

**SWANWICK PARISH COUNCIL  
MINUTES OF THE PARISH COUNCIL MEETING  
THURSDAY 15 September 2016**

**Present:** Cllrs Soudah, Barnett, Davies, King, Payne

**Members of the Public**

**Members of the public listed waived their right to anonymity under the Data Protection Act**

John Briggs

John Payne

David Hewett

Rob Castledine

AVB Cllr David Wilson(Part meeting)

**213/2016 APOLOGIES**

Cllrs Adams, Briggs, Dale

Apologies were approved.

**214/2016 VARIATION OF ORDER OF BUSINESS**

An addendum to item 6.3 was issued at the meeting to provide an update of events since the agenda was issued.

**214.1/2016 Neighbourhood Plan**

**RESOLVED:**

Item 6.3 is brought forward in view of developments since the agenda was issued, and to allow members of the public to be released early following the item.

Following a National Planning Casework Unit enquire to AVBC asking what is the Council's five year housing supply and when the Swanwick Neighbourhood Plan is due to go to referendum, it came to light that Amber Valley had on 24<sup>th</sup> August 2016 proposed a date for the referendum. A letter from AVBC to the polling station booking agent also provided information that the original date of 10<sup>th</sup> November was being brought forward to 20<sup>th</sup> October 2016.

None of this information was provided to Swanwick Parish Council by AVBC, and the parish council was not consulted or received any communication about the proposed dates. This is contrary to the explicit assurances from Cabinet Members and the Council that the Parish Council will be consulted or at the very least be kept informed of progress to referendum.

Following detailed correspondence with both Officers and Cabinet Members of Amber Valley Borough Council, a formal complaint was sent to the Council. It has been acknowledged. Following an investigation, a reply is due in 10 days.

There was no consultation with the Parish Council prior to the preparation of the Officer's report to Cabinet. Effectively there was no opportunity presented to the Parish Council to re-consider any aspect of the plan before AVBC Cabinet decided to accept all the recommended modifications.

The view of the Parish Council and the Neighbourhood Steering Group is that the plan originally submitted has been so drastically changed that the modified plan, on which the referendum is being held no longer represent the aspirations of the Swanwick Community.

It was proposed that

1 That Swanwick Parish Council formally write to Amber Valley Borough Council as the Local Planning Authority requesting that the Swanwick Neighbourhood Plan, as modified, is withdrawn from referendum as it is not likely to succeed without the support of Swanwick Parish Council and the Swanwick Neighbourhood Plan Steering Group.

2 In the event that the modified Neighbourhood Plan continues to progress to referendum, that Swanwick Parish Council and the Swanwick Neighbourhood Plan Steering Group campaign and actively promote a 'NO' vote.

In response to correspondence, AVBC advise that the regulations state that a qualifying body can only withdraw the proposed plan before the Planning Authority consider the modifications recommended by the Independent Examiner. As the Cabinet made a decision on 29<sup>th</sup> June 2016, AVBC will not accede to a request to withdraw the plan.

There is also a question whether Swanwick Parish Council can campaign during the period leading to the referendum, whether for or against the Swanwick Neighbourhood Plan. The Parish Council can only publish factual information or correct inaccurate information published by other campaigns. However, the Swanwick Neighbourhood Plan Steering Group is not a formal committee of the Parish Council, but an advisory and public engagement group and is at liberty to campaign.

#### **214.2/2016 Amendment proposed**

In the light of the restrictions on the Parish Council, it was proposed under SO 18.1 to amend proposal 2 accordingly to read

2 In the event that the modified Neighbourhood Plan continues to progress to referendum, that Swanwick Parish Council recognises the Swanwick Neighbourhood Plan Steering Group campaign that will actively promote a 'NO' vote.

#### **RESOLVED:**

**214.3/2016** To accept the amendment.

#### **RESOLVED:**

**214.4/2016** That Swanwick Parish Council formally write to Amber Valley Borough Council as the Local Planning Authority requesting that the Swanwick Neighbourhood Plan, as modified, is withdrawn from referendum as it is not likely to succeed without the support of Swanwick Parish Council and the Swanwick Neighbourhood Plan Steering Group.

