

Public Minutes for the Parish Council Meeting held on 15th December 2008 in the Village Hall at 7.30pm.

Present

Ms Weaver (Chair), Mr Goodsir, Mrs Goodsir, Mrs Hamilton, Mr Kipling, Mrs Lee, Mr Markham and four members of the public.

Mark Millar from Wright Hassall Solicitors and Jonathan Lambert from DTZ attended to give an update report on the present position with the development and to provide advice to the parish council with regard to the development at Maxstoke Lane/Hampton Lane.

1. Apologies

Sarah Markham due to ill health

Apology accepted

2. Declaration of Interest

The Chair invited members to make declaration of personal and prejudicial interest in respect of items on the agenda of the meeting.

None declared

3. Minutes

RESOLVED

That the minutes of the last Parish Council Meeting on 24th November 2008, having been circulated, be taken as read and signed as a correct record.

4. Matters Arising from the Minutes

None.

5. Public Participation.

The public were invited to comment on items on the agenda.

5.1 Maxstoke Lane development

- What is the rush with the development?
- SMBC has power to do what it likes. No need to agree to anything.
- The public minutes should detail as much information as possible.
- Clarification that Wright Hassall act on behalf of Meriden Parish Council.
- The Village Appraisal's top three issues include the requirement of better play facilities for the children and young people. 409 out of 1389 household members in the survey (29.4%) would use the facilities as active participants and a further 368 as spectators. Grossed up this would mean around 800 active participants from Meriden.
- Originally a play facility for Millison's Wood was going to be included and this seems to be not the case now.
- Initial discussions referred to "lavish" pavilion and this seems to be not the case now.
- Question of whether Sport England have agreed on the facilities provided on the new playing fields. The Parish Council believe all the concerns raised by Sport England in relation to the new facilities have been addressed. It is the Parish Council's understanding that due to the length of time since the plans were drawn, they will be sent back to Sport England for any new comments.

6. Planning Matters

6.1 2008/1915 – 105 Main Road, Meriden – Demolition of existing detached house and 2 individual garages and proposed development of 6, 1 and 2 bedroom apartments and covered parking for 7 cars in a 3 storey block.

RESOLVED

Object : over intensification, distracts from the street scene, next to listed building. Parking and access issues as opposite two junctions.

6.2 2008/2049 – 57 Strawberry Fields – Single storey side extension.

RESOLVED

Leave to neighbour notification.

6.3 2008/2062 – Heath Farm, Hampton Lane, Meriden – improvements to the access junction to Heath Farm. Widening to 5.5 metres with introduction of a 9 metre radius. Removal of approx 6 metres of hedgerow.

RESOLVED

Object, in greenbelt, removal of large section of hedgerow and therefore habitat. Extra traffic. Confusion as to the amount of hedgerow being removed. The application form says removal of 12 m of hedge. The design statement says removal of 12m of hedgerow either side.

6.4 2008/2084 – Meriden Sewage Treatment Works, Hampton Lane, Meriden – Reduction of main limb of oak tree by 10% to 20%.

RESOLVED

Leave to the advice of the tree warden.

6.5 2008/2061 – Land at Becks Lane, Meriden – Redevelopment of scrapyard to provide 4 dwellings and alterations to existing access.

At last PC meeting decided clerk was to look up comments to previous application. In 2003 the comments were: Object, over intensification (local density two properties maximum), green belt, traffic increase concerns.

RESOLVED

That the same comments are submitted.

6.6 2008/2125 – Ivy House Farm, Harvest Hill Lane, Meriden – Removal of existing steel portal buildings and conversion of traditional brick buildings into a two bedroom and a three bedroom residential dwelling.

RESOLVED

Object, greenbelt, loss of outbuildings, extra traffic.

6.7 2008/2157 – Highbury House, Berkswell Road, Meriden – First floor bedroom with en suite over the existing indoor swimming pool with first floor corridor access. Amendment to approval No 2007/1096.

