

Present: Cllr J V Murphy (Chairman)

Cllrs M P Byerley, Mrs S Dean, Mrs A Gordon, G P Grima, Mrs M Hayward, K S Hope,
M J Metcalfe, G G Morris, R G Mulgrue, S G Starkey, W Worrall and JT Wright.

In attendance: Cllr R G Butler (WDC).

64. **Apologies for absence**

Apologies for absence were received from Cllrs R Clay, Mrs J Compton, Mrs MB Haywood, Mrs J Jackson and Mrs C Sawdon.

65. **Declarations of Personal and Prejudicial Interests**

There were no declarations of interest.

66. **Representations by Members of the Public.**

Mr Webb, Vice-Chairman, of the Barford Parish Plan Group, referred to the work done over the last year by volunteers that would shortly lead to questionnaires being distributed to residents to ascertain how they wish to see the future development of the village. In this respect he referred to the letter and plan addressed to the Chairman of the Group, received from Malcolm Hawkesford, Chartered Surveyors and Estate Agents, acting for PA Hopkins Ltd, owners of land fronting Wellesbourne Road and Wasperton Lane, which had been copied to the JPC Chairman and would be considered later in the agenda for this meeting.

He said that, while this was an important issue for consideration in respect of the Parish Plan, the Group felt it to be one on which they could not proceed without first knowing the JPC's views and likely position on the matter.

67. **Matters for the Constabulary**

PC Caswell reported on the following incidents in the three parishes:

1. On 29th June where 3 persons acting suspiciously were reported by the bungalows adjacent to Sandy Way, Barford. A subsequent sighting led to a police car chase but without apprehension.
2. On 13th July there was a distraction burglary by persons purporting to be from Severn Trent, in which a handbag was stolen.
3. Graffiti had been sprayed on the skateboard park, which PC Caswell felt was a response to him having made a number of stop and searches for drugs among youths congregating in that area, which had led to one arrest.
4. Despite his warning to owners, parked vehicles were still obstructing footpaths and he was now issuing fines. Ultimately, the Police have power to impound such vehicles if their illegal parking persists.
5. In Sherbourne he had been involved in an incident of dogs not being kept under control. He was satisfied that it would not recur.

Cllr Wright felt that contact procedures were working well, enabling him to inform elderly residents in Wasperton of the distraction burglary.

Cllr Mulgrue referred to the nuisance that can be caused by youths congregating by the Scout Hut in Wasperton Lane, particularly during the school holidays,. He asked PC Caswell to try to make his presence felt to deter this.

Cllr Worrall referred to further complaints of intimidation of the skateboard park users, leading them to skate elsewhere, causing nuisance to residents in other areas of the village.

PC Caswell said that he wanted to devote as much time as he could to providing a Police presence in the three parishes but that he was frequently drawn away to provide support in other areas of the district at present. The JPC felt that this was a matter it should take up with the Police.

68. **Minutes**

With the addition of Cllr Wright's name to the list of apologies for absence, and amendment of 'Environment Agency' to 'Countryside Agency' in minute 61, the minutes of the meeting of Council on 14th June 2004 were confirmed.

The following matters arose from the minutes of that meeting:

Minute 38. Cllrs Butler and Byerley confirmed that the fence by the old peoples bungalows had now been repaired by WDC.

Minute 39. Sherbourne members reported no response from WDC to the request from the Sherbourne Parish Meeting to have its own parish council independent of the JPC. The Clerk was asked to write to WDC seeking information on the progressing of this issue and the JPC's earlier request for adjustment in the member representation on the JPC.

Minute 40. It was agreed that the CBO should be made aware of the existing bylaws (Set 8), enacted by WCC or WDC, providing support for police action on specific offences.

Minute 50. It was reported that the WCC Economic and Rural Affairs Overview and Scrutiny Committee would be recommending Cabinet, on environmental and ecological grounds, not to consider further the proposed extension to the Avon navigation.

Minute 51. The Clerk reported receipt from BT of acknowledgement of the JPC's letter and assurance that it would take no action to close the Sherbourne public telephone box until the Council's issues concerning closure had been resolved.

Minute 55. Members referred to parish boundary changes that had not been reflected in the Provisional Maps of Common Land and Open Country. Sherbourne were pursuing this matter to ensure that the new parish areas absent from their map did not contain areas proposed to be open to access.

Minute 56. The Chairman referred to representation from the JPC at the site meeting and WDC Planning Committee meeting concerning the Glebe Hotel's application to extend its premises. The application had been rejected by WDC, but it is understood that there will be an appeal.

