

**Minutes of the meeting of Kingshurst Parish Council
held on Tuesday 14 October 2008 at 7.15 p.m.
at Kingshurst Primary School**

Cllrs. present: K. Evans Chairman
 B. Mulready Vice-Chairman
 A. Follows
 B. Follows
 T. Williams
 D. Cole
 D. Davis
 S. Daly
 L. Brunger

In Attendance : Mr D. Wheeler Accountant
 Mrs. P. Ross Acting Clerk for the Meeting
 3 Members of the public

1. Welcome and introduction of New Clerk

The Chairman welcomed everybody and introduced Mrs. Janice Small as the new Clerk to Kingshurst Parish Council. She will be taking up her post on Monday 3 November 2008. He thanked her for attending this meeting.

2. Apologies and acceptance for absence

Apologies for absence were received and accepted from Cllrs. D. Evans, D. Woolley and Borough Cllrs. R Hall and A. Nash

The Chairman said he had visited Cllr. Woolley as he was unwell and was quite happy to continue to visit him.

3. Declarations of interest on items on the Agenda

The following personal interests were declared and entered into the book.

Cllr. D. Davis (Fun Day), Cllr. Mulready (Allotments), Cllr A. Follows (Regeneration), Cllr. Brunger (Regeneration), Cllr Mrs. B. Follows (Regeneration), Cllr Mrs. T. Williams (Allotments/Events/Regeneration)

4. Minutes of meeting held on 9 September 2008

Cllr. Mrs. Williams stressed that her name had again appeared as Cllr. T. Davies. Clerk apologised and stated this would be corrected.

Minute 8 Public participation. Where the Minutes stated "meeting closed" it sounded as though the whole meeting had attended. It was noted that in future it would be stated differently.

Minute 9.2, take out words "the outing" and insert "Youth Council".

It was pointed out that this item should have been on the Agenda but the Chairman explained that the matter had been superseded by SMBC. The Youth Council would no longer be a Youth Parish Council. The grant of £1000 given to set up a Youth Parish Council would have to be returned to SMBC.

Minute 9.3, Christmas Cards. Take out words "and send them out"

Cllrs. Daly, Davis and Mulready queried the accuracy of the minutes. Mrs. Ross pointed out that minutes were not reported verbatim and that legally only the main

topic of discussion and final decision/resolution needed to be recorded. She did not intend to report verbatim and would certainly not be training the new Clerk to do so. Cllr. Brunger brought to the notice of the Council, a legal topic note on minute recording and pointed out that every councillor had received one. He suggested they all read it carefully.

After further discussion and with reluctance on the part of some of the councillors, it was proposed, seconded and agreed that the minutes, as amended, be accepted and signed as a true record.

Referring to Minute 5.1 Cllr. Follows confirmed that he was unaware of any other quotes being received for costs for the School Trophies and the Chairman was unavailable for comment. As this was not an agenda item tonight it was agreed that it be an agenda item for the November meeting.

5. Advert in press for Sleepers

It was agreed to insert a free advert in the Evening Mail and Solihull News. A notice could also go in the Post Office, Dillons, Morrisons and Bargain Pages. Cllr. B. Follows would contact Bargain Pages and Cllr. Mulready would visit Morrisons and asked that he be given a notice on an official letterhead.

6. Approach to Bickenhill PC re Handyman

Cllr. Mulready had not approached them and it was agreed that Mrs. Ross would do so.

7. Public consultation re. change of name for Kingshurst Parish Council

Cllr. Brunger reported that under latest government legislation the Parish Council could change its name but felt that it was a matter for the people represented by the Council to be consulted. Cllr. A. Follows proposed that an item be included in the next Newsletter asking residents for their views and once a feed back had been received the Council could consider taking the matter further. Cllr. Cole seconded and all were in favour.

8. To agree that this Council support the demolition of Babbs Mill Boat House leaving the footings in place

The Chairman reported that the Fire Brigade had been called out on 19 separate occasions to the boat house, which cost a minimum of £1400 to the Brigade per visit. SMBC had inspected the site and the building had on one side been boarded up with metal grids. The window and door had been boarded up with wood. He and Cllr. Mrs. Evans had visited the previous Friday and found 20 children in the building. The window had been broken up and the door frame was off. The metal grill had been torn up. SMBC requested that the boat house be demolished but that the footings be left in place. The footings needed to remain as a Lottery a grant re SMBC and WWT has been applied for and at some time in the future a new building may be built in the original footprint.

