

**MINUTES OF THE MEETING OF WOLSTON PARISH COUNCIL  
HELD AT WOLSTON LEISURE AND COMMUNITY CENTRE ON THURSDAY 1<sup>st</sup> JULY 2021 AT 7.00 PM**

**This meeting was held in accordance with Government Regulations.**

**PRESENT** Cllr T Harvey-Smith (Chair), Cllr G Fewkes (Vice-Chair), Cllr Miss T Ball, Cllr D Cross, Cllr Miss S Dobinson, Cllr R Grainger, Cllr J Milne, Cllr A Parker, Cllr L Wright and Mrs M Meede (Clerk).

Plus: Borough Councillor Willis and 9 members of the public.

After members of the public and Councillors had been given the opportunity to raise any issues, the Chairman thanked everyone for attending, and the Parish Council meeting commenced at 7.40pm.

**33. APOLOGIES FOR ABSENCE**

The apologies of Cllr Mrs M White for reasons of ill health were accepted.

The apologies of Cllr Mrs H Timms and Borough Councillors Bearne and Poole, and Mrs Malyon (NDP) were noted.

**34. DECLARATIONS OF INTEREST (existence and nature) for items on the Agenda**

Cllr Miss Dobinson declared an interest in agenda item 41. The Chairman advised that Councillors could declare an interest later in the meeting should this become apparent for any agenda item.

**35. APPROVAL OF MINUTES OF THE PARISH COUNCIL**

All Councillors had been given the opportunity to review the minutes of the Parish Council meeting held on 3<sup>rd</sup> June 2021 prior to this meeting. Following a brief discussion Cllr Parker proposed approving the minutes which was seconded by Cllr Milne and the motion was passed.

**RESOLVED: The minutes of the Parish Council meeting held on 3<sup>rd</sup> June 2021, having been approved for adoption by those who had been present at the meeting, be signed by the Chairman.**

**36. ALLOTMENT LAND LEASE/HEADS OF TERMS**

Cllr Miss Dobinson reported that the Allotment Working Group (AWG) have, over the past few months, been liaising with the Land Agent and Parish Council Solicitor in order to try and negotiate a new lease for the allotments, but she gave assurances that no decisions had been made. The aim is to get the best lease possible, which includes increasing the length of the lease to give extra security to the Allotments Association, and it will not be a business lease.

As a result of advice given to the AWG by the Parish Council Solicitor, the AWG met with representatives of the Allotments Association. The Parish Council Solicitor had also met with the Parish Council Chairman via Zoom and gave advice, which included the fact he strongly felt that the Parish Council should not get tied into a long lease. The discussion mainly revolved around whether the Allotments Association could take on the new lease for the allotment land, instead of the Parish Council. The Allotments Association Committee took advice from their Solicitor, and agreed they may become a Charitable Incorporated Organisation (CIO), as this would remove individual liability should they become primary tenants; it also makes their case for external funding much stronger.

A discussion took place about the proposed Heads of Terms along with some areas which are still to be agreed (all Councillors had been given a document detailing all of the relevant information and the draft Heads of Terms), and also the possibility that Wolston Parish Council become the tenant for the first year, and that the primary tenancy then pass to the Allotments Association after they are formally constituted.

Cllr Miss Dobinson proposed that the Parish Council approve the Heads of Terms already negotiated, and the terms still to be agreed as discussed. Some of these additional terms included the completion of phase two to be no later than the occupation of the 10<sup>th</sup> house, the ability to transfer the lease to the Allotments Association, and the right to renew the lease after 25 years not being unreasonably withheld. Cllr Miss Dobinson explained that this has been a time of great uncertainty for the Allotments Association and the plot holders, and so felt it was important that details of the new lease be finalised as soon as possible. The proposal was seconded by Cllr Milne. Cllr Wright then proposed that this item be deferred until all allotment holders had a meeting so they were all aware, but there was no seconder for this proposal so the Chairman asked Councillors to vote on the proposal put forward by Cllr Miss Dobinson. The motion was passed.

