

CLAY CROSS PARISH COUNCIL

Minutes of Clay Cross Parish Council meeting held in the Clay Cross Parish Council office on Tuesday 25 November 2008 at 7.00pm.

Present: Councillor G Morley Chair
Councillor M Holmes Vice Chair

Councillor Mrs K M Holmes	Councillor P J Riggott
Councillor J M Holmes	Councillor D Skinner
Councillor A Jackson	Councillor B Wright
Councillor E Mansbridge	

Public Participation

Councillor G Morley, Chair welcomed Bryn Hopkinson and Richard Moon from Cavendish Estates (London) Ltd to the meeting.

Councillor J M Holmes and Councillor B Wright made the following declaration regarding their dual role on Planning matters. During this Parish Council meeting on Planning matters, we shall not be expressing a conclusive view on the applications and we give a declaration that we will be formally reconsidering the matters when we are in receipt of all the information at the District Council Planning Committee.

Councillor P J Riggott declared an interest in planning application number CM4/0908/87 as he is a member of Derbyshire County Council Planning Committee. Councillor P Riggott left the meeting and did not take part in any discussion.

Mr Hopkinson explained that Cavendish Estates bought the site in March 2005 and that £3 million was allocated to remediate the former Biwater Works site. In August this year, a public consultation was carried out regarding the extraction of coal on this site; over 300 members of the public attended and no objections were raised.

Mr Moon confirmed that there is 100,000 tonnes of coal on this site which was known to be there. Nothing has been done to date regarding its removal as it was too shallow to move without removing the building, the buildings have now been removed so the plans for this site have changed. It was stated that moving the coal would better remediate and encapsulate the site; if Derbyshire County Council approve the planning application, own encapsulating material to cap the site will be made which will halve the vehicle movements to the site. Due to the current economic climate with regard to the housing market, ways to keep the project going forward must be found and moving the coal is one way. It was reported that the Environment Agency and County Highways have not raised objections to these plans and an environmental impact study have been undertaken. It was confirmed that remediation of the site will take 18 months, which is no longer than the original plans.

Councillor P J Riggott returned to the meeting

Police Consultation

Parish Clerk circulated crime figures for the month of October. Councillor P J Riggott reported that crime figures in general are up across the District.

County Councillor/District Councillor Attendance

There were no reports from the County Councillor/District Councillor.

PART I – PUBLIC BUSINESS

652/08 Apologies for Absence

Parish Clerk reported that Apologies for Absence had been received from Councillor K G Savidge.

653/08 Declaration of Interest

Councillor J M Holmes and Councillor B Wright made the following declaration regarding their dual role on Planning matters. During this Parish Council meeting on Planning matters, we shall not be expressing a conclusive view on the applications and we give a declaration that we will be formally reconsidering the matters when we are in receipt of all the information at the District Council Planning Committee.

Councillor P J Riggott declared an interest in planning application number CM4/0908/87 and CM4/1008/118 as he is a member of Derbyshire County Council Planning Committee.

654/08 Exclusion of Public

To determine which items, if any, from Part I of the Agenda should be taken with the public excluded. **Resolved That: no items be taken in exclusion.**

655/08 Minutes of Last Meeting

To receive Minutes and, subject to any changes necessary, to approve the Minutes of the meeting as a correct record. **Resolved That: the Minutes of the Parish Council meeting held 28 October 2008 be approved as a correct record and signed by Councillor G Morley, Chair.**

Work In Progress

Further to minute no **559/08** regarding the Creative Kids Competition and town centre Christmas lights scheme. Councillor M Holmes, Vice Chair reported that the lights were switched on on Friday 21 November

2008; the Derbyshire Times photographer was in attendance and photographs of the Creative Kids winners were taken.

656/08 Reports from Representatives on Outside Bodies

There were no Reports from Representatives on Outside Bodies.