Cllr. Brunger pointed out that having it stand derelict was costing money.

Cllr. Mrs. Follows said she was disappointed that SMBC had allowed the building to get into the state it now was.

Proposed, seconded and agreed that Kingshurst Parish Council write to SMBC agreeing to the boat house being demolished.

9. Public Participation

The Council meeting was opened to allow for this item.

The Chairman opened by reading out the following statement:

Oral requests for information made by a parishioner at Council meetings do not meet the criteria to constitute a formal request under the Freedom of Information Act 2000. The previous Clerk resigned following an employment dispute between her and the Council which has now been resolved by mutual agreement.

Both parties agreed that the terms of the Conciliation Agreement shall remain confidential between the parties and their professional advisers and shall not be disclosed to any third party other than immediate family (save as required by law).

The Council may refuse to comply with requests by applying one of the exceptions available under the 2000 Act such as Section 40 relating to Personal Information. Third party requests for personal information are decided in accordance with the data protection principles but within the overall framework of the 2000 Act. The Conciliation Agreement constitutes Personal Information and the Council has every right to decline any requests relating thereto.

Mr. Hampton thanked the Council for making the statement very clear. He then referred to Minute 8 of the previous meeting when he spoke about the cost of training the previous Clerk. Mr. Wheeler confirmed that he had quoted £70 for a training session. Mrs. Ross explained that most training sessions were free of charge. Mr. Hampton pointed out that the Clerk would have been paid for the hours she attended on top of hours worked in the office. Mrs. Ross, Clerk for 28 years said she had never received payment but had attended all training sessions in her own time. However, with the previous Clerk to Kingshurst Parish Council, Councillors agreed that their Clerk had in fact been paid whilst attending such courses. The Accountant also said that the previous Clerk had attended courses on days when she would normally have been working. Clerks to this Parish Council filled in time sheets and there had never been a problem in agreeing the hours put in.

Mr. Hampton mentioned the Allotments and Jubilee Gardens and asked for clarification on the dividing line. He said that the road side was an untidy mess and the Chairman said the hedge was due to be cut. Cllr. Mulready said that leaves were building up and it was the responsibility of SMBC to clear them. Cllr. Mrs. Follows said, as Tree Warden, she could sort this problem out. Cllr. Mrs. Williams said that the leaves were coming from Babbs Mill park and she had personally collected 6-8 bags from just inside the gate. She also pointed out that part of the area was regarded as a wildlife meadow. Mr. Hampton said about 12 months ago he had raised a question about this area and had been given assurance that within 12-18 months the area would be opened to the public and he was waiting to enjoy the gardens. He did not feel it was safe to be there. Cllr. Mulready said he would give a report under Item 11.3 of the Agenda.

The meeting reverted to closed session.

10.1 Reports from Borough Councillors

Babb's Mill. Cllr. Mrs. Evans had a meeting with park ranger Barry Lowe about the boathouse and its future. Cllrs. A. Follows and K. Evans were also present. The problems with the boathouse are numerous but the fact that they have had nineteen fires since the beginning of the year, that the Fire Brigade have attended and that this has cost SMBC a minimum of £1,400 per call out. The last fire resulted in the electricity being cut to local houses for a while.

In light of the above information and the fact that the new building is some two or three years away and the dangerous state of the building, the Fire brigade has suggested either demolition or taking the roof off and fence it off.

After discussion she feels that the building should be demolished with the footings left in situ for a new building in due course. In the interim a seating area for families will be made.

The benefit of demolition will act as a deterrent and not a magnet for anti-social behaviour. The financial cost to the Borough Council will be diminished and people will have somewhere nice to sit. It appears that the majority of local people who have been consulted are in agreement. The Parish Council has been asked to endorse the decision of demolition.

Bikes. These continue to be a problem on Kingshurst but the police have made three arrests.

The Barrier on the pavement on the corner of Cooks Lane and Ford bridge Road will be replaced in the near future.

New Traffic signals on Cooks Lane. The Cabinet member for Highways has approved the installation of two new traffic signals on Cooks Lane. These neon signals will only flash when the 30 mph limit is exceeded and will remind drivers that children could be crossing.

Cllr. A. Nash: Complaints still being received from residents regarding the ABS problem and SMBC is trying to address the problem.

SMBC still trying to address peoples housing problems and needs There is a shortage of housing but SMBC is trying its best.

