



## Briercliffe with Extwistle Parish Council

### Virtual meeting held over Skype due to Government Restrictions

**Tuesday, 19<sup>th</sup> May 2020**

**Present:** Councillor Russell Hawkes (in the Chair), Councillors Adam Dack, Simon Dack, Ben Eastwood, Nick Higham, Duncan Maclver and Pam Vincent.

**Others:** Steve Watson (Clerk).

Councillor Hawkes opened the Parish Council Meeting and welcomed everyone.

<u>Agenda</u>	<u>Actions by Clerk</u>	<u>Cllr Support</u>
<b>Parish Council Agenda</b>		
<b>20/21/001 Apologies for absence</b>		
Apologies were given by Councillors Roger Frost and John Stewart who weren't able to access remote technologies.		
<b>RESOLVED: That above apologies and reasons given are approved.</b>		
<b>20/21/002 Declarations of Interest / Code of Conduct</b>		
There were no Declarations of Interest.		
<b>20/21/003 Formally adjourn the meeting to allow for public participation</b>		
<b>RESOLVED: That the meeting is adjourned to allow for Public Participation.</b>		
<b>(a) Police Report</b>		
The written Police report was read out and is attached.		

<b>(b) Calico Proposals Royal Court</b>																																					
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<b>(c) Public Questions</b>																																					
A letter has been sent regarding inappropriate behaviour on the Allotments, a request for grass cutting is in hand, Councillor Vincent has provided information for a request about the Woodland Walk and a reply is to be sent.	Reply	Clerk																																			
<b>(d) County Council Report</b>																																					
There was no County Councillor report.																																					
<b>(e) Borough Council Report</b>																																					
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<b>20/21/004 Formally reconvene the Parish Council Meeting</b>																																					
<b>RESOLVED: That the meeting is formally reconvened for Parish Council Business</b>																																					
<b>20/21/005 Finance</b>																																					
<p>1. Accounts to be approved for payment. Additional bills included.</p> <table border="0"> <tr> <td>1.1</td> <td>Clerk Salary</td> <td>£432.88</td> <td>SO</td> <td>Paid</td> </tr> <tr> <td>1.2</td> <td>HMRC</td> <td>£108.22</td> <td>001554</td> <td></td> </tr> <tr> <td>1.3</td> <td>National Allotment Society</td> <td>£66.00</td> <td>001555</td> <td></td> </tr> <tr> <td>1.4</td> <td>GSA Gardening</td> <td>£675.00</td> <td>001556</td> <td></td> </tr> <tr> <td>1.5</td> <td>Kaspersky software</td> <td>£34.99</td> <td>Petty Cash</td> <td></td> </tr> <tr> <td>1.6</td> <td>Weebly Professional per month</td> <td>£14.51</td> <td>Petty Cash</td> <td></td> </tr> <tr> <td>1.7</td> <td>Briercliffe Community Centre</td> <td>£32.00</td> <td>001558</td> <td></td> </tr> </table> <p>The Grass Cutting is to be completed prior to the invoice being paid.</p>	1.1	Clerk Salary	£432.88	SO	Paid	1.2	HMRC	£108.22	001554		1.3	National Allotment Society	£66.00	001555		1.4	GSA Gardening	£675.00	001556		1.5	Kaspersky software	£34.99	Petty Cash		1.6	Weebly Professional per month	£14.51	Petty Cash		1.7	Briercliffe Community Centre	£32.00	001558			
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<b>RESOLVED: The bills outlined above are paid.</b>																																					
<p>2. Income Received</p> <table border="0"> <tr> <td>2.1</td> <td>Garage rents</td> <td>£567.72</td> </tr> <tr> <td>2.2</td> <td>Allotment Rents and deposits</td> <td>£3,555.85</td> </tr> <tr> <td>2.3</td> <td>Bank Interest</td> <td>£0.48</td> </tr> </table>	2.1	Garage rents	£567.72	2.2	Allotment Rents and deposits	£3,555.85	2.3	Bank Interest	£0.48																												
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<p>3. Bank Balances</p> <table border="0"> <tr> <td>▪</td> <td>Current a/c –</td> <td>£26,845.68</td> </tr> <tr> <td>▪</td> <td>Deposit a/c –</td> <td>£ 2,931.84</td> </tr> <tr> <td>▪</td> <td>Petty Cash -</td> <td>£ -83.60</td> </tr> <tr> <td>▪</td> <td>Facebook Boost -</td> <td>£ 100.00</td> </tr> <tr> <td>▪</td> <td>Garages -</td> <td>£12,956.29</td> </tr> <tr> <td></td> <td>Total</td> <td>£42,799.71</td> </tr> </table> <p>The budget monitoring report, petty cash report and bank reconciliations were circulated.</p>	▪	Current a/c –	£26,845.68	▪	Deposit a/c –	£ 2,931.84	▪	Petty Cash -	£ -83.60	▪	Facebook Boost -	£ 100.00	▪	Garages -	£12,956.29		Total	£42,799.71																			
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<b>RESOLVED: That the bank balances, budget monitoring report, petty cash report and bank reconciliations are noted. Petty Cash is to be returned to £100, chq 001557 for £183.60.</b>																																					

