

MINUTES OF THE NOVEMBER COUNCIL MEETING
OF BIRCHWOOD TOWN COUNCIL,
HELD ONLINE, ON TUESDAY 24TH NOVEMBER 2020, 6PM

Present: Councillor Reeves in the Chair
Councillors Atkin, Bowden, D. Ellis, J. Ellis, Evans and Fitzsimmons

Clerk – Mrs. F. McDonald
Deputy Clerk – Mrs C. Caddock
Business and Finance Officer - Mr. G. Crowe

Apologies: Councillors M. Hearldon (dispensation) and the Police

190/20-21 **OCTOBER COUNCIL MEETING MINUTES**

Councillor Bowden proposed, Councillor D. Ellis seconded, and it was resolved that: the Minutes of the October Council Meeting held on 27th October 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.

Councillor D. Ellis – Climate Change Environment Committee

Councillor Reeves – Birchwood Community High School

191/20-21 **PUBLIC PARTICIPATION**

(a) **Police Report**

A Police report had been emailed to us by PC Frith prior to the meeting, which had been circulated to Members. The report details are as follows:

Report to Birchwood Parish Council - 23/11/20

This is the police report for the month of November 2020.

Evidently, the month begins just after Hallowe'en, and Bonfire Night is in the first week, but this year we experienced fewer than normal incidents in relation to the two nights than we might normally expect. Local beat team were dedicated throughout the night to conduct patrols of the hotspot areas and this did appear to have a preventative impact in addition to the obvious restrictions we are currently experiencing.

Other incidents of note.

- *2x Burglary, both attempts; nothing stolen.*
- *3x Theft of motor vehicle, one being a hirer fraud/theft, and the other two pieces of plant machinery.*
- *2x Theft – one by an employee, another a theft from an employee at work.*
- *One attempt theft of an acrylic fox in a garden, offenders disturbed/scared off by the musical doormat.*
- *Subway graffiti still being looked into, areas patrolled on foot/bicycle, GOOS not yet identified.*
- *Decrease in incidents at Admirals Road shops, and park opposite following increased patrols and static observations by police in the area.*
- *3x criminal damage, one a window smashing and two to vehicles.*

- *Traveller encampment has moved around a little, at this stage it is currently at Silver Lane but causing no serious issues at present.*
- *No robberies reported in the last month.*
- *Road safety – four incidents, one being a drink driver, two no insurance, one disqualified driver with no insurance either.*
- *We have conducted a street of the week campaign around Mallard Lane and Whitethroat Walk in relation to minor issues noted by residents.*
- *Birchwood will also have a new PCSO hopefully from the start of next month following the departure to pastures new of Mr Bingham; the new officer in post comes very highly rated by his tutor and by first impressions I don't think there'll be an issue with enthusiasm and diligence. We are currently working with a community PCSO who is also receiving very positive feedback from residents for his social media usage and visibility, so I'm hoping we will be well served again.*

Councillor Bowden said that the Police have had to deal with large gatherings of youths, some coming from outside of the Birchwood area; which should not be happening during the lockdown restrictions. He added that these gatherings could have significant consequences if the Coronavirus virus is spread due to these gatherings.

The youths could take the virus back to vulnerable relatives in their own families, with the potential for tragic results.

Councillor D. Ellis echoed PC Frith's comments about the temporary PCSO being very pro-active on social media – using it to good effect to communicate with local residents. He suggested that this be reported back to PC Frith. Members unanimously agreed.

Action Clerk's office to contact PC Frith, expressing the Council's appreciation of the temporary PCSO's communication with residents, especially via social media.

192/20-21 **FILLING CASUAL VACANCIES**

The Clerk said that she has spoken to the Cheshire Association of Local Councils (ChALC) regarding how Councils deal with casual vacancies, specifically when an election has not been requested by electors during the normal advertising of the vacancy procedure. In this instance, co-option could then be considered by a Council.

ChALC advised that, moving forward, they would suggest that it is best practice for a Council to have a formal Co-option Policy in place, which would deal with matters such as how the vacancy is advertised, how expressions of interest are received, etc.

The Clerk said that this policy varies across local Councils. Some local Councils have an 'application form' type document for those interested in being considered for co-option. These ask questions such as, 'What can you bring to the Council?' There might be residents who have skills that would benefit the Council, that it does not already have access to.

The Clerk asked if Members wished for a formal policy to be adopted by the Council.

Members unanimously resolved that the Town Council should, as best practice, have a formal policy in place.

Action Clerk's office to prepare a draft Co-option Policy to bring back to Members for formal consideration and approval at a future meeting.

193/20-21 **YOUR HOUSING GROUP (YHG) – UPDATE**

BTC continues to send/receive various emails/online reports following contact from residents regarding flytipping, overhanging trees, overgrown footpaths, etc.

