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Groby Parish Council

Minutes of a Meeting of Groby Parish Council held at 7.00pm on
Monday 17 September 2007 at the Parish Council Chamber, Leicester Road, Groby

Cou/130/07-08 Present

Members: Cllr Batty (Chair), Cllr Purves, Cllr Cartwright, Cllr Emmerson, Cllr Hodges, Cllr Hollick, Cllr Lindsay, Cllr Marvin, Cllr L Smith, Cllr Yarwood

Cou/131/07-08 Apologies for Absence

Cllr Beck, Cllr J Smith, Cllr Jones, Cllr Brierley and Cllr Trant.

Cou/132/07-08 Declarations of Interest

Cllr Batty – Any matters relating to Hinckley & Bosworth Borough Council as Groby Ward Borough Councillor and a prejudicial interest in item of correspondence 17169

Cllr Hollick – as a member of Groby Village Hall Management Committee

Cllr J Smith – Personal Interest in Druck

Cllr Cartwright - Personal Interest as Chairman of the Groby Parish Plan Project, Personal Interest as Secretary, Groby Neighbourhood Watch and Committee Member of the Leicestershire and Rutland County Neighbourhood Watch Association, all items on the Agenda as HBBC Groby Ward Borough Councillor, Personal Interest in the Groby Parish Plan Project and would remain in the room during discussion but would not take part in any vote on it.

Cllr Hodges - Public Open Spaces specifically Stamford Drive

Cllr Lindsay – Personal Interest in Pymm Lea Close and the Groby Parish Plan Project

Cllr Yarwood – Personal Interest in Druck, Personal Interest in item of correspondence 17166 and a Prejudicial Interest in item of correspondence 17169

Cllr Marvin – a Personal Interest in Item 5 on the Planning and Development Committee Minutes of 15 September 2007

Cllr Purves – a Personal Interest in Lena Drive

Cou/133/07-08 Minutes

During the debate on the accuracy of the minutes Councillor Hollick raised the issue of the agendas being sent by e-mail and packs being available for collection from the office. Councillor Batty informed Councillor Hollick that the matter would be discussed by the Council if a formal proposal was put forward.

RESOLVED that the minutes of the meeting held on 3 September 2007 be accepted and signed as true record subject to the following amendments:

Cou/111/07-08, Cou/112/07-08, Cou/124/07-08, Cou/125/07-08, Cou/126/07-08 – Amendment of Cllr Lindsey to Cllr Lindsay

Cou/114/07-08 – Cllr Cartwright – Include the word “Chairman of the” in relation to Groby Parish Plan and amend “personal interest in Planning Application 07/000924/FUL” to a prejudicial interest

Cou/114/07-08 – Cllr Beck – Add the words “personal interest in” prior to “an item of correspondence”

Cou/115/07-08 – The final paragraph of the minute be amended to read: “It was proposed by Councillor Batty and **AGREED** that all resolutions should be recorded with clarity and the proposer and seconder

of a motion should be recorded and that the issue of the content of the minutes could be included as an agenda item if a formal proposal was put forward.

Cou/125/07-08 – item (vii) amend to read “that the meeting with Highways Officers would take place”

Cou/134/07-08 Matters Arising

From the minutes of the 3 September 2007:

Cou/119/07-08 – Payment of Accounts – Mower

The Working Party had agreed to request a breakdown of the invoices to identify the repairs undertaken and whether any of these fell under the warranty conditions or period.

It was proposed by Cllr Batty that the Working Party pursue the matter in conjunction with the Clerk.

RESOLVED that the Working Party in conjunction with the Clerk pursue the matter of the repairs undertaken to the mower with the contractor used and report back to the Council.

Cou/125/07-08 (i) – Website

The issue of whether a Councillors telephone number had to be displayed on the website would be researched in conjunction with the Clerk.

Cou/125/07-08 (v) – Groby Pool Meeting

Councillors were informed that a meeting regarding the responsibilities currently undertaken by the Parish Council with regards to the opening and closing of the gates at Groby Pool would follow the meeting taking place at 2pm on Monday 24 September 2007, at which officers of Hinckley and Bosworth Borough Council would be present.

