Stockton Heath Parish Council

MINUTES OF THE MEETING OF STOCKTON HEATH PARISH COUNCIL HELD ONLINE via ZOOM ON TUESDAY, 9 FEBRUARY 2021 AT 7.30PM.

Present: Councillor L Murphy (Chair)
Councillors S Barlow, S L Dean, H J Dutton, C E Jones, C E Jordan, D Robb, SH Taylor, P Todd, P J Walker, G Welborn and J C Wheeler.

Attending: Mrs L Jacob – Clerk; 3 members of the public

20/168 Apologies

Apologies were received and accepted from Cllrs. N Bent and S W Boggan.

20/169 Declarations of interest

Cllr Wheeler and Cllr Walker, as member and substitute member of the Development Management Committee did not speak on any planning matters. Cllr Robb declared an interest in Item 176 as an allotment holder.

20/170 Public Participation

170.1 PCSO Monthly Report

The monthly report contained three incidents of theft from retail stores; one theft from a motor vehicle and one incident of criminal damage to a motor vehicle. There have been reports of youths meeting at Thorne Marine. The PCSO Team are renewing the Shop Watch Initiative with the traders; working with partner agencies on a project at Cantilever Bridge and have issued fixed penalty notices for breaches of Covid regulations relating to unnecessary travel. The speed gun had been used across the parish with no activations. Councillors raised the following in response to the report – that the team were making good use of social media to communicate; that the team should be asked if the partnership with the Broomfields Youth Project was seeing results in Alexandra Park; that the team should be made aware of a homeless person in the parish and to enquire if it was still felt that preventing the use of the benches at Victoria Square was still required.

170.2 Members of the Public

A representative of the retailers asked if the parish council would support a request to Warrington Borough Council for a reduction or temporary cessation to car parking charges at the Forge Car park as the lockdown eased, in order to encourage people back to the high street.

A resident reported that the last Christmas Trees will be removed from shop fronts as soon as possible – as premises had been closed through lockdown there had been a delay in their removal; that the grit bin at the Forge car park needed to be removed as it was damaged and full of litter and water; that it was hoped that the perimeter fencing and trees in the lower Forge Car park would be addressed by the plans in place for the enlargement of the car park; that a manager form Aldi had tragically died in a road traffic accident.

20/171 Minutes

171.1 **Parish Council**

The minutes of the Monthly Parish Council Meeting held on Tuesday 12 January 2021 were confirmed as a true record and signed by the Chairman.

172.2 **Planning, Finance and General Purposes Committee**

The minutes of the Planning, Finance & General Purposes Committee held on Tuesday 2 February 2021 were confirmed as a true record and signed by the Chairman.

20/172 Clerk's Report on Correspondence

The Clerk provided information received since Tuesday 12 January 2021 to 2 February 2021, for council **to note** and an update was provided by email prior to the meeting.

20/173 Updates on actions from the previous minutes

The following updates on matters arising from agenda items from the aforementioned meetings were noted:

Parish Council, Tuesday 12 January 2021

173.1 (minute 20/151) Cllr Jordan confirmed that a card of condolence had been sent on behalf of councillors to the family of Peter Warburton, former clerk to the Parish Council.

173.2 (minute 20/153.2) Cllr Wheeler enquired if the Census councillor pack had been circulated.

173.3 (minute 20/161) Cllr Barlow acknowledged the receipt of the letter from Peel Ports in reply to the correspondence sent by the Parish Council and asked that a further letter be sent enquiring about the timescale for Peel sending letters to homeowners and that the representative from Peel Ports be invited to a meeting of the Parish Council.

173.4 (minute 20/166) In lieu of the tree officer, that David Cotterrell be invited to a meeting of the Parish Council to provide information on how tree=planting could be supported in Stockton Heath.

20/174 Councillors Reports

The following reports were made at the meeting:

Lamp post no. 24 at Whitefield Road/Walton Road junction was still not working and had been reported again. Two gullies, one at Ackers Lane and one at Ackers Road had been unblocked to reduce floodwater and a report made to request that the outlet into Ackers Pit from Ackers Road be unblocked. A large pothole at the footpath to Chapel Lane had been reported, had been inspected and cordoned off and is due to a collapsed drain. Gas pipe renewal works were ongoing across the parish, currently at Whitefield Road and soon at Red Lane and Hilltop Road.

Items for discussion and decision:

20/175 London Road Swing Bridge

A draft letter to be sent to Peel Ports regarding the London Road Swing Bridge was discussed and several suggestions of inclusion and amendment made. **Resolved** that the letter, with amendments made, will be sent to Peel Ports.

