

MINUTES OF THE OCTOBER COUNCIL MEETING
OF BIRCHWOOD TOWN COUNCIL,
HELD AT BIRCHWOOD YOUTH & COMMUNITY CENTRE, DELENTY DRIVE,
ON TUESDAY 26TH OCTOBER 2021, 6PM

Present: Councillor Bowden in the Chair
Councillors Allen, Atkin, Ball, Brereton, Dempsey, Ellis, Evans, Reeves, Scott and Simcock.

Clerk – Mrs. F. McDonald
RFO / Deputy Clerk – Mrs C. Caddock

1 Resident and 1 Observer

Apologies: Councillor Sheridan (work) and PCSO Titans (not on shift)

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 Ellis – Birchwood Youth and Community Centre, and Development Management Committee (WBC)

Councillor Atkin – Birchwood Carnival Committee

336/21-22 **PUBLIC PARTICIPATION**

(a) **Police Monthly Update**

PCSO Titans was unable to attend tonight's meeting as he was not on shift. He had sent his Police Report to the Council earlier in the day, which was circulated to Members, prior to the meeting. The report is as follows:

The following comprises the Police report to Birchwood Town Council for the month of October to date. This is not an exhaustive list of all crimes and incidents recorded by Police. Incidents of a sensitive nature, or those not of public concern, have been excluded.

Burglaries

- A residential property in the area of Hazelborough Close was accessed by unknown offender/s resulting in the theft of keys and a high-value vehicle. The vehicle has since been recovered and inquiries are ongoing.
- A resident of the area of Rockingham Close has reported that the locks to their front door had been damaged by persons unknown. Access was not gained to the property, and nothing was stolen.
- A shed-break was reported in the area of Goldfinch Lane. Access was gained to a shed located in the back garden of a residential property. Nothing was believed to have been stolen, however.

Thefts

- One report of theft of pedal cycle was received from a resident of Redshank Lane. The pedal cycle was believed to have been stolen from a communal area within a residential property.

Vehicle Thefts/Crime

- No standalone vehicle thefts reported this during this period.

Criminal Damage

- A report was received from park rangers at Risley Moss that a disused outbuilding had been vandalised. Local youths were identified as suspects

following investigation, however no charges were made due to lack of evidence. A community resolution has been sought and parents notified.

- It was discovered by park rangers at Birchwood Forest Park that persons unknown had accessed a sealed WWII bunker and dug a tunnel for unknown reasons. There was not believed to be anyone inside of the bunker, which was later resealed.

Sexual Offences

- It was reported that a male sexually assaulted a female at Birchwood Train Station. The male was reported to have approached the female and touched her inappropriately. The male was arrested for this and other offences.
- It was reported that an unknown suspect had been sending communications of a sexual nature to a child via an online game. Investigations are ongoing.

Assaults/Violent crime

- A taxi driver reported that they had been assaulted by a fare after being refused payment in the area of Dove Close
- A male was punched in the area of Glover Road, causing no lasting injury. This altercation was believed to have been caused by a dispute between the involved parties.
- A resident of Pipit Lane reported that they had been assaulted outside of their home by a male in a white van. This is believed to be part of an ongoing dispute.
- An altercation took place outside of an address in the area of Pipit Lane. One male was arrested.

Antisocial Behaviour

- A report was received of a large group of youths trespassing on the railway at Birchwood Train Station
- A report was received of youths causing a nuisance outside of McColl's in Oakwood by asking passers-by to purchase alcohol on their behalf
- Three reports were received from addresses on Rangemoor Close of members of a nearby unauthorised encampment causing nuisance by persistently asking for water, and on one occasion using an outside tap without permission. It was also reported that a member of the encampment opened the door of a caravan belonging to a resident, which was not secured.
- A report was received from a concerned resident of Gorse Covert that members of an unauthorised encampment were behaving antisocially. Officers attended the scene following this report.