Cou/125/07-08 (vi) – Locking Of Gates to Open Spaces

Following the decision taken at the Council meeting on 3 September 2007, Hinckley and Bosworth Borough Council had confirmed their liability in respect of incursions onto the car park at Groby Pool and subsequently the gates had been unlocked and locked as normal since then. It was noted that the apprehension in opening the gates was not solely based on financial reasons and that the fear of an incursion and the associated problems resulting from this for residents should be borne in mind.

Cou/125/07-08 (x) – Hay Cutting in Butlers Field

The hay cut had taken place in Butlers Field and the possible contamination issues had not proved to be a problem. The hay was due to be baled on 18 September 2007. The matter did not therefore require consideration by the Council.

Cou/125/07-08 (viii) – Resignation from the Council

In response to a question from Councillor L Smith the clerk confirmed that arrangements were being made to advertise the vacancy.

Cou/125/07-08 (v)(4) – Meeting regarding the Klondyke

The Clerk informed the Council that the meeting with Hinckley and Bosworth Borough Council would be arranged once the Officer concerned had returned from leave.

Cou/126/07-08 – Quarry Park

The meeting had been held with the Contractor and the list of faults identified by Councillors Cartwright, J Smith and Lindsay had been agreed and supported by him apart from the damage to the bollard which it is claimed was already damaged prior to him entering the site. The path was due to be skimmed and rolled and new finishing hardcore would be imported to make it level and improve its appearance. The tread of the steps would be doubled in width by the addition of a second sleeper at no extra cost to the Parish Council as the original work had not been up to standard. The gravel in the terraces between the steps would be removed and replaced with grooved decking at an additional cost as the work had been completed to the required specification. This would be additional work and would be charged at a rate of £250 including VAT, (£212.76 excluding VAT), which was still inside the £10,000 budget allowed for the overall scheme. The price quoted was considerably less than the true cost to complete the new works to compensate for the quality of the steps that had been installed.

The path at the A50 end required a motorcycle gate to prevent uncontrolled egress onto the A50, this was included in the original specification and costing but had not yet been fitted. It was suggested that in addition to this, hoops should also be installed and enquires as to the ownership of the piece of land between the wire fence and the A50 footpath be made by the Clerk so that the safety measures could be

installed and not have to be potentially moved at a later date once ownership had been established. If this could not be obtained in time for the installation of the hoops they would be installed on Parish Council land, on the park side of the motorcycle gate, as soon as possible to remedy the safety issue. The additional hoops would cost £250 plus VAT (£293.75 including VAT), this additional cost would again fall inside the budget for the scheme.

The piles of soil and concrete steps were also discussed and it was confirmed that the soil would be lowered and the steps and loose hardcore would be removed from the site as per the specification. The edge of the grass would be tidied as per the specification and the loose material on the grass removed.

It was proposed by the Councillor Batty that the motorcycle gate and hoops should be installed on Parish Council land initially as an immediate safety measure, (this to be a temporary measure until ownership of the strip of land was established), the location of the safety measures may be revisited at a later date if necessary and that the additional costs for the hoop safety measures and grooved decking be approved.

RESOLVED

- (i) to note the current situation with regards to the making good of the work already undertaken;
- (ii) to approve the additional expenditure of £250 including VAT (£212.76 excluding VAT) for the replacement of the gravel areas between the steps with grooved decking;
- (iii) to approve the additional expenditure of £250 plus VAT (£293.75 including VAT) for the additional hoop safety measures at the A50 end of the path; and
- (iv) that the Clerk make urgent enquiries as to the ownership of the strip of land from the wire fence to the A50, in the meantime the safety measures of the hoops to be installed on Parish Council land before the motorcycle inhibitor as an immediate safety measure but noting that they may require moving in the future.

At 7.43pm the Chairman suspended Standing Order and adjourned the meeting for a period not exceeding fifteen minutes to include a short period of Public Participation not exceeding 15 minutes

A member of the public raised the issue of the Beat Surgery being held in Groby on Friday 21 September, although the item was not on the agenda Councillor Cartwright confirmed that the surgery was taking place and that he would be attending as Secretary of Groby Neighbourhood Watch.

At 7.45pm the Chairman re-instated Standing Orders and re-convened the meeting.

Cou/135/07-08 Payment of Accounts

The Council noted that an additional portable handset had been purchased for the office and that the Clerk had supported the purchase as the cost fell inside the budget allocated for the upgrading of the telephone equipment. The addition of two handsets to the office would significantly improve productivity as the staff would not be constrained by telephone leads.

