

**MINUTES OF THE JULY COUNCIL MEETING**  
**OF BIRCHWOOD TOWN COUNCIL,**  
**HELD ONLINE, ON TUESDAY 28<sup>TH</sup> JULY 2020, 6PM**

**Present:** Councillor Reeves in the Chair  
Councillors Atkin, Bowden (part), D. Ellis, J. Ellis  
Clerk – Mrs. F. McDonald  
Deputy Clerk – Mrs C. Caddock  
Business and Finance Officer - Mr. G. Crowe

**Apologies:** Councillors Breslin, Evans, M. Hearldon (dispensation) and the Police  
Councillor Fitzsimmons was unintentionally excluded from the meeting as an incomplete telephone number had been circulated for accessing the remote meeting by telephone.

Prior to the start of the meeting, the Chair called for a minute's silence to be held to remember our friend and colleague, Councillor Pauline Nelson, who sadly passed away on 2<sup>nd</sup> July 2020.

087/20-21 **JUNE COUNCIL MEETING MINUTES**

**Councillor D. Ellis proposed, Councillor Atkin seconded, and it was resolved that: The Minutes of the June Council Meeting held on 23<sup>rd</sup> June 2020 be approved as an accurate record and signed by the Chair.**

**Code of Conduct – Declaration of Interests**

The Chair reminded members of their responsibility to declare any personal interest or prejudicial interest which they have in any item of business on the agenda, no later than when the item is reached.

*Councillors D. Ellis and J. Ellis– Birchwood Youth & Community Centre Committee*

*Councillor Reeves – Birchwood Community High School*

088/20-21 **PUBLIC PARTICIPATION**

(a) **Police Report**

A Police report had been emailed to us from PCSO Bingham prior to the meeting, which had been circulated to Members. The report details are as follows:

***“Birchwood Parish report July 2020***

***Incidents:***

***7 x Reports of ASB of note:***

*2 x were for Risle Moss youth related ASB lighting fire and causing a disturbance,  
1 x large group of youths at McDonalds who were dispersed by local police,  
1 x motorbike ASB on Whinchat Drive which we have been passed a vehicle VRM to speak to the rider,  
1 x children rolling down the embankment near the Penta Hotel and the other relating to neighbour disputes*

***8 x Reports of theft***

*2 Fuel drive offs from BP Oakwood Gate, closed pending identification of suspects  
5 x shoplifting where 3 offenders have been identified, 2 others remain undetected pending identification of the suspects  
1 x domestic theft of gaming accessories where the offender has been identified and goods returned*

*2 Shoplifting incidents have been reported one dealt with by the store involved issuing a banning letter and the other is still under investigation.*

***1 x Report criminal damage***

*Damage to a Motor vehicle in Locking Stumps closed as no lines of enquiry*

***1 x Theft of Motor Vehicle***

*Transit van stolen. No line of enquiry*

***1 x Report of Burglary***

*Property in Locking Stumps where house entered and vehicle key and vehicle taken, currently under investigation*

***Road Safety***

*Tru Cam was used on the below roads at various times through the last few weeks  
Ordnance Avenue x 25 Activations speeds up to 55mph  
Warrington Road x 15 Activations*

*Following on from last month with and a further report of ASB in Risley Moss, this time alcohol bottles and pizza boxes set on fire in the hide, we conducted a mini plain-clothed operation of evening patrols specifically looking at the two hides and the old shed at the far end of the moss. The operation saw all the beat officers on foot in the moss along with myself and PC Gareth Frith on bikes covering the ground further afield. We encountered no ASB at the times we visited the Moss and a couple of older youths were moved on and advised to keep out when the reserve is shut to the public. Over this weekend we have continued to patrol the area but with a Hi Vis presence in the last week have encountered no youths or ASB. We will continue to work and support the rangers on tackling the issues when reported.*

*PC Frith has been dealing with complex neighbour disputes and high demand repeat callers all long term problems which will take time to resolve, he is still out and about using pedal power where possible providing reassurance and a visible deterrent.”*

The Clerk informed Members that the Police have now been informed that they are no longer allowed to ‘attend’ Zoom meetings due to potential security implications. She added that we are going to look further into using Microsoft Teams for future meetings.