20/176 Red Lane Allotments

The background paper describing the drainage issues highlighted by the Association's recent health and safety report was discussed and it was **Resolved** that Cllr Murphy will check the title deeds to establish if the properties on the southern boundary of the allotments have the benefit of drainage easements.

20/177 Parish Rangers

The Parish Rangers had settled on a working week which will be reviewed at the end of the month. The van hire arrangement with Warrington Borough Council had been reinstated for Tuesdays and Thursdays. Councillors extended their welcome to the rangers.

20/178 Digital Advertising sign at 27 London Road

Cllr Taylor spoke to this item. A number of concerns had been raised at the MPs office and correspondence would be sent by the office to the Planning Inspectorate. There was discussion about the relative brightness of the sign during nighttime conditions with Cllr. Taylor reporting that these issues had also been raised with the planning department.

Resolved to record that the Parish Council believes that the wrong conclusion was reached by the Planning Inspectorate and that councillors will individually raise their concerns with Professor Steven Broomhead, Chief Executive Officer at Warrington Borough Council.

20/179 Planning Application 20/38587

The following planning application, where no plans had been available for discussion at the PFGP meeting on 2 February, was discussed.

17, Summerville Gardens, Stockton Heath, Warrington, WA4 2EG
Single storey side extension with external alterations to existing opening and new rear dormer extension with juliet balconies.

Resolved that no comment will be made.

Cllr. Walker advised that the planning department were rigidly adhering to the 21 day statutory consultation period on plans.

20/180 Reports from Outside Bodies

Cllr. Walker recently attended the Police and Crime Commissioner's Panel, where a budget increase of 7.1% was agreed, adding approximately 26p per week to a Band D property council tax.

Cllr Barlow attended a meeting of the Friends of the Library meeting via Zoom. The group are conducting a survey of lockdown reading habits and encouraging the formation of a virtual book club.

A Parish Liaison meeting had been arranged for 9 February 2021 at 6pm.

20/181 Future Agenda Items and Items for Publicity

It was agreed that the following items will be placed on a future agenda:
Car parking charges at the Forge Car Park; drainage issues at Red Lane Allotments; invitation to David Cotterill (March); invitation to Peel Ports (April)

It was agreed that no items will be publicised through the website:

Matters for discussion in closed session

20/182 Community Governance Qualification

Resolved that, in recognition of the achievement of the Level 4 qualification the clerk will receive an additional scale point with effect from 1st April 2021.
Also, in appreciation of her hard work in the past year an additional one-off payment of £250 will be made.

20/182 Date and Time of Next Meeting

Tuesday 9 March 2021, 7.30pm

The meeting ended at 9.01pm

STOCKTON HEATH PARISH COUNCIL

A meeting of the Planning, Finance & General Purposes Committee was held on Tuesday 16 February 2021, commencing at 7:30pm via Zoom.

Present: Cllr. P Todd (chair)
Councillors H J Dutton, C E Jones, L Murphy and D Robb.

Attending: Mrs L Jacob (Clerk); 2 members of the public

P20/083 Apologies

Apologies were received and accepted from Cllrs. S W Boggan, S H Taylor and P J Walker.

P20/084 Declarations of interest

There were no declarations of interest.

P20/085 Public Participation

. A resident spoke about a plan on the agenda, raising concerns about the proposed height of the building.
Another resident spoke about the same plan and invited councillors to visit the property to gain perspective on the concerns raised.
Cllr Todd then provided a summary of the amendments that the plan proposed and Cllr Murphy advised the residents on the process for "calling in" a plan for discussion by Warrington Borough Council's Development Management Committee.
The residents left the meeting at 7.46pm.

P20/086 Planning Applications

Responses to the plans listed below were discussed:

2021/38617 Mulberry Court, Victoria Road, Stockton Heath, Warrington, WA4 2DB
Full Planning - Proposed extension of existing parking facilities to the front

Resolved a comment of support for the proposal will be sent; that in weighing up the loss of green space councillors found in favour of the provision of additional parking as being of greater benefit when the parking congestion on Victoria Road was taken into consideration.

2020/38103 18, Marlborough Crescent, Stockton Heath, Warrington, WA4 2EE
Householder - Proposed raise ridge/eaves height and loft conversion. Demolition of existing conservatory.

Resolved that, whilst the amendments in respect of the window placings and materials addressed the concerns of overlooking, on balance the proposal represented an overdevelopment.

