROPOSED, SECONDED and AGREED that quotes should be sought for cleaning all of the Council's bus shelters.**

#### **861/20 Investment Strategy**

Members considered for approval an amendment to the Council's Investment Strategy to change £75,000 to read £85,000 with reference to the Financial Services Compensation Scheme. **It was PROPOSED, SECONDED and AGREED that the Investment Strategy be amended to read £85,000 with reference to the Financial Services Compensation Scheme.**

#### **862/20 Scheme of Delegation**

Members considered for approval an addition to the Council's Scheme of Delegation to include Terms of Reference for the Safer Roads Working Group. **It was PROPOSED, SECONDED and AGREED that the addition of Terms of Reference for the Safer Roads Working Group be APPROVED.**

#### **863/20 Blocked Bridleway**

Members considered what action could be taken to unblock the bridleway near to Llyncllys Quarry. Local residents asked the Parish Council to determine who owns the right of way and request that it be unblocked. In the past there had been meetings with Tarmac, local residents and parish councillors where issues would be discussed and local residents wanted these meetings to be reinstated.

**It was PROPOSED, SECONDED and AGREED:**

- a) **That the Parish Council should write to Tarmac and ask for details of who owns the bridleway and request that meetings with Tarmac, local residents and parish councillors be reinstated.**
- b) **To write to the Rights of Way officer at Shropshire Council and request that the bridleway be re-opened.**
- c) **To inform Llanyblodwel Parish Council of the Parish Council's decision and actions.**

At this point in the meeting, **it was PROPOSED, SECONDED and AGREED to suspend Standing Order number 3(x) to enable the meeting to exceed more than 2 hours.**

#### **864/20 Strategic Plan and Action Plan**

a) Members considered for approval revisions to the Parish Council's Strategic Plan.

**It was PROPOSED, SECONDED and AGREED that there was insufficient information for Members to approve the revisions and that they should submit any comments to the Clerk for inclusion and consideration at the next meeting.**

b) Members considered for approval the Parish Council's updated Action Plan Monitoring Report.

It was **PROPOSED, SECONDED and AGREED** that there was insufficient information for Members to approve the revisions and that they should submit any comments to the Clerk for inclusion and consideration at the next meeting.

#### **865/20 Grant Award**

Members considered for approval a grant award to Rhydycroesau Village Hall.

It was **PROPOSED, SECONDED and AGREED** that a grant of £500 be awarded to Rhydycroesau Village Hall and that all the supporting information provided with the application should be given to Members.

#### **866/20 Newsletter**

Members considered for approval the December issue of the Parish Council's newsletter.

It was **PROPOSED, SECONDED and AGREED** that the newsletter be **APPROVED** following the removal of some Councillors' phone numbers, at their request, and the addition of Councillor email addresses. It was further **AGREED** that this should apply to Councillor details on the Parish Council's website.

#### **867/20 Maesbury Road Signage**

When travelling from the Knockin direction towards Maesbury Marsh and before the canal bridge there is a 40mph limit. The sign before entering Maesbury Marsh just says "Marsh" and there was no longer a 40mph sign.

It was **PROPOSED, SECONDED and AGREED** that Shropshire Council should be asked to replace the signage.

#### **868/20 The Terraces Brick Works**

It was **PROPOSED, SECONDED and AGREED** that this be discussed at the next meeting.

#### **869/20 Tree Planting Projects**

Concern was expressed about ongoing maintenance and finding available space in which to plant trees.

It was **PROPOSED, SECONDED and AGREED** that the Parish Council would not pursue any further tree planting opportunities.

#### **870/20 Aston Water Pump**

Members considered for approval that works to Aston Water Pump should proceed as agreed on 25 August 2020 (minute no: 806/20) but without grant funding towards the cost. The Clerk had endeavoured to find grant funding but the project was not eligible.

It was **PROPOSED, SECONDED and unanimously AGREED** that the project should proceed without grant funding.

#### **871/20 Consultation**

There was no consultation to consider.

#### **872/20 Correspondence**

Members received the following:

- a) SALC information bulletin and NALC information.
- b) Letter of thanks for grant aid from Trefonen Defibrillator
- c) Letter of thanks for grant aid from Morton Playing Field Committee.
- d) Email of thanks for grant aid from Hope House.