- (b) As there were no residents at tonight’s meeting to raise any questions or concerns, the Chair declared Public Participation closed.

089/20-21 **NITROUS OXIDE CANNISTERS**

At the June meeting, the issues surrounding the use of nitrous oxide cannisters had been discussed, not just the flytipping and anti-social behaviour issues, but also the very real health and safety concerns about the misuse of the gas, which can ultimately lead to death.

The Chair had stated that as a Governor at Birchwood Community High School he would speak to them to ask if they could offer some education to their Learners about this matter.

At tonight’s meeting, the Chair said that he has raised the matter with the Head Teacher at the high school. The school will now be including the misuse and dangers of nitrous oxide gas in its drug awareness programme.

090/20-21 **YOUR HOUSING GROUP (YHG) - UPDATE**

The Clerk updated Members on various issues that had been raised with/dealt with by YHG since the June meeting including:

(a) **Container:**

The Clerk stated that there had been a number of issues with the YHG container, in relation to flytipping.

YHG had considered removing the container entirely, and had considered other options, however, it was finally decided that the container should remain where it is at least for now with an improved management regime being implemented.

(b) **Property Agents**

The Clerk reported that YHG has two new property agents in post, one of whom she met on Friday, last week: Clive Warren and Andrew Scott. We will receive a list of the main areas that each of them covers in due course.

(c) **Walkabouts**

The Clerk said that YHG hope to be able to recommence walkabouts sometime in September. At present most of their staff are still working from home.

We continue to receive complaints about flytipping, landscaping and environmental issues, rats, abandoned vehicles, etc. Some of these can be better observed whilst on a walkabout.

091/20-21 **ALLEGED ABANDONED VEHICLES**

Councillor D. Ellis commented that there have been a number of reports of alleged abandoned vehicles recently. He asked what the procedure is for reporting them.

The Clerk stated that we had received a reply from Warrington Borough Council to that query shortly before the meeting. (The Deputy Clerk circulated it to Members at this point.)

*“Vehicles that are untaxed should be reported directly to DVLA via this link <https://forms.dft.gov.uk/report-an-untaxed-vehicle/>*

*Vehicles that are without an MOT should be directed to Police via 101 but please note that they are likely to prioritise vehicles without an MOT that are being driven.*

*Where a vehicle is causing a current obstruction preventing you leaving your home or moving your car that is a Police matter.*

*Where vehicles appear in a dilapidated condition that might be deemed to be of concern then the Environmental Crime Team would look at it.*

*We are unable to deal with vehicles where they have just not moved for a while or are parked somewhere where other residents might not like unless there are wider concerns.*

*If the vehicle is on social landlord land or private land then you can choose to report to the landowner as they could choose to deal with it civilly as improper use of their land.*

*We (the Borough Council) are not legally allowed to trace vehicle owners from registration numbers without us first believing that the vehicle is legally abandoned. Where someone still has an ‘interest’ in the vehicle – so that could be that it is taxed or MOT’d then it is difficult to determine it abandoned without other issues of concern reported about the vehicle.”*

The Clerk said that some vehicles are being reported to us as abandoned because they have not moved for a few weeks or in some cases, months, but they still remain taxed and MOT’d are in good condition, and legally parked. She added that it might be that people are not currently in a position to be able to use them due to the Covid pandemic.

092/20-21 **GRASS CUTTING**

The Town Council is continuing to undertake many of Warrington Borough Council's grass cutting responsibilities in some of their residential areas (for the short term). This is allowing the Borough to undertake and concentrate on other services, due to the current unusual circumstances.

The Clerk informed Members that due to unforeseen circumstances the mowing course, for four members of staff, has been rescheduled (by the trainer) from 27<sup>th</sup> July to 8<sup>th</sup> September 2020.

093/20-21 **ABANDONED TROLLIES**

The Clerk reported that the new centre shopping centre manager is John Magee, who is employed by Savills PM. It is planned to hold an online meeting with him in a few weeks' time.