**214.5/2016** That in the event that the modified Neighbourhood Plan continues to progress to referendum, that Swanwick Parish Council recognises the Swanwick Neighbourhood Plan Steering Group campaign that will actively promote a 'NO' vote.

## **215/2016 DECLARATIONS OF INTEREST**

None

## **216/2016 PUBLIC PARTICIPATION**

### **216.1/2016 Public Speaking**

**Cllr David Wilson** read out a statement regarding Amber Valley Borough Council's position on the issue of 'Fracking'. In summary AVBC cannot hold a policy decision on 'Fracking' as this could be construed as pre-determination of a planning application. Each application will be considered on its merits.

### **216.2/2016 Members' Observations:**

**Cllr Mary Barnett** raised the issue of non-residents parking in Orchard Crescent. This is a matter for Futures Housing Group to address with DCC Highways. Cllr Barnett also observed that only one street name plate had been replaced. It was pointed out that this is common practice by AVBC.

**Cllr Brenda Payne** raised the issue of inconsiderate parking at junction of Broadway and The Green.

### **216.3/2016 Police & Crime Prevention**

No Police attended the meeting

### **216.4/2016 Representations or Evidence from Members Declaring a Prejudicial Interest**

None

## **217/2016 MINUTES OF FULL COUNCIL HELD 21<sup>st</sup> July 2016**

### **RESOLVED:**

That the Minutes of Full Council held on 21 July 2016 be received as correct account of the meeting. The minutes were signed by the Chair.

## **218/2016 PLANNING MATTERS**

### **218.1/2016 Planning Applications**

Applications were noted. No comments received.

### **218.2/2016 Planning Decision Notices**

The decisions were noted

## **219/2016 CLERK'S REPORT**

The Clerk's report was presented by the Chair.

### **219.1/2016 Parish Office has relocated to 'new' premises'**

#### **RESOLVED:**

To approve minor works necessary to bring the working conditions to an acceptable standard within a maximum budget of £500 on refurbishment.

### **219.2/2016 Increase in buildings insurance cover for catastrophic events**

#### **RESOLVED:**

To approve and note that the additional insurance secured only covers the clearance of the site debris in the event of a catastrophic event

### **219.3/2016 Utility services update**

**RESOLVED:**

To approve that all the utility services be tested and where appropriate alternative suppliers found.

**219.4/2016 Open Gardens 2016 – claim for re-  
imbursement of costs**

**RESOLVED:**

To approve the re-direction of funds approved in Min 203.2/2016 to pay outstanding invoices held by Open Garden 2016.

**219.5/2016 Nether Close Allotments – boundary issues  
and proposals**

**RESOLVED:**

**219.5.1/2016** To reject the proposed compromise solutions and inform the owner of the adjoining property of the Council's decision accordingly.

**219.5.2/2016** To seek legal opinion with regard to registration in the Council's favour of the area of land in dispute and instruct solicitors.

**219.6/2016 Asset Register – report on registration of  
all Parish Council Land with Land Registry**

**RESOLVED:**

To instruct solicitors to register all land owned by Swanwick Parish Council

**219.7/2016 Shirley Road Allotments – Review of  
Agreement with Swanwick Allotments Association, site visit on 1st  
September**

**RESOLVED:**

**219.7.1/2016** The PC writes to adjoining property owners to define property boundaries and re-instate fences.

**219.7.2/2016** To purchase in-fill material for remedial work to parts of the track.

**219.7.3/2016** To undertake the hedge cutting required.

**219.8/2016 Christmas Lights Contract – proposed  
review of current contract**

**RESOLVED:**

**219.8.1/2016** To obtain three quotes for the supply and installation of Christmas lights.

**219.8.2/2016** To authorise the Chair/clerk to accept the most appropriate quotation

**219.9/2016 Non-domestic Business Rates and proposal  
for demolition of unoccupied buildings**

**RESOLVED:**

To authorise the Chair/clerk to receive the quotations and appoint appropriate contractors to undertake the necessary works, subject to scrutiny of the quotations and necessary planning approvals. The Chair/clerk is to report back to PC at the next appropriate meeting

**219.10/2016 Removal of trees, hedge shrubs and weeds**

**RESOLVED:**

To authorise the Chair/clerk to receive the quotations and appoint appropriate contractors to undertake the necessary works, subject to

scrutiny of the quotations. The Chair/clerk is to report back to PC at the next appropriate meeting.