**NOTED.**

#### **873/20 Agenda Items for Next Meeting**

It was **AGREED** that the following matters should be discussed at the next Parish Council meeting:

- Coed-y-Go speed awareness (Cllr. Les Maguire)
- The Terraces (Cllr. Les Maguire)
- Location plans provided by Shropshire Council planning department (Cllr. Janet Barlow)
- Traffic lights for cyclists (Cllr. Claire Mahoney)
- Road-side verges (Cllr. Paul Milner)
- Movement of trucks and transference of mud (Cllr. Tony Milner)
- Fairhaven Camping (Cllr. Claire Mahoney)

**874/20 Date of Next Meeting**

It was **NOTED** that the next meeting would take place by Zoom video on Tuesday 15 December 2020.

**Public Bodies (Admission to Meetings) Act 1960**

Pursuant to Section 1(2) of the above Act it was **PROPOSED, SECONDED** and **RESOLVED** that due to the confidential nature of the business to be transacted the public and press should not be present.

**875/20 Notice Boards**

- a) Members considered for approval a quote for the refurbishment of the notice board removed from Trefonen.

**It was PROPOSED, SECONDED and AGREED to accept a quote of £210 for Colin Turner to sand and coat the notice board with 2 coats of varnish.**

- b) Members considered for approval the purchase of a new notice board for Sychtyn since the one in situ was dilapidated.

**It was PROPOSED, SECONDED and AGREED not to replace the notice board due to lack of use and that it should be removed.**

- c) Members considered for approval that the refurbished notice board removed from Trefonen be installed and replace the one at Trefarclawdd cemetery.

**It was PROPOSED, SECONDED and AGREED to replace the notice board at Trefarclawdd cemetery with the one removed from Trefonen once it had been refurbished.**

**876/20 Staffing Matters**

Members considered for approval that the Council pays for the Clerk's continued annual membership of the SLCC.

**It was PROPOSED, SECONDED and unanimously AGREED that the Council would continue to pay for the clerk's continued annual membership of the SLCC at a cost of £246 for 2021.**

**877/20 Planning Enforcement**

There were no planning enforcement notices received.

The meeting closed at 21:58.

Signed: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

## Clerk's Monthly Report

The following is a report on action taken following decisions made at the last parish council meeting.

MONTH	MINUTE NUMBER	RESOLUTION/AGREED ACTION	TASK COMPLETE	COMMENTS
2020 July	422/19	Inform Shropshire Council that the Council would like to take on the undisputed land at Chapel Green.	Yes	Awaiting a response from Shropshire Council. See above.
November	867/20(b)(c)	Respond to planning applications.	Yes	
	867/20(d)	Ask Shropshire Council to remove the exemption certificate for Fairhaven Camping. Escalate the complaint made to Natural England to stage 2 and submit a FOI. Write to Owen Paterson MP and ask him to support the complaint.	Yes Yes Yes	This has been acknowledged by Natural England.
	860/20	Seek quotes for bus shelter cleaning.	No	Can only find commercial companies that carry out commercial cleaning which is expensive. Not sure where to find quotes for sweeping out bus shelters.
	863/20(a)	Write to Tarmac and ask for details of who owns the bridleway and request that meetings with Tarmac, local residents and parish councillors are reinstated.	Yes	A response has been received from Tarmac stating that, due to COVID-19 the quarry has been mothballed for the majority of 2020 and access to the files is not possible at present. Tarmac is happy to reinstate liaison meetings hopefully in the early part of next year.
	863/20(b)	Write to rights of way officer and ask that the bridleway is re-opened.	Yes	There is no evidence at present that it is a public right of way.
	863/20(c)	Write to Llanyblodwel Parish Council and inform of the Parish Council's decision and action.	Yes	
	867/20	Ask Shropshire Council to replace damaged signage at Maesbury.	Yes	
	870/20	Continue with refurbishment of Aston Water Pump.	Work in progress	Work will commence in the New Year.
	875/20(a)(c)	Arrange for notice board removed from Trefonen to be refurbished.	Work in progress	Have arranged for the notice board to be taken from the cemetery store for refurbishment.