4 Grass cutting quotes have been received, clarification from GSA Gardening outlined that the quote was per month rather than per cut, so a per cut figure is actually £325 and is therefore the cheapest quote. Councillor Simon Dack was thanked for all the work he had put into getting quotes.		
<b>RESOLVED: That GSA Gardening is awarded the contract for grass cutting.</b>		
It was proposed that outstanding balances at 31 <sup>st</sup> March from the Current and Garage accounts are transferred to the Business Reserve Account.	Transfer	Clerk
<b>RESOLVED: That £4,076.38 from the Current account and £11,864.19 from the Garage account is transferred to the Business Reserves account.</b>		
<b>20/21/006 Minutes of the last Parish Council meeting</b>		
To approve, as a correct record the minutes of the virtual Parish Council meeting held on Tuesday, 21st April 2020. Amendment that Borough Councillor Gordon Lishman provided a written report that was unfortunately not read out being accidentally overlooked in the face of getting to grips with different ways of working online, but was added to the Parish Council Website immediately after Cllr Lishman contacted the Chair.		
<b>RESOLVED: That the minutes of the Briercliffe with Extwistle Parish Council meeting, as amended, on the 21<sup>st</sup> April 2020 are approved as a correct record and will be signed as such once Government restrictions are lifted.</b>		
<b>20/21/007 Matters outstanding from the minutes</b>		
<p>7.1 Policies – NH – on-going, a shared folder has been created, policies are to be standardised and brought back to Council when updated.</p> <p>7.2 County Safety Officer – RF – on-going</p> <p>7.3 Ground Rent – RF – on-going</p> <p>7.4 Canvass Shops – SD – unable to due to restrictions</p> <p>7.5 Planning Letters – RF – all required letters sent</p> <p>7.6 Christmas decoration is with Paul from Lite who would be able to get the necessary permissions.</p> <p>7.7 The Livery Tenancy was agreed and will be sent out.</p> <p>7.8 Allotment rent arrears letters have been sent.</p> <p>7.9 Notice of a social gathering was sent to the Police.</p> <p>7.10 The allotment rent letters have been sent out and a tenancy breach has been sorted.</p>		
<b>20/21/008 Clerk’s Report including Administration – for information only</b>		
The correspondence was noted and the Social Media Policy has been circulated.		
<b>RESOLVED: That the Social Media Policy is adopted.</b>		
A request to keep a garage following a move to outside the Parish was considered. Garages are not covered by the 1908 Allotment Act so they may be rented to non-parishioners. It was agreed all new tenants must live within the Parish and a sub-committee will be formed to consider garage tenancies and a survey of parishioners is to be made for a way forward.	Sub-Committee	BE SD SW