657/08 Report from Parish Footpath Inspectors

Further to minute no **472/07** regarding works to improve public rights of way in Clay Cross Parish. Councillor D Skinner went through his report on progress made to date including details of walk of area with Countryside Ranger Service (circulated). ***Resolved That: the report is noted.***

658/08 Planning Matters

Councillor J M Holmes and Councillor B Wright restated the following declaration regarding their dual role on Planning matters. During this Parish Council meeting on Planning matters, we shall not be expressing a conclusive view on the applications and we give a declaration that we will be formally reconsidering the matters when we are in receipt of all the information at the District Council Planning Committee.

Councillor P J Riggott declared an interest in planning application number CM4/0908/87 and CM4/1008/118 as he is a member of Derbyshire County Council Planning Committee.

Planning Application 08/00974/FL Change of use of commercial hairdressers to domestic accommodation and conversion of existing roofspace to living accommodation, including installation of two rooflights to rear roofslope, to create a single five bedroom dwelling at 24 Thanet Street, Clay Cross for Mr A Murtagh. **The Parish Council note this application**

Planning Application 08/01029/FL Two storey extension with single storey front and rear extension at 8 Cooke Close, Old Tupton for Mr Stuart Blore. **The Parish Council note this planning application.**

Planning Application 08/01084/AD Application for Advertisement Consent for the retention of an externally illuminated Dental Surgery sign at 3 Eyre Street, Clay Cross for Mr Neil Shaw. **The Parish Council note this planning application.**

Planning Application 08/01085/OL Outline Application (means of access submitted) for mixed use development of the former Biwater Works site off Derby Road to include housing (max 980 units), employment (B1 B2 B8 + C1 max 29,500sqm), hotel (60 rooms), a local centre (A1 A2 A3 A4 A5 max 750 sqm), new vehicular access off Market Street (A6175), Derby Road (A61) and Furnace Hill Road, public open space together with associated infrastructure + landscaping at the former Biwater Works, Furnace Hill Road + Derby Road (Major Development/Environmental

Statement/Within 50m of Listed Building) at Biwater Industries (Clay Cross) Limited, Market Street, Clay Cross for Cavendish Estates (London) Ltd. **The Parish Council support this planning application.**

Planning Application 08/01093/FL Change of use of dwelling and sales shop to dwelling at 73 Market Street, Clay Cross for Mrs E Adams. **The Parish Council note this planning application.**

DCC Application Code No CM4/0908/87 Proposed extraction and removal off site of coal at Former Biwaters Site, Market Street, Clay Cross for Cavendish Estates (London) Ltd. **After lengthy debate, the Parish Council support this planning application.**

DCC Application Code No CD4/1008/118 Proposed development of a household waste recycling centre at Upper Mantle Close, Clay Cross for Derbyshire County Council. **The Parish Council support this planning application.**

Refusal of Planning Application 08/00900/FL Installation of ATM machine (Revised Scheme to NED/07/00880/FL) at Clay Cross Post Office, 69 High Street, Clay Cross for The Post Office. **The Parish Council note this refusal of planning application**

659/08 Street Scene Matters

To approve the Minutes of the Street Scene Working Group meeting held 6 November 2008 and to receive recommendations for resolution.
Resolved That:

- 1. the Minutes of the Street Scene Working Group meeting held 6 November 2008 (circulated) be approved for signature***
- 2. work to clear three allotment sites at North Street, Holmgate is carried out at an estimated cost of £2,660 plus vat***
- 3. the Licence for Clay Cross Market between the District Council and Clay Cross Parish Council be signed by the Parish Clerk and Councillor G Morley, Chair and the Parish Council seal applied***

Work In Progress

Further to minute no **458/99** regarding Parish Council owned land at Bevan Road, Danesmoor. Parish Clerk reported details of email received from Chris Clarke on behalf of Lovell Partnerships Ltd. **Resolved That:** ***the content is noted however, upon completion of the play area, the Parish Council will not take on long term maintenance until the equipment has been checked and passed as safe to use by the District Council.***

Further to minute no **134/04** regarding the Holmgate Multi Use Games Area and the use of Parish Council land at North Street. Parish Clerk

reported that the District Council would not consent to the use their Ordnance Survey Licence. **Resolved That: the revised cost of £200.95 plus vat is paid to Baker Barnett Ltd to include a 12 month Ordnance Survey Map Licence.**

660/08 Cemetery Matters

Parish Clerk reported that there were no Cemetery Matters.