P20/087 Date and Time of Next Meeting

Cllr Murphy brough to the attention of the committee that the scheduled time of the next meeting overlapped with the Election candidate meeting called by Warrington Borough Council and it was
Resolved that the meeting will be scheduled for
Tuesday 2 March 2021 at **5.30 pm**.

Meeting ended at 7.57pm.

STOCKTON HEATH PARISH COUNCIL

A meeting of the Planning, Finance & General Purposes Committee was held on Tuesday 23 February 2021, commencing at 7:30pm via Zoom.

Present: Cllr. P Todd (chair)
Councillors H J Dutton, C E Jones, L Murphy and D Robb.

Attending: Mrs L Jacob (Clerk)

P20/088 Apologies

Apologies were received and accepted from Cllr. P J Walker.
Cllrs. S W Boggan and S H Taylor were absent.

P20/089 Declarations of interest

There were no declarations of interest.

P20/090 Public Participation

. No members of the public were present.

P20/091 Planning Applications

Responses to the plans listed below were discussed:

2020/38418 6-8, Walton Road, Stockton Heath, Warrington, WA4 6NL
Full Planning - Change of use Mixed Use Restaurant/Takeaway, including proposed extraction system through the roof
Resolved that no comment would be submitted.

2020/38389 Rooftop Terrace to Expedition, 89 London Road (located over 89 & 91 (Expedition & Bistrot Pierre), Stockton Heath, Warrington
Full Planning - Proposed rooftop terrace dining area with a retractable roof awning.
Resolved that no comment would be submitted.

P20/092 Date and Time of Next Meeting

Tuesday 2 March 2021 at **5.30 pm**.

Meeting ended at 7.47pm.

Clerks report on correspondence received from 10 February to 3 March 2021

Date	Nature of correspondence	Subject of correspondence	Actions
10/02/21	Email	Resident asking if informal footpath from Fairfield Road to Fairfield Gardens below the Cantilever Bridge was being fenced off for a reason.	Land has been bought through private sale.
11/02/21	Email	Resident sharing correspondence sent to residents of East Avenue, Arley Avenue and Sandy Lane by WBC proposing some solutions to parking issues including Resident Parking Permits and proposed one way system.	To note
12/02/21	Email	NALC Chief Executive Bulletin; ChALC Weekly Update	Forwarded to all
12/02/21	Email	Notification of consultation by WBC on Town Centre and House Extension SPDs	Forwarded to all
16/02/21	Email	Residents notifying that another stretch of fencing on the Bridgewater Canal towpath was being erected; subsequently the residents received an email and a visit from Peel L&P	To note
16/02/21	Email	Police and Crime Commissioner February Bulletin/ Centre Park Link Update	Forwarded to all
17/02/21	Email	Press release from Cheshire Police on funding to be provided to Alexandra park for a nature trail.	Forwarded to all
28/02/21	Email	PSCO highlighting issues with parking near the Post Office on London Road – communicated to WBC who advised that the police powers are more effective in dealing with the issues that the highway authority's	To note
19/02/21	Email	Acknowledgement by WBC of the report that the lighting on the medical centre pathway was not operating	To note
19/02/21	Email	NALC Chief Executive Bulletin; ChALC Weekly Update	Forwarded to all
22/02/21	Email	Reply form Peel Ports regarding the issues raised by the parish council about the state of the London Road Swing Bridge	Forwarded to all
22/02/21	Message via website	Resident asking for information about the fencing on the pathway from Fairfield Road to Fairfield gardens	Clerk provided information
26/02/21	Email	NALC Chief Executive Bulletin; ChALC Weekly Update	Forwarded to all
26/02/21	Email	WBC Consultation on re-introduction of the Public Space protection Order	On agenda
27/02/21	Email	PCSO – replying that the issue of preventing the benches being used at Victoria Square was no longer a priority	To note
28/02/21	Email	PCSO Team proposing a project at Ackers Pit to re-engage young people and prevent ASB	Advised to apply for grant from PC
01/03/21	Email	Census Engagement Officer providing information about the forthcoming census	To publicise

STEP 1
8 March — **29 March**

EDUCATION
8 MARCH
- Schools and colleges open for all students
- Practical Higher Education courses

SOCIAL CONTACT
8 MARCH
- Exercise and recreation outdoors with household or one other person
- Household only indoors

29 MARCH
- Rule of 6 or two households outdoors
- Household only indoors

BUSINESS & ACTIVITIES
8 MARCH
- Wraparound care, including sport, for all children