RESOLVED

Leave to neighbour notification. Query the capability of the sewage system.

7. Correspondence and Communication

7.1 Manpads – Change of telephone number

They have had problems with their mobile number and have changed to a land line. The new number is 0121 712 6151. All those registered on the Community Engagement Register have been notified.

7.2 Meriden Festival Committee – 2009 Celebrations

Next meeting will be held on Friday 23rd January 2009 at 7.30pm in the Methodist Church Hall. Mr Goodsir will attend.

7.3 West Midlands Police – crime notices: vehicle crime and burglaries

Vehicle Crime.

Email advising that there are continuing issues around Solihull Area with vehicles being targeted by offenders, where vehicle owners have left property on display ie sat navs, laptops, golf clubs and mobile phones.

Burglaries

Email advising that historically this is a very busy time of the year for burglaries and this trend is being reflected locally. Reminder for everybody to be vigilant.

Clerk has put the information on the parish notice boards.

7.4 1st Meriden Scouts – Donation Request

Letter received from 1st Meriden Scouts requesting further support. Clerk has requested up to date financial status which has now been received. For consideration at Finance Meeting in January.

7.5 SMBC – “Challenges and Choices” : Solihull Development Framework Core Strategy Issues and Options Consultation.

This consultation is an important stage in producing Solihull’s Core Strategy which will set out how and where Solihull will develop in the future. “Challenges and Choices” document available at www.solihull.gov.uk/LDF. Copies are also available for inspection at the Council Offices and Libraries around the borough. Responses preferably on the response form welcomed by no later than 30th January.

AGREED

To be put on the agenda for the next meeting.

8. Receive Reports

- **Committee Member for Village Hall Management Committee** - Mrs Goodsir.
No report.
- **School Governors for Parish Council** – Mrs Goodsir
No report.
- **Committee Member for War Memorial** - Mr Markham
No report
- **Pool** - Mr Goodsir, Ms Weaver, Mrs Hall. – BWB have had a minimal response from the contractors contacted to offer the tender for phase 1 remediation work to the pool. A total of 5 invites were sent and 4 responses were received ranging from £9,900 to £16,750. This is higher than they anticipated however, they think it may be possible to streamline the schedule of prices provided by the successful bidder prior to accepting. One of the options would be to split the works by commissioning a contractor to pump out the pond and relocate the fish and for BWB to undertake a survey of the pond remediation works and provide a report. SMBC think this is a good idea and have asked BWB to proceed and provide a costing for that option.
- **Allotment Representative** - Mrs Hall, Mr Goodsir.
See agenda item 9.4.
- **Footpaths / Forum** - Mrs Hamilton
Drains spilling over and need cleaning, homes are flooding. One side of Meriden Hill has been cut but the other hasn't.
- **Meriden Sands Working Group** - Mr Kipling, Mr Markham
No report.
- **Conservation Committee** - Ms Weaver.
Ms Weaver attended the meeting on 8th December. Application 2008/1915 was objected to. It will go back to planning for a decision.
- **Local Strategic Partnership** - Ms Weaver, Mrs Hall
No report.
- **Police Rural Assembly** - Mr Markham.
No report.
- **Solihull Area Committee** - Ms Weaver, Mr Kipling
No report.
- **Tree Wardens** - Mrs Markham
No report.
- **Village Appraisal** - Mrs Lee, Ms Weaver, Mrs Goodsir.
See next agenda item.

9. Village Matters

9.2 Village Appraisal Update

Report given by Chair of Steering Group who was present at the meeting. The Appraisal Report has now been printed and is being distributed to the parish and all those who we want to read it outside the Parish. There will be a presentation to all stakeholders in the public and voluntary sector on 26th January by Mr Roxburgh and Ms Weaver. It will be held at the Council House and will be hosted by the Mayor. Parish Plan 1st draft should be available by April/May 2009 for further consultation within the Parish.