**RESOLVED: For the draft Heads of Terms to be approved by the Parish Council, along with the other terms yet to be agreed.**

Cllr Milne wished for his thanks to Cllr Miss Dobinson and the AWG to be recorded, for all their hard work.

### 37. FINANCE

Councillors reviewed and discussed the accounts for payment and considered payments received.

a) *To approve accounts for payment in June 2021.*

Payments made in June 21				
Date Issued	To whom payable	For what purpose	Cheque number	Gross Amount
01/06/2021	Moule & Co Ltd	Professional Fees	106165	£922.32
01/06/2021	Rugby Pest Control	Mole Control	106166	£72.00
01/06/2021	Lakeside	Grass Cutting	106167	£960.00
03/06/2021	Wolston Events	Grant - Insurance - Wolston Events	106168	£157.49
03/06/2021	Mr A Parker	Tree Guard Planters	106169	£108.45
03/06/2021	Mr A Parker	Streetlight Visit	106170	£38.25
21/06/2021	EON	Pavilion Electric	106171	£15.62
21/06/2021	Shell Energy Retail Ltd	Broadband/phone	106172	£28.99
21/06/2021	Mr P Owen	Fuel (petrol and diesel)	106173	£46.59
21/06/2021	Parish Council Employees	Staff Salaries	106174-6	£2,274.92
21/06/2021	HMRC	PAYE	106177	£268.28
21/06/2021	WCC Pension Fund	LGPS	106178	£357.39
21/06/2021	WLCC	Room Hire	106179	£20.40
21/06/2021	Wolston Baptist Church	Office Rent	106180	£700.00
				£5,970.70

Following a discussion, Cllr Cross proposed approving the accounts for payment, which was seconded by Cllr Miss Dobinson and agreed unanimously.

**RESOLVED: The accounts, as listed above, be approved.**

b) *To note payments received in June 2021 and the latest bank reconciliation:*

There were no payments received to note, and the latest bank reconciliation were noted.

### 38. PLANNING

All Councillors were given the opportunity to review the applications prior to the Parish Council meeting.

a) *R21/0519 Proposed single-storey rear extension at 88 Main Street, Wolston CV8 3HP*

Councillors discussed the application and Cllr Miss Ball noted that the neighbours may have right of access across the land (for their bins etc) but this is not shown on the plans. Cllr Grainger agreed, and he confirmed that the access way between the properties was showing on the Ordnance survey map as open access. Following a discussion, Cllr Miss Ball proposed supporting the application subject to neighbour consultation and that the Planning Officer considers the rights of access for neighbours as part of their site visit. This was seconded by the Chairman and the motion was passed.

**RESOLVED: For the Parish Council to support this application, subject to neighbour consultation and the Planning Officer considering and checking the rights of access for neighbours.**

### 39. STREETLIGHT UPGRADE – APPROVAL TO BORROW

Cllr Grainger reported that, further to previous discussions and agreements relating to upgrading 150 (out of an estate of 159) streetlights the formal 'Letter of Commitment' for a loan of £32,670 has been received from Salix Finance and the 'Invitation to Tender' (ITT) has been published on the Government 'Contract Finder' website. (The ITT may be viewed here: <https://www.contractsfinder.service.gov.uk/Notice/6f843c60-8a3a-4ffb-9d3e-7fbe5c67b91b>). The closing date for tenders to be received is 16th July, and Cllr Grainger explained that before the Parish Council proceeds it is necessary to obtain formal approval from MHCLG (Ministry of Housing, Communities and Local Governments) for the Parish Council to borrow money, and this approval needs to be in place prior to award of the contract. It is a requirement of MHCLG that the Parish Council consults with residents prior to taking a loan, and to meet this requirement the proposal to borrow money has been advertised on the notice board, the Parish Council website and Facebook pages and in the Avon Grapevine since the 15th May 2021. No responses have been received.

Cllr Grainger therefore proposed Councillors to endorse the 'Application for Borrowing Approval', which they had all received a copy of prior to the Parish Council meeting.

