

BAGILLT COMMUNITY COUNCIL

Minutes of the proceedings of the Ordinary meeting of the BAGILLT COMMUNITY COUNCIL held in YSGOL MERLLYN, Bagillt, on Friday 12th October 2012.

PRESENT : Councillor M.A. Reece (Vice-Chairman in the Chair)

COUNCILLORS : R. Davies, A. Griffiths, Mrs. N.M. Jones, R.K. Jones, C.P. Owens, T. Renshaw, C.R. Williams, Mrs. D.J. Williams and J. Williams.

APOLOGIES : Councillors B.T. Doleman, Mrs. S.L. Jones, S.J. Moore and T.M. Withington.

IN ATTENDANCE : Mr. G. Roberts (Clerk)

67. POLICING MATTERS

The Clerk informed the meeting that PC Price had intended to be present this evening, but had called him earlier today to advise that, due to operational matters, it would not be possible. If Members had any issues they wished to raise, then these could be forwarded on to him accordingly, and he also requested confirmation of the arrangements for Remembrance Sunday next month. With regard to the latter, it was confirmed that this would be held at the War Memorial at 12 noon, following a Church service and that the Police be requested to attend to control the traffic in the High Street during the service, particularly for the silence aspect.

Councillor A. Griffiths made reference to the Police helicopter, which appeared to have changed, and was advised by Councillor T. Renshaw that the North Wales Force had a new one. In addition, North Wales Police were also working in conjunction with a consortium of other Police Authorities concerning helicopter usage, such as Merseyside and Cheshire, for the mutual benefit of all the areas covered. Councillor M.A. Reece indicated that, due to Police action, the untaxed vehicles which had been parked on the pavement outside the car sales building in the High Street had been removed. Unfortunately, a large number of used tyres had been left on site, which would need to be addressed.

The Clerk made reference to the Police surgeries being held during the month at the Community Centre, and to the notes previously forwarded to Members concerning the original and the revised times. These had also been advertised on the Council Notice Boards and website.

68. MINUTES

The following comments were made on the minutes of the Ordinary meeting of the Council held on 14th September 2012.

a. Minute No. 52(a) – Community Caretaker

The Chairman advised that during the past month the Community Caretaker had undertaken further tasks at his request. These included a gate repair for a pensioner, renewing and staining timber on seats in the Village, removal of ivy on a pensioner's bungalow wall and Beechcroft wall and weed spraying at the Boot End. With regard to a request received via Councillor J. Williams to cut a large grass area in the Boot End, this had not been possible due to lack of appropriate machinery, which included the fact that the owner, who was unable to carry out the task himself, had a machine which was not in working order. The Clerk confirmed that under the Community Caretaker arrangement, it was to provide labour to assist those in need and he only carried limited machinery with him in his Council van, as provided by Flintshire County Council.

b. Minute No. 58 – Bagillt Foreshore

The Clerk advised that the request for additional dog bins at the foreshore had been amended, in consultation with Councillor M.A. Reece, and the request had been acknowledged by Flintshire. Councillor Mrs. N.M. Jones made reference to the need to ensure that the County Council cleared the dog bins once they were full, whilst Councillor M.A. Reece indicated that Flintshire were now providing dual bins, which had a separate provision for ordinary litter.

c. Minute No. 66(b) – General Village Neglect

The Clerk advised that a response had been received from the County Council indicating that all roads would be inspected during the coming weeks to determine a programme, and details of this for the next year would be available on their website once it had been agreed. It was confirmed that High Street, Bagillt would be inspected as part of this process.

d. Play Equipment

The Clerk reported that a response had been received from the County Council regarding inspections of play equipment in Bagillt. The play areas were inspected once a week by the Play Unit Technicians and they followed a set rota. A site was inspected, checked for safety and litter removed, with any faults, either reported straight away or made safe to carry out a scheduled repair, usually within a couple of days.

RESOLVED :

That the minutes of the Ordinary meeting of the Council held on 14th September 2012 be confirmed as a correct record and signed by the Chairman.