Income and expenditure to date:

MONTH	EXPENDITURE	INCOME	BALANCE
	£	£	£
31-Mar-20		B/F	135659.56
<b>2020</b>			
April	-7283.57	80,728.37	209104.36
May	-2940.29	1,108.04	207272.11
June	-1734.61	57.23	205594.73
July	-2469.98	456.19	203580.94
August	-1724.64	10954.08	212810.38
September	-2795.42	807.39	210822.35
October	-2846.70	1602.78	209578.43
November	-4845.47	1.89	204734.85
December			
<b>2021</b>			
January			
February			
March			
<b>BALANCE</b>	<b>-26640.68</b>	<b>95,715.97</b>	<b>204,734.85</b>

Bank balance as at 30 November 2020:

Current account 10649120	2675.85
Deposit account 11313924	177005.66
Reserve account 21514768	53.34
PSDF	25000.00
	<b>204734.85</b>

Expenditure	Budget 2020/2021	Balance	November 2020	Allocated Reserves
<b>General Administration</b>				
Clerk Salary / Employer NI/ Home Working Allowance	£12,970.00	£4,229.06	£8,740.94	
Stationery	£700.00	£82.16	£617.84	
Postage	£360.00	£100.63	£259.37	
Clerk Travel Costs	£660.00	£523.20	£136.80	
Audit Fee (internal)	£300.00	£300.00		
Audit Fee (external)	£90.00	(£210.00)	£300.00	
Professional/Legal Fees	£500.00	-£370.00	£870.00	£1,000.00
Insurance	£800.00	-£15.56	£815.56	
Meeting Room Hire	£500.00	£374.08	£125.92	
SALC Subscription	£1,600.00	£13.12	£1,586.88	
SLCC Subscription	£246.00	£246.00		
Data Protection	£35.00	£35.00		
Quality Award Scheme	£0.00			£150.00
<b>Communication</b>				
Newsletter	£500.00	£500.00		£2,000.00
Website	£250.00	-£110.00	360.00	
Notice board repair/replacement	£7,125.00	£3,750.00	£3,375.00	
<b>Training</b>				
Clerk	£500.00	£370.00	£130.00	
General (Councillor)	£400.00	£370.00	£30.00	£275.00
<b>Elections</b>	£3,430.00	£3,430.00		
<b>Parish Maintenance</b>				
Street Lights - electricity	£960.00	£249.36	£710.64	
Street Lights - repairs	£250.00	£250.00		
Street Lights - new	£0.00			£2,000.00
Grounds Maintenance - Cemeteries	£3,340.00	£723.00	£2,617.00	
Grounds Maintenance - Green Spaces	£3,340.00	£887.00	£2,453.00	
Grounds Maintenance - New Green Spaces	£1,000.00	£1,000.00		
Morton Churchyard	£425.00	£0.00	£425.00	
Bus Shelter - cleaning	£650.00	£212.00	£438.00	
General Repairs	£200.00	£200.00		
<b>Leisure and Community</b>				
Grants	£3,650.00	£1,530.00	£2,120.00	£1,000.00
General Power of Competence				
Strategic Plan (VAS)	£1,000.00	£955.00	£45.00	£6,812.00
Morda Village Hall				£92,000.00
Tony Cheetham Community Grant Award	£52.00	£52.00		
Contingency	£1,000.00	£1,000.00		
AED	£0.00			£400.00
<b>Sub Total</b>	<b>£46,833.00</b>	<b>£20,676.05</b>	<b>£26,156.95</b>	
Neighbourhood Fund Projects				£6,643.00

Allocated reserves				£112,280.00
Unallocated reserves (Neighbourhood Funds)				£31,471.00
			TOTAL	<b>£143,751.00</b>
General reserves				<b>£58,958.00</b>
Total reserves			Approved	<b>£202,709.00</b>
<b>Total net expenditure</b>	£46,833.00	£20,676.05	£26,156.95	
VAT	0	0	£483.73	
<b>Total gross expenditure</b>			<b>£26,640.68</b>	
Income	Budget 2020/2021	Balance	November 2020	
Precept	£45,583.00	£0.00	£45,583.00	
Cemetery Fees	£1,000.00	-£12,800.00	£13,800.00	
Interest	£200.00	£99.83	£100.17	
Donations	£50.00	-£1,050.00	£1,100.00	
Grants received	£0.00			
<b>Sub total</b>	£46,833.00		£60,583.17	
Neighbourhood Fund			£34,405.40	
<b>Total net income</b>	£46,833.00		£94,988.57	
VAT refunds			£727.40	
<b>Total income received</b>			<b>£95,715.97</b>	

## **BASIC CHARITY LAW**

### **Principal roles played by local councils in the trusteeship of charities**

1. A local council can act as:
  - sole trustee: the council as a corporate body holds the property and oversees its application as charity trustee (see paragraph 6 below);
  - joint trustee together with individual trustees;
  - custodian trustee: the council holds the property but takes no decisions on its use (see paragraph 10 below).
  