9.3 Solihull MBC – Application for a modification order to add a public footpath Birmingham Road to Maxstoke Lane, Meriden

The further evidence forms have been sent to Solihull MBC. Awaiting their response.

9.4 Allotments

The project was rescheduled for 1st December and was a success. The skips and port a loo were kindly provided by Solihull MBC and approximately 10 probation workers attended free of charge. The Mayor, David Bell also came along briefly to thank all those involved.

AGREED

Thank you letters to be sent to SMBC, the probation service and David Bell.

The skips were not big enough to take all the rubbish. The rubbish pile was sorted out so that only wood was left. A resident will be collecting some of it to use as fire wood.

RESOLVED

That there can be a one off bonfire to clear the final pile. Adjacent residents to be notified of the date and time.

(One member of the public left at this point)

9.6 Community Speed Watch

Flyer asking for volunteers to be distributed with the appraisal report shortly. Thank you to Mel and Paul for organising this and to the volunteers.

Deferred to next meeting.

9.7 Alcohol Free Zone

Clerk has contacted SMBC for costings. Unfortunately person dealing with this is on holiday until the new year.

Deferred to next meeting.

9.8 Project Playbuilder – Millison's Wood

Awaiting further information from SMBC.

Deferred to next meeting.

9.9 Public conveniences

Deferred to next meeting.

9.10 Contacts Tender 2009/2010

5 tender offers have been received. Clerk has responded thanking them for their offer advising that a decision will be made at the Finance Meeting on 14th January.

Deferred to next meeting.

9.11 Report on Burial Grounds – any comments?

Deferred to next meeting.

9.12 Maxstoke Lane Development

This part of the meeting started at 8.40pm.

The Chair advised that this part of the meeting will be closed. The Parish Council will be getting up to date advice from the Parish Council's Land agent DTZ and Solicitors Wright Hassall. Our solicitor and land agent have insisted that discussions take place with them in private due to the commercially sensitive information within their advice.

Once these discussions have been had, the Parish Council will ensure that they are made public as soon as is practicable.

RESOLVED (*proposed by Mr Kipling*)

That in view of the confidential nature of the business about to be transacted it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw.

The Chair welcomed Jonathan Lambert from DTZ who is advising on the selection of the preferred developer and the valuation and commercial issues and Mark Millar from Wright Hassall Solicitors who is advising on the legal issues arising in connection with the transaction and the original Option Agreement and the Development Agreements dated 1999.

The Chair continued to say that we as Parish Councillors are representing residents within the Parish. Our views may differ and asked that we continue to respect and hear others' opinions. In fairness to Jonathan and Mark we must respect their positions as advisory. Councillors were reminded that they are not here to rehearse the historical rights and wrongs of the 1999 Agreements.

The Chair stated that the Appraisal results are published where the needs of the Parish are identified that the demand for decent facilities for all ages is strong. 409 out of 1389 household members in the survey (29.4%) would use the facilities as active participants and a further 368 as spectators. Grossed up this would mean around 800 active participants from Meriden.

Jonathan Lambert clarified that his report is commercially sensitive as Solihull MBC and the developer have not yet signed a Development Agreement. The Heads of Terms will form the basis of the Development Agreement which is hoped to be exchanged later in December.

Mr Lambert went through his report in detail answering questions from Councillors throughout the discussion which went on for some time. He concluded with the recommendation that Solihull MBC and Meriden Parish Council agree the Heads of Terms and proceed with the intention of exchanging a conditional Development Agreement in December.

Mark Millar then went through his report to Meriden Parish Council in detail. In summary:

- the Heads of Terms are in his opinion well drafted and in considerable detail. They reflect the sort of transaction structure he would expect to see in this sort of situation.
- Solihull MBC have statutory obligations to ensure best value.
- The Parish Council is bound by the Development Agreement and Option Agreements which were signed in 1999 by the then Parish Council. The only way to determine whether they are enforceable in their entirety would be to challenge them in the courts. This will introduce considerable delays and certainly involve considerable costs and risks for the Parish Council.