Councillor Batty requested that the amount of precept paid by Hinckley and Bosworth Borough Council be compared with the amount paid during the same period in 2006/07 and it be ascertained whether the precept for 2007/08 had been paid on time.

The amount of fuel used for the running of the Council's vehicles was also raised and it was viewed that a Working Party should be re-established to look at the fuel consumption and associated issues.

After being proposed by Councillor Hodges and seconded by Councillor Cartwright it was **RESOLVED:**

- (i) to approve the payments of accounts schedule;
- (ii) to re-establish a Working Party consisting of Councillors Hollick, Batty and Cartwright to look at the usage of fuel for the Council's 4x4 vehicle, mower and associated fuel issues such as storage and supply.

Cou/136/07-08 Direct Debits

The issue of paying the Council's bills via Direct Debit to avoid paying additional charges recently introduced by utility companies such as British telecom had been previously discussed by the Council and advice as to the legality of paying in such a manner had been sought. The use of direct debits to pay fuel bills would also reduce costs to the Council.

The Leicestershire and Rutland Association of Parish and Local Councils had confirmed that there was

no reason why the Council cannot pay utility bills in such a manner as long as the appropriate form to initiate the payments were signed in accordance with the Council's bank mandate.

It was proposed by Councillor Hodges and seconded by Councillor L Smith that the Clerk be authorised to pay bills by Direct Debit to save additional costs.

RESOLVED that the Clerk be authorised to pay bills by direct Debit as long as normal payment of account conditions are met in full.

Cou/137/07-08 Planning and Development Committee

Councillor Purves, Chair of the Planning and Development Committee presented the minutes of the meeting held on 15 September 2007. It was noted that Councillors Purves, Lindsay, Hollick and Batty had been present at the meeting.

The Council noted the following comments made in respect of recently received planning applications.

- a. **07/01002/FUL 7 Tudor Grove**
Serious concern was expressed regarding parking as there is already congestion as the turning space outside this property. It was further felt that the design was not in keeping with the area.
- b. **07/00987/FUL 11 Pymm Ley Close**
No objection subject to neighbours being consulted
- c. **07/00973/FUL 1 Lena Drive**
No objection subject to neighbours being consulted. The proposed design is more in keeping the adjacent bungalow on Lena Drive.
- d. **07/00863/COU 15 Rathby Road**
No objection subject to neighbours being consulted
- e. **07/01010/FUL 28 Timberwood Drive**
No objection subject to neighbours being consulted
- f. **07/01028/TPO 17 Markfield Road**
No objection subject to neighbours being consulted

Members of the Council were encouraged to read leave comments on the Local Development Framework Consultation – Sustainable Design and Affordable Housing Supplementary Planning Documents.

The Clerk confirmed that she had been advised by telephone that the date of the Local Development Framework Public Consultation had been changed to Thursday 1 November 2007 from 6pm to 8.30pm and that the venue would be Hinckley United Football Club. Further written details were awaited from Hinckley and Bosworth Borough Council.

RESOLVED having been proposed by Councillor L Smith and seconded by Councillor Lindsay that the above comments be submitted to Hinckley and Bosworth Borough Council and that the minutes of the Planning and Development Committee be accepted.

Cou/138/07-08 The Local Authorities (Model Code of Conduct) Order 2007

The new Local Authorities (Model Code of Conduct) Order 2007 had come into force on 3 May 2007 and the Council needed to adopt it by 1 October 2007.

The letter from Hinckley and Bosworth Borough Council informing the Council of the requirement to adopt the Code also contained details of requirements of Councillors to notify the Information Commissioner in relation to the Data Protection Act. The Clerk was asked to establish what was required of Councillors and report back to a future meeting.

It was proposed by Councillor Hodges and seconded by Councillor Cartwright that the Code of Conduct be adopted without change.

It was further moved by Councillor Batty that the Clerk establish what was required of Councillors in

respect of notifying the Information Commissioner and report back to a future meeting.

RESOLVED:

- (i) to adopt the Local Authorities (Model Code of Conduct) Order 2007 without change;
- (ii) that the Clerk establish what is required of Councillors in respect of the Data Protection Act and notification to the Information Commissioner and report back to the Council at a future meeting.