A discussion took place, including questions about the terms of the loan (five year interest free) and the fact the grant request had also been submitted under the WCC 'Green Shoots' fund for £12,000 which will bridge the gap between the cost of the project and the loan – the result of this grant request will be received later this month. The £12,000 to cover the work required is also in the Parish Council budget as they recognised there would be this shortfall when creating the 2021-22 budget.

Cllr Milne then seconded the proposal, which was agreed unanimously.

**RESOLVED: For the Parish Council to endorse the 'Application for Borrowing Approval'.**

#### **40. SUMMER PLAY SCHEME**

The Clerk confirmed that the RBC Play Rangers could run a summer play scheme in Wolston for a couple of hours a week during the six week summer holidays. A discussion took place about what the scheme would involve, and it was noted that the cost to the Parish Council would be £510 for two Play Rangers and equipment to run the weekly two-hour session. This would include all their expenses and travel. Cllr Milne then proposed that the Parish Council fund the play scheme (for £510) which was seconded by Cllr Cross and all Councillors were in agreement.

**RESOLVED: For the Parish Council to sponsor six play sessions organised and run by the RBC Play Rangers over the summer holidays.**

#### **41. PRECEPT FOR WBBJBC (WOLSTON, BRANDON AND BRETTFORD JOINT BURIAL COMMITTEE)**

Cllr Miss Dobinson had declared a personal interest in this agenda item.

A discussion took place, before Cllr Parker proposed that the Precept demand of £3000 from WBBJBC be given, which was seconded by Cllr Fewkes and agreed unanimously.

**RESOLVED: For the Precept demand of £3000 from WBBJBC to be met.**

#### **42. ROAD SAFETY, PARKING AND SPEEDING IN WOLSTON**

- a) *For the Parish Council to consider and make a decision in relation to applying for a grant to the Police and Crime Commissioner in support of a proposal to install three vehicle activated speed warning and data gathering signs.*

Cllr Fewkes explained that the Working Group had been looking at 'speed activated signs' which not only monitor speed, but also offer data collection including details of numbers of vehicles and the time and speed of each vehicle passing the signs. The Working Group have also been considering the costs, which would be around £9,000-£10,000 for three signs. He questioned what the Police would be able to do with the data collected, but still felt it would be a useful project as it could provide evidence of traffic problems within Wolston. Cllr Grainger has been looking at grant opportunities in order to fund the signs, and had been advised that the Police and Crime Commissioner have a grant funding opportunity for such schemes later this year. Cllr Wright proposed deferring this project until more information is known about the grant funding, and so the Working Group can get more information and a firm proposal. This was seconded by Cllr Grainger and agreed unanimously. Cllr Miss Ball agreed to be the lead representative for the Parish Council in this group.

**RESOLVED: For the Working Group to get more information and quotes, and for the item to be deferred until the grant funding opportunity is available and a firm proposal can be made.**

- b) *For the Parish Council to consider supporting a Working/Community Group to look at the issues of Road Safety and Parking in Wolston.*

Cllr Miss Ball proposed setting up a Community Road Safety Group which can be made up of Councillors, residents and any other interested parties, to look at road safety and parking concerns in Wolston, and hopefully come up with solutions that can be proposed to the proper authorities. Following a brief discussion, the proposal was seconded by Cllr Fewkes and agreed unanimously.

**RESOLVED: For a Community Road Safety Group to be set up, to look at issues of road safety and parking in Wolston.**

#### **43. RUGBY HOUSING STRATEGY 2021-23 CONSULTATION**

Councillors confirmed receipt of the consultation, and confirmed that they would respond individually should they wish, or get their views to the Clerk by 10<sup>th</sup> July so a collated response can be sent.

#### **44. NOTICE OF MOTIONS**

The Chairman explained that although these Notices of Motion are not time sensitive and do not in theory fall within the scope of a Notice of Motion, he and the Clerk had agreed they could go on the agenda for transparency purposes. He also advised that, to respond properly to the queries raised, advice had been sought from WALC, RBC and the Planning Inspectorate.