Hate Incidents

- A Bulgarian male is reported to have been racially abused by youths at Birchwood Shopping Centre

Other Incidents of Note

- A female who resides in Gorse Covert continues to regularly contact emergency services due to mental health crises. Police are seeking measures to improve the situation.
- A number of persons from outside of the area were charged for conspiring to launder money through a local business.
- Police became aware of posts on social media claiming that two persons had been assaulted using a bladed article in Gorse Covert. The assailants were described as travellers and the posts claimed that Police had been made aware, and the victims had been interviewed by a police officer (at the time of posting). No such reports were made to the Police, however, after further investigation the victims were identified and spoken to by Police. The victims did not wish for Police to progress the matter.

- A report was received from a resident of Gorse Covert of their pet cat being shot with an air-powered rifle.
- A report was received from the area of Birchwood Park Avenue stating that a male on a minibus had threatened the driver and claimed to have a gun. The male was arrested and inquiries are ongoing.

Traffic-related incidents

- A male was arrested for driving under the influence of drugs on Birchwood Park Avenue.
- A report was received from the area of Glover Road of a driver following another a driver and making threats through the window of the vehicle. This is believed to be part of an ongoing dispute between the two parties.

Members expressed their disappointment that no Police representative was able to be in attendance at tonight’s meeting.

(b) Resident’s Concerns re: Recent Traveller Encampment

A resident attended tonight’s meeting to inform the Council about issues that some residents in Gorse Covert experienced recently when two unauthorised traveller encampments parked on an area of land at the corner of Fisherfield Drive, adjacent to Mosslands.

He said that, surprisingly, the first encampment of five caravans had not caused as much concern as the second encampment of just two vans.

The resident listed a significant number of alleged incidents that had taken place, and acts of anti-social behaviour, that residents have attributed to the travellers. He added that some of the incidents left affected residents distressed and afraid to go out.

The resident said that he had hoped that the Police would have attended tonight’s meeting, as he had a number of points and questions to put to them. He said he, and other residents had felt let down by the Police response during the time that the encampments were in Gorse Covert.

Councillor Bowden stated that a representative of the Cheshire and Warrington Traveller Team had been invited to tonight’s meeting, but had been unable to attend, however, we can invite them to a future meeting.

Councillor Atkin thanked the resident for attending and stated that he was going to raise a number of similar issues to those that the resident had brought up. He echoed the resident’s dissatisfaction that no Police representative had been able to attend tonight’s meeting, as he had a number of questions and points (which he conveyed to the meeting) that he wanted to put to the Police, particularly about what powers they have to deal with traveller encampments, especially when there are numerous reports of anti-social behaviour and other alleged incidents upsetting residents.

Councillor Atkin also expressed his frustration that no barriers had been put in place as soon as the first group left, as he had suggested.

Councillors Allen and Reeves agreed with Councillor Atkins’ comments and concerns, and raised additional queries.

Councillor Reeves queried what the ‘legal’ threshold is as to what constitutes ‘criminal damage’, as several previous encampments have involved barriers being broken, or cut down to allow vehicles unauthorised access to land.

Councillor Allen asked what the average clean up costs are when an encampment has left and area, and when an effective, but suitable barrier will be installed.

The Chair said that as the first encampment was the first time (with the exception of one occasion on the Forest Park) that any group of travellers had created an encampment in Gorse Covert, and there is a reluctance to keep putting barriers in areas that were built to be green, open and inviting; it had been thought that this might have been a 'one-off'.

After the second encampment left, concrete blocks were installed straight away as a temporary measure, and wooden bollards will be installed within the next few weeks. It is expected that the bollards will be removed once a transit site has been built

The average cost of a 'clean-up' is approximately £1,000.

Regarding the issue of criminal damage, the Chair stated that a similar conversation took place with the Police a couple of year ago. At that time, we were informed that the Police could not take action unless an individual was clearly identified and any witness was prepared to give a statement, on record. Currently there cannot be a prosecution under 'joint enterprise'.