Cou/139/07-08 School Transport from Field Head to South Charnwood High School

It was proposed by Councillor Batty that this item be deferred to a future meeting of the Council to allow County Councillor Sprason to be present when the matter was debated.

RESOLVED that the issue of school transport from Field Head to South Charnwood High School be considered at a future meeting of the Council.

Cou/140/07-08 CCTV

- (i) The CCTV Working Party currently had a vacancy and Councillors were asked to volunteer to fill the position. Councillor Lindsay indicated that she was willing to join the Working Party and was elected unanimously unopposed.
- (ii) The Chairman reminded the Council of the recent incidence of vandalism at Lady Jane Grey School. The school had not been insured in relation to the damage done to the sensory garden and the area was not covered by the school's CCTV cameras. Investigations had been made by the school into the purchase of additional CCTV cameras and two could be purchased for a cost of approximately £300, cabling and connection would be in addition to this.

It was proposed by Councillor Batty, that a one off emergency payment of £400 be made by the Council to Lady Jane Grey School from the CCTV budget.

It was commented by Councillor Cartwright that although he agreed with the sentiment of the offer he felt it would lead to further requests for funding from the CCTV budget as the provision of CCTV was an emotive subject. The cameras bought with the funding being offered would not be on nor for the protection of Parish Council owned land. It would be wrong to send out a message that the Parish Council would fund CCTV from the Council's CCTV budget on what was essentially private land.

An amendment was put to the proposal by Councillor Cartwright, seconded by Councillor Lindsay that the Parish Council make a one off payment of £400 to Lady Jane Grey School from the Youth Provision Project Budget for it to use as best they can to prevent the damage reoccurring by improving security.

Councillor Batty was happy to amend his original proposition to what had been proposed in the amendment.

RESOLVED to make a one off payment of £400 from the Youth Provision Project Budget to Lady Jane Grey School for it to use to prevent the damage to the sensory garden reoccurring.

Councillor Batty reminded the Council that volunteers were called for to assist the Council Operatives in helping the school clear the area that had been vandalised at Lady Jane Grey School on 18 September 2007 from 9.30am. Councillor Cartwright had already responded that he would be available to assist. Councillor Purves raised the issue of Health and Safety whilst clearing the site.

Cou/141/07-08 Druck Lease

The Council **AGREED** that the discussion regarding the lease would not go into should not disclose any legal implications to the Council, these would be discussed if necessary in closed session.

A meeting had been held on 17 September 2007 between representatives of the Parish Council, Druck and Martinshaw School with regards to the proposed lease.

Issues in relation to the footpath had been clarified, the path would be now be on the road side of the bollards negating the need to walk on the grass. The closing in of the car park may require a temporary

fence and a gap for access to the grassed area would be required for the tractor.

Druck were still unable to give a firm start date but it had been highlighted that work would need to commence during the school holidays because of the need for a car parking area during term time.

There were still some legalities to overcome and some unanticipated costs were expected, however these would be brought to the Council for decision.

NOTED the current position.

Cou/142/07-08 Holiday Protocol

The Council **AGREED** that this item should be considered in closed session as it related to contracts of employment.

Cou/143/07-08 Landscape Consultant

Councillor Purves informed the Council of the current condition of the footpaths in Marina Park, the paths were flooding and cracks had started to appear in the tarmac surface. The flooding was affecting trees around the park and some were now leaning at alarming angles. The soil was coming away from the wooden edges to the path and weeds were becoming a problem. In one instance where a drop kerb should have been installed a tarmac strip had been laid and this was now rutted which had resulted in difficulty when trying to push prams or buggies over the area. The Landscape Consultant had also submitted accounts for payment to the Council in relation to site meetings undertaken to ascertain customer satisfaction.

The Landscape Consultant had stated in their letter of 10 July 2007 that no drainage problems had been identified on the site prior to the works commencing, only in May 2006 when the footpath base tarmac was being laid were problems identified in two areas of the Sacheverell Way boundary and these were to be rectified by minor local grading by the Parish Council's operatives.

The Council considered that the path was not fit for the purpose for which it had been constructed as it was not fully accessible 365 days of the year.