69. REPORTS BY REPRESENTATIVES

a. Meeting with The Flintshire Standards Committee

This had taken place on 1st October 2012 at Buckley Town Hall. The Clerk indicated he had attended, as the Chairman was unable to do so due to work commitments.

The particular item discussed concerned the challenging of the findings of the Adjudication Panel for Wales to uphold a Standards' Committee decision to censure a Member under the Code of Conduct by failing to show respect and consideration to fellow Councillors. The Court found that, whilst the comments (which were posted on a website operated by the Member) were sarcastic and mocking and the tone ridiculed fellow Councillors, because the majority of the comments related to the way in which the Council was run and the competence of Councillors, the comments were political expression.

The High Court decision ruling found that the Panel took an over-narrow view of what amounted to political expression, and no account had been taken of the need for politicians to have thicker skins. In the view of the Ombudsman, the effect of the ruling was that his staff would have to apply a higher threshold when deciding whether to investigate any conduct complained about which may be regarded as political expression, and that allegations of disrespectful behaviour towards Officers, particularly those who may hold senior positions, must also be considered in the light of this ruling. The Flintshire Standards Committee had decided to make representations to the Ombudsman on the guidance he had issued, as it appeared to give Members' scope to be rude to one another and to Officers and otherwise behave poorly, which may serve to erode public confidence in politicians and politics generally. In addition, it would make life more difficult in the future for those Charing meetings and for the Monitoring Officer to advise.

RESOLVED :

That the report be noted.

70. PLANNING APPLICATIONS

a. Applications Determined – On-Line Consultation Period

No.	Location	Detail
050027	Whitefield House, High Street	Fell two Sycamore and prune two Ash trees.

It was noted that the proposal had been supported.

b. Applications for Consideration

No.	Location	Detail
050085	Oaklands House Gadlys Lane	Erect detached building to house swimming pool, games room and double garage
050156	Roadrunner Waste Dee Bank Industrial Estate	Application to remove condition No. 3 of planning permission 048649

In relation to application 050156, the Chairman, in his capacity as a County Councillor, made reference to discussions with the Planning Officer for this application, who was requiring the applicant to cover the satellite site in hardcore and to remove inappropriate materials not kept in the agreed skip units. This would diminish the problem being cause by vehicles leaving a mess on the highway between this and the main site. Councillor J. Williams raised the issue as to who actually owned the site, given the previous permission granted for the area in the name of another person He was advised that ownership was not a planning consideration.

RESOLVED :

1. That application 050085 be supported.
2. That application 050156 be supported, subject to the adherence of the conditions required by the Planning Officer, as reported to the meeting.

71. ACCOUNTS FOR PAYMENT

RESOLVED :

That the following accounts be paid :-

Name	£	Cheque No.	Expenditure Powers
Mr. G. Roberts	844.80	101497	Loc.Govt.Act 1972 (S.112)
H.M. Revenue & Customs	151.42	101498	Loc.Govt.Act 1972 (S.112)
UHY Hacker Young	342.00	101499	Loc.Govt.(Finance)Act 1982
Flintshire County Council	1,947.89	101500	Loc.Govt.Act 1972 (S.42(6))
Huws Gray Ltd.	22.12	101501	Parish Councils Act 1957
Flintshire County Council	2,239.78	101502	Loc.Govt.(MP)Act 1976

72. APPLICATIONS FOR FINANCIAL ASSISTANCE

The meeting considered a report by the Clerk on applications for financial assistance, copies of which had been previously circulated to Members. All applications were required to have up to date financial information by way of either a balance sheet or Bank statement, apart from the agreed organisations.

At the Estimates meeting in January 2012 a sum of £1,800 was allocated for Section 137 expenditure to allow the Council to spend monies for the benefit of all or some of the community when there was no other express legislative powers. The use of this power, which was capped by an amount per elector by the Welsh Assembly was being replaced by the power of Well Being. Members were reminded by the Clerk that under the Code of Conduct only donations exceeding £500 would require a Declaration of Interest.

