Poulton and Pulford Parish Council

Clerk to the Council: Peter Gosmore, 5 Castle Hill, Pulford, Chester CH4 9EY - Telephone 07711808082

Minutes of the Meeting held on 27th November 2024 in Pulford Village Hall

Present : Cllr D Ewins (Chair), Cllr J Ewins, Cllr K Board, Cllr N Franklin, Cllr J West, Cllr M Fay, Cllr A Douglas and Cllr A Murray,

1. **Apologies and Membership:**
   - **1.1.** Apologies were received from Cllr Hynes
   - **1.2.** Cllr West's resignation was received and her diligence as a long serving Councillor was noted. Cllr J Ewins had already announced her intention to resign with effect from the AGM 2025, she will have served for 10 years and her significant contributions to the council were noted.

2. **Declaration of Interest:**
   - **2.1.** Councillors were reminded of the need to update their register of interests, to declare any personal and prejudicial interest in items on the agenda.

3. **Suspension of Standing Orders:**
   - **3.1.** A local property owner in Castle Close had sought permission by earlier letter to remove a series of conifer trees which bordered the Community Park. He attended the meeting and said he would need to access the park in order to do the job. Permission was given subject to the area being reinstated to previous condition, the fence replaced as existing and due care being given to all who might be using the park, particularly children. It was accepted that it may take some time for the ground to recover. Photographs would be taken to show the area as it is now and Cllr D Ewins agreed to do this. The work would be done between 2nd and 8th December 20124 by a well reputed company of tree specialists 'Mancoed'.
   - **3.2.** Residents commented about the state of the local roads and pavements following seasonal agricultural work. There were complaints of speeding, inattentive driving and failure to properly clean the mud from the road surfaces. Cllr Fair said that any blatant incidents of illegal driving should be photographed (if possible) and reported to the police. There was possible complaint of careless agricultural road use by contractors probably employed by Mr G Pierce of Oldfield Farm. A letter should be sent to Mr Pierce advising him of these alleged transgressions.

4. **Minutes**: These were approved as being a fair record and their acceptance was proposed by Cllr J Ewins, seconded by Cllr Murray and signed by the chair.

5. **Progress Reports on Issues carried forward**
   - 5.1. Bank accounts are operating satisfactorily.
   - 5.2. The History Group's display board attracts interest.
   - 5.3. Hedges, pavements and roads:
     - 5.3.1. The damaged refuge at Cuckoo's Nest is finally repaired.
     - 5.3.2. Burganey Court – following a complaint, about general tidiness and upkeep, a local gardener has been engaged to tidy up the area around the notice board and immediately outside of the Village Hall site.
     - 5.3.3. The Corner of Dodleston Lane and B5445 is still causing concern, and we are pleased to note that following a meeting with a representative from CWAC Highways, the issue is being robustly progressed in terms of dealing with the over grown hedge, associated undergrowth and severe restriction of the pavement.

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5.4. There was further discussion over the issue of Grosvenor Pulford Hotel car parking. The hotel claims that it is close to getting permission to increase the capacity of the car parking but the Parish Council has no knowledge of such a request or indeed progress. However such a move is very likely to be supported. The Police, under our local representative Jamie Carpenter are being proactive in issuing warnings to motorists who flout roadside parking laws. Specifically, it is illegal to park within 10 metres of a road junction.

5.5. Anti-social and dangerous. activities in Pulford Court - the meeting noted that there had been no major developments in this situation.

5.6. The meeting noted that the gravestone damage in St Mary's Church yard allegedly caused by the contractor who cut the hedge is in the hands of the church authorities.

6. Planning - ref www.cheshirewestandchester.gov.uk/planning for full details. Ongoing planning applications were discussed and developments noted. It was observed that a decision on the solar array at Cuckoo's Nest and the Egg Production Unit off Wrexham Road was expected in the near future. All other current applications were simply noted.

7. Finance, Governance and Accountability:

7.1. Councillors noted that detailed information is placed on the Council Website (www.poultonandpulfordcouncil.co.uk) and was also circulated as a report prior to the meeting.

7.2. It was noted that the external audit was approved and the public notified appropriately.

7.3. The Clerk/RFO updated the meeting on the budget progression over the year, outlining that the financial year was progressing well and that problems were not expected. Councillors were given details of transactions made since the last meeting (see appendix a, page 3), a budgetary 'snap shot' and a current banking statement. It was noted that over £800 had been saved with a reduction on the anticipated number of grass cuts on the Community Park Field from 14 to 10.

