


CLERK'S INFORMATION SHEET FOR
THE MEETING OF MARDEN PARISH COUNCIL ON 9 NOVEMBER 2020

- 3.1 West Mercia Police Safer Neighbourhood Team – PS Darren Ball; PCSO Georgina Boswell, 07971 395167; PCSO Adam Westlake, 07773 052580

Get in touch

 **101** to talk to your local SNT/report a crime

 herefordrn.snt@westmercia.pnn.police.uk

 www.westmercia.police.uk



@HerefordCops

Only call 999 in an emergency, when a crime is in progress or life is in danger. If you would prefer to report a crime anonymously please contact West Mercia CRIMESTOPPERS 0800 555 111. For all non emergency reports please call 101. For all other enquiries please email herefordrn.snt@westmercia.pnn.police.uk

Reporting an incident of bad/dangerous driving, you can report it online **at the time or soon after** and upload a photo or video that includes the number plate details to <https://www.westmercia.police.uk/police-forces/west-mercia-police/areas/west-mercia/campaigns/campaigns/2019/operation-snap/>
If a road is blocked by such an incident, **you need to report it at the time to 101.**

Useful Crime Prevention Newsletter on parish website, copy link to access the news post
<https://www.mardenherefordshire-pc.gov.uk/crime-prevention-newsletter/>

6. External auditor report 2019/20

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

We note that Sections 1 and 2 of the Annual Governance and Accountability Return were approved on 13/06/2020 but that the public rights period did not commence until 20/07/2020. The period set is not strictly in contravention of the timing permitted under the legislation introduced as a result of Covid-19, but it should be noted that this year's extension to allow later public inspection was intended to allow for authorities who were not able to approve their AGAR until as late as the statutory deadline of 31 August 2020. Regulation 12 (3) of the Accounts and Audit Regs 2015 (signing and approval of the statement of accounts for Category 2 authorities) requires the Responsible Financial Officer, as soon as practicable after the date on which the authority complies with regulation 12 (2c) (re. accounts approved and signed following meeting), to do the following on behalf of the smaller authority:

commence the period for the exercise of public rights in accordance with regulation 14 and regulation 15; and notify the local auditor of the date on which that period was so commenced.

We fully appreciate the difficulties arising as a result of coronavirus restrictions; however, please consider the requirements of the Accounts and Audit Regulations 2015, when setting the date for the approval of the AGAR in relation to the public rights period in future years.

NB. Many local Clerks in the SLCC Branch have received the same 'Other matters' message. Branch has been asked to feed back to SLCC to take to External Auditors that comments unnecessary and unfair in current climate of Covid restrictions, Clerks are fully aware of what is required in a 'normal' year.

- 8.1 Work in October: Final mow; strims round MR24, MR21, MR45; strim either side of Laystone Bridge; check and clean out rubbish from grit bins; digger for all grips – from drainage grant.
Work due in November: No scheduled work due in November. Drainage grant work on kerbs will be done when possible over the winter, in line with Covid restrictions.

- 8.2 Following site meeting with S&A: gate near junction MR20/MR21 where public walk on tracks as gate partly obstructs footpath, S&A will erect some signage to advise members of the public that the S&A tracks/roads/pathways are private property and that public access is prohibited; MR21 public walk on track not grass footpath, S&A will erect a simple wire fence along this stretch; additionally they will place a similar fence along part of MR22 where the same issue arises of public walking on S&A's track; Balfour Beatty are providing S&A with a wooden post with 4 plastic finger pointers which they will erect at the junction between MR21, MR22A and MR22; walked MR46 and MR44 but did not go through the first two fields as they were full of cattle; stiles checked, nettles clipped and way makers and control your dog signs now in situ; no progress has been made about the people walking by the river yet.

PFO has identified all fingerposts that are missing/damaged by roadsides, which have now been reported online for Balfour Beatty's attention, as the Lengthsman is not permitted to undertake this work.

- 8.3 Architype has informed us that it feels that the best value for the parish is for the company to not undertake the next stages of architect work for the new community centre, as a smaller firm will be much more cost efficient.

As the contract will be over £25,000, a formal tender process in line with the PC's Financial Regulations and national Contract regulations for local government must be followed. The process is as follows: Formal tender is required with sealed tenders; the Parish Clerk provides numbered envelopes for the tenders which are submitted to the Clerk; these are opened by the Clerk in the presence of a councillor; although specific companies can be approached and asked to tender, the opportunity to tender must be advertised on the government's Contracts Finder database; therefore at least 30 days must be allowed for tendering. The tender will ask for not only a quote for the architects' and all other fees/surveys etc but also for a total project ballpark quote, to allow for funding sources to be considered and sought.

