

CHEVERELL MAGNA PARISH COUNCIL

Minutes of the Meeting of Cheverell Magna Parish Council
Held at The Pavilion, Witchcombe Close, Great Cheverell
Monday 4th October 2021 at 7.30pm

Minute No.	Item	Action
73/21	Councillors in Attendance: Councillors Gray, Hall, Morillo Hall, Porter (Chair) and Stevens	
74/21	Public in Attendance: 15 members of the public.	
75/21	Apologies for Absence: Apologies received from Cllr Burgess and Wiltshire Cllr Muns	
	Open Forum: See item 79/21	
76/21	Disclosures of Interest None	
77/21	Minutes of the Meeting held on 6th September 2021 Agreed: The Minutes of the meeting held on the 6 th of September 2021 were approved as a correct record and signed by the Chair.	
78/21	Wiltshire Council: Report Cllr Muns submitted a report, the Clerk gave a short summary of the headlines at the meeting and the full report has been circulated. Items reported included the Police response to concerns about speeding and the fact that they do not have manpower to analyse the data from autospeedwatch cameras. Recent rural crime in Market Lavington was reported and any concerns should be directed to Cllr Muns.	
79/21	Overage Deed Update The Clerk explained the contents of the report from the Solicitors regarding the Overage Deed and confirmed that the Deed is legal and enforceable, correctly signed, and registered. The purpose of the deed was and remains to provide the Council with an uplift if the additional agricultural land not part of the original main site application was ever developed. The Council has been asked by one resident to agree and sign a deed of release. The purpose of the deed is to ensure that the Overage continues to affect the agricultural land, the effect of the deed would be to have no adverse consequences for the Council it would merely clarify to the successors in title that the overage deed only relates to the agricultural land. It is considered correct that the overage deed remains in place until its natural expiry. Should the Council be minded to agree to the deed of release this should be effected through the solicitor to ensure that the deed is fit for purpose and the appropriate procedure is followed. The Council is under no obligation to enter into the deed of release as the overage deed is valid and enforceable. Homeowners would be responsible for meeting all legal fees in relation to every matter moving forward.	

	<p>The Chair deferred the Council’s consideration of the report until after Open Forum which took place immediately following the Clerks explanation.</p>	
	<p>Open Forum A number of residents spoke about the Overage Deed, the issues they raised were as follows: The question for the Council is not one of legality but social responsibility and the consequences of the deed to all 9 property owners and the problems in selling with mortgage lenders reluctant to lend. The Council should not be talking about 1 deed there are now 9 deeds. The Report was read out badly and the tone resented by residents. The problem remains the same only cash buyers will be able to purchase the properties that will have an effect on who moves into the houses and will stop families moving in. The world has changed. This has left a very bad feeling. The overage deed was put there to stop development and should not be removed. The deed of release has already been drafted and paid for why will it cost more money? The Council has been negligent in that it has not passed on the overage deed (a minute from 2008 quoted) Is the Council going to consider removing the overage deed? In answer to a question the cost of the deed of release for all 9 properties was confirmed by the Clerk as being likely to be in the region of £3,000- £4,000. The Clerk would not disclose the cost for an individual resident as this was a private matter.</p> <p>Ground maintenance Could the Council ask WALC to clarify if plant used for amenity maintenance can still use red diesel? Bills for maintenance submitted to the Council.</p> <p>Pavilion Reports of antisocial behaviour at the Pavilion were given including an incident to which the Police attended but gave a very unsatisfactory response. Cllr Morillo-Hall asked that residents send her details of the times and places of incidents so that a log can be compiled. The police to be contacted about the incident mentioned and asked for advice on measures that can be taken to address the problems going forward. Cllr Morillo-Hall’s email address for reports is e.morillo-hall@greatcheverell.org Cllr Morillo-Hall and Cllr Porter to put this information on the community Facebook page.</p>	<p>Clerk</p> <p>Cllr Morillo-Hall Cllr Porter</p>