29 MARCH
- Organised outdoor sport (children and adults)
- Outdoor sport and leisure facilities
- All outdoor children's activities
- Outdoor parent & child group (max 15 people, excluding under 5s)

TRAVEL
8 MARCH
- Stay at home
- No holidays

29 MARCH
- Minimise travel
- No holidays

EVENTS
- Funerals (30)
- Weddings and wakes (6)

STEP 2
No earlier than 12 April

At least 5 weeks after Step 1

EDUCATION
- As previous step

SOCIAL CONTACT
- Rule of 6 or two households outdoors
- Household only indoors

BUSINESS & ACTIVITIES
- All retail
- Personal care
- Libraries & community centres
- Most outdoor attractions
- Indoor leisure inc. gyms (individual use only)
- Self-contained accommodation
- All children's activities
- Outdoor hospitality
- Indoor parent & child groups (max 15 people, excluding under 5s)

TRAVEL
- Domestic overnight stays (household only)
- No international holidays

EVENTS
- Funerals (30)
- Weddings, wakes, receptions (15)
- Event pilots

STEP 3
No earlier than 17 May

At least 5 weeks after Step 2

EDUCATION
- As previous step

SOCIAL CONTACT
- Maximum 30 people outdoors
- Rule of 6 or two households indoors (subject to review)

BUSINESS & ACTIVITIES
- Indoor hospitality
- Indoor entertainment and attractions
- Organised indoor sport (adult)
- Remaining accommodation
- Remaining outdoor entertainment (including performances)

TRAVEL
- Domestic overnight stays
- International travel (subject to review)

EVENTS
- Most significant life events (30)
- Indoor events: 1,000 or 50%
- Outdoor seated events: 10,000 or 25%
- Outdoor other events: 4,000 or 50%

STEP 4
No earlier than 21 June

At least 5 weeks after Step 3

All subject to review

EDUCATION
- As previous step

SOCIAL CONTACT
- No legal limit

BUSINESS & ACTIVITIES
- Remaining businesses, including nightclubs

TRAVEL
- Domestic overnight stays
- International travel

EVENTS
- No legal limit on life events
- Larger events

Agenda Item 193

Report on the holding of the Annual Meeting of the Parish (The Assembly) and the Annual Meeting of the Parish Council

1. Background – The Annual Assembly

Legal Background

Local Government Act 1972 Schedule 12 para 14 (1)

The parish meeting of a parish shall assemble annually on some day between 1 March and 1 June inclusive, in every year.

Schedule 12 para 14 (2)

Parish meetings shall be held on such days and at such times as may be fixed by the parish council…

Schedule 12 para 15 (1)

A parish meeting may be convened by

(a) the chairman of the parish council, or

(b) any two parish councillors for the parish, or….

(d) any six local government electors for the parish

The 2020 Regulations, regulation 2

disapplies provisions requiring a parish meeting to hold an annual meeting.

What happened?

The Annual Assembly for Stockton Heath was scheduled to take place on 14 April 2020 but with a national lockdown and legislation[1] permitting meetings by virtual means not in place until 4 April 2020, the parish council resolved at its first virtual meeting on 14 April 2021 that the meeting would not be called (by the chairman or two councillors). In August 2020, the Regulations were subsequently amended to include permission for remote meetings of the annual assembly.

What now needs to be considered?

The 2020 Regulations permit the holding of the annual assembly by virtual means, until 6 May 2021, therefore holding the annual meeting of the parish is possible by Zoom in April. However, this is an election year and consideration might be given to holding the meeting outside the pre-election period of sensitivity (formerly known as Purdah) which begins at the latest on 29 March 2021.

The latest 2020 Regulations have removed the legal requirement for holding the Annual Assembly.

The decision that needs to be made

To hold the annual assembly of the parish on Tuesday 13 April 2021, by Zoom,

OR

[1] The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“the 2020 Regulations”)

To hold the annual assembly following the election, so post 7 May 2021, according to the prevailing legislation (which may or may not permit virtual meetings)

OR

Not to hold the annual assembly in 2021.

2. Background – The Annual Meeting of the Parish Council

Legal Background

Local Government Act 1972 Schedule 12 para 7

(1) A parish council shall in every year hold an annual meeting

(2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

What happened?

The annual meeting of the parish council is usually held in May each year and is scheduled to fall when the ordinary monthly meeting of the parish council falls in that month.

The 2020 regulations removed the need for the parish council to hold an annual meeting in 2020 and allowed the chairman and deputy chairman roles to continue without break.

What now needs to be considered?