The Chair added that the Police will only act when taking action is proportional and they have the resources to do so (see section 62 of the Criminal Justice and Public Order Act):

"Police powers to evict people from unauthorised encampments do exist, as provided for by Sections 61 and 62 A-E, Criminal Justice & Public Order Act 1994. These powers will be used where behaviour or conduct is considered to be inappropriate, or where the impact of an encampment on others is deemed unacceptable."

A frank and detailed discussion took place regarding the above issues, and the urgent need for a transit site in Warrington, which, once in place, would enable the Police to use powers to direct unauthorised encampments to leave an area immediately and go to the transit site.

For the benefit of the resident in attendance, the Chair reiterated the information discussed at previous meetings, regarding the processes, requirements, progress and issues in trying to find a suitable transit site that would be acceptable to both the settled and traveller communities.

Following further discussion, it was **proposed** by Councillor Atkin, **seconded** by Councillor Allen and **unanimously resolved** that a letter be sent to the Police asking for clarification on their strategy regarding unauthorised encampments.

It was agreed by the resident present, that he would send his comments and concerns to Officers, to enable them to be included in the letter to the Police.

Action Clerk's office to write to the Police regarding the above.

Councillor Brereton **proposed**, Councillor Dempsey **seconded** and it was **unanimously resolved** that a public meeting be arranged to allow residents to put their concerns directly to the Cheshire and Warrington Traveller Team and Police representatives, and for both organisations to explain their current processes, strategies and 'limits' on how they are able to deal with unauthorised encampments and any specific issues that might arise from travellers being in an area.

Action Clerk's office to arrange a public meeting with representatives of the Police and Cheshire and Warrington Traveller Team.

As there were no more questions from the resident, the Chair declared public participation over.

337/21-22 SEPTEMBER COUNCIL MEETING MINUTES

Councillor Ellis **proposed**, Councillor Atkin **seconded** and it was **resolved** that: The Minutes of the Town Council Meeting held on 28th September 2021 be approved as an accurate record and signed by the Chair.

338/21-22 PROPOSED LIVEWIRE PROJECT

The Clerk reported that she and the RFO / Deputy Clerk had met with Paul Flannery of Livewire.

Mr Flannery is working with various organisations e.g. the Police and Crime Commissioner, Active Cheshire and Sport England to deliver free activities for children, predominantly in High School. He is also looking at making some provision under the Holiday Activities and Food (HAF) programme which has been supporting children and families in the school holidays.

Mr Flannery is not looking for funding at this present moment in time. The kind of support he may be looking for from the Town Council isn't clear at this stage, but we have said that Members would like to support the project and we have informed him that the Town Council would be happy to advertise local activities.

The Clerk said that Mr Flannery asked if there are any local issues he should be aware of which could perhaps be tied into an activity. She asked that if Members have any thoughts, to let Officers know and we can pass them on.

339/21-22 MOBILE SPEED SIGN

The Clerk reported that the mobile speed sign has now been located and is currently at Warrington Police Station. We will liaise with the PCSO to see if he can now deploy the sign in some of the main areas of concern.

Councillor Ellis asked that the Police temporarily avoid six areas where traffic monitoring is currently being undertaken by Warrington Borough Council, using road strips, as this could distort the true data. Once the data has been analysed, WBC will be considering what, if any, traffic calming measures could be put in place at various locations in Birchwood.

It was **resolved** that we ask the Police to relocate BTC's mobile speed sign and accessories back to Birchwood.

Action Clerk's office to contact the Police regarding the above.

340/21-22 BIRCHWOOD CARNIVAL COMMITTEE

The Clerk stated that the first meeting of the Birchwood Carnival Committee took place on 5th October to start planning for the 2022 event which is scheduled to take place on Sunday, 12th June.

had been mown accidentally, but confirmed that they will be left to grow 'wild' next year.

341/21-22 ACCESS ISSUES – BIRCHWOOD RAILWAY STATION

The Clerk reported that, as requested, following the Town Council's September 2021 meeting, we made contact with WBC.

They have been liaising with Northern Rail and the matter remains ongoing.

It appears that there is no formal written agreement in place regarding access.

An informal agreement was reached with the previous rail franchisee that access for those with restricted mobility, or with prams, would be granted access to the new bridge via the gate.

