

DRAFT MINUTES

Shirenewton Community Council

Minutes of the Council Meeting of Shirenewton Community Council held on January 4th 2010 at Earlswood Hall.

Present:

Councillors:

J Harvey
R Mitchell
Mrs E McCombe
Mrs S Saysell
J Eede
Mrs B Leaf
C Eickhoff
Mrs S Squires
Ms B Moore
K Morton

In attendance:

County Councillor Graham Down
PC Cowburn
Mrs C Jones Clerk
Ms Alison Broughton

Police report

Shirenewton & Earlswood incidents December 6th to 30th

6/12 - Workshop broken into at Earlswood. Motorcycle, power tools and a lawnmower stolen. The motorcycle was recovered nearby.
7/12 - Untaxed vehicle in Shirenewton - owner reported.
8/12 - Suspicious vehicle in Earlswood. Flatbed van BG02XY- 2 males looking for scrap.
8/12 - Complaint about a parked vehicle in Shirenewton. Fixed penalty ticket issued.
8/12 - Tree down on the Crick Road.
8/12 - Suspicious white Iveco van at Earlswood. 2 males offering to sell garden furniture.
11/12 - Broken down lorry B4235 between Shirenewton & Chepstow.
13/12 - Motorbikes in Wentwood - area search negative.
13/12 - Sudden death of an elderly male at Earlswood.
14/12 - Cars near the school in Shirenewton causing an obstruction.
Social function.
20/12 - 2 vehicle accident B4235 near Barnets Wood. Non injury.
21/12 - Car turned over Mounon to Shirenewton road - no injuries.
23/12 - Car in ditch B4235 near Shirenewton. No injuries.
26/12 - Silent 999 call from Earlswood - accidental by child.
26/12 - Dog bite in Shirenewton. Owner warned.
26/12 - Motorbikes in Wentwood Forest.
27/12 - False House alarm at Earlswood.

PC Cowburn raised the following suggestions for possible future discussion as measures which might be beneficial for the village of Shirenewton:

1. Speed limit of 50 mph on B4235 from Chepstow side of Mynyddbach turnoff to Usk side of cross-roads near the Huntsman Inn.
2. More street lighting in Shirenewton village.
3. Double yellow lines through the centre of the village.

Reminder Police / Council surgery at Shirenewton Recreation Hall at 3 pm Sunday 10th January, followed by a walk around the Village. PC Cowburn and Cllr Eede will be in attendance.

Minute 2409 To disclose personal and pecuniary interests in any item of listed business.
None declared

Minute 2410 To approve and sign the minutes of the meeting held on December 7th 2009
The Minutes of the meeting were agreed as a true record with the following amendment
Minute 2405 should read Cllrs Saysell and Squires (not Cllrs Saysell and Leaf)

Minute 2411 Planning

Parsons Grove, Earlswood

Demolition of existing block & timber barn; erection of new block & timber barn to create leisure & social amenity building for existing holiday let accommodation

It was agreed that the application as it stands be refused and more complete plans submitted

- **The plans do not include an overview of the site**
- **The main house, five holiday cottages and other buildings are not shown**
- **No internal detail of the new building shown**
- **Drawings are not to scale**
- **Change of use for existing buildings was for Summer use only**
- **This application suggests that the new building will be used all year but it is believed that, because the site is approached by single carriageway only suitable for light traffic with the last ½ mile of unmade road is very narrow and downhill and the road is not serviced by refuse or grit vehicles, it will be unsuitable for year round use.**

Items of local concern

Minute 2412

Peniel Chapel (see Clerk's report)

Minute 2413 To receive comments on WAG Document (e mailed to all Cllrs 29th December)

It was agreed that the requirements were a sensible and achievable minimum set of principles and agreed that the guidance could be approved in accordance with the recommendation from Once Voice Wales.

COMPLETED

Minute 2414 To discuss Village Green status for field at Blethyn Close, Mynyddbach

The Clerk reported that Mike Sayce had informed her that during the SAMFAL meeting it was decided that SAMFAL would prefer to keep in the background and not become involved in a joint meeting. The feeling was that SAMFAL had quite a lot of responsibilities in 2010 and they should not get involved in more at the present time. However this would not preclude them from considering a lease, should it be offered, if the problems with allotments and the caution on land are overcome.

