

BIRLINGHAM PARISH COUNCIL

Minutes of meeting held on Wednesday 21 November 2012
Birlingham Village Hall

Welcome

- 1) Present: Councillors Hall, Morris, Aston, Comins, and Hill
In attendance: County Councillor Hardman, District Councillor Davis, Footpath Warden and Malcolm Olden
- 2) Apologies: Councillor Butler due to work commitments and Councillor New
- 3) Declarations

- a) i) Acceptance of letters or application forms indicating Councillors eligibility to set the Council's budget if they pay council tax in the Council's area.
ii) To consider granting a dispensation up until the next ordinary election 2015 to all town/parish councillors who live within the town/parish to enable them to participate in any discussion or vote on any matter concerning the setting of the council's budget and annual precept. See appendix * and **

All Councillors had returned their forms except Councillor New.

- b) Register of Interests: Councillors are reminded of the need to update their register of interests. See appendix ***
- c) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature.
- d) To declare any Other Disclosable Interests in items on the agenda and their nature.

(Councillors who have declared a Disclosable Pecuniary Interest, or Other Disclosable Interest which falls within the terms of paragraph 12(4) of the code of conduct, must leave the room for the relevant items)

- 4) Minutes of previous meeting. The Minutes of the meeting held on 19 September 2012, a copy of which had been circulated to all Councillors, were agreed as a true record and signed by the Chairman.
- 5) Democratic Opening – see below
- 6) Progress Reports
 - a) Footpath
 - i. Footpath 502 (Bakers Hill end) strimmed.
 - ii. Footpath 511 (Withy Walk) strimmed.
 - iii. Footpath 516 (Swans Neck) trees pruned
The Chairman said there were 2 more branches on the track at Swans Neck. The Warden would action this.
 - iv. The half yearly report had been returned to Worcestershire County Council.

The footpath from Berwick Brook to Nafford weir was an attractive walk allowing access to the lock. However the kissing gate denies wheelchair access. A gate would be more acceptable. The kissing gate is there as a safety measure to prevent cattle roaming. The Footpath Warden would raise the question with the area organiser to see if there was an alternative but questioned if the County Council had been consulted on the installation anyway.

b) District Councillor

- i) At the Malvern Hills District Council meeting of the swdp Councillors had opted out of the Plan. It will mean Malvern will not have a plan in place and therefore speculative development could happen. Wychavon District Council will go ahead alone and repackage their Plan to be considered March/April next year. They would levy costs against Malvern.
- ii) Seminar for Parish Councils on Council tax, Broadband. Encouraged Councillors to attend.
- iii) Health and wellbeing; County Council are ahead of the game in their thinking on this as a future issue.
- iv) Police Crime panel to oversee what the new Commissioner does.
- v) Budget; essential services hopefully retained. Council tax frozen. Free car parking over Xmas. Brown bins extended service by 2500 bins although cost to customer increased to £42.
- vi) Funds of £37.2m

c) County Councillor

- i) Footpaths and the disability act (discussion above). Ask Fiona Argyle and perhaps liaise with the landowner.
- ii) Upper End. Spoken to Dave Lavender who says the position remains the same. Revills discharge needs to be sorted (this is Harry Porters land). Always blocked at the cricket pitch. Maybe a Section 63 is the solution if there is no compromise between County Council and Harry Porter as the land owner. Adrian to keep pushing. Repetitive loss of revenue with gully sucking / silt.
- iii) THANK YOU for tolerating our abuse. The 20 year rolling scheme is having an effect on the potholes
- iv) Broadband state approval. Keep filling in the survey to keep proving demand.
- v) Shared tax on school regulations to be altered.
- vi) Question CPRE on the highways lighting. Still to keep some sections of the motorways lit during the night. "May" have smart bulbs in a few years.

The Councillor was thanked for his efforts and assistance in getting "the tarmac". What has been achieved by his persistence is much appreciated.

d) Clerk – see Appendix Clerks report

7) Planning

a) Report on current outstanding planning applications

- i) W/12/02266/CU Swan Inn, Church Street, Birlingham WR10 3AQ

Retrospective change of use for part of the garage building to be used for holiday lettings
Parish Council comments: None at this time

- b) Applications approved/refused
- i) W/12/01925/PP – Court Lodge, Upper End, Birlingham WR10 3AA
Rear porch (retrospective)
Approved 22 October
Parish Council comments: no objections
 - ii) W/12/001980/PP – Rough Hill House, Upper End, Birlingham WR10 3AA
Erection of conservatory and porch
Approved 26 October
Parish Council comments: no objections
 - iii) W/12/02155/PP Peacock Barn, Lower End, Birlingham WR10 3AD
Conversion of double garage to form ancillary living accommodation to Peacock Barn
Approved 9 November
Parish Council comments:
 1. As a general comment the Council thinks that the conversion of garages into residential accommodation should not be encouraged. Once an existing garage has been lost there is a strong likelihood that the same or future owners will request permission to erect a further building in the curtilage for garaging. The site would then be filled in excess of its original planned density.
 2. In the present case the positioning of the building in a Conservation Area suggests that the particular care needs to be shown to avoid future damage to the Area by the erection of unsightly additional buildings.
 3. If the application is allowed, we would propose that the new space must be treated as part of the existing dwelling and not leased or rented to third parties and in the event of a sale of the property not disposed of as a separate entity

Interest: The Clerk has spoken to the Monitoring Officer at Wychavon regarding The Swan application and Members interest due to the nature of the business/site. It's a public house and the members use it. The Officer recognises the situation and stated that this would be the case in any village with that sort of amenity. This is not a personal interest or "other disclosable" interest.