	The Chair then closed open forum and resumed the Council consideration of item 79/21	
79/21 (cont.)	<p>Councillors discussed the report from the solicitor and whether the Council should agree to the deed of release that had been requested. The discussion included the costs already properly incurred to clarify the legality and operation of the overage deed and the cost of the deed of release. As the Council is not obligated to agree a deed of release then the Council had no power to spend public funds in doing so.</p> <p>The Council made the following decision: Agreed: That the Council</p> <ol style="list-style-type: none"> 1. Accepts the legal opinion given by Goughs. 2. Notes that it is under no obligation to amend or scrap the Overage Deed. 3. Mindful of the difficulties that the residents are now having is prepared to authorise and sign deeds of release which do not amend the overage deed in any way they merely clarify it. 4. Has no legal power under which to pay, the cost must be borne by the householders. 	
80/21	<p>Clerk's Report The Clerk updated the Council on the following: Gully cleaning request: Wiltshire missed the request which will now be picked up in the November run if they cannot get to it sooner. Parish Council Noticeboard The landlord of the pub is agreeable to the Council exploring options to put the noticeboard at the pub/shop. Council Vacancy The Council has a duty to try and fill the vacancy that exists on the Council by means of co-option.</p> <p>Standing Orders The proposed draft Standing Orders were considered. The Council made the following decision. Agreed: That the Standing Orders as presented be approved.</p> <p>Financial Regulations Cllr Hall requested alterations to the financial regulations at para 4.1 to read "Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by the Council." Para 4.5 the limit for clerk authorisation in cases of extreme risk is subject to a limit of £1,000 (raised from the £500 in the draft) Para 5.1 in the last sentence the word "shall" be replaced by "may". The Council made the following decision:</p>	Cllrs

	<p>Agreed: Subject to the changes proposed Financial Regulations as drafted be approved.</p> <p>Code of Conduct Agreed: That the Code of Conduct as drafted be approved.</p> <p>Risk Schedule Cllr Hall agreed to work on the Risk schedule to update it and bring it back to the next meeting.</p>	Cllr Hall																					
81/21	<p>Finance Report: The Clerk/RFO reported the Councils current banking position and performance against budget and presented the payments for approval and noting. The Council made the following decision. Agreed: The following payment be made:</p> <table border="1" data-bbox="379 857 1222 969"> <thead> <tr> <th>Amount</th> <th>Payee</th> <th>Goods or service</th> </tr> </thead> <tbody> <tr> <td>£22.50</td> <td>Chris Hall</td> <td>Repayment of Flyer printing</td> </tr> <tr> <td>£22.50</td> <td>Total</td> <td></td> </tr> </tbody> </table> <p>Agreed: That the following payments be noted:</p> <table border="1" data-bbox="379 1043 1222 1227"> <thead> <tr> <th>Amount</th> <th>Payee</th> <th>Goods or service</th> </tr> </thead> <tbody> <tr> <td>£367.20</td> <td>Sarah Glen</td> <td>Salary September 2021</td> </tr> <tr> <td>£28.00</td> <td>Ringstones</td> <td>IT/Website support (September)</td> </tr> <tr> <td>£395.20</td> <td>Total</td> <td></td> </tr> </tbody> </table> <p>Cllr Hall declared an interest and took no part in debate or vote of the above item.</p> <p>Budget planning for 2022/23 The Council agreed the setting up of a Budget Working Group to take this forward to consist of Cllrs Hall and Porter and the Clerk. The group to report back to the November meeting.</p>	Amount	Payee	Goods or service	£22.50	Chris Hall	Repayment of Flyer printing	£22.50	Total		Amount	Payee	Goods or service	£367.20	Sarah Glen	Salary September 2021	£28.00	Ringstones	IT/Website support (September)	£395.20	Total		Cllrs Hall and Porter Clerk
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82/21	<p>Planning</p> <ul style="list-style-type: none"> PL/2021/08500 Erection of conservatory to the side elevation 2 Townsend, Great Cheverell, Devizes, Wilts, SN10 5TL Council decision: No comment PL/2021/09085 T1 - Scots Pine – fell Hazelbarn, 22 High Street, Great Cheverell, Devizes, SN10 5TH Council decision: No comment <ul style="list-style-type: none"> Wiltshire Climate Strategy and Green and Blue Infrastructure Strategy Consultation <p>The Council suspended the meeting to allow a resident to speak on the Wiltshire Council proposals.</p>																						