- a) *Wolston Parish Council debate whether the withholding of correspondence sent by the developer Rosconn, prior to the appeal hearing was contrary to the Parish Council's Code of Conduct, and make a decision accordingly.*

Cllr Wright stated that information had been sent to the Clerk the night before the appeal hearing by Rosconn, and he stated that had he been in receipt of these documents he could have raised them at the appeal hearing. The Chairman and Clerk advised that:

1. An email was received from Rosconn 8.03pm on 12<sup>th</sup> May -the night before the appeal. (The Clerk is contracted to 20 hours a week and so in theory shouldn't have even seen it until after the appeal started).
2. When the Clerk saw the email, she noticed that inaccuracies in the documents had been highlighted – so she forwarded to the AWG for their interpretation and advice at 8:18pm that evening, and suggested that documents with errors should not be shared by the Clerk or PC due to possible confusion, and that she felt this is not best practice.
3. The AWG agreed inaccuracies – we do not usually share or forward information or documents that are inaccurate as it causes confusion, and it was felt there was no benefit in sharing incorrect information which may cause confusion. Therefore it was felt inappropriate to share at this stage, especially as they were not Parish Council documents or documents where Councillors had to make a decision. There have been issues in previous Parish Council meetings where a Councillor/s have raised issues in documents which have either been altered or superseded (or are just outdated) and so it was thought best to share documents when further information was known about their accuracy or when new documents were issued.
4. An email was received from Cllr Ball at 8.55pm on 12<sup>th</sup> May asking AWG members if the document should be shared. The Clerk responded on 13<sup>th</sup> May at 8.21am advising that the inaccuracies mean the documents may not be a true record of what was agreed and that Cllr Miss Dobinson was working on possible responses to the Planning Inspector should questions be raised. No further response was received from Cllr Miss Ball, so it was assumed this response was acceptable. It was noted that the Clerk just gave her thoughts and opinion in the email, and ultimately Councillors (including Cllr Miss Ball who is on the Working Group) could have shared should they wished as they were not told they could not do this, the Clerk just gave her thoughts on the matter.
5. An email was sent to the Planning Inspectorate at 9.56am on 13<sup>th</sup> May advising that the Parish Council had just received the documents, and had not seen them prior, and there may be inaccuracies. However, the Parish Council understood the applicant would be raising these during the hearing,
6. In order to keep Councillors informed, at 10.05 am on 13<sup>th</sup> May an email went to all Councillors advising them that information had been received, but it may be inaccurate so it wouldn't be shared by the Clerk until the accuracy could be clarified and confirmed.
7. As the documents were from RBC and part of the planning process, the documents (as all planning documents are) were available for viewing on the RBC Planning Portal. All Councillors are aware that this is where to look for planning documents and so the documents were available for anyone to see.
8. Cllr Wright spoke to the Clerk the day after the appeal hearing and the situation was explained and it was confirmed that, as soon as new documents were issued or the inaccuracies clarified, the information would be shared; Cllr Wright seemed happy with this.
9. During his conversation with the Clerk, Cllr Wright said that if he had had the information before the appeal, he could have raised some of the points in it. The Clerk advised him that he couldn't have used any of the information as the Parish Council had agreed not to speak/participate in the appeal. As he was supposed to be speaking as a resident, he wouldn't be able to use information which had been sent to the Parish Council.
10. When eventually RBC and Rosconn confirmed no new documents would be given, the documents were then shared with Councillors on 14<sup>th</sup> June at 1:36pm (explaining that inaccuracies were still present but we had been told these were the only documents available).
11. The Clerk is not subject to the Code of Conduct. If a Councillor thinks the Clerk has acted in the wrong way they should follow due process.
12. The correspondence was listed on the correspondence list which was sent to Councillors.