Enforcement updates from Wychavon District Council

Location: Swan Inn, Church Street, Birlingham, Pershore, WR10 3AQ

Description of Alleged Breach: Change of use of garage/office to residential letting.

Owners have advised the local authority that they will be submitting a planning application for the change of use.

Location: Court Lodge, Birlingham

Access adjacent to 1 Court Cottages

Advised by the owner that there was an access gate in place many years previously and this is shown on his deeds. Understand that the previous owner of 1 Court Cottages used the area of land as garden. The Council's own aerial photography from 1999 shows a track through the garden area to the roadside although does not show a gateway. For the sake of clarity, requested confirmation be given as to whether a gateway was in situ previously or not..

Councillors commented that it was tiresome that retrospective applications were necessary. Why can't applicants go about things in the standard way?

8) Financial Matters

a) Bank balance - £3,391.52 as at 30 November 2012

b) The Accounts for 2012/13 were resolved

c) Receipts:

£2,250.00 – Wychavon District Council precept (30/9/12)

Payments:

£46.00 - 2 poppy wreaths Royal British Legion (Cheque number 258)

£115.40 – H M Revenues & Customs PAYE- July, August, September (Cheque number 257)

£462.10 - Clerks pay – July, August, September (Cheque number 259)

£25.00 – Clerks expenses – July, August, September (Cheque number 260)

Items d, e and f were a combined consideration

To commence with discussion on level of balances it is appropriate for the Council to hold. For instance should it be equal to one year's expenditure? The bank balance is not equal to the tree and litter pick balances. Do we feel that we should have a bank balance equal to those and some more? Question - Increase by 5% – as previously resolved January 2011? It was noted that the village hall contribution had been a 15% increase?

Included discussion–

- Charities
- Clerks pay, PAYE and expenses – quarterly payments as per financial year and in line with RTI (item g)
- Village hall contribution
- Annual Tree Forum – Tree Warden Budget
- Website annual invoice
- Car allowance – 40 pence per mile (Adoption of Local Authorities (Members' Allowances) (England) Regulations 2003 (previously discussed on Scrutiny Panel) consider increases
- Insurance due in May
- CALC membership due in May
- mower

Discussion took place on the budgeted grit bins at £400. It was the grit that was needed rather than the bins. Councillor Aston has some bins. Clerk to let the Lengthsman know.

Councillor Hill had done a budget forecast. Further discussion took place on the balances to be kept. At the end of the year there should be 12 months in advance.

The Clerk left the room during a discussion on the budget for next year concerning her pay. Clerks pay was resolved at an increase of £100 which was in line with inflation.

d) Future payments

Clerks pay and PAYE

e) Precept. Parish precepts and Council Tax 2013-2014 under Local Government Finance Act 1992. To be returned to Wychavon District Council by 11 January 2013.

It was resolved to set the precept to £5,000 subject to the 6 December report by Wychavon District Council and further information received. An extraordinary meeting would be held at the Chairmans discretion.

- f) RTI starts in April 2013 (HMRC's Basic PAYE Tools will be updated for TRI in February 2013). Discussion took place on the need to notify HM Revenues everytime there is a payment to the Clerk. This is the case already as the Clerk is paid quarterly.

9) Jubilee Wood

The Jubilee Wood has been planted and it was a brilliant job by the volunteers. 420 saplings have been put in. Discussion took place on the future maintenance of the Jubilee Wood. Should the Parish Council take responsibility for it and ensure that we have a suitable safeguard in place with the landowner, Mrs Derbyshire to ensure its long-term survival? Maybe a yearly agreement rather than forever. Could the wood have a preservation order put on it? What is the view on protecting a communal wood? Councillor Morris would investigate further.

The Chairman thanked Councillor Morris for this work on the wood.

10) Standing Orders

The Standing Orders were accepted as amended.

11) Councillors' reports and items for future agenda

Councillor Comins would attend the swdp meeting.
Clerk to contact Lengthsman regarding New Barn Road and digging gullies.
Jubilee Wood.

The Lengthsman Report had been circulated to all Councillors and was read. (see appendix)

12) Closure – with nothing further to discuss the meeting closed at 9.30pm.

The next Parish Council Meeting is on Wednesday 16 January 2013 at 7.45pm.

Signed:Councillor Anthony J Hall, Chairman

Date:

Appendix

Democratic Opening: The Footpath Warden thanked the Chairman and the Clerk for getting the roads sorted. The Parish Councillors were also thanked.