7.4. The Chairman updated the meeting on the VAT situation as it applied to the Village Hall (summarised in appendix b). The situation is nearing a hopeful resolution in that, the best advice was sought and that on 15th (appendix c). November 2024 the RFO posted a recorded delivery letter to HMRC formally advising them of the error and asking to repay the unauthorised claims and as previously the Chairman reiterated that any financial burden would be the responsibility of the Village Hall.

7.5. The draft budget had previously been circulated and a copy will be enclosed as an appendix to these minutes It was proposed that the anticipated surplus at the end of this financial year should be retained and considered to be a reserve fund and that the Parish Council looks to develop a contingency fund which could be used to maintain and eventually replace items as they wear and become unfit for purpose; the Community Park play equipment was quoted as an example. It was noted that we have access to Section 106 money but this can only be used for replacement and not for maintenance. There was an issue raised over street lighting but this is very expensive to fund. Councillors were given three options, A, B and C with each being substantially the same for all budget heads apart from that of contingency fund development for equipment maintenance with option A demanding to be fed at the rate of £75 per month, option B at £50 and C at £35 which respectively would produce £4500, £3000 and £2100 over a 5-year cycle. A vote was taken and 7 voted for Option A, 1 for B and zero for C. To apply option A was carried. It was agreed that the clerk would renew the arrangement with Ashtree Grass Services, E-mango web hosting and Autela payroll processing. We should also look at getting a gov.uk email address.

8. Correspondence for information

8.1. A letter received from Tony Moore regarding the lack of street lighting at the top of Old Lane adjacent to The Spinney and concerns regarding the state of several pavements which had become overgrown with vegetation was discussed. It was noted that Cllr D Ewins had bought 2 new PIR rechargeable lights ~~were bought~~ and these would be put up in an attempt to cut the blackness. The poor lighting concerns had also been reported to CWAC via the recommended "Reportit" portal. The Clerk and the Chair had recently undertaken an onsite

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visit with Stuart Batemen from CWAC to discuss the concerns with the pavements and it is hoped that some progress will be made in the next financial year.

8.2. The issue of the cutting of the woodland on the RHS of the Chester bound B5445 just outside of Pulford was the subject of discussion. Scottish Power had no knowledge of any request to trim trees. Ruth Tothill, the Senior Tree Officer at CWAC, was aware that the owners were legitimately cutting down trees. It was decided that we would watch wait and monitor the situation.

8.3. Issue of tree maintenance in Castle Close - this has already been dealt with elsewhere.

8.4. A resident sent a letter outlining the provision of a mirror near the bus shelter so that potential passengers could sit comfortably sheltered and still 'keep an eye' on approaching buses. This has been raised before but there were issues with legally and practically siting such a mirror so that it would be effective, satisfy highway regulations and, not interfere with neighbour's trees.

8.5. The following item did not appear on the Agenda but it was discussed following a letter from *freedom fibre* stating that they intended to place an internet fibre box on the side of the road opposite DM Performance Cars and near to the Notice Board bordering the Spinney. It was widely believed that this land belonged to Grosvenor Estates and they may well not be in agreement to this. There was some uncertainty in that the strip of land immediately bordering the road may well be under the jurisdiction of CWAC. In any event it was decided that a letter should be sent to Freedom Fibre asking then to contact the relevant people and consider siting the box near to the other broadband distribution box on the opposite side of Wrexham Road.

9. Clerk's Reports and Queries:

9.1. There was a NALC questionnaire on remote attendance at meetings and proxy voting. This had already been circulated to members and it was decided that we would reply as a council. The Chairman went through the questions and responses were recorded and it seems that the meeting was in broad agreement to the idea of remote attendance and proxy voting. The questionnaire can be accessed by using the following link: https://www.gov.uk/government/consultations/enabling-remote-attendance-and-proxy-voting-at-local-authority-meetings?utm_campaign=Chief%2Bexecutive%2527s%2Bbulletin%2B-%2B25%2BOctober%2B2024%2B%2528Special%2Bedition%2529&utm_medium=email

10. Councillors' Reports and Risk Assessment:

10.1. Risk assessment problem reports (see table below):

Location	Responsibility	Any problems / Risk
Village Hall	Cllr D Ewins	VAT reclaim as discussed Issue with Charity Trustees (see appendix d)
Church Bank	Cllr J Ewins	The recently replaced hardcore was proving successful and Cllr Fair was thanked for the effort he put into making the project successful. It was noted that we need a new Councillor to undertake this specific responsibility when Cllr J Ewins resigns. Cllr D Ewins volunteered.
Community Park	Cllr J Ewins	It was noted that we need a new Councillor to undertake this specific responsibility when Cllr J Ewins resigns.
Village Hall Defibrillator	Cllr West	All fine but It was noted that we need a new Councillor to undertake this specific responsibility as Cllr West has resigned. Cllr D Ewins volunteered.