<b>20/21/009 Updates and Reports (for information only)</b>		
<b>Members of the Council</b>		
<p>Chair's Report</p> <p>a) Findings of official investigation:  As Chair I, alongside Cllr. Nick Higham and Cllr. Adam Dack have endeavoured to discuss and address your complaint objectively, factually and without conjecture or prejudice. Each point has been individually responded to:</p> <ul style="list-style-type: none"> <li>* formal complaint about the Parish Clerks alleged "vendetta" The Council rejects this is a personal vendetta.</li> <li>* BAGS Hut Committee (and PC request for information) - The Council is appalled by your lack of respect and notes that the requested up-to-date information to substantiate your statement has flatly and rudely been withheld.</li> <li>* BAGS hut is not an allotment- PC submitted evidence to the contrary according to tenancy - The Council refutes your claim that the bags hut is not an allotment on these grounds and finds that the "rules the Clerk is putting forward" are legally correct.</li> <li>* Named contact not the owner of the BAGS Hut - The Clerk has replied that you are the only signatory and as such the tenant (not owner) to contact for this "Allotment BAGS plot." (Appendix Ai. d). As such, we were legally bound to notify you, as an individual, of the termination, due to non-residency.</li> </ul> <p>This formal investigation is not the only complaint to have been shared by you in relation to Briercliffe Parish Council's Clerk. It is also complicit with other opinions shared through social media and acts to perpetuate a seeming ongoing crusade of harassment which will not be tolerated. The answers given here conclude our investigation with factual and legal truths and as such you will not be given the right of appeal.</p> <p>b)</p> <p>1) Complaint about the Clerk- Social Media related: PC reply  Briercliffe Parish Council does not recognise personally expressed social media comments as edicts of Council resolutions and in this instance your request of a complaint against the Clerk is not under our jurisdiction.  This was followed with a returned email by the tenant to "again...deal with this"  ...PC reply MATTER CLOSED  Comments made by Mr. Watson were not done so at the behest of or on the behalf of Briercliffe Parish Council, and as a result, eight out of nine Councillors concluded that this is not a matter for Briercliffe Parish Council to investigate further.  As you are aware Briercliffe Parish Council and (at a personal level) its Councillors have been subjected to recent "trolling" on social media. As a consequence I put in some effort to develop a Social Media Policy for Briercliffe Parish Council. This will be discussed at our next (online) meeting as a way forward, acting as guidance for Councillors and employees alike when broaching and addressing, (amongst other areas), conduct and use of social media. (pdf attached).  This then received a further returned email with veiled threats from other contacted similar and typical governmental organisations- but without substantiated evidence...</p> <p>2) complaint about the conduct of a Parishioner - PC reply with corroborating information relating to tenants related Social Media Posts  The Council has no powers to take action on a matter between individuals.  However, it does feel that the social media post from yourself was malicious in its intent. It was abundantly obvious that the Chair was clearing out the Lengthsman garage, which had been left in a disgraceful state. So much so that Michael was</p>		