What was happening with the speed restrictions signs on the Pershore to Upton upon Severn road? Why are there de-regulators on the bend by Tiddesley wood? The County Council seem to keep changing them without any logic.

Councillor Hardman stated that this is outside his ward so he is not consulted. He agreed that there were inconsistencies. He would discuss this with councillors in Pershore.

There was yet more mud and water on the roads in the village.

Clerks report

i) **Upper End, Birlingham.** Email sent from Ray Grundy, quote “I write in response to your email of the 18 August 2012, to Tony Jones, concerning surface water flooding of the carriageway at Upper End, Birlingham, near the barn conversion and my subsequent investigation.

As part of my investigation I have visited the site twice, on 28th August and 30th August 2012. At the first visit, which was just after completion of harvest of the onion crop from the field on the south side of the road, staff from the farm were on site clearing mud from the road deposited by their machinery. Together with a member of staff from the farm, I walked the boundaries of the fields on the north side, where it was believed water originated in the earlier flooding, to establish if any watercourses existed that could be made to receive water from the land. There were no such watercourses and my information was also that there was no piped system of land drainage for either field.

On the carriageway itself there were no roadside ditches on either side from Orchard Hill, through the affected area by the barn conversion, and on towards the village centre. Outside Orchard Hill House there was a roadside gully on each side and a further 9 gullies at the low point in the road where water accumulates to cause the problem as described in your email. All of the gullies at this location outfallen to a roadside piped system and each gully was clear of silt at that time and as far as I could tell so was the piped system.

My second visit on 30 August was following heavy rainfall and gave a clearer picture of the reasons behind the flooding of the carriageway. During overnight heavy rainfall surface water falling on the field next to Orchard Hill House had gravitated to the low point in the south-east corner which was near the open field entrance from the road. The headlands around the field had been left uncultivated but although laid to grass had been used by farm machinery tending the crops which had compacted the surface and in places created deep ruts which was now holding considerable water. On this occasion water had not risen to the level in the field necessary to flood the carriageway but it was clear not too much more rainfall would have resulted in water overtopping the raised ground just inside the field entrance to flow onto the road.

Our powers are limited to taking action under the Land Drainage Act against landowners to keep ditches and other watercourses in good condition. As there are no such features in the vicinity of this area I feel the only possible option is for the County Council, as highway authority, to use its powers under S163 Highways Act against the landowner to take action to prevent surface water from private land from entering the carriageway.

If you require any further information please do not hesitate to contact me.

Ray Grundy

Land Drainage Inspector

Response from the Clerk (also copied to Adrian Hardman and David Lavender) quote, “Thank you for your investigations. They were very extensive and I am grateful to you for going out on two occasions especially as the second occasion highlighted the issue and gave you a clearer picture following a recent heavy rainfall. This was exactly what we were trying to explain. Your last paragraph sums up the situation at the Upper End where the water comes off the field by Orchard House and causes silt (mud) to come down the road towards the barn conversions and sometimes beyond The Old Diary.

As you know I have now taken this matter up with David Lavender following your email but with no response at the moment. Do you have another contact at the County Council who deals with S163 potential issues? Maybe I can get an acknowledgement at least”.

Clerk's email to David Lavender (copied to Adrian Hardman and Roy Fullee) quote "I first wrote to you in 2009 and continued to try and get an answer. This is still on-going as you can see from the enquiry 2012. Could I please have your response on behalf of the County Council following the very lengthy reply from the District Council? You will no doubt recall the issues with flooding and drainage at the Upper End of Birlingham, the meeting we had in 2009 with Adrian Hardman, Tony Jones, the Parish Council Chairman and myself and my numerous emails chasing you for action in this matter since then. Councillor Hardman suggested that I contact you again so that you can investigate the matter. The email is very comprehensive from Mr Grundy at Wychavon District Council who has carried out his investigations concluding that the Highway Authority should carry out a Section 163 action. As the Project Liaison Engineer I hope you can take ownership of this issue and come up with a positive solution in what has become an on-going struggle with lack of communication and action from the County Council".

ii) **Birlingham News 14** 27 September 2012 - Thank you to all those who have contributed to this e-mail. If you have items for inclusion in future editions, please e-mail news@birlingham.org.

In this issue:

1. Parish Council – New Member
2. Village Hall Roof Repairs
3. Telephone Kiosk
4. Road Closure
5. David Maxwell
6. Swan Inn Darts Team
7. Jubilee Wood
8. Planning Applications

1. Parish Council – New Member

At the Parish Council meeting last Wednesday, Marion New was co-opted as a new member to fill the current vacancy. The Council now has its full complement of seven councillors.

2. Village Hall Roof Repairs

Thank you to everyone who took the trouble to send us their views on the proposal to raise £5000 from the Council Tax towards the Village Hall roof repairs. Opinion was equally divided on the issue and the comments can be viewed at

www.birlingham.org/pc_info/village_hall_survey_2012.pdf.