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Pulford Notice Board	Cllr Franklin	Getting old but still serviceable- particularly as David Roberts has agreed to begin a programme of maintenance beginning in the Spring. The one nearest to the Village Hall requires a degree of repair and renovation, the others just need a good paint job.
Cuckoo's Nest Notice Board	Kate Fairhurst	Functional
Bus Shelters	Cllr Board	A tile is missing - it was agreed to ask a local handy man to carry out a repair.
Poulton Defibrillator	Cllr Fay	All apparently satisfactory but there had been a call from central agency claiming that the machine may not be in fine working order although seemingly it is.

11. There were no future agenda items requested

12. Dates of next meetings:

- 26th February 2025
- 7th May 2025 - Annual General Meeting

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Appendix a – payments authorised and receipts – 21st August to date (page 3 of attached pdf):

Description	Category	Date	Amount	Balance
Payment to Clerk	clerk's payment	26/08/2024	-65.70	3,122.50
HMRC Tax payment for PG	Clerk's PAYE	28/08/2024	-16.40	3,106.10
PG Expenses	Monthly expenses	28/08/2024	-25.00	3,081.10
Scribe Go Cardless	scribe	02/09/2024	-14.40	3,066.70
VH Wifi	Wifi Credit	02/09/2024	27.06	3,093.76
Ashree Grass cutting	Park Ground Maintenance	04/09/2024	-243.60	2,850.16
Scribe payment from VH (VAT ex)	Payment from VH	04/09/2024	12.00	2,862.16
Bank Charges	Bank Charges	17/09/2024	-10.00	2,852.16
Bt at VH	Internet at VH	17/09/2024	-29.12	2,823.04
Littlejohn External Audit	Auditor	19/09/2024	-378.00	2,445.04
VH Refund of external Audit	refund	19/09/2024	315.00	2,760.04
CHALC Planning Course for D Ewins	Training	22/09/2024	-30.00	2,730.04
Payment to Clerk	clerk's payment	25/09/2024	-65.70	2,664.34
HMRC Tax payment for PG	Clerk's PAYE	25/09/2024	-16.40	2,647.94
PG Expenses	Monthly expenses	25/09/2024	-25.00	2,622.94
Scribe Go Cardless	scribe	01/10/2024	-14.40	2,608.54
VH Wifi	Wifi Credit	01/10/2024	27.06	2,635.60
Ashtree Grass cutting	Park Ground Maintenance	01/10/2024	-243.60	2,392.00
VAT element of Gutters from VH		01/10/2024	400.00	2,792.00
Scribe payment from VH (VAT ex)	Payment from VH	03/10/2024	12.00	2,804.00
Simply Green	Park Ground Maintenance	10/10/2024	-60.00	2,744.00
Poppy Wreaths X2	Miscellaneous	10/10/2024	-50.00	2,694.00
Bt at VH	Internet at VH	17/10/2024	-29.12	2,664.88
Bank Charges	Bank Charges	17/10/2024	-8.00	2,656.88
Marathon Donation	Donation	21/10/2024	250.00	2,906.88
HMRC Tax payment for PG	Clerk's PAYE	25/10/2024	-16.40	2,890.48
PG Payment	clerk's payment	25/10/2024	-65.70	2,824.78
PG Expenses	Monthly expenses	25/10/2024	-25.00	2,799.78
Kimcell - E-Mango	website	25/10/2024	-96.00	2,703.78
Payment to Jean Ewins for Plants	Miscellaneous	30/10/2024	-32.00	2,671.78
Receipt from VH - plants VAT Exclusive	Miscellaneous Income	30/10/2024	26.67	2,698.45
Church payment for Poppy Wreath	Miscellaneous Income	31/10/2024	20.83	2,719.28
Village Hall Internet Payment	Wifi Credit	01/11/2024	27.06	2,746.34
Scribe Go Cardless	scribe	01/11/2024	-14.40	2,731.94
Scribe payment from VH (VAT ex)	Payment from VH	08/11/2024	12.00	2,743.94
Bank Charges	Bank Charges	15/11/2024	-8.00	2,735.94
Autela Payroll	Payroll	15/11/2024	-49.73	2,686.21
Ashtree Grass cutting	Park Ground Maintenance	20/11/2024	-841.20	1,845.01
Bt at VH	Internet at VH	20/11/2024	-29.12	1,815.89
Wellers Law Group	Miscellaneous	21/11/2024	-610.80	1,205.09
VH Refund for Wellers	Miscellaneous Income	21/11/2024	500.00	1,705.09
VH Refund for Wellers	Miscellaneous Income	21/11/2024	9.00	1,714.09
Payment to Clerk	clerk's payment	25/11/2024	-65.70	1,648.39
PG Expenses	Monthly expenses	25/11/2024	-25.00	1,623.39
HMRC Tax payment for PG	Clerk's PAYE	25/11/2024	-16.40	1,606.99
Two Christmas Trees	Miscellaneous	25/11/2024	-203.98	1,403.01