On the cost of living, everyone is feeling the effect of prices of fuel, especially on heating and lighting bills. There are in some cases, where we can help ourselves. He suggest calling 0800 512012 to obtain information on how to reduce household bills.

Cllr. Nash was pleased to see that a Kingshurst resident had received a prize in the Garden Competition.

Re. dog fouling, people are not cleaning up the mess that their dogs are leaving behind. He reminds people with dogs to take the mess home with them or use the dog bins provided.

Cllr. R. Hall. He has requested through Jim Harte, Director for Transport to look into the cleaning of road drains. This resulted from Silverbirch Road at the roundabout. The drain has now been cleaned out and no further flooding has occurred in that area. He has now asked for all drains to be looked at.

He is pressing the police to be more visible in and around Kingshurst as incidents are still occurring. He hopes to see significant changes soon.

There appeared to be problems arising out of the new pedestrian controlled lights outside the school. Lorries ignored the speed limit and it was questioned

on who was going to enforce it. Cllr. Cole offered to contact Cllr. Mrs. Evans as Borough Councillor on behalf of the Council.

10.2 Correspondence

A full list of correspondence and emails received is attached to these Minutes. Other items read out were as follows:

1. SMBC. Invitation from the Mayor and Mayoress to attend the Remembrance Service at the War Memorial, Solihull on 9.11.08. Decline owing to the Parish Council having its own service.
2. Mayor of Solihull, Solihull Soroptimists, Rotary club of Solihull and House of Fraser - Invitation to Christmas Charity Surprise at the House of Fraser, Solihull. 6.30 - 9.30 on 4.11.08 Entry by ticket only at £10 per person. Noted.
3. SMBC. Solihull maintained a Gold award in the city category in the regional Heart of England in Bloom competition. Noted.
4. Community Transport Solihull. Thank you letter for recent generous donation from KPC towards the purchase of a new minibus.
5. SMBC. Education & Children's Services. Youth & Community Service. Minutes of meeting held by Kingshurst Youth Council on 22.9.08. These had been circulated and would be kept on file.
6. The Warwickshire, Solihull & Birmingham Training Partnership for Parish and Town Councils.
 - 6.1 Briefing Event for all Chairmen and aspiring Chairman. 10.00 - 1.00 15 November, Village Hall, Harbury. Any councillors wishing to attend contact WALC.
 - 6.2 WALC AGM - 28.10.08 7.30 p.m. in the Council Chamber, Town Hall, Royal Leamington Spa. Those Councillors attending had already signed up.
 - 6.3 Clerks Brief Day - 27.1.09 at The Phoenix Room Studley Village Hall. The new Clerk, Mrs. Small would be attending but did not need to book just yet.
 - 6.4 Changes to the Town & Country Planning System. 2.00 - 5.00 p.m. 6.12.08 Dunchurch Village Hall near Rugby. Any councillors wishing to attend contact WALC.
7. Birmingham City Council. The Birmingham Plan - Core Strategy Issues and Options Consultations. On the table.
8. SMBC. Overview & Scrutiny Newsletter. September 2008. On the table.
9. WALC. Under the Freedom of Information Act 2000 there is now a new model publication scheme. The adoption of a new scheme by parish and town councils must take place before 31 December 2008. Mrs. Ross advised members that a resolution will need to be passed at the November meeting and will be an agenda item.
10. Cllr. Mrs. Follows had requested an item on the agenda for Christmas cards and letterheads. She had come up with some designs and proposed to leave samples in the office. She asked that when councillors visited they sign their names against their preferences.

11. To receive and approve reports from KPC Committees

11.1 Finance Committee

The list of cheques presented for October had been approved for payment and the Accountant would be making a transfer from the deposit account to the current account. It had also been agreed to send out a chase up letter re. rent for the Pavilions.

11.2 Events Committee. Remembrance Day and Christmas Event. It was proposed, seconded and agreed that Cllr. Mrs. Daly rejoin the Committee.

Remembrance Day. Cllr. Mrs. Daly said that basically it had been left to late for organise a full parade. The police had let them down with varying information. Arrangements need to put in hand 12 months in advance. A walk could still take place in Gilson Way, the Precinct and Overgreen Drive. A march could be made from the precinct to Overgreen Drive.

Christmas. Christmas lights needed checking. Cllr. D. Evans had information on inflatable grottos. Money was available. It was proposed, seconded and agreed that a grotto be hired at a cost of £300 + VAT. It was also mentioned that something on those lines could be hired for the Fun Day. A suggestion of having a merry-go-round at a cost of £350.