At its meeting last week, the Parish Council decided not to go ahead with this option, given the response from residents and the success of the Village Hall Committee in raising grants from other sources. However, future funding of the Village Hall will be discussed further at the budget-setting meeting in November.

3. Telephone Kiosk

After a lengthy process, ownership of the village telephone kiosk has now been transferred to the Parish Council. The Council now hope to find a suitable use for the kiosk, which was repainted shortly before the Parish Council took ownership.

4. Road Closure

The County Council will be undertaking highway maintenance works at various locations along the Avenue, Broadway and Shorthill sometime after 1st October. Some areas will be patched and surfaced dressed, others will be resurfaced. While the works are taking place, some roads will be closed for a few days. The exact location and dates of the closures are still uncertain but updated information will be available on www.birlingham.org as soon as it is received.

The Public Notice can be viewed at www.birlingham.org/docs/road_closure_2012.pdf.

5. David Maxwell

We are very sorry to inform the village that our friend David Maxwell from Carron Lodge died last week after a short illness. Our deepest sympathies go to Anne and her family.

A memorial service will be held on Wednesday 3rd October at 2.00pm in Tewkesbury Abbey.

iii) **Birlingham News 15** 13 October 2012 - The Parish Council sent out its first village e-mail in February (for a trial period of six months) and at its recent meeting the Council agreed to continue with the e-mails for the time being. If you have any ideas for how the e-mail can be improved, or have items for inclusion in future e-mails, we would be pleased to hear from you. Over half the village receives the e-mails – if you know anyone who is not yet included but would like to be, please let us know.

In this issue:

1. Juicing Day, 20th October
2. Road Closure
3. Gwen Finch Wetland Reserve
4. Communicate Newsletter
5. Planning Applications

iv) **Birlingham News 15 Update** 14 October 2012

Road Closure We finally have details of when the roads are planned to be closed for resurfacing:

- Monday 15th-Tuesday 16th: From the Coach House, Upper End down to the junction with Shorthill and then along Shorthill as far as the junction with Church Street (marked yellow on the revised map – see below).
- Wednesday 17th-Friday 19th: From the war memorial down through Lower End as far as the junction with Grange Road (marked blue on the revised map).
- Monday 22nd-Tuesday 23rd: From the junction with Shorthill down to the war memorial (marked red on the revised map).

This means that the roadworks will be continuing into a second week (as opposed to the six days specified on the road signs).

The schedule and map for the proposed works can be viewed at www.birlingham.org/docs/road_repairs_2012_revised.pdf. (Many thanks to James Revill for extracting the information from the County Council.)

v) **Birlingham News 16** 11 November 2012 - The trees for the Jubilee Wood have arrived and are waiting to be planted. This is your chance to contribute to something that will be enjoyed by future generations. See below for details.

In this issue:

1. Jubilee Wood Planting, 17th November
2. Beaujolais Nouveau Evenings at the Swan, 15th-16th November
3. Broadband Survey
4. Website – Photographs
5. Short Mat Bowls
6. Juicing Day
7. Barn Dance – Cancelled
8. Logs For Sale
9. Planning Applications

3. Broadband Survey

The deadline for the County Council's broadband survey has been extended. The aim of the survey is to demonstrate that there is a need for improved broadband speeds locally, so it is important that as many people as possible take part.

To complete the survey, if you have not already done so, please go to www.worcestershire.gov.uk/broadband and click on either the Residents Survey or Business Survey.

4. Website – Photographs

The Gallery section of the village website now contains photographs of some of the Jubilee activities, along with pictures from other recent events. More photos will be added over the next few days. To view the photographs, go to www.birlingham.org/village/gallery.

If you have any photos from the Jubilee or other events this year, or photographs of the village that you would like to share, please e-mail them to news@birlingham.org. We would also be pleased to receive older photographs of the village or events from earlier years.

vi) **Closure of road (s) due to carriageway resurfacing and further maintenance.** The Lengthsman liaised several times with Roy Fullee, Senior Highways Liaison Engineer, regarding Shorthill. The Clerk tried to establish which roads were being closed and at which locations of The Avenue, Broadway and Shorthill. An email was sent from Roy Fullee to Councillor Hardman enclosing a plan saying that some areas can be patched and surfaced dressed, another area which has lost its shape due to an old sewer trench will require resurfacing and an area would benefit from resurfacing with an overlay.

The Clerk thanked Councillor Hardman for his updates and input.

vii) **August/September 2012: News from the Cotswolds Area of Outstanding Natural Beauty.** An email was received from the Cotswolds Conservation Board informing of their newsletter. This can be found on the following link:
www.cotswoldsaonb.org.uk/?page=newsletter&itemid=559

viii) **Register of Members' Interest and co-option of seventh Councillor.** The Clerk sent a letter Wychavon District Council: 1 October 2012 (Ms Kim Paul, Support Services) quote, "I enclose copies of the declarations of Interest form for six Parish Councillors.