The Parish Council will not be party to the Development Agreement. Instead SMBC have asked that the Parish Council rely upon a side letter with SMBC in relation to the protection of the Parish Council's interests arising. The side letter also provides that the Parish Council accepts the 1999 documents and that it will not challenge them and that the Parish Council accepts the Heads of Terms between SMBC and the Developer.

The various risks of not supporting the transaction between SMBC and the developer were explained to the parish council.

- SMBC may proceed regardless with the transaction invoking the rights set out in the 1999 agreements. If this happened and assuming the developer was willing to proceed on this basis, the Parish Council would not have the benefit of all of the provisions for the benefit of the Parish Council which have been agreed in the side letter.
- If the Parish Council challenge the 1999 agreements, the planning opportunity for redevelopment and acquiring the new facilities could have passed and other sites in or around Meriden might be preferred for development over the existing recreational site.
- SMBC consider that they have an effective option over the existing site and that they could force the Parish Council's hand to sell and if successful, possibly claim for any losses and their fees incurred.
- If SMBC lose the opportunity to deal with the preferred developer the Parish Council might face a claim for damages.
- If the Parish Council challenge SMBC successfully on the basis of the existing legal documentation the Parish Council may face a compulsory purchase from SMBC in relation to the existing recreational site.

After considerable debate and questions put to both DTZ and their solicitor the parish council voted on two possible resolutions as follows:

- 1 That the side letter is agreed as drawn
For : Ms Weaver
Against : Mr Kipling, Mrs Goodsir, Mr Goodsir, Mr Markham, Mrs Hamilton and Mrs Lee
- 2 That the side letter is agreed as drawn subject to the inclusion of an obligation on Solihull MBC to liaise and consult with the parish council in relation to the variation of the following points:
(i) the £500,000 endowment sum mentioned in the Development Agreement (*this figure is a minimum sum which the Parish Council will receive after all the necessary deductions have been made from the gross proceeds of sale. It was agreed in 1999 and is now considered to be out of date.*)
(ii) the 65%/35% split mentioned in the Development Agreement (*the net proceeds of sale will be split 65%/35% in the Parish Council's favour. The Parish Council would like the option to renegotiate this percentage split to increase their share.*)
(iii) the Parish Council's desire to receive its entitlement SMBC first receives payment from the developer. (*The Parish Council will initially be responsible for the maintenance of the playing fields. They will require their entitlement to cover these costs.*)
For: Mr Kipling, Mrs Goodsir, Mr Goodsir, Mr Markham, Mrs Hamilton, Mrs Lee
Against : Ms Weaver

RESOLVED

Option 2 above.

This part of the meeting closed at 11pm.

10. Accounts

a) Village Hall Management Committee Donation

Last financial year this was reduced to £750. We budgeted this financial year for a donation of £750 and therefore it will be kept the same.

b) 2008/09 an Interim National Salary Award for Clerks has now been agreed (subject to arbitration) at 2.475%. All increases should be backdated from 1st April 2008.
Deferred to the next meeting.

Payments Received
01 VAT refund
Accounts for Payment

£2273.74

11. Date of Next Meeting

The next meeting is the Finance Meeting sub committee meeting on 14th January 2009. The next Parish Council meeting is on Monday 26th January 2009. Both commencing at 7.30pm in the Village Hall.

There being no further business, the Chair thanked everyone for attending and declared the meeting closed at 11pm.

Chair : _____

Date : _____

DOCUMENTS FOR CIRCULATION

- a) Neighbourhood Management and Neighbourhood Police Newsletters
- b) CPRE – Fieldwork Magazine – December 2008 issue
- c) SMBC Conservation Committee – Notes for meeting on 8th December.