The elections will take place on Thursday 6 May 2021 and the election count will commence on Sunday 9 May. Councillors may not be informed that they have been elected to office until late on Sunday 9 or even into Monday 10. The scheduled meeting of Stockton Heath Parish Council is Tuesday 11 May 2021, with the agenda published on Wednesday 5 May 2021. This meeting would normally be termed as the annual meeting of the parish council.

Nominated candidates no longer need to provide their contact details on their nomination form, therefore there may be a difficulty in ensuring that agenda papers and the summons to attend the meeting on Tuesday 11 May (issued on 5 May before the election has taken place and results are known) are received by all candidates prior to the meeting taking place.

Additionally, the provision for virtual meetings in the 2020 Regulations no longer applies after 6 May 2021 and therefore any meeting held after that date would need to be a face-to-face meeting, which could be regarded as contrary to the phase of social restriction likely to be in operation at that time. That phase restricts social interaction to households only indoors, or under the heading of business, in defining how many people can meet at a parent and toddler group, states a maximum of 15 excluding the under-5s.

In law, the annual meeting of the parish council in an election year must be held within 14 days of when elected councillors take office. The definition of “taking office” is four days after the election has taken place.

The decision that needs to be made

The date of the annual meeting of the parish council which must be held if the 2020 Regulations are not updated.

The date range possibilities are the earliest possible date of 10 May 2021 to the latest possible date of 24 May 2021 (being 14 consecutive days from the date of the election).

Cheshire Constabulary

Police Community Support Officer

Partner Service Level Agreement

THIS AGREEMENT is made on the day of 2021 between:-

the Chief Constable of Cheshire Constabulary of Cheshire (1) Constabulary Headquarters, Clemonds Hey, Oakmere Road, Winsford, Cheshire CW7 2UA (hereinafter called "the Constabulary") of the one part and Appleton Parish Council and Stockton Heath Parish Council **(2) (hereinafter called the Partner)** of the other part.

1. BACKGROUND

1.1 The aim of this Agreement is to develop partnership working towards reducing crime & disorder and increase the level of public confidence leading to a greater level of reassurance through the provision of a Police Community Support Officer (PCSO) in the area under this Agreement.

1.2 The Partner has made a request to the Chief Constable and the Chief Constable has agreed to provide Police Community Support Officer Services as detailed in Appendix B (**hereinafter called "the Services")** and the Chief Constable has agreed to provide such Services, subject to the Partner paying the charges specified in this agreement.

2. DURATION

2.1 The term of this Agreement shall be for 1 year commencing on 1st April 2021 until 31st March 2022 ("**the Duration**"). The Agreement will expire on 31st March 2022 unless extended in accordance with paragraph 10.

3. ROLE AND POWERS OF PCSOs

3.1 The role of the PCSO will be: -

3.1.1 To provide visibility, reassurance and engagement to the local community.

3.1.2 Work in partnership with others to problem solve issues and to promote community safety.

3.1.3 Support all residents, especially the vulnerable.

3.2 The role and duties of the PCSOs are more particularly described in Appendix A. The funding Partner priorities are set out in Appendix B.

3.3 The lawful powers of the PCSO are as set out in the designation as determined by the Chief Constable from time to time and published on the force web-site.

4. CONTINUITY OF SERVICE

4.1 Both parties accept that there may be breaks in Service provided by an individual PCSO of up to 21 consecutive days, for example, for the taking of leave and other urgent operational abstraction.

4.2 In the event there is a break in excess of 21 days the Constabulary will:-

(1) inform the Partner in writing and

(2) without delay provide a replacement PCSO or if it is unable to do so offer a pro rata refund of Payment.

5. TASKING AND MANAGEMENT

5.1 As a member of the Cheshire Constabulary staff, the PCSO remains under the operational control of the Chief Constable, through the Local Policing Unit Inspector, who will ensure that the PCSO engages on duties consistent with this Agreement.

5.2 The Constabulary will be responsible for the management of PCSOs for all 'personnel' matters e.g. absence, sickness, training and in doing so may in its discretion take into account representations from the Partner.

5.3 The day to day tasking of the officer will be by the Local Policing Unit Inspector, who, in liaison with the Partner will ensure that the duties undertaken by the PCSO do not fall outside those laid down in this Agreement.

5.4 The Partner acknowledges that the PCSO will work the Local Policing Unit variable shift pattern. Any changes to shifts or working day will be made in accordance with the police council handbook and notified to the Partner.