661/08 Social Centre Matters

To approve the Minutes of the Social Centre Working Group meeting held 12 November 2008 and to receive recommendations for resolution.

Resolved That:

- 1. the Minutes of the Social Centre Working Group meeting held 12 November 2008 (circulated) be approved for signature**
- 2. three quotations are obtained to remove and replace the outside link corridor**
- 3. as from 1 December 2008, the Monday and Wednesday night bingo admission fee of 45p per person is waived for the month**
- 4. Ultimate Signs provide artwork and install a new outdoor perspex Social Centre sign at a cost of £220 plus vat**

Work In Progress

Further to minute no **647/08** regarding a smoking shelter. Parish Clerk reported that our staff have installed the base and Fancy Fencing Ltd have now begun work to supply and install the smoking shelter.

662/08 Finance Matters

Councillor J M Holmes, Chair of the Finance Sub-Committee, Parish Clerk gave a resume of details discussed at meeting held 19 November 2008.

Resolved That:

- 1. the monthly statement for the month of October (circulated) be accepted and signed by Councillor G Morley, Chair**
- 2. the expenditure and income against budget report for the month of October (circulated) be accepted and signed by Councillor G Morley, Chair**
- 3. a donation of £50 be made to Barneys Baby & Toddler Group**
- 4. a donation of £4.30 per child be made to the four Parish School's to help with the cost of their Christmas festivities**

5. the under mentioned payments be authorised:

NEDDC (Parish Ground Maintenance Contribution for 2008/09)	£18,373.48
CXPC Staff Wages (Tax Weeks 31 - 33)	£4,326.77
Post Office Ltd (Inland Revenue NI & Tax for Nov)	£1,882.79
DCC Superannuation (Pension Contributions for Nov)	£1,673.17
Emery Landscape (Agreed tree work at Cemetery)	£1,598.00
Richmond Building & Roofing Services (Agreed work at Cemetery Lodge)	£1,468.75
I Wright (Dance's for November)	£140.00
TV Licence Refunds (40 @ £22)	£880.00
Spendloves Butchers (L/Club Supplies)	£194.75
Designs Direct (Cleaning Materials for Social Centre and Cemetery)	£245.95
M&M Timber & Building Supplies (materials for Smoking Shelter base)	£138.75
Re-Use Sales Ltd (Cost to empty Cemetery skip: September/October)	£340.76
G W Wright (Cemetery/Parish Maintenance)	£854.81
Donations to Local Organisations (x 2)	£325.00
Severn Trent Water (supply at Parish allotment sites and Social Centre)	£742.92
SWALEC (Electricity at Cemetery)	£197.73
ChairsGB.com Direct (Chairs for Social Centre)	£663.58
Shaw & Sons Ltd (Exclusive Right of Burial book)	£352.50
NEDDC (Cost to empty Social Centre wheeled bin: September - December)	£144.96
NEDDC (November Social Centre Rates)	£959.00
NEDDC (November Public Conveniences Rates)	£155.00
NEDDC (November Cemetery Rates)	£105.00
WINGS (Social Centre advertisements)	£170.00
Npower Business (Gas for Social Centre)	£465.44
British Telecom (for CXPC office, Cemetery, Payphone and Redcare lines)	£429.46
Spire Marketing (Workwear for Cemetery staff)	£89.48
Social Centre Damage Bond Refunds	£77.00
Strawberry Basket (L/Club Supplies)	£68.17
Tiscali Billing (Broadband Fee)	£15.99
Co-op Bank (Charges)	£7.00
Total:	£37,086.25

6. to note the following income:

HM Revenue & Customs (VAT Refund: July - Sept)	£3,039.98
Clay Cross Cemetery Income	£561.00
Clay Cross Social Centre Hire	£339.95
Market Rent 1.11.08, 8.11.08, 15.11.08	£181.00
Bingo 29.10.08, 3.11.08, 5.11.08, 10.11.08, 12.11.08, 17.11.08	£369.10
Dance 30.10.08, 6.11.08, 13.11.08	£155.80
Lunch Club 28.10.08, 4.11.08, 11.11.08, 18.11.08	£683.20
Sale of Refreshments 1.11.08	£83.00