2. Local councils can also:
  - appoint their nominees as trustees in certain circumstances (see paragraph 15);
  - give financial assistance to a charity e.g. through grants.
  
3. The responsibilities of the local council as trustee will be set out in the charity's governing document. The governing document sets out the charity's purposes and, usually, how it is to be administered. It may take the form of a trust deed, constitution, conveyance, will, Royal Charter or Scheme of the Charity Commission.
  
4. A local council could be involved in more than one capacity, for example acting both as custodian trustee and appointing one or more of the managing trustees. Managing trustees are responsible under the governing document for controlling the charity's management and administration.

### **Restrictions on local councils**

5. Under s.139(1)(b) of the Local Government Act 1972 ('the 1972 Act'), a local council can be appointed as a sole or custodian trustee of a charity for the benefit of all or some of the people living in its area. Most frequently, the charities will be for recreational purposes.

### **Local councils acting as sole trustee**

6. If a council is the sole trustee, it should set up a committee pursuant to s.101(1) of the 1972 Act. The individual committee members are not charity trustees. However they must ensure that the local council acts appropriately as sole trustee.



7. Pursuant to s.2 of the Charities Act 2011('the 2011 Act'), a charitable body must be established for a charitable purpose and for the public benefit. It cannot be established for further the purposes of some non-charitable body such as the council itself. Local councils and charities often have close interests in local matters. But the charity needs to be independent of the council. Decisions about the administration and operation of the charity must be taken solely with a view to furthering its charitable purposes and for no other purpose. In short, the council must realise it has a dual role, first, as a local authority and secondly as a charity trustee and the two roles must be kept entirely separate. All discussions and decisions relating to the charity should be taken at a meeting specifically called for that purpose, not at a council meeting.
  
8. There are advantages to having a local council as trustee, but there may also be disadvantages. Conflicts of interest between the council and the charity can often occur as well as a failure by the council to appreciate that it must deal with the charitable property in accordance with the charitable trusts. For instance, where the property is a recreation ground, there have been occasions where a lease has been granted on preferential terms to a (non-charitable) sports club. The Charity Commission is aware of local authorities that have disposed of property that they thought was their own but was in fact charitable property. The Commission will generally try to make some other trustee arrangement when it exercises its power to appoint charity trustees eg the council is appointed as custodian trustee with separate managing trustees having day-to-day responsibility for the administration and operation of the charity.

### **The Public Contracts Regulations 2015**

9. In some circumstances, a charity may be subject to the requirements of the Public Contracts Regulations 2015 ("the 2015 Regulations"), for example, the requirement to use the contracts finder website when putting contracts of £25,000 or more out to tender.

### **Local councils acting as custodian trustee**

10. The role of a custodian trustee is very limited. The legal title to the charity's property is vested in the local council and it has custody of all documents relating to the property. The managing trustees must have free access to the title deeds. The charity property should be listed in the council's assets register but with nil value. Responsibility for insurance of the charity property falls on the managing trustees. The custodian trustee has no power to manage the property and no role in the administration of the charity. The custodian trustee duty is to perform all lawful acts necessary to enable the managing trustees to administer the charity efficiently. The custodian trustee should not act if the matter is a breach of trust or involves liability for the custodian trustee.
  
11. Many charities find it convenient to appoint the local council as custodian trustee because the council has a perpetual legal status and identity and thus is capable of

holding charity property forever. The situation may be contrasted with other trustees who die or retire and, consequently, new trustees are required and the charity property has to be transferred into the name of the new trustees.