Asda also has a new manager, Gemma Goodall.

094/20-21 **UPDATE ON MEMBER'S REFERRAL FROM MAY / JUNE 2020**

At the May 2020 meeting, Councillor D. Ellis had submitted a proposal, "*. . . to submit to Warrington Borough Council, to combat rat-running along Locking Stumps Lane, Lords Lane and Glover Road and make Locking Stumps a low traffic zone.*"

At the June meeting, the Clerk stated that, as requested, the detailed proposal had been sent to Warrington Borough Council and that it had been sent to WBC Traffic Management for consideration.

We have now received a response from Warrington Borough Council:

*"It would appear that the most effective way to remove the through traffic from the area would be via severing the link (Lords Lane). As the road carries a bus service this would potentially need to a bus gate where it would be illegal for all traffic to pass except buses, emergency vehicles and also potentially refuge vehicles. Projects of this nature are often difficult to progress due to a negative reaction from local residents due to the inconvenience caused as a consequence.*

*The council is presently considering the viability this scheme and progression may be dependent on appropriate funding being available. We will contact you again when we have more confidence about the funding position which is expected to be in the Autumn of this year. The progression of the scheme may also be dependent on the views of the local residents directly affected and the Town Council may be able to assist in the consultation exercise."*

Members discussed this reply.

The overall view of Members is that although making Lords Lane inaccessible to general traffic was the obvious option, it could cause various issues for those living on Lords Lane and their visitors, as well as the few residents living on Locking Stumps Lane (who might have to undertake a huge detour just to get to the local shop, etc.).

Members agreed with the Highways Officer's assessment that, "*Projects of this nature are often difficult to progress due to a negative reaction from local residents due to the inconvenience caused as a consequence.*"

Councillor D. Ellis stated that he thinks there are different, less costly ways of achieving similar results that should probably be tried first. These could include making all of Locking Stumps a 20mph speed limit, to make it less attractive as a route, along with road markings or chicanes. He added that once people find a route less attractive, they would hopefully opt for the longer, but probably quicker main routes.

Councillor D. Ellis asked if Members wished him to respond to the proposal.

Members **unanimously resolved** that Councillor D. Ellis should continue to negotiate with WBC and suggest some less costly and more moderate options. All Members agreed that there would have to be a consultation with residents whatever action is ultimately proposed.

**Action** Councillor D. Ellis to continue to liaise with WBC regarding the above issue.

#### 095/20-21 **UPDATE ON PLANNING ISSUES**

- (a) Planning Appeal - Appeal Ref: APP/M0655/W/20/3245628 Heathfield House, Delenty Drive, Birchwood, WA3 6AP.

*Application to vary Condition 2 to replace plan 77/12/BP with 77/12/BP1 to amend approved car park to 14 spaces; Condition 3 to increase the number of children to 56 children. There shall be no more than 56 children at the Nursery at any one time. Following Planning Appeal APP/M065/A/13/2209344 and Planning Refusal 2013/22163. **The appeal has been allowed.***

- (b) Application No. 2019/35726 Land to the North of Junction 11, of the M62, Warrington. Description of development : *Environmental Assessment Application, Outline Planning Permission (Major) including details of access - Proposed Erection of a Motorway Service Area including Facilities Building, up to 100 bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities landscaping and amenity areas and associated infrastructure, all other details (Appearance, Landscaping, Layout and scale) reserved for subsequent applications.*

At the June meeting, Councillor J. Ellis asked if the Town Council could request a summary report of the consultation.

A tonight's meeting, the Clerk stated that a copy of 'Extra MSA Group Warrington Motorway Service Area, J11 M62 Statement of Community Involvement, August 2019' has been received in digital format and circulated to Members. It is 56 pages long. If any Members would like a hard copy we will arrange for them to receive one.

#### 096/20-21 **NALC - NEW MODEL CODE OF CONDUCT CONSULTATION**

The Clerk reported that, as requested, a response had been sent to the consultation, outlining the Town Council's point of view that Councillors need a right to a private life, especially in order to help in attracting new people to the role. The consultation ends on 17 August 2020.