I would like to notify you, or if necessary could you pass the information on to Ian Marshall as Monitoring Officer, that Birlingham Parish Council adopted the new standards regime of Wychavon's recommended Code of Conduct (Part 1 general provisions) at their 18 July 2012 meeting. Can I also confirm that a seventh Councillor Mrs Marion New was co-opted on to the Parish Council on 19 September 2012. This brings Birlingham to its full complement.

I was not in attendance at the training event for the new standards on 1 July so if there is anything more I need to do could you please let me know.

vix) **Letter from BVH re New Homes Bonus.** Letter received from Hon. Treasurer for BVH thanking the Parish Council for helping to secure the allowance of a New Homes Bonus.

x) **Service request number, 5109238 for action – Broadway Road / Woodfield Farmhouse. Mud and condition of road below farmhouse.** A response was received (via the HUB from the highways inspector) quote, "single track road in poor condition - which traverses around NE of the village with no real destination, it is wet hence mud will stay - nil action possible at this time".

Clerk asked for further explanation. Quote, "I have to advise you that it is not possible for that request to be actioned as the decision made by Highways following the engineer's assessment is based on the area and expected usage. Any clearing of the road would be undertaken by the District Council's Street Scene team at their discretion, and should be referred to them or raised with the District Councillor. Any issue like this where the person(s) are known to be causing a hazard is a matter for the Police to resolve, as they have the enforcement powers necessary to ensure that the offender clears it up; or prosecute for causing a hazard to be transferred to the highway, as appropriate. If you have any further queries please do not hesitate to contact us again. <http://www.worcestershire.gov.uk/researchweb/hub/feedback.htm>

Clerk responded (copied to Roy Fullee) quote, "I wish the request 5109238 to be kept open and actioned. The highways inspector should be aware that his comment on the "road that has no real destination" is used by villagers daily particularly if the Lower End road is flooded. This is the only way out of the lower village in this instance. The comment is quite insulting.

Broadway road is a classified road which "loops around" the village. I understand that the mud will stay, that is the whole point in the request but it should be removed so that the problem is not there at all. The road above Woodfield farm has been planed and cleared of mud and some of the verge and there is no reason why the road below the farmhouse should not be treated in the same manner either by Highways or the farm responsible for this disgraceful mess.

"nil action at this time" is not an acceptable answer.

xi) **Service request numbers – 5123046 (road sign is damaged) and 5109234 (overgrown verge and collapsed wall) update.** 5120346 - A 4 week work order was raised, we.f from 17th September, to reposition and secure the signage. (Note: still not actioned November 2012).

5109234 - The overgrown vegetation should be being dealt with by the property owner and the owner of the damaged wall opposite is also aware. The wall is not a Highways asset.

xii) **Communicate.** The October issue of Communicate, the newsletter for and from Wychavon's Strategic Partnership and LSPs. Circulated to all Councillors.

xiii) **Local Communities event reminder** to hear about setting up a community car share club, improving Broadband speeds, bulk energy switching schemes, community land trusts and N neighbourhood planning.

xiv) **Road closure in Birlingham Parish – Gwen Finch Reserve** With thanks to Stuart Crowther for notifying the Clerk.

Email from Roy Fullee quote, "The County Council produces reports showing when all works on the highway are due to take place. These reports can be found on the following County Council webpage www.worcestershire.gov.uk/cms/roadworks-and-road-closures.aspx

All highway maintenance works which require a road closure, lane closure or temporary traffic signals are all planned in advance, particularly road closures due to the need to raise a legal road closure notice. Appropriate signing should also be deployed in the area prior to a road closure, or where disruption may occur".

Clerk to Roy Fullee quote "I am led to believe that the Worcester Wildlife Trust are planning to excavate the pools at the Gwyn Finch reserve at Lower End/Nafford. To do this will mean low loaders with large tracked vehicles visiting the village. If this were to happen after the new tarmac is laid at the lower end it will have a devastating effect on it. This after we have waited so long to have the roads done. Can you investigate?

Adrian Hardman to Worcestershire Wildlife Trust quote, "I wonder if you can help with this, The CC is planning some long awaited road works in Birlingham, and we could be with some advice on when you plan to do this and would it effect our plans. We are having a series of road closures, and you might not get access, and I don't won't the work wasted! Seems odd it was only a few days ago we had a chat about the reserve!

Roy Fullee to Colin Raven at Worcestershire Wildlife Trust quote "Further to Adrian's e-mail below, we are concerned that the proposed works by the Worcestershire Wildlife Trust may have an adverse effect upon the local road network which is due to be maintained in the very near future. Can I suggest that our Highways Maintenance Team for the area is contacted direct – the Highways Maintenance Manager, Mr Dave Denning, can be contacted at DDenning@worcestershire.gov.uk and either he or an engineer from his team can discuss Worcestershire Wildlife Trust's proposals with you.

Rob Allen, Southern Reserves Officer at Worcestershire Wildlife Trust quote, "Weather aside, we have another issue to look into.

As you may see from the emails below, WCC is planning to resurface the roads at Birlingham and the parish council and highways team are concerned tracking the digger will damage the new tarmac.