In addition to the applications listed in the report, the Clerk advised that, after consultation with the Chairman, it had been agreed that consideration would also be given to one from the Bagillt Open Door Club, which was verbally reported to the meeting.

RESOLVED :

1. That in accordance with Section 137 of the Local Government Act 1972, the following donations be agreed :

Society	£	Cheque No.
Bagillt Heritage Society	300.00	101503
Friends of the Bagillt Foreshore	300.00	101504
Ysgol Merllyn	300.00	101505
Ysgol Glan Aber	300.00	101506
New Brighton Chapel Action Group	50.00	101507
Homestart Flintshire	50.00	101508
Nightingale House Hospice	100.00	101509
Bagillt Open Door Club	50.00	101510

2. That no financial assistance be given in respect of the application received from Shelter Cymru.

73. BAGILLT FORESHORE

The Chairman made reference to negotiations that were proceeding with the owner in relation to the Winding House, which had been referred to at the last meeting. Reference was made by Councillor C.R. Williams to the erosion situation and was advised by the Chairman of a meeting being arranged by Flintshire County Council, which would also involve the Environment Agency and Veiola. With regard to the effect on the footpath, an alternative temporary route was being utilised.

74. WINTER PREPARATIONS

The meeting considered a letter received from Flintshire County Council concerning information on local weather forecasts and gritting actions, salt bins, bagged rock salt and community involvement in snow clearing. With regard to weather forecasts, the Clerk indicated that he was the agreed recipient and was already receiving information. In the event of anything adverse, this would be passed to Members.

RESOLVED :

1. That the arrangements for the receipt of information on weather forecasts or gritting actions, by the Clerk be continued.

2. That in relation to salt bins, bagged rock salt and community involvement in snow clearing, the matters be noted.

75. POWER TO PROMOTE OR IMPROVE WELL BEING – CONSULTATION

Following on from a discussion at the last meeting, the Clerk reported on the outcome of a meeting with fellow Clerks on this subject. An example had been given of the intention to use this power to drain land, due to inaction by the Environment Agency, and it was stressed that before such a matter could be considered it was necessary for the Town or Community Council involved to discuss the situation with the appropriate Authority. Members had already been advised that this power would replace the Section 137 expenditure provision, which was presently used for applications for financial assistance.

RESOLVED :

That the consultation document be noted.

76. HEALTH CARE IN NORTH WALES

Following on from the discussion at the last meeting, the Clerk advised that he had made contact with Flint Town Council, and a copy of their statement of principles on Flint Community Hospital had been enclosed for Members' information.

Councillor T. Renshaw reported on the public meetings which had been held in Flint with representatives of the Health Trust. He expressed dissatisfaction with their approach to the responses given to the issues raised. There was also the matter of the Primary Care Centre, which was needed in addition to retention of the Community Hospital, and on which the County Council had offered land to the previous Health Board. Flint Town Council were supporting the views expressed by their local community for retention of the facility and that they were developed and enhanced rather than reduced. He also made reference to the current practice of running down the Hospital, by way of not undertaking appropriate repairs and thereby allowing the building structure to deteriorate.

RESOLVED :

That the views expressed by Flint Town Council on behalf of their community be similarly supported by the Council and representations made accordingly, given that the residents of Bagillt also relied on these facilities.

77. COUNCIL TAX BASE SETTING AND THE IMPACT OF WELFARE REFORM

The meeting considered a letter received from Flintshire County Council explaining that in all likelihood the community tax base would reduce slightly from

April 2013. This was due to the need to set a slightly higher bad debt provision when calculating the tax base.

As a result of Welfare Reform there would be the abolition of the current Council Tax Benefit System and the introduction of a localised Council Tax Support Scheme, from next year. Due to this, and as explained in the letter, the Council were estimating that everyone who had previously not needed to pay Council Tax at all, or who paid a reduced rate through the Benefit System, would need to pay a higher contribution in the region of 20%. This was therefore felt to mean the possibility of a rise in Council Tax arrears and collection costs.

RESOLVED :

That the letter be noted.