The Clerk stated that a copy of the Society for Local Council Clerks' response to the consultation has been circulated to Members.

#### **NEW ITEMS RAISED UNDER THE CLERK'S REPORT TO THE COUNCIL**

#### 097/20-21 **WARRINGTON BOROUGH COUNCIL**

- (a) The Clerk stated that, as required by law, we have notified the Borough Council of the passing of Councillor Pauline Nelson.

The Notice of Vacancy in the Office of Parish Councillor for the Locking Stumps Ward has been published as required on our website and Facebook page and notice board.

- (b) Sent/received – various emails / online reports following contact from residents re: flytipping, concerns regarding trees, overgrown footpaths and signage, unauthorised WBC shrub cutting (by a resident) and the removal of the resulting green waste, abandoned vehicles, rats, and damaged drain covers on a footpath.

A WBC Highways Officer visited one of the sites, on Lords Lane, to check the overgrowth coming from private land that we reported. They have written to the owners of the hedges to request that the hedges be pruned back to the highway boundary.

- (c) Sent/received – emails re: the 3 corner plots of shrubbery on Glover Road, outside Locking Stumps School and Thomas Risley Church.

The Clerk reported that BTC receives requests each year for the shrubbery to be cut down due to sight line issues and the potential for accidents in that area. Just prior to work being undertaken by WBC to remove the shrubbery, BTC's team had already cut it back the previous week, due to reports of 'near misses'. We usually cut it back (with WBC permission) because of sight line issues at least two or three times each summer.

The Borough Council made the decision to remove the shrubbery, which will be replaced with grass. This removes sight line problems and make it easier to maintain.

The Clerk acknowledged that it does look unsightly at the moment, but the shrubbery was deemed to be a significant safety issue.

- (d) (i) Sent/received – emails between Councillors, residents, BTC and WBC regarding some work that is being undertaken to the rear of properties on Warrington Road, Risley; particularly the manner in which the work is being undertaken and potential damage to a tree with a TPO, as well as noise issues. Councillors have also been on site visits with WBC representatives. This is ongoing.
- (ii) On a partly related note, the Clerk asked Members to consider whether, regarding business-related planning applications in future, should the Town Council publish them on our Facebook page? We have done so in the past when there is potentially a wider public interest, we have also letter-dropped nearby roads in some instances, but wondered if we should publish business applications on Facebook as a 'matter of course'. Warrington Borough Council is only obliged to contact neighbours within a certain radius of an application.

The Chair stated that the Town Council usually has a general idea when an application might be either contentious or of interest to the wider community.

Councillor Atkin commented that the numbers of business-related applications we receive, as statutory consultees, which the Town Council might wish to consider publishing, in addition to them being listed in the Town Council's meeting papers, are fairly low.

Following further discussions, it was **unanimously resolved** that, unless there are exceptional circumstances, householder applications will not be routinely published on our Facebook page. However, unless business applications are in the middle of a business park, where they would have no, or extremely limited expected impact on the local community, then the Town Council will publish these applications on our Facebook page.

- (e) Sent/received – emails re: several dead trees on the Crab Lane island roundabout. WBC is aware of these trees and is looking to their removal and replacement.
- (f) Sent/received – emails re: signage, cones, sandbags, etc. still on the grass verges on Moss Gate. WBC advised that all the temporary signs etc. for the Warrington East schemes were removed at the completion of the contract. They think that the remaining equipment is in connection with Highways England's M62 Smart Motorway project for the diversion routes for the regular overnight M62 closures at junction 11.
- (g) Anonymous letter regarding overhanging trees in part of Hazelborough Close (forwarded to WBC as BTC cannot undertake any tree work).

098/20-21 **YOUR HOUSING GROUP (YHG)**

- (a) Sent/received – various emails / online reports following contact from residents regarding flytipping, overhanging trees, overgrown footpaths, site line issues and alleged abandoned vehicles.

BTC has, with permission, recently undertaken some shrub cutting on YHG land due to some health and safety issues.