12. Based on the provisions of s.4(2) of the Public Trustee Act 1906 (“the 1906 Act”), the Charity Commission has given the following guidance in respect of the role of custodian trustees:

“The watchword here is "assistance". The custodian trustee can only assist the managing trustees - it cannot have any management responsibilities itself, no matter how convinced individual members of the corporate body may be that it does... All sums payable to or out of the income or capital of the trust property should be paid to or by the custodian trustee. It may, however, allow the dividends and other income derived from the trust property to be paid to the managing trustees (or to such person, directly or by credit to their bank account, as they may direct). If this is allowed, then the responsibility for ensuring the proper application of those funds falls to the managing trustees, and the custodian trustee is not answerable for any loss or misapplication of them.

The custodian trustee, if it acts in good faith, is not liable for accepting as correct, and acting upon, any written statement by the managing trustees relating to any matter of fact upon which the title to any or all of the trust property may depend. It is also not liable for acting upon any legal advice obtained by the managing trustees independently of it.”

13. Pursuant to s.4(3) of the 1906 Act, custodian trustees are able to charge for their services. However a custodian trustee:

- cannot act for the managing trustees even if there are none; and
- must carry out the managing trustees’ instructions unless that would involve the custodian trustee in a breach of trust or some personal liability.

14. A custodian trustee can be appointed in any of the following ways:

- the governing document of the charity when it is first established;
- the person or persons having power to appoint new trustees;
- an Order or Scheme of the Court; and
- an Order or Scheme of the Charity Commission.

### **Appointment of trustees**

15. In some cases the governing document of a charity may give a local council power to appoint some or all of the trustees of the charity.
16. S.300 of the 2011 Act gives some local councils powers to appoint trustees of certain types of charities for public recreation or allotments.

17. Trustees appointed by a local council under s.300 of the 2011 Act have exactly the same duties and responsibilities as other trustees. They must act independently of the council which appointed them and act only in the best interests of the charity.

### **Non-functioning managing trustees**

18. Charities can lose all of their managing trustees or have insufficient trustees to be quorate. The custodian trustee would still have no power to manage the charitable property and no role in the administration of the charity. What options are there to re-activate the charity? The Charity Commission has powers to appoint trustees (including appointing the council as sole trustee). And under section 36 of the Trustee Act 1925 the remaining trustee(s) may have the power to appoint other trustees.

### **Different types of charity**

#### **(i) ecclesiastical charity**

19. An ecclesiastical charity (as defined by s.75 of the Local Government Act 1894) has one or more of the following purposes:
- for any lawful spiritual purpose;
  - for the benefit of any spiritual person or ecclesiastical officer;
  - for use, if a building, as a church, chapel, mission room or Sunday school or otherwise by any particular church or denomination;
  - for the maintenance, repair or improvement of such a building or for the maintenance of religious service in it;
  - otherwise for the benefit of a particular church or denomination or their members

A local council cannot be a sole or custodian trustee of an ecclesiastical charity or a charity for the relief of poverty (s.139 (3) of the 1972 Act).

#### **(ii) parochial church council**

20. A parochial church council ('PCC') is the elected body dealing with the finance and organisation of the church in a parish or ecclesiastical district. The powers of a PCC are laid down in the Parochial Church Council (Powers) Measure 1956. A measure is the equivalent of an act of parliament. The General Synod has powers to pass measures which relate to any matter concerning the Church of England.

### **Conflicts of interest**

21. Sometimes council officers or members are appointed as trustees of charities and trustees of charities become members or employees of councils. Such dual roles

can give rise to potential conflicts of interest. Charity trustees must not let their other interests conflict with their duty to act in the interests of the charity.