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Appendix b – Summary of Village Hall VAT issues.

VAT reclaim issues

- There is concern that the Parish Council might have reclaimed VAT on some village hall expenditure it was not entitled to.
- Previous Parish Clerk advised this could be done.
- We have subsequently learnt that parish councils can't normally reclaim VAT on profit-generating facilities such as village halls.
- Under certain circumstances, such as if the Parish Council were the Sole Managing Trustee, then VAT could be reclaimed on village hall expenditure. It was felt that this situation might apply to us as a charity and trustees were set up when the Duke of Westminster gifted the Village Hall to the Parish Council.
- Specialist advice was sought
    - ChALC
    - Steve Parkinson, recommended specialist VAT advisor
    - Roger Taylor, Wellers Hedleys Law Group – specialist in local authorities and charitable trustees
    - involved detailed analysis of 1970 Lease and 1998 Transfer documents
- Advice
    - Poulton & Pulford Parish Council is not Sole Managing Trustee
    - PC has inadvertently reclaimed VAT on some VH expenditure
    - NOT toilet refurbishment as this involved donations and council CIL money
- We have contacted a VAT specialist at Haines Watts Accountants who has advised us to make a single additional payment to cover this inadvertent error
    - VAT form 652 completed and submitted 15/11/24
    - Last 4 years of inadvertent VAT reclaims by PC on behalf of VH
    - £2674
    - Advised this should, hopefully, be the end of the matter
- Village Hall have paid this money and will pay anticipated Accountants' bill

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Appendix c – Draft Budget for 2025-26