Therefore, instead of doing the planned cost analysis work, a tender document for architects' services to completion of the project has been drafted by Architype. This has been reviewed by the CF Group and now needs PC approval. The architect has a couple of suggestions for companies who might be interested in tendering and he will approach them on behalf of the PC.

To allow for the sealed tenders to be opened and the results presented to the PC at the January meeting, the tender process will run from 23 November to 31 December.

- 8.4 The Regulation 14 Consultation will run from 30 November to 15 January. The summary document of the draft Regulation 14 will be sent to all households before the end of November.

Cost of printing of summary by ABC is £166 – to be agreed.

The end-of-project report for the first Groundworks grant has been submitted. A further grant application has been made for the process up to end of March 2021 – £3,920 professional fees; £653 print and postage for regulation 14; £50 flyer printing for Regulation 16.

8.5 Notes from HGN Meeting via Zoom – 15th October 2020

17 attended meeting, as the group was small, round table introduction and overview of what was going on in each area. Cllr Bennett indicated that MPC had declared a climate emergency and had set an Environmental and Sustainability Group as part of the Parish Council with the first meeting to follow soon, initially to discuss ideas already collected.

Other contributions:

1. Solar on Community Buildings - current funding available in the Marches. Great Collaboration happy to share experience (Jackie Jones). **Would be happy to look at any proposal Marden might have with regard to the new community centre building.**
2. River Wye pollution issues – Nutrient Management Board engaging with water authority. Looking for solutions but reality is that the whole way we live needs to be looked at.
3. Fracking has been written out of the county plan.
4. Many interested in Electric changing points. **Again, another item for the new community centre.** There is an EV delivery plan (map) within Herefordshire. Aim to install many throughout the county.
5. A lot of time spent on receiving an overview of the Hereford Community Market Garden Project which is in progress. 150+ at the first meeting. Bid for funding being made to “Stronger Towns fund”. Written to potential; landowners on the edge of the city – favoured area around Belmont, Haywood Park. Want approximately 12-15 acre mainly for vegetables plus 2 polytunnels. Would like to get started in 2021. Buy through “crop shares”, 100-200 regular boxes. Not allotments but largely based on volunteers plus three full time workers.
6. Hoping to hold a “seed swap” in February 2021 but currently do not have a firm venue as they are not able to use the Courtyard as in the past. Some suggestions of places given by meeting participants. **This raises the idea of having a Marden Seed Swap, ideally in the Telephone Box.** Apparently, some other villages have done this.
7. There is to be a vegan community café start up in Leominster using surplus supermarket produce plus other local organic Will be formed as a Community Interest Company (CIC).
8. Getting youth involved. Need to look at culture when communicating as today's youth are culturally and digitally aware.
9. A bid is going to be made for £25m to link Hereford City to the countryside. Bid to be made to the “Stronger Towns Fund” and **ideas are being looked for.** Youth input to this seen as very important.
10. The Great Collaboration is working on developing a website which, when live, will provide many resources. Will also have a YouTube Channel.
11. Herefordshire Climate Emergency – looking to form (draft) plan. Currently working up draft chapters which will provide a starting point for the detailed plan. Looking to consult with key stakeholders and then the wider community. A website is being produced to hold summary information which will be available to all.

- 8.6 While undertaking Speedwatch sessions, group has noticed a lot of interest in pink spray marking and asks if other people can have cans of spray. Informed that original plan was just 1-2 Cllrs would mark up, so use of spray monitored.
- 8.7 As an investigation is in progress by the EA and Environmental Health, no information is available.
- 8.8 During October we carried out 12 sessions. 1359 vehicles were monitored, 48 speeders recorded. Unfortunately, Speedwatch is currently suspended due to the latest Covid lockdown.
- 8.9 Items purchased for installation of pipe as base for Christmas tree (see 5.8). Needs installing with agreement/by MRGT and hopefully a digger.
- 8.10 Sandbags no longer supplied by Balfour Beatty, parishes must buy them. Clerk contacted by New House farm where bags are stored, a pallet of new bags now needed before winter as old ones either given out to parishioners or no longer viable.

Filled sandbags can be purchased from Leominster Building Supplies. £131.67 +VAT and £10 delivery for a pallet, 40 bags. PC needs to set up an account at Leominster Building Supplies so Clerk does not have to buy and claim back cost.

9. **LICENSING POLICY 2020-2025 CONSULTATION**

Herefordshire Council (in its role as Licensing Authority) is responsible for the licensing of regulated activities under the Licensing Act 2003. Our new licensing policy, which covers the next five years, sets out the principles we will apply when making licensing decisions.

You are receiving this because the legislation requires that we consult with such other persons as we consider to be representative of businesses and residents in its area. As a Parish or Town Council you are representatives of local residents and businesses (you may wish to share with your local Chamber of Commerce).

This consultation provides an opportunity for you to comment on the proposed policy. Any response has to be received by 20th November 2020 and should be sent to the email above (preferably) Or write to: The Licensing Section, Herefordshire Council, 8 St Owens Street, Hereford HR1 2PJ.