78. FINANCIAL INFORMATION

The Bank reconciliation on income/expenditure for the second quarter to 30th September 2012, as previously circulated to Members, was noted.

79. POLICE AND CRIME COMMISSIONER ELECTIONS

RESOLVED :

That the information received from the Electoral Commission be noted.

80. NEIGHBOURHOOD WARDEN SERVICE

The meeting considered a letter received about the Neighbourhood Warden Service. The Wardens provided and fitted target hardening equipment to residents living in Flintshire who had been victims of crime, or deemed vulnerable. They also visited members of the community to provide safety advice and reassurance upon request. The service was also able to offer graffiti removal through partnership working with the probation service, deal with reports of fly tipping and also carry out general visual patrols of the Flintshire area, in particular crime hotspots.

RESOLVED :

That the letter be noted.

81. AUDIT 2011/12

The Clerk reported that notification had been received from the external auditors, Hacker Young, completing the audit process for the last financial year and returning the annual return, duly signed. The notice of conclusion of audit had

been displayed on the Council notice boards and, after the set period required by the Auditor, a statement of assurance of the action would be forwarded to him.

RESOLVED :

That the conclusion of the audit for 2011/12 be noted.

82. APPLICATION TO ADD A PUBLIC FOOTPATH TO DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY

The meeting considered a letter and map received from Flintshire County Council concerning an application to add a public footpath to the Definitive Map. The application was made on the basis the public had used the route shown on the map 'as of right' for a period longer than 20 years, sufficient to raise a presumption of dedication as a public right of way. There was also information concerning witness statements. The route was in the vicinity of the former British Legion Club and it had been recommended an Order should be made to record the route on the Definitive Map of Public Rights of Way.

RESOLVED :

That the application to add a public footpath to the Definitive Map, as notified, be supported.

83. HIGH STREET, BAGILLT – ZEBRA CROSSING

The meeting considered a response received from Flintshire County Council concerning further representations made about the reinstatement of a Zebra Crossing at High Street, Bagillt, copies of which had been previously circulated to Members. The reference made by the Council to the recent speed survey undertaken by the Police was being investigated and the findings would be considered.

Councillor M.A. Reece requested Members to let him know of any business in the local area they felt should be approached concerning a possible financial contribution, as had been done with McColl's. Councillor C.R. Williams reiterated the comments he had made at the previous meeting concerning the fact that, as there had been a Zebra Crossing in the area previously, which had been removed by the Highway Authority, there should be ducts available which would reduce the cost notified.

RESOLVED :

That the response from Flintshire County Council be noted.

84. MEMBERS' ITEMS

a. Springhill Quarry, High Street – Flooding

Councillor M.A. Reece referred to the problems being caused by water running from the Springhill Quarry and across fields leading to silting and flooding on the High Street, which was affecting properties. The previous conditions attached to the quarry when it was being used for extraction purposes had not been adhered to concerning reinstatement and action needed to be taken to diminish the flooding incidents. He was supported in this viewpoint by Councillor C.R. Williams.

Councillor R.K. Jones expressed the view that there were two elements that needed consideration in relation to this issue. The first was the long term aspect concerning the quarry, and the second was of a more immediate nature regarding drainage capacity/clearance and the flooding of the road and properties. The previous concern regarding usage of the available space at the quarry for landfill purposes would not be an option for resolving the problem.

RESOLVED :

That representations be made to Flintshire County Council concerning the need for urgent action to reduce the incidents of flooding in the High Street as a result of the water running off the Springhill Quarry and adjacent agricultural land and the steps that needed to be taken to remedy the situation regarding the quarry itself.

b. State of Highways – Poplars/Boot End

Councillor C.P. Owens made reference to the continual problem of water running down the highway, which was an adopted road, and needed urgent attention, otherwise residents may not be able to use the access to their properties during the winter. In addition, there was also the issue of the condition of the roads in the Boot End, and also along the main access road from Holywell.

RESOLVED :

That the Clerk make representations to Flintshire County Council accordingly.

c. Beechcroft Car Park

Councillor A. Griffiths made reference to the present unsatisfactory condition of the car park at Beechcroft, which was used by both pensioner and children's groups.