Minute 58. The Clerk and members reported action by WDC on some of the matters referred to but gully emptying was still awaited.

Minute 59. The Clerk was asked to press the architect to the war memorial refurbishment for urgent attention to be given to repairing the continuing deterioration of mortar due to last winter's frost damage.

Minute 63. Although action had been taken to cut back vegetation on the A429, the request to do so on the A46 should have been addressed to the Highways Agency and not WCC. The Clerk was asked to pursue the matter.

With the addition of Cllr JT Wright's name to the list of apologies for absence, the minutes of the meeting of the Planning Committee held on 14th June were confirmed. With regard to **Minute 8** it was agreed to include the WDC's enforcement of its planning refusal for the change of use at the Sherbourne Fruit Farm on the list of 'Outstanding Matters' shown at the end of each Council agenda.

The minutes of the meeting of the Planning Committee held on 1st July 2004 were confirmed.

69. **Reports from Representatives Appointed to Serve on Other Bodies**

Cllr Wright reported on his representation of the JPC at the 2nd day of WCC's Economic and Rural Affairs Overview and Scrutiny Committee's hearing of arguments for and against opening up the Avon to further navigation. The JPC's view on the matter was in line with the views of the other parish councils and residents associations. He stressed that there should be no linkage between this issue and the bypass construction.

On 6th July Cllr Byerley, as nominee of the JPC, attended what will probably be his last meeting of the School Governing Body before the new instrument of government is adopted under which there will be no JPC nominee. He paid tribute to the work and commitment of staff in what he

feels is a well run school. It will have 123 pupils at the start of the new school year, by which time the new buildings should be available. He had toured the work in progress and was much impressed with the additional accommodation it will provide. Fundraising, together with the JPC grant, is now expected to meet the costs involved for the school. A further £1500 raised at the recent school fete will help provide new furniture.

The Chairman reported on his attendance at the Rowington Electoral Panel where John Archer, Head of Planning at the WDC had outlined the process by which planning policy will cascade all the way from European Parliament to local councils.

70. **Accounts for the year ended 31st March 2004**

The Clerk and Responsible Financial Officer submitted for approval the Council's Accounts for the year ended 31st March 2004.

Earmarked Reserves – Elections

The Council has resolved to 'Earmark' funds to enable it to be in a position to meet the costs of future elections. It was noted from page 8 of the 'Notes attached to the Summary Income and Expenditure Account', note 6, that the balance of £1880 in the earmarked fund at 31st March 2003 was used to help meet the cost of the elections held in that year. £940 has been provided this year towards the cost of future elections.

Earmarked Reserves – Restoration of War Memorials

Also from Note 6, it was seen that the cost of restoring the Barford War Memorial was wholly met by resident donations and grants from other bodies and there was an excess remaining from these sources of £861 which we reserved to hold as 'earmarked funds' to defray further maintenance costs of parish war memorials.

Resolved: that the Accounts for the year ended 31st March 2004 be approved, including:

- a) the transfer of £940 to 'Earmarked' funds in respect of elections and
- b) the transfer to 'Earmarked' funds of £861 to help defray further maintenance costs of parish war memorials.

71. **Audit of Accounts and Annual Return for the year ended 31st March 2004.**

We were informed that the Council's appointed Auditors Clement Keys have given notice that the date for the exercise of elector's rights to question the auditor about the accounts and make objections to them will be 16th August 2004.

Annual Return

It was reported that, under the audit arrangements for the Council, it is required to submit an Annual Return to the appointed Auditor, Clement Keys by the above date. A copy of the Annual Return had been circulated previously. The Return is in four parts:

Section 1 is the Statement of Accounts.

Section 2 is a Statement of Assurance acknowledging members' responsibility for the preparation of the accounts and compliance with laws, regulations and codes of practice etc.

Section 3 is the External Auditor's Certificate and Opinion (to be completed by Clement Keys)

Section 4 is the Annual Internal Audit Report

The Responsible Financial Officer reported that Mr Roger Wyton, who was appointed to provide an independent internal audit service, had completed his examination and signed Section 4 of the Annual Return. He made no recommendations for the attention of the Council. He submitted a fee account in the sum of £60.00 for which payment approval was sought and given.

Resolved: that:

- a) the date for the exercise of electors rights be noted;
- b) approval of the Statement of Accounts set out on Section 1 of the Annual Return be confirmed;
- c) acknowledgement as Members of the Council of the matters set out in Section 2 be confirmed;

The Annual Return was then signed by the Chairman and Clerk of the Council.