5.5 Nothing in the Agreement shall be taken as fettering the discretion of the parties to this Agreement in the exercise of their statutory powers and duties

6. PERFORMANCE REVIEW

6.1 The Constabulary will develop appropriate performance measures with the funding partner, that demonstrates transparency and which is compatible with individual funding partner needs.

6.2 The Constabulary will deliver a performance report on a quarterly basis that will presented by a member of the Local Policing Unit Command Team. This will be in addition to any regular meeting the Partner agrees with their funded PCSO(s).

7. IDENTIFIED POINT OF CONTACT (SPOC)

7.1 Where the Partner wishes to make contact with the Constabulary in relation to the use/deployment of a PCSO, there will an identified person who will be the point of contact within the Local Policing Unit (Constabulary SPOC). This person will normally be the Local Policing Unit Inspector.

7.2 The Partner will identify a lead point of contact who will be the sole representative for all matters relating to this Agreement (Partner SPOC).

8. DISPUTE RESOLUTION

8.1 All matters of dispute under this agreement shall in the first instance be discussed between the parties' SPOC.

8.2 In the event that a matter cannot be resolved in accordance with 8.1 then either SPOC may refer the matter to the Local Policing Superintendent and a designated senior official representing the Partner.

9. FINANCIAL PROVISIONS

9.1 The Partner will pay the agreed sum per annum ("**the Payment**"), making payment by BACS. The Payment for the Service in 2021/2022 will be £33,280.00 per PCSO, for one year, payable quarterly in advance.

Payment details are:-

Bank: Barclays Bank, Chester

Name: PCC for Cheshire General Fund

Sort Code: 20-20-53

Account: 83983005

9.2 Payment must be made within 30 days of receipt of invoice. Failure to adhere to this will be considered a breach of this Agreement and the Constabulary reserve the right to withdraw the current service provided, unless otherwise agreed.

10. REVIEW AND TERMINATION

10.1 The Constabulary will conduct and complete a review of the Services by the 30 November in any year which will take account of the views of the Partner.

10.2 Following this review the Constabulary may offer in writing to the Partner to extend this Agreement on the same or varied terms.

10.3 If in the opinion of the Chief Constable the activities or behaviour of the Partner bring, or have the potential to bring the Constabulary into disrepute by the Partner's association with the Constabulary, the Constabulary reserve the right to terminate this Agreement forthwith.

10.4 Within the duration of the Agreement parties may agree termination on terms which are mutually agreed.

11. INDEMNITY

11.1 Each Party will indemnify the other Party and its Officers, Agents and Employees against all losses, damages, costs, expenses, liabilities, claims or proceedings arising out of any negligence, breach of this Agreement or breach of statutory duty arising from or related to this Agreement. However, neither Party shall be indemnified hereunder for any loss, liability, damage, or expense resulting from its sole negligence or wilful misconduct.

12. FORCE MAJEURE

12.1 Neither party shall be liable in respect of any breach of this Agreement due to any cause beyond its reasonable control including Act of God, inclement weather flood, lightning or fire, the act or omission of Government, highway authorities or other competent authority, war, military operations or riot.

13. LAW

13.1 Unless otherwise agreed in writing between the parties this Agreement shall be subject to and construed and interpreted in accordance with English Law and shall be subject to the jurisdiction of the Courts of England.

14. AMENDMENTS

14.1 Any amendments to this Agreement shall be made in writing and signed by both parties.

SIGNED on behalf of the Constabulary

……

SIGNED on behalf of the Partner

……

Appendix A

Role and Duties

The primary role of the PCSO is to provide a visible uniformed presence in order to contribute to the reduction of crime and disorder and the promotion of public reassurance and quality of life for local residents.

Duties

- Visible intelligence-led public patrol, in uniform;
- Attending, when directed, at incidents of, and using their designated powers against crime and disorder, in particular:
  - Anti-social behaviour;
  - criminal damage;
  - behaviour that otherwise reduces the quality of life of the community and the local environment;
- co-operating with other relevant agencies to find solutions to local community safety concerns;
- providing crime reduction and community safety advice to groups and individuals;
- collating and disseminating relevant community safety intelligence according to agreed Information Sharing Protocols;
- undertaking other duties to meet the agreed priorities as set out in Appendix B.

Appendix B

Number and Location of PCSOs

The Partner has purchased the services of One PCSO covering Appleton and Stockton Heath.

Joint Partners

In the event that this agreement terminates early under 10.4 in respect of one of the Partners, the remaining Partner can by the agreed date of termination of the other Partner either:-

1. Find a new Partner to take the place of the leaving Partner;

2. Take over payment of the departing Partners share until the end of the agreement;

3. Terminate the agreement early.

Agreed Priorities

The agreed priorities as set out below have been agreed between the Constabulary and the Partner SPOC. These and additional priorities may from time to time be agreed by the Local Policing Inspector and the Funding Partner POC and agreed in writing.