In summary, the information (which was received out of hours) was shared with Councillors when it was confirmed that these would be the final documents, but Councillors were informed that the documents had arrived and it was hoped any errors could be resolved before sharing. The information could not have been

used at the appeal hearing apart from by Cllr Miss Dobinson who was registered to speak, and so the fact Councillors did not see them had no impact on the hearing.

The Chairman then asked Cllr Wright and Cllr Miss Ball which area of the Code of Conduct they thought had been breached, and explained if they thought a breach had taken place then the matter could not be discussed and they would need to report it in the proper way. It was explained that they felt 'Openness' was the issue. Cllr Wright and Cllr Miss Ball said they felt information had been withheld and that the email should have been sent so Cllr Wright could have used the information during the hearing should he have wished. The Clerk said that, in hindsight she could have made it clearer that the documents were on the RBC Planning Portal with the other planning documents. Cllr Milne stated that he felt Councillors had been kept informed and up-to-date, and the documents had been sent once confirmation had been received, so he felt there was no withholding of information. The Chairman asked for a vote on whether Councillors felt the Notice of Motion should stand. Cllr Wright proposed that information had been withheld which was seconded by Cllr Miss Ball. All other Councillors voted against the proposal, so the motion was not passed. The Chairman advised Cllr Wright and Cllr Miss Ball of the next steps they could take in order to make their concerns official.

*b) Wolston Parish Council debate whether the use of the Statement of Common Ground by the developer (at the appeal), breaches the council's decision not to participate in the appeal process. The SOCG was signed by the parish council, on a 'for information only' basis.*

Cllr Wright said that by being part of, and signing the Statement of Common Ground, he felt the Parish Council had participated in the appeal when they had agreed they wouldn't. Cllr Miss Ball agreed with Cllr Wright and had seconded the Notice of Motion.

The Chairman explained that the 'Statement of Common Ground' (SoCG) was discussed at length during the Extraordinary Parish Council meeting held on 29<sup>th</sup> April 2021 after the WBAGA had requested that the Parish Council get involved and support them with the document. During this discussion it was explained that the SoCG is a document that the Planning Inspector would expect to see, and that submission of the document would not mean the Parish Council was participating in the appeal. The minutes show that 'Cllr Miss Dobinson stressed that agreeing to the SoCG does not indicate support for the planning development, as the SoCG simply gives factual information and provides clarity about the areas all parties mutually agree on, and the Planning Inspector will expect to see a copy of this document'.

After the discussion, it was agreed unanimously on 29<sup>th</sup> April 2021 that the SoCG be signed by the Parish Council, (once confirmation about wording for the NDP had been resolved, which it was).

Following receipt of the Notice of Motion, the Clerk and Chairman reviewed again the 'Planning Inspectorate Statements of Common/Uncommon Ground for Inquiries' guidance document, which sets out the process for the SoCG. It clearly states that the appellant is required to submit the SoCG in advance of the appeal hearing, and also that contributing to agreed areas of commonality is a process that has to be completed several weeks prior to the appeal and is not part of the appeal itself. This is to reduce quantity of material which needs to be presented and considered, and help inform the early engagement process. The Inspector has the power to award costs in line with the Governments Planning Practice Guidance and that unreasonable behaviours may include not complying with the prescribed timetables (wording taken directly from the PINS document).

The document does mention the 'Local Planning Authority' as being required to participate. The Clerk contacted the Planning Inspectorate and also RBC to re-confirm whether the Parish Council should have been part of the document, and the Planning Inspectorate Administrator advised that - If the Parish Council had not co-operated it may have been seen as obstruction which the Planning Inspector would have looked poorly upon. By being involved with the SoCG and S.106 and other documents this is seen as co-operation rather than participating or being involved with the appeal.

The RBC Planning Officer also confirmed that the AWG understanding of the SoCG was correct (in that by co-operating by supplying documentation and information for use in the appeal does not mean we were participating or 'party' to the appeal) and stated that 'the SoCG is a document showing your co-operation and information with the ongoing appeal. If you had wished to be involved with the proceedings someone would have needed to register on the day to explain they wished to speak'.