There is an alternate route to the entrance to the reserve track, which I am suggesting to the council as a possibility. I've attached a map showing it. Assuming this is not part of the resurfacing works, would you be able to get your low loader down this road to unload?

I'm checking with the highways maintenance engineers now as to where they are planning to resurface and will let you know the outcome, but if you are in the area checking the water levels could you look at the alternative route in and see whether you could use it?

From Clive Spencer at D E Spencer to Rob Allen quote, "I would need to pop out and check the other route. We could always put down rubber mats and tyres for the machine to track on if necessary. It would however be easier to access if the road was not closed at the same time as we arrive with the machine.

From Rob Allen to Richard Lane (ES , Malvern HPU) quotes, "To confirm, we will look at the alternative route past Red Star growers. If we cannot get the low loader down that route, we would look to run down Broadway to the corner of Broadway and Grange Road. We would use a low loader to that corner and then run the digger over rubber mats on Grange road to get to the track leading down to the lane.

Unless we hit a weather emergency that causes flooding and the need to pull vehicles out in a hurry, we should only need to track to and from the site once, and there will be no removal of spoil so no other heavy vehicles using the road. I'd appreciate if you could confirm you are happy that this arrangement is suitable so I can reassure the local parish council. If you have any other questions please give me a call and I'll endeavour to answer them.

I should have asked how long the resurfacing is likely to last. While it's unlikely we will be down there for a while due to the ground conditions, it would be helpful to ensure we don't turn up while the road is closed".

From Richard Lane to Rob Allen quote, "The carriageway surfacing works in Birlingham are programmed to start on Monday 15th October for a period of 6 to 7 days.

The use of a low loader over the new surfacing should not cause an issue, any tracked vehicles being driven on the carriageway should be kept to a minimum and as you've suggested run on matting to protect the road surface, this will be required to the limits of the adopted highway.

I have attached a location plan showing the limits of the work, if you need any further information, please give me a ring. 01684 588810

From Rob Allen to Clerk, quote "Thank you for bringing to our attention the potential conflict between our planned maintenance on the Gwen Finch nature reserve and the Council's resurfacing works. After consultation with the WCC highways team (please see Richard Lane's email below), we have come up with a plan which will allow us to access our reserve without damaging any resurfaced sections of the road.

I appreciate your very legitimate concerns, and hope the Parish council find this a satisfactory solution. Please feel free to call me with any questions that might arise

Clerk to Rob Allen, quote "Thank you for your response regarding the Parish Council's concerns over the issue of the potential road damage caused by vehicular movements to the newly resurfaced roads in Birlingham and the arrangements that you have agreed between the parties involved".

xv) **Member Conduct Committee** agenda received from Wychavon District Council

xvi) **Updated Register of Electors.** Supplied under Regulations 107, Representation of the People (England and Wales) (Amendment) Regulations 2002. In supplying the register the Parish

Council must agree to abide by the restrictions placed. Not to be passed on to a third party. (other than a member of your parish council) and it will only be used for electoral purposes.

xvii) **Land drainage Act Maintenance of Watercourse** at Pentwyn Nurseries. Further to a site inspection by Land Drainage the work has been carried out in accordance with the requirement.

xviii) **Pershore Market Town Partnership Grants.** A letter received from WDC with an Interest Form for the 2013/14 grant programme. This offers an annual grant programme to assist projects which are deemed to enhance the lives of people living in Pershore and are keen to provide value for money grants which attract significant match funding to get a project started. Information put on the noticeboard.

xix) **South Worcestershire Development Plan (SWDP) – Town and Parish Council Briefing** for Wychavon Council to consider Significant Changes and draft pre-submission SWDP. Letter from Fred Davies, Policy Manager dated 7 November 2012 received, quote “I am writing to advise you of the above meeting of the Council on 10 December 2012 at 6.15pm at the Civic Centre, Pershore. Wychavon District Councillors, along with Members of Malvern Hills and Worcester City will be considering the officer responses and recommendations relating to the Significant Changes consultation over the summer, and the first draft of the SWDP. If approved the latter will be published for a 6 week pre-submission consultation in January 2013, and then submitted to the Secretary of State in March 2013. Further information on the timetable and process can be found on the SWDP website <http://www.swdevelopmentplan.org>

The papers for the Council meeting will be released and made available to view on Wychavon and SWDP websites from the week beginning 26 November 2012. To assist the understanding of the process, the implications of the draft SWDP content for your communities, and next stages etc. I would like to invite you to a briefing meeting here at the Civic Centre (in the Council Chamber) on Monday 3 December 2012 from 5.30pm. I anticipate the meeting concluding by 7.00pm. If you would like to come along to the briefing event, please return the attached slip stating the name of your Parish/Town Council. Unfortunately, numbers will be limited to a maximum of two representatives from each Parish/Town Council due to the capacity of the Chamber and to ensure sufficient time to discuss any issues you may have. I hope that you are able to attend the meeting and look forward to seeing you there.