As the scheme had been part funded by FLAG and the Consultant was an approved contractor of both FLAG and the County Council, the Council considered that a meeting should be held with FLAG to ask for comments on the condition of the path and for correspondence between the Consultant and the Council to be discussed.

It proposed by Councillor Batty that the Council should undertake a site visit with FLAG to highlight the quality of the work undertaken and that a letter should be sent to the Contractor expressing the grave concerns regarding the scheme.

RESOLVED:

- (i) that the Council should arrange a site visit with FLAG to inspect the quality of the scheme and to express grave concerns regarding the delivery of the final project;
- (ii) that the Council writes to the Landscape Consultant stating that in view of the Councils' grave concerns over the final quality of the scheme and their failure to take note of the Council's concerns that it feels it is unable to pay any outstanding bills until such time as the matter is resolved to the Council's satisfaction especially as the concerns had been raised in the early days of the project.

Cou/144/07-08 Groby In Bloom

Councillor Purves informed the Council that Groby had been awarded joint 2nd Prize in the Small Town Category at the recent East Midlands in Bloom Awards Ceremony. Groby had received a Silver Gilt award, the judges award for the Groby in Bloom Committee and the East Midlands in Bloom Award – Most Improved Entrant along with this award came a lead crystal vase.

The Portfolio produced for the competition would be left in the Reception Area of the Council Offices and thanks were expressed to everyone in the village who assisted in keeping in clean.

The Council and members of the public present expressed their congratulation to the Groby in Bloom Committee.

Cou/145/07-08 Burial Request

The Council **AGREED** that this item would be discussed in closed session.

Cou/146/07-08 Cemetery Working Party

The Council had previously discussed the creation of a policy document covering all aspects of the Cemetery that could be referred to by the public, Councillors and office staff. Some work had been previously undertaken however the Council had not approved the policy document and not all eventualities were covered by it.

RESOLVED to create a working party to work on the documentation already produced and formulate Policy document, the Working Party to consist of Councillors Batty, Cartwright, Marvin with Councillor Emmerson as a reserve member. The Clerk and Administration Officer also to be members.

Cou/147/07-8 Correspondence

17158 – Highfield Park Amenity Area – It was noted that the swing had been removed due to Health and Safety reasons. The Clerk to write to the resident informing them of this, check the recent ROSPA report on the equipment to ascertain if the area is defined as one of risk and if not obtain a quote for replacement equipment for the Council to consider.

17169 – Harvey Ingram – Councillors Batty and Yarwood left the Chamber during the consideration of this item.

Council discussed the correspondence at length and the advice that it had been given previously by both its solicitor and previous Clerk. It was not clear what decisions of the Council had been communicated by the previous clerk to the Council's solicitor. The issue of the amount of costs to be paid could only be discussed in principle as Standing Order 36 of the Council prevented the rescinding of a decision within six months of it being made.

It was proposed by Councillor Hodges and seconded by Councillor Lindsay that members of the Council should seek to complete a 9 member notice to enable to matter to be discussed at the next meeting on 1 October 2007 or if this was not forthcoming the matter could be discussed at the meeting on 15 October 2007 as the six month time limit will have elapsed. The Clerk was also requested to obtain copies of recent instructions from the Council to its Solicitors submitted by the previous Clerk.

RESOLVED 5 votes for, 2 against with 1 abstention (Councillor Hollick)

- (i) That members of the Council should seek to submit a 9 member notice to the Clerk to allow the matter to be discussed in full at the meeting on 1 October 2007, if this should fail then the matter will be on the agenda of the meeting scheduled for 15 October 2007.
- (ii) That the Clerk obtain copies of recent instructions submitted by the previous Clerk on behalf of the Council.

Councillors Batty and Yarwood returned to the Chamber.

Cou/148/07-08 Staffing Matters

This item was deferred to a future meeting of the Council.

Cou/149/07-08 Allocation of Agenda Items to Future Meeting Dates

This item was deferred to a future meeting of the Council.

Cou/150/07-08 Date of Next Meeting

1 October 2007 as per the previously agreed schedule

Members of the public left the meeting at 9.26pm and the Council moved into closed session.

The meeting closed at 10.08pm

At 9.58pm the Chairman moved Standing Order 82 to allow the meeting to continue for a further 10 minutes.

The meeting closed at 10.08pm.

Signed
Chairman

Date