As this appears to be an ongoing issue, Northern Rail has asked for details of times/dates and the nature of the issue in order for them to ascertain the scale of the problem and investigate.

WBC has asked whether Councillors without breaching GDPR, and with the prior approval of the complainant, pass on brief details to the office, so that we can forward them on to WBC.

Action Councillors to collect any ‘evidence’ of issues to pass onto the Office (with permission of the complainant).

Action Clerk’s office to continue to liaise with WBC regarding this matter.

342/21-22 **PLANNING TRAINING**

The Clerk reported that two online planning training courses have been arranged by WBC, details of which have been forwarded to Members; either 4th November 2 pm - 4 pm, or 18th November 5.30 pm – 7.30 pm.

Members should be able to ‘accept’ from the email.

The Clerk and Deputy Clerk will be attending the event on 4th November.

343/21-22 **YOUR HOUSING GROUP (YHG)**

The Clerk said that notes of meeting that took place on 29th September 2021 with YHG were copied to Members in their papers.

The Clerk reported that she spoke to Paul McNeilly the new Regional Housing Manager at YHG on Thursday, and a meeting / walkabout has been arranged to take place on Thursday, 18th November from 10 – 12.30. The area of the walkabout is to be decided nearer the time.

The Clerk stated that the second YHG landscaping cut of the season has commenced, starting at Mosslands.

The Clerk informed Members that she has reminded YHG about access to the bin on the Village Green (penned in by the concrete blocks). The maintenance team cannot empty it at the moment although they do ‘top pick’ the bin and remove any flytipping.

We do not yet know when the concrete blocks on the Village Green will be replaced with an alternative barrier, or what the nature of that barrier will be.

344/21-22 **FLOODING ON ROBERTS FOLD**

The Clerk has chased this up with WBC who are awaiting a response from Torus.

345/21-22 **HS2 HIGH SPEED RAIL (CREWE – MANCHESTER)**

We are still awaiting details of when a ‘suitable device’ on which the documents can be viewed (in digital format) will be delivered to us.

346/21-22 **WARRINGTON BOROUGH COUNCIL**

The Clerk stated that notes from a meeting that took place with Borough Council Officers on 29th September 2021, were circulated to members for information. Discussions at the meeting were predominantly about landscaping and green spaces.

The Clerk said that a meeting with Dave Boyer, Director (Environment and Transport Directorate) and Ian Brackenbury (Operations and Commercial Services Manager) from WBC and elected members needs to be arranged. Currently proposed dates are 3rd or 16th November at 6 pm.

The Chair suggested making the first meeting a smaller, more manageable meeting to bring things onto the table with a view to then opening the next meeting up to more participants.

It was **resolved** that the first meeting with Dave Boyer and Ian Brackenbury be attended by the Chair and BTC Officers, with a second meeting, at a future date, open to all Members.

Action Clerk's office to arrange the meeting as detailed above.

347/21-22 **BIRCHWOOD SERVICE OF REMEMBRANCE**

The Clerk reminded Members that the Birchwood Service of Remembrance 2021 is taking place on Saturday, 13th November 2021, 10.30am.

348/21-22 **BTC AUTUMN / WINTER MEETINGS**

The Clerk asked Members to confirm whether they wish to return to using the community meeting room within the main building for Town Council meetings, as the weather starts to turn colder, and the Birchwood Youth and Community Centre is no longer available on Tuesday evenings after tonight, due to other bookings.

Members resolved to return to using Parkers Farm meeting room, but with a limit on numbers.

It was suggested that if more than one or two residents wished to attend the meeting, they would have to be asked to come in separately, in turn, to speak to the Council. We will open windows for an air flow.

349/21-22 **UPDATE – OBSERVATION TOWER IN RISLEY MOSS**

The Chair said that he has not yet been able to contact the Chair of RIMAG to give him an update on plans regarding the Observation Tower in Risley Moss, that had been destroyed by an act of arson in 2017.

He will update him directly with follow up information, as soon as possible.