(list here agreed priorities)

Appleton:

PCSO will attend at Broomfields Youth Project on Friday evenings when on duty, at other times police support this event will be provided by an officer from the south beat management team where available

PCSO will assist with the deployment of two Speed Indication Devices

PCSO will attend, when on duty, at the Parish Council meetings, at other times attendance will be from another officer from the south beat management team where available.

Stockton Heath:

PCSO will work in partnership with stakeholders and the Local Authority, to address issues of littering and dog fouling and report back to the parish council regarding identified issues and action taken

PCSO will work in partnership with stakeholders and the Local Authority, to address parking issues in Stockton Heath

PCSO will conduct regular patrolling of Alexandra Park and Ackers Pit, at other times police support for this will be provided by an officer from the south beat management team where available

PCSO will undertake regular engagement at the primary schools within Stockton Heath and Bridgewater High School

Item 198 - Email trail regarding Red Lane Allotments Lease

Lara,

On the issue of the lease we would note the following -

- the proposed lease is intended as a 'full maintenance lease' and does extend the role of the association and reduce the requirement of input from the Parish Council. As you note, the Allotment Association takes on most of the management of the allotments. However, this lease requires us to take on almost everything. In this context it does place an extra burden on the association, both in terms of time and cost but does not address the queries we raised on the Draft Head of Terms.
- our suggestion for alternative contents has already been advised to the Parish Council - it is to use the template provided by NSALG. We have not had any comments back about the reasons for not accepting this or for the need to change the existing one, for that matter.
- The Parish Councils' concern to make sure that the lease is 'legally watertight and does not throw up problems down the line' is concerning in that we are not aware of any previous issues that have been of any concern and the implication is that you firmly wish to devolve as many responsibilities as possible.
- We do not understand what your comment about the association handling 'large-ish sums of money' has to do with the lease. Please explain any concerns that you have.
- Legal advice will have significant costs, as the Parish Council will be only too aware of, judging by their budget provisions. As members of NSALG we are entitled to advice from experts in legal matters associated with allotments. We regard this as 'proper legal advice' and we intend to make good use of it.
- I'm afraid, in the view of the Committee, that the Parish Council have weakened the relationship with the Allotments; not irrevocably, but there is a unanimous feeling of being treated very unfairly.
- A longer lease does not seem to convey any benefits we are aware of to the Allotments, assuming of course that the Parish Council are committed to keeping the site as allotments. It does, however come at a cost to the allotments association to register the lease and bear additional costs in the absence of any maintenance grant whilst getting hit with RPI linked rent increases. The current lease is of shorter duration which simply means renewing at more regularly intervals which has not previously caused any issues. Please explain the benefits.

In conclusion, we would want to progress with a lease based on the template from NSALG and we are frustrated by the persistent view of the Association as a Commercial venture. The proposal is out of context when applied to a group of volunteers. We await the response from the Land Assets Committee or Parish Council

Regards,

Stockton Heath Allotment Association Committee

From: Clerk <clerk@stocktonheathpc.org.uk>
Sent: 23 February 2021 09:22
To: The Committee <redlaneallotments@outlook.com>
Subject: RE: Drainage and the lease

On Drainage – let's see what Laurence finds from his search of the title deed information.

On the issue of the lease – if you are not happy with the contents of the lease, then it is now up to the Association to reply to it with alternatives – I really do advise you to get proper legal advice and not to rely solely on the NSALG. I do understand your concerns with regard to your status as volunteers, but the Association is responsible for handling large-ish sums of money and has taken on most of the management of the allotments (for which, of course, the parish council are extremely grateful and understand the consequences of not having such a group of enthusiastic individuals to do this). The parish council is not trying to erode the relationship with the Association – far from it – its aim is to ensure the long-term future of the allotments by offering a long lease term and to also ensure that such a lease is legally water-tight and does not throw up problems further down the line. The parish council has no intention of upsetting the status quo and does not believe that the lease drawn up places any additional burden on the Association that does not already exist. However, it is for the Association to now bring their terms to the table so that these can be negotiated and a lease that is to the benefit of both parties is agreed and signed. This is the end goal, so I would please ask that you progress things towards this conclusion as the current situation is not satisfactory to either party. The contents of that lease as presented to you are not definitive – the ball is now in your court.