Taking this into account, the only participation that took place was by Cllr Miss Dobinson (which was agreed by the PC) and Cllr Wright as he had confirmed during the meeting he was 'Cllr Wright from Wolston Parish

Council'. He did however confirm towards the end of the appeal he was representing himself and those against the development.

In summary, it was confirmed to Councillors prior to the appeal that by complying and co-operating with the SoGC this did not mean the Parish Council were participating in the appeal. This has since been confirmed once again by the Planning Inspectorate and RBC, and that the Parish Council had no control over how the document was used as part of the appeal.

Following a further discussion, Cllr Wright proposed that Rosconn had gone against the wishes of the Parish Council. Cllr Miss Ball then stated she wished to withdraw her support for this Notice of Motion, now she had a better understanding of the appeal process. As no one else seconded Cllr Wrights proposal the Notice of Motion was no longer discussed.

#### **45. DATE OF NEXT MEETING/S**

The Chairman confirmed that the next Parish Council meeting is due to take place on Thursday 5<sup>th</sup> August 2021 at 7.00pm at Wolston Leisure and Community Centre

As there were no further items on the Agenda the Chairman declared the meeting closed at 9.50 pm.

Signed:..... Chairman

Date: .....

#### **Notes on the Public Forum and Parish Matters held during the Parish Council Meeting on 1<sup>st</sup> July 2021.**

The Chairman welcomed everyone to the meeting and invited representations from all who were present.

A resident asked for clarification about the Parish Council's position in relation to the Allotment Land planning applications. Confirmation was given that the Parish Council had supported the application based on the information they had at the time, including from the Parish Council Planning Consultant. A discussion then took place about the appeal, and a resident highlighted their disappointment that the NDP hadn't been taken into account by the Planning Inspector, as it had not progressed to the required stage. It was recognised that the Planning Inspector made their decision based on planning and legal reasons, which agreed with the decision made by the RBC Planning Officer when the application first went to the RBC Planning Committee. A number of residents felt the Parish Council should not have given their support as it was not what the majority of residents wanted and told Councillors at the public meeting, and the Chairman agreed the decision had not been easy, and the decision had been made based on legitimate planning reasons.

Borough Cllr Willis confirmed that RBC had approved the purchase and use of drone technology to assist RBC in Council business, including fly tipping and site visits. Information will be shared when possible on how the drone can be used in the community and by Parish Councils should they wish. Cllr Parker asked questions about privacy and Data Protection, including what would be recorded and how images would be stored and shared. Cllr Willis agreed to look into these queries and report back.

Cllr Willis explained that it is hoped the Police and Crime Commissioner will attend the August Parish Council meeting to discuss concerns around road safety in Wolston. He also advised that grants are available for flashing speed signs, and reported that Cty Cllr Mrs Timms is still liaising with Highways about speeding in the area. Personal Injury Collision data had also been obtained for incidents occurring on Main Street over the past 5 years, and it was noted that three incidents (where Police and ambulance had been called) had been logged. Cllr Willis then advised that the Bretford Bridge should be reopening week commencing 12<sup>th</sup> July.

Cllr Miss Ball then provided an update on the NDP, and advised that the document should be available for Parish Councillors to review in August, and it is hoped Councillors can make a decision about the document at the September Parish Council meeting. Following a discussion, it was confirmed that there is a set legal process to follow, and Councillors agreed that three weeks should be enough time for them to provide any comments on the document, as they have seen it previously and were assured the content had not altered too much. Borough Cllr Willis advised Councillors that, since he had been elected onto the Borough Council, he has been advised that although he can remain part of the NDP, he should not longer be fronting the project. Mr Jock Rainey will still be Chairing the Steering Group, and Mrs Clare Malyon will continue to attend Parish Council meetings when possible. As there were no further comments or questions, the Chairman declared the public forum part of the meeting closed at 7.40pm.

*Note: Borough Councillor Willis gave apologies and left the meeting at this point.*

Signed.....