Action Councillor Bowden to call the Chair of RIMAG regarding the above.

350/21-22 **UPDATE – PLANNING**

Re: Application No. 2021/39954 Car parking areas adjacent to 2 Kelvin Close, Birchwood, WA3 7PB. Part retrospective alterations to the layout of the site to provide additional car parking, landscaping and associated works.

The Clerk stated that, as requested at the September meeting, a letter of objection has been sent to the Planning Department regarding this application.

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

351/21-22 WARRINGTON BOROUGH COUNCIL

- (a) Sent/received – various emails / online reports following contact from residents re: flytipping, concerns regarding trees, overgrown shrubbery (some on private land, therefore we have asked WBC to contact the relevant resident) racist graffiti in a subway and one of the Forest Park bunkers being compromised.
- (b) Received – invitation to the Chair to attend the Remembrance Sunday event at the Cenotaph in Warrington.

As the Chair will be in attendance as a Warrington Borough Councillor, it was resolved that Vice Chair, Councillor Ellis will attend as representative of Birchwood Town Council.

Action Clerk's Office to contact WBC regarding the above.

352/21-22 YOUR HOUSING GROUP (YHG)

- (a) Sent/received – various emails / reports following contact from residents re: overgrown shrubbery, and trees, etc.
- (b) Sent – details of a planning application potentially affecting YHG owned land.
- (c) Received / sent emails re: complaint about an area in Locking Stumps – bins, car parking and alleged drug dealing, and drug paraphernalia being left in bushes and grassed areas.

The Clerk stated that the main elements of the complaint are being dealt with by YHG. Councillor Ellis has also contacted the resident directly, as he was copied into the email.

The Clerk added that our team has checked the areas where we were informed 'drug paraphernalia' was being left, but have not found anything. They will continue to monitor the area.

We have also, with the permission of the complainant, contacted our PCSO about the alleged drug dealing.

353/21-22 MISCELLANEOUS CORRESPONDENCE

- (a) Received – various emails from Warrington Voluntary Action (WVA).
- (b) Received/sent – emails following a complaint received from a 'concerned resident' about abandoned trolleys in Birchwood.

Members discussed what the Town Council's policy is regarding responding to anonymous correspondence.

It was accepted that, as this was a general concern regarding an ongoing issue that is raised by many residents, it was appropriate, on this occasion, to respond to the resident. However, if anonymous correspondence is received that is more 'contentious' or particular, it will be reported as received, but not responded to unless we can ascertain the identity of the resident, even if they wish to remain 'anonymous' to everyone else.

- (c) Received – Email from the CEE Bill Alliance regarding their COP 26: Three Outcomes Campaign.
- (d) Received – Information re: The Queen’s Platinum Jubilee Beacons.
- (e) Sent/received – Email correspondence with The Woodland Trust, enquiring if they might be considering being involved locally with The Queen’s Platinum Jubilee Beacons. The Clerk said we had wondered if they might be planning to have one on Pestfurlong Hill, probably the highest point in Birchwood.

The Woodland Trust has no plans to have a beacon in Birchwood.

354/21-22 **CHESHIRE POLICE**

- (a) Various Neighbourhood Alerts.
- (b) Sent/Received – emails re: an alleged assault in Birchwood that was reported on social media.
- (c) To note that PCSO Titans has been jointly awarded PCSO of the Year at Cheshire Constabularies’ recent annual ACE (Achieving Cheshire Excellence) Awards event.

Members extended their congratulations to PCSO Titans.

355/21-22 **CHESHIRE ASSOCIATION OF LOCAL COUNCILS (CHALC), NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC), SOCIETY OF LOCAL COUNCIL CLERKS (SLCC)**

- 6.5.1 Received – NALC publications including the Chief Executive’s Bulletins, events information, etc.
- 6.5.2 Received – ChALC weekly e-bulletins with various attachments, details of training sessions, an update re: their recent Speeding Issues consultation, etc.
- 6.5.3 Received – SLCC – various updates, briefings, news items, etc.