Regards,

Lara Jacob
Clerk to Stockton Heath Parish Council

From: The Committee <redlaneallotments@outlook.com>
Sent: 19 February 2021 08:58
To: Clerk <clerk@stocktonheathpc.org.uk>
Subject: Re: Drainage and the lease

Lara,

On the issue of grey water, our understanding from Mr Fleming is that the drainage is from the bottom of the garden which floods and although there does appear to be quite a bit of building work going on, we are not aware of any 'grey' water so can't comment.

On the second query, the committee is not in agreement with the lease which is based on a full commercial lease template rather than that recommended by the National Society of Allotment and Leisure Gardeners. In our role as volunteers, not a commercial organisation, there is a limit to the skills and time available to fulfil the requirements of this revised lease which is, in our view, one which very much benefits the Parish Council. We accept that this is taking a prolonged period of time, in part due to us waiting for feedback from the NSALG, but also as a direct result of the Parish Councils' decision with regard to the lease contents. We are a small but dedicated group of volunteers working to maintain and crucially, improve this asset, with the Councils' and allotment tenants' best interests at heart. However, please remind the Councillors that we are not a commercial business - we're volunteers.

Regards,

The Committee
Stockton Heath Allotments Association

From: Clerk <clerk@stocktonheathpc.org.uk>
Sent: 12 February 2021 11:49
To: The Committee <redlaneallotments@outlook.com>
Subject: Drainage and the lease

Good morning,

The parish council discussed the fact of the drainage pipes from the neighbouring property at their meeting on Tuesday. It was decided that Cllr Murphy will look at the Land Registry documents for the property to establish if residents have any easement rights to drain in to the ditch and the findings will inform the next steps that the parish council will take. Cllr Robb did mention at the meeting that there was a suspicion that perhaps the pipes were draining grey water (ie domestic waste water, perhaps from a washing machine) into the ditch. That too will have to be researched to understand the rights, rules and regulations around that issue.

I would also appreciate an indication of where you are up to with the lease which is currently in draft form with you from our solicitor. We will soon be finalising our year end accounts and our budgeted costings for the solicitor fees are sitting with financial year 2020/21, so if we do not conclude the lease arrangements we will have to supply the auditor with an explanation regarding this. Also, I am about to update our Risk Management Register and this is the second year when I will have to state that we are running a risk against the allotments because there is no lease agreement in place. Can you contact your legal adviser and enquire as to the timetable in place for dealing with this matter. If your association was in broad agreement on the terms of the lease as supplied then we should be moving this forward as speedily as possible. If your association had any queries or preferred different clauses then these should be notified to our solicitor as soon as possible so that they can be agreed and incorporated into a new draft. There is potential risk to both sides in running without a lease and as a public body we are required to minimise our risk wherever possible to prevent unnecessary expenditure of public funds. We have “got away with it” in a sense for several years now, but it is not something to be complacent about and I do urge you to press your legal representative. Most legal departments are operating effectively within covid-related restrictions so we cannot use the pandemic as a mitigating factor.

Regards,

Lara Jacob
Clerk to Stockton Heath Parish Council

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Proposed changes to wording in Risk Management Register

Section number	Column	Proposed change	Reason
1.1.1	**Control**	***Addition of words*** *After* Access to legal advice from the Society of Local Council Clerks is available and membership is renewed annually, *add* however the parish council does not subscribe to the Cheshire Association of Local Councils, the organisation which provides support to councillors.	To highlight a possible risk
1.3.2	**Control**	***Removal of words:*** Computer files are backed up to two portable devices, one held by the Clerk and the other held by the Assistant Clerk. Financial information also backed up to USB memory stick held offsite by Assistant Clerk.	This is no longer the process
1.3.2	**Control**	***Insert words*** All computer files are automatically saved to One Drive which is provided as part of the Microsoft Office 365 subscription.	This is a new process as a result of purchase of new laptops and software.
2.5.1	**Control**	***Removal of words:*** 2020 – awaiting lease agreement between Livewire and SHPC for rental of office within Stockton Heath Library building. ***Insert Words****:* A lease agreement between Stockton Heath Parish Council and Livewire is in force for the rental of the parish council office within the Stockton heath Library building.	To update
3.2.5	**Control**	***Removal of words:*** emptied three times weekly by WBC. ***Insertion of words:*** Emptied twice weekly by SHPC Parish Rangers	To update
3.3.6	**Control**	***Removal of words:*** emptied three times weekly by WBC. ***Insertion of words:*** Emptied twice weekly by SHPC Parish Rangers	To update