RESOLVED :

That representations be made to Flintshire County Council accordingly.

d. High Street Development – Access

Councillor T. Renshaw made reference to one of the new development of flats in the High Street, which did not have appropriate vehicle access arrangements by way of dropped kerbs to the High Street.

RESOLVED :

That representations be made to Flintshire County Council to ensure that the developer undertook the necessary works to their satisfaction accordingly.

85. BAGILLT COMMUNITY CENTRE

Councillors R.K. Jones and C.P. Owens had attended a meeting with the Bagillt Community Association earlier in the evening to discuss the Community Centre. The Council had been requesting a meeting in order to determine issues relating to the financial assistance given by this Authority to the running of the Centre, for which provision had been made as usual in Estimates, but held in abeyance until the outcome of the meeting.

Councillor C.P. Owens made reference to information which had been given regarding water charges. The Water Company had been asked to investigate, in view of the bill received in August which was higher than usual, especially given the usage being made of the Centre. It transpired that for the past ten years or so the stand pipe in the Church yard was connected to the same meter, thus usage for Church purposes had been included on the Community Centre bills. The Community Association would need to sort out this matter with the Church Authorities. Councillor Owens also made reference to the usage of the Centre and income raised from bookings, and indicated that he no longer had particular reservations about this aspect.

Councillor R.K. Jones indicated that the solution for the Church Authorities would be to remove the stand pipe and replace it with a water bowser. The Church themselves had been paying bills to the Water Company for the Church building, when in fact it did not have any water provision, and they would be receiving a refund which should enable ease of negotiation regarding the approach being made by the Community Association. Given that one of the bills paid annually by this Authority was the cost of water and sewerage of the Community Centre, the Council had in fact been subsidising the Church. The Community Association would be keeping the Clerk informed on this aspect.

There was a continuing problem of dampness at the building from the bank at the rear which needed to be addressed. It transpired that the Church Authorities had their own tree surgeon and the Association would be approaching them accordingly concerning trees to the rear of the Centre which was felt to be on Church property. The Association would also be approaching the Flintshire Local Voluntary Council by way of a grant to improve the toilet facilities, which may assist in aiding future bookings. There was a need to improve day time usage of the Centre in particular.

In relation to the water usage situation reported, Councillor Mrs. D.J. Williams indicated that an assessment could be made of usage over a period, but any repayment due from the Company to the Church would only be for a set number of years.

RESOLVED :

1. That the report from Councillors R.K. Jones and C.P. Owens be noted and that as a consequence the Community Association be informed that the Council would meet its commitment regarding the cost of water and sewerage costs and insurance cover at the Community Centre for the 2012/13 financial year.
2. That in view of the water usage for Church yard purposes being included on the Community Centre bills, it was noted that the Council would be kept informed of negotiations with the Church Authorities for recompense.
3. That it be noted the Council would be informed by way of the Clerk when meetings of the Association were being held to consider matters relating to the Community Centre.

86. SUMMER PLAYSCHMES 2012

The Clerk reported on information received from Flintshire County Council relating to attendance at the two Summer Playschemes at Victoria Road and Ysgol Merllyn during the six week period in the summer.

RESOLVED :

That the information be noted.

87. YSGOL MERLLYN – FENCING

Councillor R.K. Jones reported to the meeting that it had been possible to obtain Welsh Government funding concerning appropriate fencing at Ysgol Merllyn. The Head Teacher had chosen a type of fencing which would cover a large area,

and be approximately 1.8 meters high. With regard to fencing on the other side of the footpath, which involved private properties, it was hoped that some of the funding could also be used for this where there was no appropriate hedging.

RESOLVED :

That the report be noted.

**IN ACCORDANCE WITH BAGILLT COMMUNITY COUNCIL'S
CODE OF CONDUCT**

Date of Council Meeting	Friday 12th October 2012
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Member	Item	Minute No. Refers
There were no Declarations of Interest.		

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Chairman