Container:

- The container is full and we are waiting for it to be emptied before more flytipped items can be put inside.
- It has been confirmed that Fix 360 will attend the container on Monday each week.
- BTC staff will attend the container on a Thursday to put any items inside.

Emptying Bins:

- The Village Green and the Birches (YHG) bins have now been emptied.
- The process for disposal of the waste needs to be sorted out before any formal agreement is put in place or further discussions take place, regarding proposal for BTC to take over the emptying of these bins. BTC cannot put the waste in the container, as much of it is dog faeces, which is hazardous waste. We cannot take the bags to the WBC waste site, as it comes from YHG land.

Action Clerk's office to continue to liaise with YHG regarding how waste from their bins could be disposed of, and to bring options to a future BTC meeting.

194/20-21 **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 October meeting Members agreed that the latest reply, in ongoing correspondence with WBC, was unsatisfactory. It was proposed that Councillor D. Ellis ask WBC to re-assess their findings, in relation to the specific question asked, and not send, what appears to be, a standard response about collision data and Cheshire Police being responsible for enforcing speed limits.

Councillor D. Ellis has written to WBC again, regarding the above issue. We await a reply.

195/20-21 **UPDATE ON PLANNING MATTERS**

- (a) Application No. 2020/37719 North Cheshire House, Kelvin Close, Birchwood, WA3 7PB. Variation of Condition 2 (approved plans) and Condition 4 (car parking spaces) on previously approved application 2017/31859 (manufacturing and storage of aluminium frame windows).

As requested at the October meeting, a letter had been sent to the Planning Department asking for clarification regarding some correspondence received from Planning Enforcement, which was not what we were expecting.

We received a response (copied to Members) which explained why Planning Enforcement had been copied into the initial objection and had also considered some points raised in the letter of objection from the Council.

- (b) Application No. 2020/37866 Land adjacent to units 720 and 730 Birchwood Boulevard, Birchwood, WA3 7PS.

The Clerk reported that, as requested at the October meeting, a letter of objection had been sent regarding this application

196/20-21 **TRAVELLER ENCAMPMENTS**

A detailed conversation took place regarding the ongoing situation with traveller encampments within Birchwood, some on public land, and some in private areas. At present it appears that some groups are simply moving from one site to another in the area.

The Town Council alerts the relevant organisations as soon as we are made aware of any encampments, who then put the relevant legal processes into action, which must be followed.

WBC will issue a Section 77 notice for travellers to leave a site. Section 77 gives WBC the power to direct the travellers to leave the land being occupied, without the consent of the landowner, within 24 hours.

However, welfare checks must be carried out on the occupiers of a site prior to a Section 77 notice being issued, in case there are legitimate reasons why they should not be moved on.

If the Section 77 notice is not complied with, a summons will be issued for the travellers to attend court, where an application for an order under Section 78 will be made. An order under Section 78 will authorise the local authority to take any steps that are reasonably necessary to ensure that the order is complied with.

Councillor Bowden said that it is only as a 'last resort' that the Police will be asked to use the Section 61 Criminal Justice and Public Order Act 1994 to remove unauthorised encampments. This can only be used by the Police, and can be used on any land except the highway. The return of unauthorised campers to the location within three months carries criminal sanctions.

Section 61 could be used, for example, if there are activities on the encampment, such as serious breaches of the peace, disorder, criminal activity or anti-social behaviour, deliberate provocation by travellers to the landowner, local community, etc. It must be considered whether, given the impact of the unauthorised encampment on the environment and the local community, is it proportionate to use Police powers.

Councillor Bowden said that ultimately, the answer to significantly reducing the number of unauthorised encampments in the area, would be for a transit site to be located in Warrington. The Police could then direct encampments to the site straightaway.

Councillor Bowden stated that, although the search for a site has been ongoing for a long time, it has to be appropriate and deliverable, and consider the needs of both the settled and the travelling communities.

197/20-21 **CANCELLATION OF THE ANNUAL COMMUNITY SERVICE OF REMEMBRANCE**

The Clerk reported that, as the country was put back into lockdown prior to Remembrance Day, plans for a small, socially distanced gathering of Councillors, at the Memorial on Cross Lane South, also had to be cancelled.

Instead, the Chair attended, with his family, to lay a wreath on behalf of the community. Photographs were uploaded to our Facebook page.

Several wreaths had been left with BTC by local organisations. These were delivered to the shopping centre. They were laid at the memorial by shopping centre representatives, on behalf of the local organisations.

198/20-21 **STRATEGY & ACTION PLAN UPDATE**

Councillor D. Ellis said that he did not have any specific updates for this meeting.

In relation to climate emergency, both Councillor D. Ellis and the Chair spoke about Birchwood High School being shortlisted in this year's Educate Awards. The high school has been nominated in the Outstanding Commitment to the Environment Category.