The Clerk had spoken with the Open Spaces Society and the advice given was that the best route would be to apply for Owain Glyndwr status. She was told that the difference between Village Green and Owain

Glyndwr is that Village Green status is usually applied for when it is common land. In this case it is not common land but although owned by MCC it has been used by the public for many years and so the most suitable option would be Owain Glyndwr.

The Recreation Hall is still booked for 25th January. The original plan was that a joint public/SAMFAL/SCC meeting would be held.

County Cllr Down said he was unaware that only common land could be registered as Village Green. He pointed out that in previous discussions with MCC, he had suggested Owain Glyndwr as a possibility but this had been rejected in favour of a lease to SAMFAL. (The Lease has been held up because MCC believe that SCC has registered a caution with Land Registry on the whole of the land at Blethyn Close but in fact the caution is only on the former allotment area) There was nothing to stop the Community Council from trying both routes at the same time.

To apply for Owain Glyndwr status would require a letter being sent to the Chief Executive. To apply for Village Green status would require the completion of an application form.

It was agreed that the Clerk would postpone the January 25th meeting at the Recreation Hall. It was further agreed that the Clerk would write to the Chief Executive and also complete an application form for Village Green.

Minute 2415 To discuss compulsory purchase of former allotment area at Blethyn Close, Mynyddbach

The Clerk advised that as far as she was aware, if a Community Council wishes to purchase land under a Compulsory Purchase Order, it must request its Unitary Authority to act on its behalf. If the Unitary Authority is hostile to this or fails to give a response in eight weeks then the Community Council can ask the Secretary of State to step in and act on its behalf. This information was previously verified verbally by One Voice Wales.

Obviously as MCC own the land they cannot compulsorily purchase the land on our behalf from themselves.

Cllr Harvey had informed the Clerk that he believes that in a case such as this a Community Council could go directly to the Secretary of State. He had provided her with some written information but she was unable to confirm that this is correct.

She had contacted the Welsh Assembly and the response she had from them is that the Secretary of State would see this as a local issue between two Councils and would want them, as they both represent the same people, to sort it out amongst themselves. It is felt that they would not wish to be involved in a public dispute between two councils.

The Clerk had again contacted One Voice Wales and asked them to obtain a written answer from the Legal Department to the question

‘Can a Community Council compulsorily purchase land from its own Unitary Authority - and if so how can it be done?’

It will probably be a few weeks before a response is received

County Cllr Down was asked if he could make representations for a meeting between MCC and Cllrs

It was agreed that the Clerk would write to MCC and request transfer/ purchase/ lease of the land. It was further agreed that County Cllr Down would attempt to arrange a meeting between MCC and SCC representatives

C/FWD

Minute 2416 Items of local concern - information only

Clerk's Annual appraisal will take place in February and will be conducted by the Chair and Vice Chair

There is water from the Dwr Cymru site above Minders Farm coming down on to the main road. This has turned to ice in the very cold weather we have been experiencing and despite the road being gritted it is hazardous.

The Clerk will contact Dwr Cymru

The grit bins at West End and Earlswood are empty

The Clerk will contact Highways

The lid of the grit bin at Mynyddbach is broken

The Clerk will contact Highways

It has been suggested by Terry Walters, the editor of the Parish magazine, that the Directory of Local Organisations that was prepared for distribution could be a permanent inclusion in the Parish magazine

Members agreed that this is a good idea

Minute To consider Financial Matters

a) Bills presented for payment

Clerk's salary less pension deduction	£ 418.24	
Clerk's pension (council & Clerk contribution)	99.11	
Stationery and Expenses		29.96

b) Travelling expenses to OVW Annual Conference 40.43
Cllr Harvey

It was agreed to make all payments

Minute 2417 Clerks report on update of items from previous meetings

Written report previously e mailed to all Cllrs

1. Allotments /Affordable Housing, Blethyn Close

As expected the application for the affordable housing is listed on the Planning Committee Agenda for January 5th. My understanding, as I explained last month, is that because the Planning Committee went against the recommendation of the Planning Officer, the application had to go back to the Planning Department for them to put the objections of the Planning Committee in suitable 'planning jargon'. The wording would then be ratified at the Planning Committee meeting on January 5th.