- (b) Sent – emails reminding YHG about bins still overflowing on the Village Green, the Birches and Greenfinch Grove. YHG has the responsibility (and the keys) for emptying these bins – although BTC has been picking around them due to the overflow of waste.

099/20-21 **MISCELLANEOUS CORRESPONDENCE**

- (a) Received – Various update/information emails from Warrington Voluntary Action.
- (b) Received from residents – various queries/complaints, including request for us to remove a resident’s garden waste, a request to cut some shrubbery in a ‘private’ car parking area, a request to cut down some private shrubbery (none of which we can do) a query about responsibility for shared driveways and a complaint about planting in relation to the Warrington East highways improvement works. Replies were sent to all residents, offering the information/suggestions they needed and/or sharing their query with the relevant organisation.
- (c) Received – from Birchwood Forum – a link to the Coronavirus (COVID-19) – Business and Employers Bulletin 17 July 2020.

100/20-21 **CHESHIRE POLICE**

- (a) Received – July Stakeholder Update from the Police & Crime Commissioner (PCC).
- (b) Received – Invitation from the PCC to a meeting with Parish and Town Representatives  
Councillor D. Ellis had attended the meeting (remotely). He stated that it was an interesting meeting. One item raised is that the PCC is looking to obtain funding for cameras on Warrington ‘A’ roads to measure average speeds. He added that he will prepare some notes and circulate them to Members.

**Action** Councillor D. Ellis to prepare notes from the PCC meeting and circulate to Members.

- (c) Received - Various Neighbourhood Alerts.

101/20-21 **CHESHIRE ASSOCIATION OF LOCAL COUNCILS (ChALC), NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC), SOCIETY OF LOCAL COUNCIL CLERKS (SLCC)**

- (a) Received – NALC Chief Executive’s Bulletins.
- (b) Received – Update from NALC re: face-to-face meetings – including a suggested ‘checklist’ to be considered and signed if Members do wish to re-start face-to-face meetings. NALC and SLCC still strongly advise Local Councils to meet remotely.

The Clerk asked Members how they wish to hold future meetings (at least in the short term) whilst it is still legal for them to be held remotely.

The Clerk stated that the Town Council now has a laptop which is set up so that, should the need arise, the Clerk, Deputy Clerk or BAFO could use it to work from home. The laptop also has a ‘guest account’ set up, so that any Member could borrow it to attend a remote Town Council meeting (or other related meeting) if they cannot access meetings any other way.

Following a discussion which included consideration of future face-to-face meetings, hybrid meetings, continuing online meetings, the ability of both Members and residents to have the equipment / 'know how' to attend remote meetings, engagement with residents, etc., it was **unanimously resolved** that the meetings will continue as remote meetings for now.

Councillor J. Ellis suggested thinking about offering some online training for residents in how to access the Town Council's meetings.

The Clerk stated that we have previously been told that WBC Councillors and Officers cannot use Zoom to access meetings, but the Police have also now been told they cannot use Zoom, due to security concerns. We will therefore look further at using Microsoft Teams for our next Town Council meeting. It is not as intuitive to use as Zoom, so we will use some time over recess to investigate how to use it as efficiently as possible.

- (c) Received – ChALC weekly e-bulletins with various attachments, details of training sessions, etc.
- (d) Received – from SLCC – details and Minutes of branch meetings.
- (e) Received - NALC policy consultation e-briefing to inform NALC's positions on the upcoming Devolution White Paper.
- (f) Received - Link to an email survey on behalf of the Environmental commissioning Team.

#### 102/20-21 **PUBLICATIONS RECEIVED**

Various LGC magazines & e-mail briefings, The Clerk – July 2020, and Clerks & Councils Direct – July 2020

#### 103/20-21 **RECESS**

The Clerk asked Members to consider whether they wish a recess to be taken in August and, if so, that the Chairman, Vice Chairman, Leader of the Council, the Clerk, Deputy Clerk and the Business and Finance Officer be authorised, under delegated powers, to take any emergency action that may arise in regard to planning matters, or payment of accounts.

If anything particularly 'pressing' arises that might require significant consideration, a (remote) working party meeting could be called to discuss the matter(s).