Members were delighted that the work of the high school and its learners has been recognised in this way.

199/20-21 **FLOODING – ROBERT'S FOLD**

The Clerk reported that she has chased for a response from Torus Housing, and will do again, as we are still awaiting contact from them regarding the issues of flooding on Robert's Fold.

Councillor Bowden commented that there is no surface water drain in that area.

Members questioned whether there was even a soakaway at the location.

200/20-21 **'POPPY GARDEN' – LOCKING STUMPS**

The Clerk stated that the 'poppy garden' created by Thomas Risley Church, under the notice board in Locking Stumps for Remembrance Day, had been very well received.

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

201/20-21 **WARRINGTON BOROUGH COUNCIL**

- (a) Sent/received – various emails / online reports following contact from residents re: flytipping, concerns about graffiti, trees, overgrown footpaths, height of shrubbery, Japanese Knotweed, footpath maintenance and road signage, and the most recent traveller encampments near Rutherford House and on Silver Lane.

The Clerk commented that it had been reported that there are two traveller vans on Birchwood Boulevard.

The Clerk said that, as mentioned in Minute 191/20-21 (a) above, the Police are aware of one particular tag being sprayed many times around the area. They are continuing to investigate the identity of this person.

- (b) The Clerk reported that she had attended the Parish Council Liaison Meeting on 15th November. A number of items has been discussed including:
- A brief update on the Local Plan which currently on hold. It is hoped that further work on the plan will recommence in Summer 2021.
 - HS2 – WBC is supportive in general but is not supportive of the proposals for the Golborne spur.
 - It was confirmed that the elections in 2021 will take place. There will soon be a consultation and review regarding current Polling Stations – whether some venues will not be suitable on this occasion, due to Covid restrictions – with possible alternatives put in place. Once the consultation is opened, WBC needs responses very quickly.
 - The Notice of Elections will be published on 15th March 2021. Nomination packs will be available from the Town Hall, with the possibility of local Parish Councils holding some packs, to make it easier for prospective candidates to collect them or it can be put in the post.

- A brief update was given regarding environmental and waste collection services. The community recycling centres currently remain open.
- Matthew Cumberbatch referred back to a document, 'Protocol for the use of social media by Councillors', initially raised by WBC, for the consideration of local Councils, just as the country went into the first lockdown. At the meeting he commented that Parish Councils may wish to consider adopting the protocol.

The Clerk said that he reported the number of complaints against Councillors had increased as the number of people working from home had increased, which had also increased the use of social media.

Councillor Fitzsimmons said that Members must take responsibility for their use of social media, but acknowledged that it is a difficult place for Councillors to navigate.

Councillor Fitzsimmons **proposed**, Councillor D. Ellis **seconded** and Members **unanimously resolved** to adopt the Social Media Protocol.

Action Clerk's office to add the Social Media Protocol to the Town Council's formal policies.

- (c) Received – a request from the Census Engagement Manager for Warrington and St Helens, asking if he could speak to someone at the Town Council to ask some questions and fact finding about the area.
- (d) Received – Engagement Leaflet regarding the Warrington Western Link.
- (e) Email received regarding accessibility improvements in Gorse Covert. Work to install dropped crossings with tactile paving, at 11 locations has already started.
- (f) Sent – email asking if the blocks on Powell Avenue could be staggered to enable people on mobility scooters to access Delenty Drive more easily, if coming from the fire station underpass. This follows a complaint received by a resident who uses a 'very heavy' mobility scooter, who said they had experienced severe difficulty getting up on to the pavement, as there is no dropped kerb on the underpass side of the blocks.

The Clerk reported that we had received a reply from WBC this afternoon stating that an order has been placed for some temporary ramps, which will be installed as soon as they are received.

202/20-21 **YOUR HOUSING GROUP (YHG)**

- (a) Sent/received – various emails / online reports re: flytipping, overflowing bins, and tree concerns.
- (b) To note that the Clerk continues speaking to / corresponding with YHG about various issues, including ongoing and significant flytipping around the container.
- (c) Emails sent/received regarding a very large leaning tree to the rear of some properties on Forbes Close. YHG checked to see if is safe; they are happy that it is and have removed/cut 1.5m of ivy from its base. It will be re-checked in Spring by YHG.

203/20-21 **MISCELLANEOUS CORRESPONDENCE**

- (a) Received – Various update/information emails from Warrington Voluntary Action.
- (b) Received – Some information about driving in the EU in 2021.

- (c) Sent/received – emails re: disability access at Birchwood Station.
- (d) Received/sent – emails re: supermarket trolleys being removed from the shopping centre.
- (e) The Clerk reported that she had a remote meeting with John Magee, Manager at the shopping centre. The centre has been purchased by an investment company called MDSR, but is still managed by Savills. Mr Magee is hopeful for the future of the shopping centre, especially as most of the shops sell items or provide services that people need. There has been interest shown in the units that are currently empty.