<p>even informed this was happening. You could easily, from 2 meters away, have asked the Chair when the rubbish was going to be removed. Obviously the Parish Chair is not going to put rubbish out without having a plan for its disposal. Instead you attempted to undermine the Council again with a social media post. The Council therefore finds this complaint is again vexatious and no further correspondence will be entered into on this matter. This then received a further returned email of 8 point which the PC simply will not be looking into.</p> <p>c) A letter from a parishioner and tenant dated 3rd May was investigated in accordance with stage 1 and stage 2 of our Complaints Procedure...a majority decided decision was sent in reply, however the complainant has as of 18.19 tonight withdrawn their complaint.</p> <p>d) Gas canister law. Having received a report and photo evidence from Cllr Higham I sent a letter to Antony Higginbotham MP regarding the misuse of gas canisters and the negative impact it is having on our the local environment and society. Mr Higginbotham in his reply letter is supportive and he has already contacted Lancashire Constabulary asking them to increase patrols around Briercliffe Memorial Bowling Green and Queen Street. "The Police have agreed to increase patrols in the areas concerned to eliminate this concern." Links to existing legislation to tackle the sale of this product to minors were included. (I have taken a look...but my suggestion/opinion would be the point of sale parts simply aren't working) I wish to thank Mr Higginbotham MP for his support, for actively getting involved and for his offer of further assistance on this matter should it be required. Forward to councillors...</p> <p>e) May Statement online - needs to be put up in PC noticeboards. f) PC Garage - cleared out g) Turning Circle Garage Colony - lock problems sorted for now with a replacement, lock taken off needs attention. h) Keys to be cut for barrier - booked in tomorrow (Wed) Blakey's (who hold the licences)...will also take lock for renovation. Ask Clerk for letter/email authorising key and lock work request... i) Kedel have our order of plastic lumber for the Bowling Green Bench renovation project in stock, but are only able to be open for collection if they can forklift them onto transport in one go (long blades) maintaining social distancing...(Dennis rang me back after speaking to Stewart). (BE) If this is not possible - due to the length of the plastic lumber ((W)150 x (D)50 x (L)3000) alternatively they could deliver at an extra cost of £143.92 which would be a drop/deposit delivery?</p> <p>Councillor Hawkes was thanked for all his work especially clearing out the Council garage, which did not contain any asbestos.</p>		
<p>Councillor Stewart has a 12' trailer that can be used to collect the bench slats.</p>	<p>Trailer</p>	<p>SD</p>
<p>Councillor Eastwood reported that the end of Harrison Street is causing a lot of dust and parking is a problem, stones were considered though access is still needed for lorries and skips, Councillor Dack agree to investigate plainings.</p>	<p>Plainings</p>	<p>SD</p>
<p>Councillor Simon Dack suggested summer bedding on gardens and planters could use volunteers to water and a request is to be put in the Newsletter. Non-annual plants were also suggested and water from hydrants.</p>		
<p>Christmas lights in trees on duke street quotes were considered.</p>		

<b>RESOLVED: That the lights are to be installed at a cost of ££2,600.00 + VAT</b>		
<b>Community Centre Update</b>		
A Community Centre update was provided and read out, the report is attached.		
<b>Heritage Items</b>		
There was no report.		
<b>20/21/010 To receive reports from Committees and consider the Recommendations</b>		
<b>2. Planning Committee</b>		
<i>The following applications were considered:</i>		
10.1.1 <b>FUL/2020/0112</b> - The construction of a 4MW (2 x 2MW) micropower plant and associated ancillary equipment. Donn Power Land Off Widow Hill Road Burnley		
The only concerns were traffic related.		
<b>20/21/011 To receive reports from Working Groups – for information only</b>		
<b>1. Allotment Working group</b>		
Rents: Would like to thank our Clerk for printing and sending all rent letters for gardens pens and garages. For collating and inputting all received rent information so far and noting those which are outstanding. Tenant collecting and paying for 16 fence posts this Thursday. A further 200 posts will be purchased once stocks fall below 50 and other useful items for tenants will be bulk purchased.		
There are 2 new tenants and skips have been requested, however these currently go against Government guidelines. Additional water taps have been requested and a tap splitter is to be provided. When finances permit, creation of new allotment plots will be looked into on drained land which, due to location at the bottom of a hill and in exceptional rainfall events, can still suffer from water logging until installed drains remove it. Prospective new tenants will be advised of seasonal and one off flooding problems and that they should consider using raised beds.		
There has been no response to the Self-Management Proposal and a deadline is to be agreed for this to be taken off the table if a response is not received.		
8 out of the 10 illegal tenancies have been resolved and a letter is to be sent to the remaining 2. Responses to correspondence received from the National Allotment Society were read out and are attached.		
<b>20/21/012 Matters identified for future consideration</b>		
There were no matters identified.		
<b>RESOLVED: It is proposed that in view of the sensitive and 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.</b>		