72. **Provision of Safety Surface under Play Equipment on Barford Village**

At our meeting in January we resolved that indications of cost be obtained for provision of a safety surface beneath the village green climbing frames. WDC had already agreed a concurrent services grant of £1,850 towards the cost when this work was mooted two years earlier and has confirmed its continued availability for this year only.

Quotations were received in time for our March meeting as follows,

Bark Pit	£1,850
Synthetic Tiles	£3,522
Continuous Synthetic Surfacing	£5,125

We deferred a decision until it could be ascertained whether WDC would be willing to increase its grant to help meet the cost of one of the more durable surfaces, but were informed at the last meeting that it was unable to do so. Minded nevertheless to purchase the synthetic tile surface to avoid annual maintenance costs, we deferred the decision to this meeting so that a means of financing it could be proposed.

The Clerk has informed us of his discovery that while provision for expenditure on this project was included in the current budget in the sum of £1850, the grant offered by WDC in that sum was inadvertently omitted. This means that the budgeted sum plus the grant is sufficient to meet the cost of the synthetic tiles.

Resolved: that the purchase of a synthetic tile surface for the village green play area be approved.

73. **Land on Wellesbourne Road, Barford.**

We were provided with a copy of a letter and plan received from Malcolm Hawkesford, Chartered Surveyors and Estate Agents, acting for PA Hopkins Ltd, owners of land fronting Wellesbourne Road and Wasperton Lane. The letter was addressed to the Chairman of the Parish Plan Group and had been copied to our Chairman. It made a tentative proposal for development of part of the land for affordable homes, part for commercial homes and the majority gifted to the village with leisure facilities for use by the school and residents.

Concern was expressed that, were the Council to have any involvement in discussions with the developer or his agent prior to their submission of a planning application, members involved would be legally debarred from involvement in consideration of that application.

Resolved: that this matter be deferred to the next meeting in order that definitive legal and planning advice on the JPC's position be sought from WDC.

74. **Enmainment of Sherbourne Brook**

In response to the Council's objection to the proposed enmainment of Sherbourne Brook, a letter from the Environment Agency was considered. It explained why enmainment is proposed and what its effect will be on nature conservancy of the brook and its environs. It asked the JPC to withdraw its objection.

Resolved: that the Project Manager at the Environment Agency should be invited to discuss the matter with members at a special meeting of the JPC to be held at Sherbourne.

75. **WDC Rural Initiatives and Concurrent Services Schemes**

Rural Initiatives Scheme

We were informed that WDC has operated this scheme for several years, with approaching £300,000 being awarded to date. The scheme supports community capital projects within the rural parts of the District. A capital project is one that produces or enhances an asset that will last more than one year.

WDC has agreed a Rural Initiatives budget of £100,000 per annum for this and the next two years but that the scheme's operation should be reviewed. At its June Executive meeting, WDC accepted a report setting out how the scheme will operate and seeking to clarify the criteria determining proposals for schemes. A copy of the report was provided for our consideration.

Concurrent Expenditure Scheme

We were reminded that all parish and town councils in the District were consulted on the Concurrent Services Scheme towards the end of last year. Following consultation the WDC Executive received a report, a copy of which has been circulated to us. Before making a final decision the Executive had agreed that there should be further consultation with parish and town councils on the final proposals. WDC says one of the key concerns the proposals are trying to address is stability of funding arrangement from year to year.

Consultative Meeting and Written Comments

We were informed that arrangements have been made for a meeting to be held in the Town Hall on Thursday 29th July 2004 to which parish and town council representatives are invited. It is proposed to discuss both the above schemes and receive representations. We understand that following on from the meeting there will be a report to WDC's Executive at its September meeting.

WDC has also invited written comments from local councils, whether or not they are able to be represented at the meeting.

Resolved: that representatives of the JPC attend the meeting on 29th July 2004.

76. Warwickshire and Northamptonshire Air Ambulance Landing Sites

At the last meeting it was agreed that the respective parish representatives would seek to compile a list of suitable landing sites in their parishes, with the permission of landowners where on private land. For daylight landings sites need to be a minimum of 30m sq, or 22m sq for emergency landings. For night landings they need to be 200m by 30m.

Cllr Morris indicated that he had made a number of efforts to discuss this with Mr Smith-Ryland but had not yet been able to do so.

Cllr Wright said that he had approval from Mr James Gilligan of Avon Close, Wasperton to offer use of his paddock.

Barford members suggested the playing field.

77. Meeting with the Chair of Warwick District Council

Councillor C Davis, Chair of the WDC has indicated his wish to meet with parish and town councils to hear their views and ensure close working with them. If the JPC is interested in meeting with him he will indicate which of its meetings he will attend as and when he is able.