The Clerk added that Mr Magee said he would be happy to attend a future meeting of the Town Council, if Members would like him to.

- (f) Received – request from Locking Stumps PTA to borrow the sleigh again this year. We have agreed, with conditions, which will be included in a ‘disclaimer’.

204/20-21 **CHESHIRE POLICE**

- (a) Received - Various Neighbourhood Alerts and the local Police Report for October 2020.
- (b) Sent/received – emails re: the most recent traveller encampment at Rutherford House.
- (c) Sent – email re: increase in graffiti in Robert’s Fold Subway, and books being burned. We have requested that the Police monitor the area when possible.

205/20-21 **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 – ChALC weekly e-bulletins with various attachments, details of training sessions, etc.
- (c) Received – from SLCC – details and Minutes of branch meetings, news updates, etc.
- (d) Received from NALC – details of its #MakeAChange campaign – in relation to promoting local elections. NALC has produced some resources for local Councils to use to help residents stand for election.

The Clerk said that we will post some information from these resources on our notice boards, Facebook page and website.

Action Clerk’s office to publish information as detailed above, at an appropriate time.

206/20-21 **PUBLICATIONS RECEIVED**

Various LGC magazines and e-mail briefings, and Clerks & Councils Direct November 2020.

207/20-21 **MEMBERS’ REFERRALS MADE VIA THE CLERK PRIOR TO THE MEETING FOR CONSIDERATION AT THIS COUNCIL MEETING**

There were No Members’ referrals received prior to the publication of the Clerk’s Report.

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

The DMC that took place on 11th November 2020 had no items of specific relevance to Birchwood on the main agenda for consideration.

(b) **Enforcement Cases**

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

(ii) To note concerns raised by Councillors re: enforcement case ENF/20/08254. Location: Rislely Landfill Site, Silver Lane, Warrington, WA3 6BY. Alleged problem: Breach of Condition - Public Footpaths - 2015/25113

Councillor Bowden liaised with WBC about this matter, keeping Members updated.

He was advised that the paths that were created as a condition of the restoration were permissive paths, as opposed to public rights of way. These do not have the same safeguards as public rights of way, and the landowner can close them without notice.

The paths were closed at the start of the Coronavirus pandemic because of concerns over individuals congregating in large numbers on the site.

WBC spoke to Biffa's warden, who has said that they hope the permissive paths will be reopened after Christmas. However, there are still incidents of ASB occurring on the site.

Enquiries regarding rights of way were initially raised with WBC back in January and February 2019.

At that point in time we were informed that the process would be for the site to have 'permissible access' awarded and then an application could be made for Rights of Way status.

(c) **Planning Decisions**

(i) Application No. 2020/37640 208B Cavendish Place, Birchwood, WA3 6WU. Proposed change of use of industrial unit to a small scale bulking up and transfer of sanitary and clinical waste (offensive, non offensive and hazardous waste streams sanctioned under the EA Standard Rules 2008 No. 24, clinical waste & healthcare waste transfer station). **Approved with conditions.**

(ii) Application No. 2020/37495 8 Adlington Court, Birchwood, WA3 6PL. Proposed signage. **Approved with conditions.**

(iii) Application No. 2020/37603 Site of former Fox Wood School, Chatfield Drive, Birchwood, WA3 6QW. Application for Approval of Details Reserved by Condition, Numbers: 3, 7, 9, 10, 15, 19, 21, 24, 25 and 26. **Conditions part discharged / part not discharged.**

(d) **Planning Applications**

All plans can be viewed by searching the Application Number at:

<https://planning.warrington.gov.uk/swiftlg/apas/run/wphappcriteria.display>

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. 2020/38031 Oakwood Gate Service Station, Birchwood, WA3 6RW. Proposed installation of 8 vehicle charging points with canopy. Installation of associated electrical infrastructure within 2.4m high timber enclosure and new retaining wall.
- (ii) Application No. 2020/37925 Unit 5 Prestwood Court, Birchwood, WA3 6SB. Proposed change of use from light industrial to sports rehabilitation and sports therapy.
- (iii) Application No. 2020/38150 682 Warrington Road, WA3 6AU. 42 Day Householder Prior Approval – Proposed rear extension to extend beyond the rear wall by 6m, maximum height 4m & height at eaves 3m
- (iv) Application No. 2020/38155 79 Mansfield Close, Birchwood, WA3 6RN. Proposed single storey side and rear extension.
- (v) Application No. 2020/37964 62 Strawberry Close, Birchwood, WA3 7NT. Retention of use of land as a private garden.

To note that correspondence has been exchanged with the Planning Department regarding this application, seeking some clarification. We received a detailed reply from the Planning Department responding to our queries.

This part of the meeting concluded at 6.35 pm.