The costs of having the land valued were considered and it was agreed that the Council could not pay these costs. The prospective purchaser is to be advised of this is and asked if they would like the Council to continue.		
<b>20/21/013</b>	<b>It was agreed that the next virtual meeting of the Parish Council will be held on Tuesday 16<sup>th</sup> June 2020.</b>	

BRIERCLIFFE AREA 21/04/20 - 18/05/20			
INCIDENTS REPORTED			
NO	TYPE OF INCIDENT	LOCATION	DETAILS
1	Vehicle crimes	Standen Hall drive	Damage to vehicle parked on Standen hall drive
0	Thefts		
0	Burglary		
26	ASB		There has been a number of reports of ASB with the majority regarding COVID related logs reported to the police in regard to a number of gatherings and people going into other houses that they do not live BBQ, s reported in gardens with family not from the same household along with other gatherings
5	Criminal Damage	Lydgate X2 Burnley road Briercliffe	Damage to conservatory window Damage to front window of the address
1	Arson	Balderstone lane	Reports that there are Two vehicles that have been set on fire on Balderstone lane near to the recycle centre a number of cars burned out and damaged which have since been removed by council.
<p>Throughout the last month there has been an increase in the amount of ASB related log in Briercliffe this is in relation to the COVID guidelines and we have been getting logs in relation to gatherings within the nearby area from a number of different addresses and members of the public not staying in their own addresses and moving between houses.</p> <p>Attention to be carried to the Picnic site on Halifax road Briercliffe</p> <p>Also attention to Queen street Mill and also Briercliffe bowling club as there is reports that there is Nitrous Oxide cannisters being left about indicating that there are people using them and disposing of them in the street and Bowling green these areas will be patrolled by NHPT over the next month to try and identify the people using them and disposing of them.</p> <p>In other news the Land rover is back with the police and is running and is now being driven about the area as a number of PCSO, s have been trained to drive the 4x4 LAND ROVER so it should be seen a lot more now over the coming months with more staff having access to it which is fantastic news.</p>			

**CALICO REPORT HERE, WOULDN'T DOWNLOAD**

**Briercliffe Parish Council**

**Borough Councillors' Report – May 2020**

**1. April Report**

The Borough Councillors' Report was submitted in good time before the Parish Council's last meeting. We do not know why it was reported that the Report had not been received.

A copy of that Report is attached to this Report. As I suggested to the Chair, I ask that a post-meeting note is attached to the minutes of the last meeting and that the correction is noted as a Matter Arising at this meeting.

**2. Skip Company – Balderstone Lane**

There have been ongoing problems with noise from the skip company in Balderstone Lane for residents in the surrounding area. The County Council Legal Department is now considering action. We arranged for a member of staff from Burnley Council to visit and discuss matters with residents. They now have a named person to contact when issues arise and are all keeping a noise diary to support complaints. The site owner says they are now keen to comply with all of the requirements of their permission. Residents are monitoring matters.

**3. Recycling Centre and Fly-tipping**

Fly tipping remains an ongoing nuisance and all councillors are arranging for clearance once notified of a problem. Any details about the people who are tipping would help to take action against them – registration numbers, photos, even names would be welcome

Details of how to book appointments for the Recycling plant are attached to this report.

**4. Coronavirus Support**

Details of the Burnley Together Hub and activity over the last month are attached to this report. Help is available, not only for shopping delivery, food parcels and medicine collection, but also for befriending, debt issues, benefits advice, housing and mental health concerns.

**5. Standen Hall Planning Application**

The Planning application is likely to be heard in the near future. The Development Control Committee of the Borough Council held its first virtual meeting on 14.05.2020 and meetings will be regularly held after in future. All borough council meetings are being held virtually and all those open to the public are now being live streamed. Arrangements are made for representatives of residents to have their input.