356/21-22 **PUBLICATIONS RECEIVED**

Various LGC e-mail briefings.

357/21-22 **MEMBERS’ REFERRAL - LIVEWIRE PASSES FOR CARERS**

Councillor Dempsey declared an interest, as he is a carer.

Councillor Dempsey stated that he wished to bring Members’ attention to recent changes to the provision of Livewire passes for carers. WBC currently provide passes for free to carers so that they can accompany the people they care for to Livewire facilities. He added that he has recently received a letter saying that the passes are going to be withdrawn.

Councillor Dempsey said that if carers have to pay to attend the facilities, it could be prohibitive for some, and might reduce the times that they would be able to take the people they care for, and, as a result, reduce the health benefits, both physically and emotionally that people gain from using the Livewire facilities.

Councillor Dempsey said that letters he received have indicated that the reasoning given is that WBC is paying for passes which are not being used.

Councillor Ellis said that he was aware of this matter and made some enquiries. He understands that passes, paid for by WBC to Livewire are issued to all carers, but that there are many passes that are never used. This means that WBC funding is being wasted.

Whilst WBC believes that giving carers free access is a good idea, they are trying to find a different mechanism whereby carers who wish to accompany the people they care for still get the benefit of free attendance, but that funding is not wasted on unused passes.

The Chair said that he has raised this with Councillor Tony Higgins, who is the WBC Cabinet Member for Leisure and Community; and consideration is being given to how a cost-effective alternative can be put in place.

358/21-22 CURRENT PLANNING APPLICATIONS FOR COMMENT AND OBSERVATION AND OTHER RELATED PLANNING ISSUES

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

The next DMC is scheduled to be arranged for 11th November 2021. At the time of publishing the Clerk's Report there were no documents available for the meeting.

- (b) To note that a resident contacted the office to ask for advice regarding a brick wall adjacent to their property on Bowland Close. They were given the contact details for Development Control.

359/21-22 PLANNING DECISIONS

- (a) Application No. 2021/39972 25 Ashmore Close, Birchwood, WA3 6QY. Proposed single storey side extension and front porch. **Approved.**
- (b) Application No. 2021/39086 3 Lords Lane, Birchwood, WA3 7AB. Proposed bedroom extension over existing garage to side elevation and extension to front of garage. **Approved with conditions.**
- (c) Application No. 2021/39590 25 Havisham Close, Birchwood, WA3 7NB. Proposed two storey side extension and rear single storey to existing dwelling. **Approved with conditions.**
- (d) Application No. 2021/39982 47 Harcourt Close, Birchwood, WA3 6PU. Proposed removal of existing hedge and fence and replacement 2m fence at edge of property. **Cancelled.**

360/21-22 PLANNING APPLICATIONS

All plans can be viewed via:

http://www.warrington.gov.uk/home/transport_planning_and_environment/Planning/Search_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.

- (a) Application No. 2021/40295 47 McCarthy Close, Birchwood, WA3 6RS. Proposed two storey side extension.
- (b) Application No. 2021/40187 7 Rossendale Drive, Birchwood, WA3 6UD. Proposed single storey side extension to existing house to create new garage space.
- (c) Application No. 2021/40073 21 Killingworth Close, Birchwood, WA3 6TA. Proposed single storey side extension.
- (d) Application No. 2021/39976 12 Nelson Road, Birchwood, WA3 6NF. Retention of the change of use of land from waste land to residential curtilage.

An email was sent to YHG asking if they are aware of this application, as it might affect some of their land. No landowner is identified on the planning application.

- (e) Application No. 2021/40243 19 Carden Close, Birchwood, WA3 6LT. Retrospective permission for a change of use of the existing rear/side garden designated as landscaping, to private garden to be incorporated into the existing rear/side garden, with the erection of a fence enclosing the strip of land.

Councillor Allen had been contacted directly by the applicant regarding this application.

The deadline for comments is 28th October 2021.

Members did not have any comments to make from the Town Council at this point, regarding the above applications

This part of the meeting concluded at 7.20 pm.