Councillor D. Ellis **proposed**, Councillor Atkin **seconded** and it was **unanimously resolved** that powers be delegated as detailed above and that a recess is taken in August.

#### 104/20-21 **MEMBERS' REFERRAL**

Several Members had asked for suggestions to be made regarding proposals for a fitting permanent memorial in Birchwood for Councillor Pauline Nelson.

A few suggestions were put forward and discussed, particularly bearing in mind Pauline's involvement with youth and community groups, and young people.

It was agreed that some Members would look into various options, before making the proposals public, in case any of them could not be taken further forward.

Members confirmed that any decision would only be made with the involvement and approval of Pauline's family.

(a) **Warrington Borough Council - Development Management Committee (DMC)**

The DMC scheduled for 8<sup>th</sup> July 2020 had one item of specific relevance to Birchwood on the main agenda for consideration - Application No. 2020/36579 Site of Former Foxwood School, Chatfield Drive, Birchwood, WA3 6QW. Proposed construction of 69 dwellings for private rent and private affordable rent (32, two storey houses and 37 apartments in two blocks), car parking, landscaping and associated works. **This was approved with conditions**

The DMC scheduled for 22<sup>nd</sup> July 2020 had no items of specific relevance to Birchwood on the main agenda for consideration.

(b) **Enforcement Cases**

Lists of enforcement cases recently opened/closed have been received.

(c) **Planning Decisions**

(i) Application No. 2020/37015 Grass verge on A574, Birchwood Way, near Faraday St. roundabout WA3 6XF. Prior Approval Telecommunications – proposed installation of a 16m phase 8 pole with wrap around cabinet built around the base, new equipment cabinets and ancillary development thereto. **Approved**

(ii) Application No. 2020/37035 1 Trinity Court, Birchwood, WA3 6QT. Change of use from B1 to a D2 Assembly and Leisure (gymnasium). **Approved with conditions**

(iii) Application No. 2020/36662 Land North of Cavendish Avenue, Birchwood Park, Birchwood. Proposed formation of temporary car park. **Approved with conditions**

(iv) Application No. 2020/36579 Site of Former Foxwood School, Chatfield Drive, WA3 6QW. Proposed construction of 69 dwellings for private rent and private affordable rent. **Approved with conditions**

(d) **Planning Applications** (*Already circulated – not copied in papers*) - *all plans can be*

*viewed via:* <https://www.warrington.gov.uk/see-or-comment-planning-applications>

Certain applications are not Planning Applications; therefore there is no statutory opportunity to allow 21 days for comments, e.g: Non material amendment applications, Lawful development certificates (S192) and 28 day prior approval/determination applications. These types of applications are received for information only.

(i) Application No. 2020/37188 19 Dove Close, Birchwood, WA3 6QH. Proposed ground floor alterations to porch with internal alterations to kitchen. First floor addition to form additional bedroom & en-suite.

(ii) Application No. 2020/37253 Parkers Farm Community Centre, Delenty Drive, Birchwood, WA3 6AN. Listed building – proposed general maintenance work including isolated repointing, redecoration, RWP replacement and roof works.

This was discussed by Members later in the evening, during the Part I Finance meeting (see Minute 110/20-21).

- (iii) Application No. 2020/37219 Driveway verge leading to Locking Stumps Primary School and Thomas Risley Church, off Glover Road, Locking Stumps, WA3 7PH. Proposed signage.
- (iv) Application No. 2020/37090 79 Bramshill Close, Birchwood, WA3 6TY. Proposed single storey rear extension.
- (v) Application No. 2020/37373 56 Daniel Close, Birchwood, WA3 6QL. Proposed single storey side extension to replace existing conservatory.
- (vi) Application No. 2020/37230 23 Palliser Close, Birchwood, WA3 6RT. Proposed single storey front extension, two storey side extension.

Members did not have any objections or comments to make at this point in time regarding any of the above applications.

106/20-21 **CURRENT STRATEGY & ACTION PLAN UPDATE**

There were no current updates re: the Birchwood Town Council Strategy and Action Plan.

**This part of the meeting concluded at 6.50 pm.**