**Attachments:**

- 1. Opening Arrangements for Re-cycling Centres**
- 2. Report on the Burnley Together Hub.**

**Councillor Gordon Lishman**  
**13 May 2020**

**Community Centre Report**

Obviously the Centre is closed for the foreseeable future and so there will be no income but equally no day to day expenditure. We are up to date with all rents (except the PC which I expect you will pay today!) We have taken the opportunity to do some extra cleaning. The cleaner has done a deep clean in all the rooms and taken down and washed curtains.

We have agreed for 2 days work outside to tidy and weed the car park area and to strip and tidy the trees and shrubs round the outside of the building.

John and I donned our rubber gloves with help from Michael Greenwood and Committee member Christine Stuttard and emptied and cleaned the outside refuse bin which was full of food wrappers, tins, newspapers, cans, bottles and maggots. We bagged it all ready for it to be collected this week. Once it's been taken we shall move the bin so that it can't be used until we reopen.

We'll have 2 hanging baskets outside but aren't bothering with any other flowers or plants this year. I've got volunteers to water them.

We've also taken the opportunity to look at jobs and maintenance . We agreed that the outside and porch doors need gloss painting and the main hall needs a coat of emulsion. We're waiting for a couple of estimates. We know that the gable wall has some crumbling bricks and I've asked for 2 estimates. We have enough money to pay for the maintenance jobs but not enough for the gable wall. Once we have estimates and know whether the work is urgent I'll report back to the Council.

Anne Kelly, Chair

#### Response to the National Allotment Society

Legal advice from the National Association of Local Councils was that all tenancies of none parishioners must be terminated. The Council has followed this legal advice. This is based on the fact we have a considerable waiting list of parishioners and no vacant plots available. The tenant states there are vacant plots but this is incorrect, he also states there is no waiting list, which is also incorrect. The Tenant refers to a piece of land that he thinks should be used to create more allotments, so he may retain his own plot. This land is not currently suitable as it becomes extremely waterlogged in wet weather, the Council is striving to put drains in the land to convert it to allotments as finances are available, there is no quick or affordable fix to making this land available for allotments.

The Council fully understands that the 1908 Small Holdings and Allotment Act permits none residents to take on Allotment plots, however, this can only be achieved where there are vacant plots, no parishioners wanting an allotment and only for a maximum period of 12 months, with an immediate termination clause should a parishioner apply for an allotment. As there are no vacant plots and a number of parishioners on a waiting list, the Council must terminate tenancies of none parishioners. The 1908 Act is very clear on this matter. As the current tenancy does not permit an immediate termination, all affected tenants have been granted 12 months notice as is permitted under the tenancy. These tenancies also do not comply with the law as they are not for a maximum period of 12 months and do not contain an immediate termination clause, therefore if we were in a position to allow none parishioners to take on plots they would need a different tenancy agreement than the one they currently have.

The Council has not been provided with a copy of an advert from 27 years ago. Whilst the Council at the time was unaware of the 1908 Act, it now needs to ensure parishioners are provided with Allotments first, to remain legal. There is no "Custom and Practice" that permits a Council to act illegally. Should the Council find itself in the position of having vacant plots and no parishioners on a waiting list, it will offer plots to none parishioners on the 12 months basis with an immediate termination clause as required. I agree the Council has made a valid contract with the Tenant, however the tenancy permits any tenancy to be terminated with 12 months notice from 1st April without reason, therefore any Custom and Practice or contract terms do not prevent this from happening.

The Notice to Quit will not be withdrawn, should the Council find itself in a position of having vacant plots and no parishioners on a waiting list it will offer plots to none parishioners on a valid, 12 months tenancy

with an immediate termination clause should a parishioner apply for an allotment, to do otherwise would mean the Council is acting Ultra Vires and could be subject to legal action.