Resolved: that the Chair of WDC be invited to attend a meeting of the JPC.

78. Access to River Avon between Avonside Cottage and Waters Edge, High Street, Barford

At our last meeting, the Clerk informed us that he had not yet arranged to have a 'unilateral notice' placed against this land in the Land Register. He said that he had belatedly discovered that such a procedure was not applicable to public rights of way but that an alternative procedure was available. However, he said he needed to discuss it further with the Land Registry to assess the likelihood of it involving the Council in additional costs.

We were reminded that the County Council was unlikely to be able to consider the JPC's case for WCC using its powers to require removal of the obstruction of this right of way for at least 5 years because of the backlog in Definitive Map work. It suggested that if the land was unregistered we could request that a 'charge' be placed on the land in the event that it became registered. WCC

said however that it was to its advantage to be dealing with registered land because they had an owner against whom to pursue action for removal of the obstruction.

The land was, in fact, found to be registered but there appeared to be the opportunity to enter a 'unilateral notice' the costs for which were nominal, and the JPC decided to do so.

Having discovered that this latter means was not, in fact, open in respect of public rights, but that an alternative means was, the Clerk has discussed it further with the Land Registry. His understanding is that the alternative means (using form AP1) would involve a sworn affidavit by the JPC setting out all the evidence supporting its case, which would be notified by Land Registry to the registered owners. They would have the opportunity to rebut the case and it would be placed before the Registry's legal officers. Attempts could be made to get agreement between the parties but if that failed it would go before the Land Registry Ombudsman who might himself decide the matter or suggest that one party or the other initiate proceedings in Court.

The cost of making our case to Land Registry would be no more than that for a 'unilateral notice' but court proceedings could prove much more costly, though we would have the opportunity to withdraw our claim to Land Registry before that happened. Bearing in mind, however, that WCC's suggestion to register our claim was made on the assumption that the land was unregistered (and it is, in fact, registered) and that it was equivocal about the benefit to the JPC in doing so anyway, we were asked to confirm whether we wished to go ahead on this basis.

Resolved: that no further action be taken on this matter

79. **Appointment of Clerk and Responsible Financial Officer**

We were informed by our Appointment Working Party that Mr James F Johnson has accepted the appointment of Clerk and Responsible Financial Officer following Mr Offiler's resignation, and will take up the position on 1st August.

Mr Johnson has been appointed at a commencing salary of £7,208 per annum, this being 18/37 hours of spinal column point 18 of the National Salary Scales for Local Council Clerks LC1. The terms and conditions of employment are those recommended by the National Association of Local Councils and employment on a basis of 18 hours per week was agreed by us at our May meeting.

Mr Johnson has undertaken to provide his own office facilities including computer and as a contribution to these expenses a payment of £500.00 per annum (paid as a monthly amount) has been agreed. The cost of telephone calls, stationery, printing charges and travelling expenses will be separately reimbursed.

Resolved: that the appointment of Mr James F Johnson as Clerk and Responsible Financial Officer with effect from 1st August 2004 be confirmed.

80. **Cheque Signatories**

The change of Clerk and RFO necessitates change to the bank mandates and Council **resolves:**

1. That a Bank Account be continued with HSBC plc (the 'Bank') and the Bank is authorised to: pay all cheques and other instructions for payment signed on behalf of the Council by any two of the following Councillors – Cllr Graham G Morris, Cllr John V Murphy and Cllr J T Wright – together with the signature of the Clerk and Responsible Financial Officer – Mr James F Johnson (the signatories) whether any account of the Council is in debit or credit;

- a) deliver any item held on behalf of the Council by the Bank in safekeeping against the written receipt of the signatories;
- b) accept the signatories as fully empowered to act on behalf of the Council in any other transactions with the Bank and
- c) deliver any items held on behalf of the Council by the Bank in safekeeping against the written receipt of the signatories.

2. That any debt incurred by the Bank under this mandate shall in the absence of written agreement by the Bank to the contrary be repayable on demand.
3. That the Clerk and Responsible Financial Officer is authorised to supply the Bank as and when necessary with lists of persons who are authorised to sign give receipts and act on behalf of the Council and that the Bank may rely upon such lists.
4. That these resolutions remain in force until cancelled by notice in writing to the Bank signed by the Chairman or Clerk and Responsible Financial Officer claiming to act on behalf of the Council and the Bank shall be entitled to act on such notices whether the resolutions have been validly cancelled or not.

