



Minutes of the extraordinary meeting of Handforth Parish Council
held on Thursday 10th December 2020 at 7:30pm, the meeting was held using Zoom video
technology

Present: Cllrs Brian Tolver (Chair of Handforth Parish Council); Susan Moore (Vice-Chair of the Planning and Environment Committee); Aled Brewerton; Barry Burkhill; Cynthia Samson; and John Smith.

Also Present: Mrs Jackie Weaver (Clerk to the meeting) and eleven members of the public.

The meeting was due to commence at 7.30 but did not commence until 7.40 due to the overrun of the Planning and Environment Committee Meeting.

For the avoidance of doubt his meeting was duly called by two councillors following the refusal of the Council Chairman to call such a meeting.

As the Chairman of the Council (Cllr Tolver) was present he was invited to take the Chair. Cllr Tolver refused to recognise the legitimacy of the meeting and proceeded to disrupt the proceedings.

He was again asked to proceed with the meeting but continued to act in a disruptive and aggressive matter and was therefore removed from the meeting and put into the virtual waiting room.

Cllrs Brewerton and Burkhill behaved in a similar manner and were also removed to the waiting room.

A recording of the meeting can be made available upon request.

PART A

MOTION moved without notice

In the absence of Cllr Brian Tolver members elected Cllr John Smith to chair the meeting.

Cllr Samson proposed, seconded by Cllr Moore

Resolved: Unanimously

20/16/1 To receive apologies for absence.

There were no apologies.

20/16/2 To note Declarations of interest and requests for dispensation to discuss, or discuss and vote on a matter in which a Member or co-opted Member has a Disclosable Pecuniary or non-pecuniary interest (DPI).

There were none.

20/16/3 Open Forum – Comment and questions concerning items on this agenda may be put to the Council by the public during this period. Matters which, in the Chairman’s view require debate and/or a discussion will be referred to the next Committee/Council meeting, as appropriate. The Public Forum is restricted to 15 minutes, unless the Chairman allows otherwise.

A resident expressed concern at the actions of the Chairman and two other members at the beginning of the meeting and urged Handforth parish council to seek a resolution to the current issues it is facing as soon as possible in the interests of the community of Handforth.

Members noted and shared the residents’ concerns.

The Council were asked what item 20/16/8 referred to and added if it was relevant that Policy H5A of the Local Plan offers protection to public houses; an A4 use is a public house and A4 uses change is not permitted without consent.

A further question was received regarding item 20/16/10 and the chairman advised that he would give further details at that point in the meeting.

A question was raised as to why Cllr Brian Tolver’s log on stated ‘clerk’ when he had not been appointed to the post. It was confirmed that no resolution had been passed by the Council appointing Cllr Tolver to the post of clerk (even in the interim).

MOTION moved without notice

The members present considered allowing those members that had been placed into the waiting room to return to the meeting but agreed that given their behaviour it was not appropriate.

Cllr Moore proposed, seconded by Cllr Samson

Resolved: Unanimously

20/16/4 To approve and sign the minutes of the Handforth Parish Council meeting of the 10th November 2020.

Cllr Moore proposed, seconded by Cllr Samson to approve and sign the minutes of the Handforth Parish Council meeting of the 10th November 2020.

Resolved: Unanimously

20/16/5 To approve and sign the order of payment of accounts for December 2020. Members reviewed the list of payments previously circulated and agreed to approve and sign the order.

Cllr Samson proposed, seconded by Cllr Moore

Resolved: Unanimously

20/16/6 MOTION to approve the proposed 21/22 financial year budget. Members considered the paper previously circulated and considered that it represented a reasonable budget for the council for the forthcoming year and resolved to approve it.

Cllr Smith proposed, seconded by Cllr Moore

Resolved: Unanimously

20/16/7

MOTION to approve proposals regarding the Parish Council precept for financial year 21/22.

On the basis of the budget considered at 20/16/6 above members discussed the effects of any increase in precept on the community of Handforth. They resolved that there should be no increase in the precept request this year.

Cllr Samson proposed, seconded by Cllr Moore

Resolved: Unanimously

20/16/8

MOTION to discuss meeting of 12/9/17 item 17/26/11

Cllr Smith reminded members and the public that this item had fallen at that meeting and that as a result there had been no identified sites included in the Community Right to Bid.

Following some discussion it was agreed that a sub-committee of the Neighbourhood Plan Steering Group should be set up to look at this and the Handforth Travel Plan and whether there was a need to refresh the Neighbourhood Plan.

Cllr Smith proposed, seconded by Cllr Moore

Resolved: Unanimously

MOTION moved without notice

Members agreed to take the next two agenda items in reverse order.

20/16/10

MOTION to discuss correspondence received from the Cheshire East Monitoring Officer to all Parish Councillors and provide an official response. The chairman read out most of the 2 pages received and it was agreed that the main points be contained in these minutes.

Firstly that the Monitoring Officer (and Director of Governance and Compliance) states unequivocally that there is a properly declared vacancy on Handforth Parish Council.

There have been a 'multiplicity of complaints and referrals' to the Monitoring Officer which at face value 'warrant detailed consideration'.

And finally, Members are reminded that if they act contrary to professional advice they are in receipt of they run the risk of being held to account.

Members present reassured the public present that they had complied fully with the instruction of the Monitoring Officer and had further sought advice and guidance from the Cheshire Association of Local Councils.

Cllr Moore proposed, seconded by Cllr Samson

Resolved: Unanimously

20/16/9

MOTION to confirm the date of the next Handforth Parish Council meeting

It was noted that the next meeting is scheduled to take place on Tuesday 11th January 2021.

The chairman thanked the members of the public for their interest and attendance and advised that the Council would now resolve to close Part A of the meeting.

PART B

Pursuant to the Public Bodies (Admissions to Meetings) Act 1960, members of the press and public will be excluded from this part of the meeting on the grounds of the confidential nature of the business.

- 20/16/11 SPECIAL MOTION: Recission of Motion 20/8/3 (Cllrs Moore, Samson & Smith)
Members discussed the decision of the Employment Committee and finding that it was not properly convened and it had exceeded the powers of its Terms of Reference the decision passed by the motion above should be rescinded.
Cllr Smith proposed, seconded by Cllr Moore
Resolved: Unanimously
- 20/16/12 SPECIAL MOTION: Recission of Motion 20/8/4 (Cllrs Moore, Samson & Smith)
Members noted that the Employment Committee had not followed proper procedure and had relied upon an outdated Terms of Reference and not the revised TOR that had been agreed by Council in June 2014. It was agreed that the Employment Committee had no power to take decisions on behalf of the Council and therefore agreed that the decisions taken should be rescinded. A copy of the revised TOR are appended to these minutes.
Members thanked Cllr Moore for undertaking the necessary research into this issue.
Cllr Smith proposed, seconded by Cllr Moore
Resolved: Unanimously
- 20/16/13 SPECIAL MOTION: Recission of Motion 20/9/18 (Cllrs Moore, Samson &
Smith)
Members discussed the decision of the Employment Committee and on the basis that there was no proper motion put forward (only the minutes) that no proper motion could legitimately be passed.
Cllr Smith proposed, seconded by Cllr Moore
Resolved: Unanimously

The meeting closed at 21.25