Co-op Bank (Interest)	£1.32
Total:	£5,414.35

Work In Progress

Further to minute no **590/08** regarding accounts for the year ended 31.3.08. Parish Clerk reported that the Audit Commission have completed the Audit of the Annual Return to the year ended 31.3.08. The External Auditors Report on the basis of their review, in their opinion the information contained in the Annual Return is in accordance with the Audit Commission's requirements and no items have come to their attention giving cause for concern that relevant legislation and regulatory requirements have not been met. Other matters not affecting their opinion which they draw to the attention of the Parish Council:

VAT on Income: it is noted that the Parish Council receives rental income and other sundry income which may be subject to VAT. The Parish Council must check the VAT implications and ensure that VAT is being correctly accounted for. Every local authority, as defined in Section 96(4) of the Value Added Tax Act 1994, which makes taxable supplies is required under Section 42 to be registered whatever the value of those supplies. **Parish Clerk confirmed that the Parish Council is VAT registered and VAT on income is accounted for. It was further reported that in July 2007, an officer from HM Revenue & Customs checked the accuracy of the VAT returns from June 2004 to June 2007 and confirmed that all was in order.**

Independence of Internal Auditor: during the Audit of the Parish Council, it has come to the attention of the Audit Commission that the Internal Auditor has been involved in the preparation of the Annual Return submitted for Audit. Whilst it is understood why this has occurred, attention is drawn to paragraphs 2.54 and 2.55 of the Local Governance and Accountability Guidance (produced by NALC) which states that Internal Audit should be independent of the preparation of the accounts. **Parish Clerk reported that our Internal Auditor, John King has been on the NALC website and obtained the relevant information, it was noted that the paragraphs referred to are actually 2.67, 2.68 and 2.69. Resolved That: John King continues as the Parish Council Internal Auditor, as he is independent and does not have any involvement in the financial decision making, management or control of the Parish Council.**

Further to minute no **634/08** and **648/08** regarding donations to local organisations. Parish Clerk reported that letters/cards have been received from Chair of the District Council, Holmgate & Clay Cross Tai Chi Group, Holmgate Darby & Joan Club and Holmgate Friendly Club thanking the Parish Council for their donations.

663/08 Parish Clerk's Report/Items for Decision and Information

1. **North East Derbyshire District Council:** invitation to attend the District and Parish Liaison Group meeting to be held 28 January 2009
2. **North East Derbyshire District Council:** House to House Collection Application for Royal British Legion Poppy Appeal (31.10.09 – 7.11.09) and RAF Wings Appeal (19.9.09)
3. **North East Derbyshire District Council:** Agenda of meeting of the Ethical Standards Committee held 13 November 2008
4. **Derbyshire County Council:** Development of Clay Cross and District 50+ Forum and invitation to attend Steering Group meeting to be held 3 December 2008 (circulated)
5. **Derbyshire Association of Local Councils:** Circular **37/2008** – Crash Course on the Planning System to be held 11 March 2008 at a cost of £15 per delegate
6. **Communities of Local Government:** Communities in Control – Real People, Real Power: Code of Conduct for Local Authority members and employees – A Consultation
7. **Clay Cross Community Police Consultative Group:** Minutes of meeting held 13 October 2008 and invitation to attend next meeting to be held 12 January 2009
8. **Home-Start:** Annual Report 2007/08

Resolved That:

1. ***Councillor M Holmes, Vice Chair and Councillor A Jackson attend the District and Parish Liaison Group meeting on 28 January 2009***
2. ***Councillor J M Holmes attends the Clay Cross & District 50+ Forum Steering Group meeting on 3 December 2008***
3. ***Councillor D Skinner and the Parish Clerk attend the Crash Course on the Planning System on 11 March 2009 at a total cost of £30***
4. ***the Clerk's Report/Items for Decision and Information are noted***

664/08 Date of Next Meeting

Resolved That: the next Parish Council meeting is held Wednesday 17 December 2008 at 6pm in the Parish Council office.