There were several matters outstanding to complete arrangements for Remembrance Day and the next meeting date for that committee would be too late for the event. It was proposed, seconded and agreed to give delegated powers of authority to the members of the Events Committee to make such arrangements as they deemed necessary for Remembrance Day as long as they stayed within budget. All expenses to be approved by full Council.

11.3 Allotments Committee.

Cllr. Mulready reported that the new notice board had been erected. He was seeing Claire Jackson the next morning at 11.00 a.m. to sort out the portacabin. WWT had been in touch and had given 30 November as the date to meet. He was awaiting full instructions. There was no update from David Biss.

Cllr. Brunger said that Dave Biss has caused a lot of problems with the allotments and Jubilee Gardens. Cllr. Mulready said he had tried to obtain a breakdown of costs through Cllr. Mrs. Evans (Chairman of the Allotments at the time) because the work was carried out by SMBC albeit using voluntary labour. Cllr. Mrs. Williams said she and her husband had worked hard putting soil into the raised beds and plants are growing.

12. To consider devolvement of Allotment and Events Committees

It was agreed to have this item on the next agenda for full Council, having given both Committee chance to meet and discuss whether or not both Committees should finish or meet less frequently. All the matters discussed at these committees came back to full council and therefore repeated.

13. Update on Grant Aid

Forms were available in the office and Cllrs. S. Daly, D. Davies, B. Follows, B. Mulready and T. Williams had set a date to go through them.

14. Reports from members representing the Council on outside bodies

14.1 Airport Consultative Committee

Cllrs. Cole, Woolley, K. Evans and Mulready were waiting for SMBC to come up with a new runway proposal.

14.2 Colebridge Trust

Next meeting is on Thursday 16 October 2008.

14.3 CARA

Cllr. Cole reported that this was now fully staffed, with economic downturns consultations have doubled.

14.4 WALC/SAC

Cllr. A. Follows reported on Speedwatch where 4/6 people can be trained by the police to operate handheld speed guns. Notices are put up on roads stating that speedwatch is in force. This was a deterrent more than anything else. It was felt by members that this would be more effective in rural areas.

14.5 Cllr. Mrs. Follows had nothing to report on trees.

15. Consider inviting Alison Lush SMBC to address the Council on Environmental Champions and Junior Park Rangers

Proposed, seconded and all in favour of issuing an invitation.

16. Date of next meeting

Tuesday 11 November 2008 at St. Barnabas Church Hall commencing 7.15 p.m.
The Chairman reminded everyone that agenda items must be in the office by Monday 3 November 2008 at the latest.

Meeting closed at 9.15 p.m.

..... Signed

..... Dated

Cllr. Mrs. Evans joined the meeting.

Section 12a of the Local Government Act 1972

Minute 17 Private Session

17.1 Approve Minutes of Confidence Meeting held on 9 September 2008 and Extra-Ordinary Meeting held on 25 September 2008

Under Minute 16.3, second sentence (Authorised Court Law Advisor) should read (Approved Court Law Advisor). It was proposed, seconded and agreed that both sets of minutes be accepted as a true record and signed.

17.2 Update on Court case.

There had been no further correspondence from the Court as to whether or not Mr. Jaggars Appeal has been accepted.

There are other implications in that Mr. Jaggars is harassing the Council. As Council was given approval to seek further legal advice, NALC had been contacted through WALC. Cllr. Brunger gave an update and said he had been reported to the Standards Committee. When the Court Case closed on 18 August the Court found in favour of KPC and a judgement approx £1449 was awarded. An application for leave to appeal has been lodged and Mr. Jaggars has requested a postponement of 2 weeks.

The Chairman said a case for appeal can only be made on a point of law.

Cllr. A. Follows reported that any correspondence received from Jaggars will automatically now be sent to WALC for forwarding to the Solicitor at NALC. KPC was not answering directly.

17.3 Confirmation of New Clerk and Contract.

Mrs. Janice Small had accepted the post of Clerk and would commence duties on Monday 3 November 2008. A draft Contract had been prepared and would be signed by both parties on completion.

Before closing the meeting, Cllr. K. Evans reported that he had severe medical problems and had been advised to rest. He therefore wished to resign as Chairman but agreed to continue as a councillor. Election of Chairman and Vice-Chairman would need to go on the agenda for the next full council meeting.

Meeting closed at 10.00 p.m.

..... Signed Dated