xx) **BVH September Minutes and Agenda** for 21st November received.

xxi) **Cotswolds AONB Management Plan 2013-18** responses for all documents is due by 13 January 2013.

xxii) **Birlingham Village Hall Roof Project- The Legacy - Completion and Celebration 24th November 2012** An invitation was received from the Chairman of the Village hall to join with the Committee in celebrating the completion of the 2012 Roof Project and the continuing success of our Village Hall. Quote, “ Without the support and goodwill of the users of the Hall it just would not have been possible, equally without the incredible support of several grant making individuals and bodies we would not be such a privileged position to have achieved the replacement roof in the relatively short time that we did. Please join with us on Saturday the 24th November to formally thank the people who made this happen, including the building contractors who have also understood that people matter most and the mostly unseen individuals who keep the Hall going. Each contributor to this project has effectively worked in isolation; understanding the whole picture, supporting the aspiration and knowing that many others are just as supportive-

and yet never meeting these other people. This celebration brings together everyone who has shared the vision and importance of Birlingham Village Hall. This celebration is also my opportunity to personally recognise and thank the many supporters of Birlingham Village Hall.

xxiii) **Litter Picks** Future contact is Karen Betteridge. Her contact email address is Karen.Betteridge@wychavon.gov.uk. Telephone 01386 565018

xxiv) **Parish Grit Bin Process 2012-2013** Information received from Jon Fraser (Customer and Community Manager Business, Environment and Community

xxv) **Register of Interest forms to be put on Parish Council website.** Monitoring Officer quote, "We have now received the vast majority of completed register of interest forms and I am grateful for the cooperation of the Parish Councillors and Clerks in this regard. As you will be aware, there is a legal obligation in the Localism Act to put the information contained on register of interest forms on to the Wychavon website and Parish Council website (if it has one). This is to let you know that we will shortly be putting this information on the Wychavon website. Once we have completed this process we will be making contact with Parish Councils that have website with a view to providing a link to the Wychavon website so that the same information can then be accessed from the Parish Council website. At the moment, I am not sure about the timescales for this final stage".

xxvi) **Council Tax event for Parish Councils - 21 November 2012.** Clerk unable to attend due to Parish Council meeting. Agenda to consider changes to Council Tax from 2013/14 and the implications for Council Tax bases and Council Taxes ahead of parish budget and precept decisions for 2013/14.

xxvii) **Update on Parish Council website.** Councillor Morris continues to "tweak" and update the website.

xxviii) **Lengthsman.** No invoices received from the Lengthsman. (May, June, July only this year)

xxix) **Birlingham News 17 - 19 November 2012** Just a brief e-mail this time to let you know that the Parish Council meets this Wednesday.

In this issue:

1. Parish Council, 21st November
2. Jubilee Wood Planting

1. Parish Council, 21st November

The next meeting of Birlingham Parish Council is on Wednesday 21st November at 7.45pm in Birlingham Village Hall. There is an opportunity during the meeting for residents to ask questions or make their views known.

The Agenda for the meeting is available at www.birlingham.org/pc_info/pc_agenda_2012-11-21.pdf and the minutes of the last meeting on 19th September are at www.birlingham.org/pc_info/pc_minutes_2012-09-19.pdf.

2. Jubilee Wood Planting

Thank you to all those who turned up on Saturday morning to help with the planting of the Jubilee Wood. With 25 people there to help we were able to plant the 420 trees in under two hours – quite an achievement! We also planted the Jubilee Oak, supplied from the royal estates. The new saplings, along with the 45 existing trees, should provide a good show of colour in the years to come.

Declaration of Interest:

* Code of Conduct – Need for Councillors to apply for dispensation to allow them to decide the Council's budget and precept. The Localism Act says that the relevant Council must decide to grant dispensations, following a written request made to the Proper Officer of the Council. The relevant Council is the one on which the Councillor sits – it is not the district council. The Proper Officer is the Clerk, not the Monitoring Officer.

Councillors who have an interest which is affected by the business at a meeting must not participate in the discussion or the vote unless they have a dispensation, and this applies both to formal and informal meetings.

** From the Monitoring Officer - It was agreed at the meeting of the Member Conduct Committee on 5 November that I would write to all Parish Clerks in order to cover a number of different issues

1. **Dispensations** – There have been recent discussion nationally as to whether Councillors taking part in decisions concerning Council Tax have a disclosable pecuniary interest (DPI) and need to be granted a dispensation to participate. The general view is that the safest course is to grant all Councillors a dispensation to cover the situation. Under the Localism Act, dispensations have to be granted by individual Parish Council so my suggestion is that this be dealt with as the first substantive item at your next Parish Council meeting. As an aid to you, I am enclosing a copy of my report to the Member Conduct Committee which was agreed at the meeting on 5 November 2012. You are welcome to adapt this to relate to discussions concerning Council Tax precept at your own Parish Council. You will note that any dispensation can last for a maximum period of 4 years. The recommendation of the Member Conduct Committee is that any dispensation now granted should continue until the first Parish Council meeting after the 2015 elections. The matter could then be diarised and a fresh dispensation then be granted to cover the next 4 year period.