22. In England, a member has obligations under the Localism Act 2011 ('the Localism Act') concerning disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The definitions of disclosable pecuniary interests are given in NALC Legal Briefing L10-12. If a councillor is also a charity trustee for profit or gain, or a director of a charitable company and a council meeting is making a decision about a contract for goods and services between the parties or a tenancy in which the council is the landlord and the charitable company is the tenant (or vice versa), the councillor cannot, without a dispensation from the parish council, participate or vote on the issue. In England, the code of conduct adopted by a council under s. 27(2) of the Localism Act may prevent a councillor from participating in a discussion and voting at a council meeting in respect of any decision about an unincorporated charity of which he/she is a charity trustee without profit or gain (even if appointed or nominated by the council). If a council has adopted the NALC template code of conduct (set out in Legal Briefing L09-12), a councillor in the situations described would be able to speak on the issue only if the public have rights to speak at the council meeting. If a councillor wants to participate in the council's discussion and vote on the matter, he/she would first need to obtain a dispensation from his/her council.
23. In Wales, by virtue of s.50 (4) of the Local Government Act 2000 and the provisions of the Local Authorities (Model Code of Conduct) (Wales) Order 2008 No.778, a member cannot, without a dispensation from his/her principal authority's standards committee, participate or vote on a matter at a council meeting if he/she has a prejudicial interest in a matter arising from his office as a charity trustee (even if his/her council appointed or nominated him/her).
24. Council officers and employees have a duty to ensure that they act in the best interests of tax payers and trustees have a duty to act in the best interests of the charity and its beneficiaries. These duties can, and frequently do, conflict. A conflict can arise in a number of situations and a classic example is the sale or lease of land by one body to the other.
25. For example, trustees leasing or selling land to a council are under a duty to obtain the best price or rent. At the same time, council officers or employees are under a duty to ensure that tax payers' money is spent prudently. Another example is where contracts are agreed by one body to the other. Clearly, it is extremely difficult to comply with both duties at the same time.
26. If the council believes that there may be a conflict of interest, it should seek advice from the Charity Commission, who have produced guidance. It can be accessed via this link - <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>

27. In some situations it may be possible for individuals simply to refrain from taking part in meetings or to refrain from taking part in the decision-making process. In more difficult cases, the Charity Commission might invite trustees to resign voluntarily. It could, after conducting an investigation, also require a trustee to step down.

### **Duties and liabilities of trustees**

28. The duties of trustees can be quite onerous. They must act in the best interests of the beneficiaries at all times. The position is one of personal confidence towards the beneficiaries. The duties owed to the beneficiaries must not in any circumstances be permitted to come into conflict with their personal interests. A trustee acting in breach of trust is usually liable for any losses personally.
29. The courts have been keen to ensure that the trustee's strict duties towards the beneficiaries do not conflict with any of the trustee's other personal interests. Consequently, a sale or lease of trust property to a trustee or to people or companies closely related to him should be approached cautiously. A number of rules have developed which may be summarised as follows:
- a trustee should not place himself in a position where trafficking in the trust property may prove to be an irresistible temptation;
  - a trustee is not allowed to become the owner or lessee of trust property;
  - a trustee may not sell or lease property to a nominee;
  - the sale of trust property to a trustee's relative will be looked upon with suspicion, as will a sale of trust property to a company in which the trustee has a substantial interest.

### **The Charity Commission**

30. The Charity Commission, established by the Charities Act 2006, is one of the main sources of detailed advice and information about charities. It has the following main roles:
- registering eligible organisations in England and Wales which are established only for charitable purposes;
  - taking enforcement action when there is malpractice or misconduct;
  - ensuring charities meet their legal requirements, including providing information on their activities each year;
  - making information widely available about each charity;
  - providing guidance to charities.
31. The contact details of the Charity Commission are as follows:
- general enquiries – contact centre 03000 66 9197;
  - website [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission);
  - useful publications –

- The Essential Trustee: [www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3](http://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3)
- Local Authorities as Charity Trustees [www.gov.uk/government/publications/local-authorities-as-charity-trustees](http://www.gov.uk/government/publications/local-authorities-as-charity-trustees)
- Charities and Meetings [www.gov.uk/government/publications/charities-and-meetings-cc48](http://www.gov.uk/government/publications/charities-and-meetings-cc48)
- Charities and Insurance [www.gov.uk/government/publications/charities-and-insurance-cc49](http://www.gov.uk/government/publications/charities-and-insurance-cc49) .

**Other Legal Topic Notes (LTNs) relevant to this subject:**

LTN	Title	Relevance
21	Local Council Help for Village Halls	Sets out the powers of councils to assist the running of village halls.
40	Local Councils' Documents and Records	Sets out local councils' duties to record ownership of land and keep title documentation.
45	Disposal and Appropriation of Land by Local Councils	Sets out restrictions relating to disposals of land subject to charitable trusts.
45A	Disposal of charity land by local councils acting as sole or managing trustee	Explains the rules and procedures for the disposal of charitable land by a local council which is sole or managing trustee.
80	Members' conduct and the registration and disclosure of their interests (England)	Explains councillors' obligations under the Localism Act 2011.
87	Procurement	Explains the arrangements that councils must follow when the Public Contracts Regulations 2015 apply

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