	<p>The resident commended the high-level strategies, which will be backed up by delivery plans following the consultation, to the Council and urged the Parish Council to make comments back to Wiltshire Council on them.</p> <p>The meeting restarted.</p> <p>Agreed: The Council supports the principle of the Climate Strategy and the Green and Blue infrastructure Strategy and will submit comments through the online survey.</p>	Clerk
83/21	<p>Planting project and Maintenance Contract</p> <p>Paul Fox reported on the work of the Working Group and confirmed that the hedging is ordered including an extra amount to extend planting between the Gleeson hut and the goal posts. The woodland trust can only supply oak trees therefore the group suggest that residents, businesses, and the school be given the opportunity to donate trees of other types.</p> <p>Preparation for the areas to be planted needs to be planned and risk assessed, and the protection of any young trees planted from grass cutting machinery needs to be considered.</p> <p>A wildflower area around the stumps /logs is proposed.</p> <p>Publicity is required for the project and planting days. Working Group to draft two pieces one about the planting project and planting days and one about donating a tree.</p> <p>The school to be contacted to circulate information to parents and to be invited to see and learn about the project.</p> <p>Event management including use of Pavilion facilities and refreshments to be consider and risk assessed. A risk assessment for both planting days needs to be drafted.</p> <p>Oak tree stump to be ground out.</p> <ul style="list-style-type: none"> • Request for Petanque or French boule court Cllr Hall to investigate this request further regarding size, cost and the likely use by residents and report back. Working Group to note the request when considering planting works. • Maintenance Contract Cllr Hall agreed that the process does not need to follow full tender requirements as the price will be less than £10,000. Tender to go to 4 contractors. Council Mower needs to be found a new home. Cllr Gray to liaise. 	<p>Working Group</p> <p>Cllr Hall</p> <p>Clerk</p> <p>Cllr Gray</p>
84/21	<p>Community Speed Watch</p> <p>The Community Speed Watch Coordinator had been invited to attend the meeting and had supplied a report which was circulated to Councillors before the meeting. Following discussion about the use of the autospeedwatch camera its data, GDPR implications for the way it is stored and used, and the cost to the Council of the annual data charge, the Council made the following decisions.</p>	Clerk

	<p>Agreed:</p> <ol style="list-style-type: none"> 1. That the Council will not renew the data subscription for the autospeedwatch camera. 2. That the Community Speed Watch Team be asked to delete all data from the camera from their personal devices and confirm to the Council that this has been carried out. 	
85/21	<p>Dog Waste Bin This item was deferred.</p>	
86/21	<p>Parish Council Noticeboard This item was deferred.</p>	
87/21	<p>Cheverell Magna New Pavilion Trust This item was deferred.</p>	
88/21	<p>Gleeson's Hut This item was deferred.</p>	
89/21	<p>Gates for Permissive Path, Townsend Wood This item was deferred.</p>	
90/21	<p>Standing Reports This item was deferred.</p>	
	<ul style="list-style-type: none"> • Playground • Green spaces • Victoria Park Residents Association <p>Cllr Hall asked that it be noted that the Association had not attended or provided a report since May 2021, Clerk to check on previous attendance.</p>	Clerk
	The meeting closed at 9.26pm	

Future Meeting dates

November	1 st 2021	Full Council
December	6 th 2021	Full Council
January	10 th 2022	Full Council

at The Pavilion, Witchcombe Close, Great Cheverell

**For more information, please see the Council's website at
WWW.GREATCHEVERELL.ORG**

Signed by the Chair