Council also **resolves:**

‘That an account be continued with the Halifax Bank and the Bank is authorised with immediate effect to accept instructions from any two of the following signatories named below for all purposes connected with the account:

Cllr Graham G Morris, Cllr John V Murphy and Cllr J T Wright.

Plus, in addition, the signature of Mr James F Johnson the Councils Clerk and Responsible Financial Officer.

81. **PCC Organised Barn Dance and Pig Roast**

The PCC proposes to hold a ‘pig roast’ in association with a barn dance in the Memorial Hall, Barford, on the evening of Sunday 26th September 2004 and requested our permission to use the Village Green for the ‘pig roast’.

Resolved: that permission be given to the PCC to use the village green for this purpose provided that it removes the turf beforehand and completely restores it afterwards, and that it absolves the JPC of all responsibilities concerning use of the Green for this event.

82. **Bank and Building Society Balances**

The following were noted as at 19 June 2004

	£
Bank Account	4480.73
Building Society Deposit Account	29298.76
50% Grant for Barford Plan received from Countryside Agency	1500.00

83. **Payment of Accounts**

The cheque signatories’ action in making payment of the following accounts was confirmed:

	£
Observer Standard Newspapers – Advertising Clerk vacancy	296.11
Warwickshire Training Partnership – Place for Cllr Metcalf on Induction Day	25.00
Inland Revenue – Payment of Income Tax re T. Offiler	171.60
MFM – Mowing June	165.00

Approval was given to payment of the following accounts:

T.Offiler – June salary and expenses (Office £41.66, Travel £14.97, Postages £25.31, Telephone £43.81)	328.86
Prontaprint – June photocopying	79.68 .
British Driving Society – small batch photocopying	14.44

84. **Parish Paths Partnership Agreement (P3)**

Although we decided at our meeting in May that we wished to remain in the P3 agreement WCC has informed the Clerk of its concern about the lack of volunteer activities in the 3 parishes. Those within the scheme are required to have active volunteers who carry out maintenance work, liaise with landowners and organize promotional events. Since this is clearly not the case in our 3 parishes WCC felt that they could not remain in the scheme. Problems over rights of way on their paths can be reported to the Enforcement Officer for South Warwickshire.

Resolved: that the departure of our 3 parishes from the P3 scheme be noted..

85. **Electricity Supply to Bus Shelter on Wellesbourne Road, Barford**

The electricity supply to this bus shelter has now been disconnected. It was an un-metered supply, disconnection of which was requested in late November. EME have apologized for the delay. They say the request was passed on to their disconnection contractors, where it was overlooked.

The electricity supply bill paid in March in the sum of £17.62 was the standard annual charge for the un-metered supply from EME. Arguably the charge should have been reduced by up to a third for the delay in disconnection. The invoice for the disconnection has not yet been received.

Resolved: that the disconnection be noted.

86. **Guidance for WDC Members on Outside Bodies**

WDC's Environment Overview and Scrutiny Committee recently expressed concerns about the lack of clarity over the duty of District Councillors appointed as that Council's representatives on outside organizations. As a result the guidelines were produced, copies of which were circulated to us. They had been discussed by WDC's Standards Committee which agreed that a copy should be sent to Parish and Town Councils in the District for information.

Resolved: that the guidelines issued to WDC representatives on outside organizations be noted.

87. **Application for use of Barford Playing Field football pitch**

The Clerk reported receipt of a request for continued use of the football pitch for the 2004/2005 season from Norton Lindsey Junior Football Club.

Resolved: that notwithstanding this item not appearing on the agenda, the club be offered use of the pitch for the 2004/2005 season at a charge of £145.

88. **Dog Bins**

The Clerk reported on the Council's order of two dog bins for the path by the Barford playing field. He said that, by accumulating cross-district orders, WDC had achieved a discount on the price of each bin amounting to £30. However, the size of its order was likely to delay installation by a further 3 to 4 weeks while the supplier obtains sufficient stocks.

87. **Other Matters**

Resolved: that the authorities as indicated be informed of the following matters:

- (1) The worsening telephone reception in parts of the three parishes, apparently due to overload on the system, be reported to BT.
- (2) The need for repair of light No. 5 on Vicarage Lane, Sherbourne be reported to WDC.
- (3) The need for repair of light to the 'give way' sign at the junction of Fulbrook Lane and Watery Lane be reported to WCC.
- (4) The loss of the direction sign to Sherbourne and Fulbrook after leaving the Longbridge traffic island (just beyond the bus stop) be reported to WCC.
- (5) The need for removal from trees of banners concerning hunting to avoid driver distraction and tree damage.