### 220/2016 Chair's Report

The report was received.

### 221/2016 Councillors' Updates

Cllr Brenda Payne updated the meeting on three planned Community events

1. Remembrance Day parade and service starting at 10.40am on 13<sup>th</sup> November 2016
2. Civic Carol Service at 7.15pm on 12<sup>th</sup> December 2016
3. Well Dressing 2017 on 13<sup>th</sup> May 2017

### 222/2016 Correspondence & Circulars (copies are available on the website)

All circulars and correspondence was received

### 223/2016 ACCOUNTS

**223.1/2016 RESOLVED: To approve urgent payments made to the following:**

Date	Cheque	To Whom Payable	Reason	Amount £
01.08.16	3588	Newleaf Ltd	Contract Payment 5	1125.00
01.08.16	3589	CANCELLED JH HALL	Open Gardens Min 203.2/2016	0.00
02.08.16	3590	R Castledine Mth4		1244.70
02.08.16	3591	HMRC	Tax & NI Mth 4	302.88
02.08.16	3592	Iansprint Ltd	Open Gardens Min 203.2/2016	370.00
10.08.16	3593	Iansprint Ltd	Printing/Copying	51.55
17.08.16	CHAPS	Broadbents Sol. LLP Client A/c	Purchase of Land, Stamp duty & Disbursements	520515.50
17.08.16	CHAPS	Yorkshire Bank	Chaps fee	29.00
22.08.16	3594	Swan CoE Girls School Trust	Rent Qtr 3 to 31.08.16	383.84
22.08.16	3595	Zurich Municipal	Insurance add. Cover	85.80
01.09.16	3596	R Castledine Mth5		1244.50
01.09.16	3597	HMRC	Tax & NI Mth 5	303.08
01.09.16	3598	Kiwa CMT Testing Ltd	SLC Testing	1338.00
01.09.16	3599	Newleaf Ltd	Contract Payment 6	1125.00
			<b>Total</b>	528118.85

**223.2/2016 RESOLVED: to approve payments to the following:**

To Whom Payable	Reason	Amount £
		0
	<b>TOTAL</b>	0

**223.3/2016 Income Received**

<b>Date</b>	<b>Remittance</b>	<b>Amount</b>	<b>£</b>
10.08.16	PWLB Loan Draw Down (£150K minus £52.50 PWLB Fee)	149,947.50	
	<b>Total</b>	149947.50	

**224/2016 Bank Reconciliation**

Verbal report given

**225/2016 Exclusion of Press & Public**

'That pursuant to section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for Agenda Item(s) 13 by reason of the confidential nature of the business to be transacted'.

**225.1/2016** Recruitment of Clerk to the Parish Council – deferred pending HR advice

**225.2/2016** Quotations were considered and awarded for:

- Removal of trees, hedge shrubs and weeds
- Asbestos survey
- Electrical survey and disconnection to stores & workshops
- Gas boiler service and disconnection to stores & workshops
- Water supply disconnection to stores & workshops

**225.3/2016** Quotations for the following are still pending

- Demolition of unoccupied buildings - stores & workshops
- New water supply to office

**226/2016 WEBSITE INFORMATION ARISING FROM MEETING**

Addendum item 6.3 to be added to Meetings page

**227/2016 Items for the next agenda**

Pentrich Revolution Bicentennial

**228/2016 Date of Next Meeting: 20<sup>th</sup> October 2016 @ 7.15pm at the Meeting Room at the rear of the Baptist Church, Derby Road**

Members were reminded that the Parish Council does not meet during August.

**A meeting of the Well Dressing 2017 Group will be held at 6.30pm on 20<sup>th</sup> October 2016 at the Meeting Room at the rear of the Baptist Church, Derby Road.**

Meeting Closed at 20.55

Signed: *G Soudah*

Date: 20<sup>th</sup> October 2016