However as it still shows as being recommended for approval I telephoned MCC to confirm that my understanding was correct. I was told that this is usually the case but it has been known for the Planning Committee to change its mind! I therefore asked to register Cllr Squires (to speak if there was a change in the decision) and was told that there was a note in big letters to say that if SCC requested to have a speaker David Swanson was to be contacted. The person I spoke to in Democratic Services was very helpful and appeared to understand my concerns. She will be meeting with David Swanson on Monday and will inform me of what he says. If the Planning Committee decide to approve the plans then we should have consideration to remind them why they rejected them on three occasions for the same reason, which has not altered

The Minutes of the December 15th meeting record the following

It was proposed that we be minded to refuse the application and that it be re-presented to a future meeting of the Planning Committee with appropriately worded reasons for refusal.

Upon being put to the vote the following votes were recorded.

For Refusal - 10

Against Refusal - 0

Abstentions - 4

The proposition was therefore carried.

We resolved that we be minded to refuse Application DC/2009/00617 and that it be re-presented to a future meeting of the Planning Committee with appropriately worded reasons for refusal.

I have updated Cllr Down and he hopes to be able to attend the Planning Committee meeting on Tuesday along with Cllr Squires.(see e mail response from Cllr Down forwarded to all Cllrs on January by C 1st 2010)

I have today heard from Richard in Democratic Services and he said he has spoken with David Swanson who has said that Cllr Squires cannot speak again as she has already spoken twice. I explained that she would only wish to speak if the Planning Committee changed their mind. Richard agreed that the Planning Committee Members could change their minds! I said that Cllr Squires would attend.

2. Update on planning applications ()

Ref:	Address	SCC recommendation	MCC decision
D/C 2009/00991	Recreation Hall, Shirenewton	Approval	Approved

3. Planning

Peniel Chapel.

You will recall that I informed you last month of the dismissal of the Appeal on Peniel Chapel. However concerns were voiced regarding the Inspector's comments concerning the removal of the domestic animals. The appellant had stated that the dogs were guard dogs not domestic animals.

The Inspector stated in his report 'It is not uncommon for guard dogs to be kept at rural premises. Indeed it is questionable whether such animals can be regarded as domestic. As such it is reasonable to conclude that neither these animals nor any horses are actually domestic animals as referred to in the notice. There is consequently no need to vary the requirements of the notice to meet the appellant's concern that this requirement would prevent her from keeping these dogs on the site'

The Guard Dog Act 1975 states that a person shall not use or permit the use of a guard dog at any premises unless a person (the handler) who is capable of controlling the dog is present on the premises **except while it is secured so that it is not at liberty to go freely about the premises**

The handler of a guard dog shall keep the dog under his control at all times while it is being used as a guard dog at any premises except **while another handler has control over the dog or while the dog is secured so that it is not at liberty to go freely about the premises**

A person shall not use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is clearly exhibited at each entrance to the premises.

If the dogs are running freely and/or notices are not clearly displayed the matter can be reported to the Police. I have asked Cllr Morton to report on whether or not the resident is in compliance with these conditions.

Cllr Morton reported that there are no notices exhibited

Cllr McCombe reported that a new shed has appeared on the land to the South of Peniel Chapel and Enforcement is looking into this.

County Cllr Down suggested that the members of the public should report any problems to the Police.

4. Precept

Precept applied for and receipt acknowledged

COMPLETED

5. Grant applications

Application form and covering letter included to local organisations who received a donation in December.
Notice sent to Parish Magazine for inclusion in February issue. **C/FWD**

6. Notice Boards

I have been unable to find anyone else to provide a quote for refurbishing the notice boards and no suggestions have been forthcoming from Members. I have sent a notice to the Parish magazine for inclusion in the February issue.

C/FWD

7. Training

I have been invoiced for £25 for Cllrs Saysell and Squires training but have spoken to OVW and they have agreed to waive this as they don't want Councils thinking that this is the standard of Training that they provide.

COMPLETED

Minute 2418 To confirm the date of the next meeting

The next meeting was confirmed as being February 1st 2010 at Earlswood Hall

Chairman.....

Date.....