The policy can be found here: <https://consultations.herefordshire.gov.uk/consultations/article/44/alcohol-licensing-policy-2020-2025-consultation>

It is worth noting that when the PC commented recently on the licence application for The Volunteer, the PC received the following email from the Licensing Section:

I refer to your recent representation sent to this office in respect of the above premises. In accordance with the Licensing Act 2003 and Herefordshire Council Licensing Policy I have to consider whether a representation is a 'relevant representation in that it is about the likely effect of the grant of the premises licence on the promotion of the licensing objectives'.

A relevant representation has been defined in a number of stated cases which have appeared before the High Court and which are binding on the Licensing Authority. Of particular note is the case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court and The Sauehall Massie Conservation Society and Wirral Metropolitan Borough Council [2008] EWHC 838 (Admin)*. In brief it was said that a licensing authority should look for some real evidence to support the representation made. Fears and speculation as to what might happen will not be enough. Whilst this case remains relevant, Herefordshire Council will expect a representee to give evidence of some description to substantiate a conclusion that the variation will infringe the licensing objectives.

Furthermore the case *R (on the application of Hope & Glory Public House Ltd) v City of Westminster Magistrates' Court [2009] EWHC 1996 (Admin)* established the fact that a representation made in relation to public nuisance must be more than a private nuisance and that a single interested party is incapable in law of constituting "the public" for the purposes of satisfying the test of "public nuisance" pertinent to the licensing objective.

Therefore the Licensing Authority will deem that any representation which is not supported by any evidence of some description is not a relevant representation. Acceptable evidence will normally relate to real and reliably witnessed events at the premises. However evidence may also be considered when arising from very similar events which having taken place at another location and were run by the same applicant / promoters. An aggrieved representee whose evidence has not been accepted by the Licensing Service can informally appeal to his or her councillor for assistance when a representation has not been accepted.

This makes it particularly difficult when applications are received for new premises licences because often there is no evidence available to support the representation. There is a presumption within the Licensing Act that a Premises Licence, if applied for, will be granted. However where an applicant fails to promote the licensing objectives after been granted a licence, the act confers on the Police and Local Authority certain powers of closure as well as the right to call for a review of the premises licence. The right to call for a review of course is an entitlement which is extended to local residents or a body representing them as interested parties. Once a

review is launched the Licensing Committee then have options available to them to address the issues at the premises in order to promote the licensing objectives.

I have carefully considered the representation made by you and regret to inform you I can find no real evidence related to the premises to support the comments you have made. Accordingly I must reject your representation as not being relevant.

10. 11 January, 8 February, 8 March, 12 April, 10 May, 14 June, 12 July, 9 August (if required), 13 September, 11 October, 8 November, 13 December (if required).

11. **Correspondence – significant items received as follows:**

From parishioners –

- Emails re erecting flagpole at war memorial now removed from site by school (suggestion made previously by another parishioner)
- Email re The Not Forgotten box for veterans
- Email copied to Chair re alleged noise nuisance at S&A
- Phonecall re ditches on Venns Green – reported to BB, no intervention
- Email re poppies being sold in Bodenham

From other sources –

- From Herefordshire Council (HC) – follow up of Talk Community survey
- From HC – physical activity survey
- From HC – visitor economy project
- From HC – Licensing Review consultation
- From HC – training for potential interpreters
- From HC – Transport Review
- From BB – drainage grant reminder
- Email from Funding Officer re possible source of funding for tablet for Coronavirus Co-ordinator and new community centre – Zoom meeting set up
- Clerks & Councils Direct – November update

Important items sent/calls made

- Emails to commission new website
- Email to HC – re Small Ashes dig-down so drainage work of jetting and CCTV of drains can be commissioned
- Email to S&A – re sponsorship of Christmas tree and lights

12. Clerk due to be off work from 3 December for at least 2 weeks, before being able to undertake work slowly and one-handed. Advice from HALC is do **not** have a meeting in December if at all possible. If necessary Clerk will set up Zoom meeting and Vice Chair will take notes. But HALC advice is for delegation to Clerk for planning response after email consideration by Cllrs if unable to negotiate an extension.

Clerk will ask for routine monthly invoices to be submitted on 1 December and will gain approval to pay them from 2 signatories before sick leave starts.

Bounce will be put on email and phone with request to contact Chair or Vice Chair if urgent, though Clerk will keep an eye on incoming messages. However any response will be slow as will be written one-handed and unlikely to be before mid-December.

Alison Sutton – Parish Clerk. Tel: 07789 322771. Email: parish.clerk@mardenherefordshire-pc.gov.uk
Marden Parish Clerk takes no responsibility for the accuracy of reports submitted for inclusion in this briefing sheet