2. **Register of Interest Forms** – We have now received the vast majority of completed register of interest forms and I am grateful for the cooperation of the Parish Councillors and Clerks in this regard. As you will be aware, there is a legal obligation in the Localism Act to put the information contained on register of interest forms on to the Wychavon website *** **and Parish Council website (if it has one)**. This is to let you know that we will shortly be putting this information on the Wychavon website. Once we have completed this process we will be making contact with Parish Councils that have website with a view to providing a link to the Wychavon website so that the same information can then be accessed from the Parish Council website. At the moment, I am not sure about the timescales for this final stage.

3. **Adoption of the Code of Conduct** - Most Parish Councils have now adopted a Code of Conduct and emailed a copy to my colleague Kim Paul. I appreciate the efforts of Parish Clerks in making the necessary arrangement. There are however a few Parish Councils that appear not to

have adopted any Code of Conduct. This is a concern because there is a clear legal obligation in the Localism Act to adopt a Code. If it is that your Council is unlikely to adopt a Code of Conduct before the end of this calendar year, please would you telephone me at an early date so that we may discuss the situation.

4. Member Conduct Committee – Reports to any Wychavon meetings and minutes can be assessed on the Wychavon website through “Council meetings” section. In addition, there is also a separate page on the website devoted to the Member Conduct Committee and related matters.

Lengthsman’s Report November 2012:

Although we have had an extremely wet year it has only required general maintenance and upkeep of the verges and grips to keep the roads clear. We are now entering the ‘rainy season’ where I would expect the amount of maintenance work to increase with leaf clearance and grip and gully maintenance.

In general the drainage system seems to cope reasonably well and landowners have started ditch maintenance although some of the ditches still require clearing to improve the overall situation.

The recent re-surfacing of the road has made a great improvement and hopefully has evened out some of the puddling such as outside Birlingham House where a dip between the road gullies trapped water and caused flooding.

The main problem areas now being outside Barncroft, at the junction of Church road and Short Hill, Lower End near the Manor House and Berwick Lane. I have been investigating the ditch and drain network with a view to finding out the route that the water actually takes when it enters the system. As the vegetation dies back I am tracing the run of the ditches, headwall and culverts and plotting them on a chart.

Although my Lengthsman remit is for highways maintenance many of the ditches run under the road via culverts. Where the culverts start and terminate at ditches there is usually a headwall to hold back the earth and prevent blockage of the pipework. Where the headwall is marking a culvert which runs under the road (usually but not always at 90°) this culvert is the responsibility of highways to maintain. If the culvert does not run under the road but, for instance, runs under a field entrance the culvert and headwall is the responsibility of the landowner. Ditches themselves along with hedges are the responsibility of the landowner.

The network of ditches was constructed to carry the water to the river via field ponds and over time many of these ditches and ponds have been neglected, filled in, culverted, built over and forgotten about. As some of the longer term residents may know the original layouts any information that they can supply would be helpful in compiling the maps.

Taking each in turn

Barncroft

The main issue seems to be that the outflow from the road gullies is unable to cope with the sudden surge of water after heavy rainfall and collects in the dip outside the property. I think that this is primarily due flood water running from the upper fields combined with a land drain to the

field above draining straight into the highway drainage system which cannot cope during heavy rain.

Suggested Action : Liaise with the landowners to see if the land drain can be diverted to the opposite end of the field where it should run towards the river.

Church Road/Short Hill

Water comes straight from the field and, in the absence of a ditch until after Church Road, the water spill onto the carriageway flooding it. Some work has been done recently to clear the ditches from then on down towards the farm and culverts have been laid outside the entrance.

Suggested Action : Liaise with the landowner to see whether they would be prepared to cut a new ditch to carry the water to the existing ditch lower down.

Manor House and Lower End

Water collects along the road and the system appears to become swamped.

There are road gullies along the verge where the system appears to connect into a drain in the Manor House field and subsequently into Bow brook via a piped culvert. There is one 'grip' cut into the verge which historically leads into the adjacent field. Drainage maps show a surface drain connecting into the brook. Considerable groundwork has recently been carried out by the Manor House owners in the field but I do not know whether this has altered the drainage layout.

Suggested Action : Liaise with the landowner to investigate the running of the drains to ensure that they are still functioning.

Berwick Lane

The highway drains travel down the road and emerge from a culvert near Tadpole Cottage into the road side ditch. This ditch is shallow and in need of clearing to allow the water to run away efficiently down to the brook.

Suggested Action : Liaise with the landowner to progress clearing of the ditch down to the brook.

In the meantime I will continue to investigate ditch and drain runs to ensure that the system is working efficiently.

Accounts

The present system of accounting is not working too well for me as there appears to have been a procedure change causing some of my bills to be 3 months in the waiting. I do not remember this happening in the past where they seemed to have been paid monthly.

Perhaps this could be looked into and amended.