Poulton and Pulford Parish Council - Draft Budget for Year 2025/6

Receipts	Option A	Option B	Option C	Notes	
Potential Marathon Income	£ 250.00	£ 250.00	£ 250.00	Tentative	Estimate
Potential Pulford 10K	£ 500.00	£ 500.00	£ 500.00	Booked in for March 2025 so should be £500	Estimate
Peppercorn rent from Village Hall	£ 100.00	£ 100.00	£ 100.00	Raised from £50 last year	Actual
Donation from School buses	£ 100.00	£ 100.00	£ 100.00	Paid last year - there is a third school I need to canvas for money	Estimate
Anticipated Interest from Deposit Account	£ 50.00	£ 50.00	£ 50.00	This will probably reduce owing to a trend of falling interest rates but is very small so the difference will be insignificant	Estimate
Total Receipts	**£1000.00**	**£1000.00**	**£1000.00**		
Expenses					
Clerk's payment	£1400.00	£1400.00	£1400.00	Paid at SEP scale 7 + £25 monthly expenses + increased 5% (estimate) from 2024/5	Estimate
Autela payroll costs	£ 150.00	£ 150.00	£ 150.00	Autela (payroll agents) offer an excellent service and are very available at point of needing assistance.	Actual
Cheshire Community Action Subscription	£ 20.00	£ 20.00	£ 20.00	This is based on figure paid last year 2023/4	Estimate
CHALC Subscription	£ 190.00	£ 190.00	£ 190.00	24/25 + 10%	Estimate
JDH Business Services - Internal Audit	£ 254.00	£ 254.00	£ 254.00	24/25 + 10%	Estimate
ICO renewal	£ 39.00	£ 39.00	£ 39.00	24/25 + 10%	Estimate
Zurich Insurance	£ 980.00	£ 980.00	£ 980.00	24/25 + 10%	Estimate
Poppies	£ 25.00	£ 25.00	£ 25.00	Left as 24/25	Estimate
E-mango fees and website costs	£ 250.00	£ 250.00	£ 250.00	As estimate given recently - will have to commit to stay for two years	Actual
Grass Cutting	£2842.00	£2842.00	£2842.00	14 cuts with Ashtree at £203 per cut (VAT exclusive - price agreed for next year. Unlikely to need 14 cuts so may be saving here	Actual
Simply Green	£ 240.00	£ 240.00	£ 240.00	4 sessions at £60 each based on recent quotation	Actual
Hedge Cutting	£ 498.00	£ 498.00	£ 498.00	Richard from Ashtree - one cut per year at £498 + VAT - agreed for 2025/6	Actual
Bank Charges	£ 100.00	£ 100.00	£ 100.00	Generally £8 per month - occasionally £1 a month more because of cheques	Estimate
Pulford Planter costs	£ 150.00	£ 150.00	£ 150.00		Estimate
CHALC training courses	£ 60.00	£ 60.00	£ 60.00	Allowing for 2 courses at £30 each.	Estimate
Election Costs	£ 100.00	£ 100.00	£ 100.00	Costs imposed by CWAC in the event of there having to be an election - think £200 per election, averaged to £100 / year	Estimate
Christmas Trees X2	£ 200.00	£ 200.00	£ 200.00		Estimate
Ad hoc councillors expenses	£ 100.00	£ 100.00	£ 100.00		Estimate
VH notice board gardening	£ 150.00	£ 150.00	£ 150.00	Quoted £25 per visit as required during the growing season	Estimate
Donation to Church	£ 200.00	£ 200.00	£ 200.00	This figure was donated in 2024/5 - need to consider position for 2025/6	Estimate
Round up	£ 52.00	£ 52.00	£ 52.00	Just to keep to round figures	
Contingency Fund for anticipated park equipment replacement / maintenance and repair.	£ 900.00	£ 600.00	£ 420.00	Park Equipment Maintenance at **Option A** at £75 /month - Option B at £50 and Option C at £35 raising £4500, £3000 and £2100 respectively over a 5 year cycle	Actual
Estimate of Total Payments / Costs	**£8900.00**	**£8600.00**	**£8420.00**		
Precept Requirement (Expenses - Income)	**£7900.00**	**£7600.00**	**£7420.00**	**As paid at the start of the financial year**	
Percentage point rise over last year (2024/5)	12.8%	8.5%%	6%%		
Surplus Reserve Fund	**£5300.00**	**£5300.00**	**£5300.00**	**This is updated as best guess at Nov 24! Can consider to be reserve fund for the future.**	

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Appendix d - Summary of Village Hall Charity trustee issues.

Village Hall Trustees

- During the VAT reclaim investigations it became clear that there were issues with the Village Hall charitable trustee appointments.
- The 1970 Lease and Trust deed was set up between the Duke of Westminster's Estate and Evan Edwards & Gerald Mallinson on behalf of themselves and the Pulford Village Room Management Committee. This established a 21 year lease to the trustees of the Village Hall and the Schedule to the lease was a trust deed that established the terms for administering the charity it created.
- The Pulford Village Room, Charity Commission number 508988. The named trustees at the time of this registration were Tom Walker, Thomas Dodd and Marion Davies.
- In 1998 the freehold of the Village Hall was transferred to Poulton and Pulford Parish Council as a deed of gift from the Duke of Westminster's Estate to the above mentioned trustees on behalf of the charity. This, in effect, constituted the three named persons, as the Holding Trustees on behalf of the Charity, the management of which was in the hands of the Village Hall Management Committee (Managing Trustees). No limited liability was assigned to the 3 named trustees.
- When Holding Trustees resign or pass away the Managing Trustees should appoint a new trustee. Because this relates to the title of the lease this should be registered with HM Land Registry. This was not done.
- Effectively, therefore, Tom Walker, Thomas Dodd and Marion Davies were still the Holding Trustees with unlimited liability.
- Roger Taylor, a local government trust specialist working for Wellers Hedleys Law Group has recommended the following solution to the problem.
    - The Village Hall trustees (Village Hall Management Committee / Managing Trustees) appoint the Official Custodian for Charitable Land as the Holding Trustee (effectively a Custodian Trustee). The Official Custodian has no liability on the covenants in the lease and no amendment to the original lease would be required in the event of such an appointment.
        - This transfer was completed on 7/11/24
        - Currently awaiting registration at Land Registry
- All legal costs to be borne by the Village Hall

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