



# Congleton Town Council

Historic market town

Town Clerk: **BRIAN HOGAN**



30th May 2013

Dear Councillor,

Community, Environment and Services Committee – Thursday 6<sup>th</sup> June 2013

You are requested to attend a meeting of the Community, Environment & Services Committee, to be held in the Town Hall, High Street, Congleton on **Thursday 6<sup>th</sup> June 2013 at 7.00pm.**

**The Public and Press are welcome to attend the meeting.** There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press.

Yours sincerely,

TOWN CLERK

AGENDA

1. Apologies for absence. (Members are reminded of the necessity to give apologies in advance of the meeting and to give reasons for absence).
2. Minutes of Last Meeting (enclosed)

To confirm the minutes of the meeting held on the 21<sup>st</sup> March 2013 as a correct record (copy enclosed).

3. Declarations of Interest

Members are requested to declare both "pecuniary" and "non pecuniary" interests as early in the meeting as they become known.



Congleton  
**beartown**  
where friends are made

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4. Outstanding Actions

**CES/02/1213**

The Town Council to pursue all options available in order to resolve the problem of the Boat, including S215 enforcement via CEBC, in addition, the Clerk to contact McCarthy and Stone to elicit their assistance in the matter.

**CES/24/1213**

The Town Clerk write to all Congleton Cheshire East Councillors asking for their support to lobby Cheshire East to take whatever measures are necessary to have the boat removed.

**CES/33/1213**

1. The Town Clerk contact Cheshire East to expedite the improvement work.
2. Cllr D. Brown will provide an update at the next committee meeting on Cheshire East's work in the area.

**CES/34/1213**

The Committee support the "Responsible Dog Scheme" pilot being introduced at Bromley Farm and will evaluate its success in 6 months with a view to rolling out the scheme throughout the town.

5. Floral Arrangement Working Group (enclosed)

To receive the minutes of the Floral Arrangement Working Group meetings dated 4<sup>th</sup> April and 2<sup>nd</sup> May 2013.

6. Boat on the River Dane (enclosed)

To receive an update on progress being made to resolve the issue of the boat on the River Dane.

7. Propagation Unit (enclosed)

To consider the proposed agreement from Cheshire East Borough Council for the Town Council to acquire the Propagation Unit.

8. CCTV (enclosed)

To receive the minutes of a meeting held with Cheshire East to consider CCTV provision in the Town.

9. Eaton Bank Academy (enclosed)

To consider comments from students at Eaton Bank Academy concerning reducing the carbon footprint.

10. Mercian March (enclosed)

To receive and consider an update on arrangements for the Mercian March which will take place on Friday 14<sup>th</sup> June 2013. Additionally, to consider correspondence from T E Pickering relating to making a link with Quievrain.

11. Hillary Avenue Allotment Society (enclosed)

To receive notification of a new secretary of the Allotment Association.

12. PCSO Partner Level Service Agreement (enclosed)

To receive and consider a further 3 year Partner Service Level Agreement with Cheshire Police for the provision of 4 PCSOs.

13. Easements over Common Land and Village Greens (enclosed)

To receive and consider advice from NALC and Coombe Wood concerning Village Green status.

14. HS2 (enclosed)

To receive and consider correspondence from Paul Nuttall, MEP North West England, concerning the HS2 Project.

15. War Memorial (enclosed)

To consider a report produced by the Town Clerk concerning the refurbishment of the War Memorial

16. Resolution to exclude the Public and Press

To consider passing a resolution in accordance with the Public Bodies (Admission to Meetings) Act 1960, that public and press be excluded from the meeting for the matters set out below on the grounds that it could involve the likely disclosure of private and confidential information or staff matters.

17. Cheshire Police

To receive and consider a verbal report from a representative of Cheshire Police on Policing matters affecting Congleton.

To	Members of the Community and Environment Committee
	Appointed Member, Hon Burgess Mrs M M Williamson
ccs.	Other members of the Council and Honorary Burgesses (4) for Information; Press (3)



## CONGLETON TOWN COUNCIL

### MINUTES OF THE MEETING OF THE COMMUNITY, ENVIRONMENT AND SERVICES COMMITTEE HELD ON THURSDAY 21<sup>ST</sup> MARCH 2013

PRESENT:                      Councillors      G S Williams (Chairman in the Chair)  
   Mrs D S Allen  
   P Bates  
   D Brown  
   G Baxendale  
   J S Crowther  
   G R Edwards  
   G P Hayes  
   Mrs A M Martin  
   Mrs J D Parry  
   N T Price

#### 1. APOLOGIES.

Apologies for absence were received from Cllrs D. Murphy and R.K Williams. Apologies were also received from Cllr L Bours who is not a member of this particular committee.

#### 2. MINUTES OF LAST MEETING

**CES/38/1213 RESOLVED** that the minutes of the meeting held on the 7<sup>th</sup> February 2013 to be confirmed as a correct record and signed by the Chairman.

#### 3. DECLARATIONS OF INTEREST

Members are requested to declare both "pecuniary" and "non-pecuniary" interests as early in the meeting as they become known.

Cllrs G. Baxendale and D.Brown declared a non-pecuniary interest in any matters relating to Cheshire East Borough Council.

Cllr P.Bates declared a non-pecuniary interest in item 5.

#### 4. OUTSTANDING ACTIONS

##### **CAE/02/1112**

The Town Council to pursue all options available in order to resolve the problem of the Boat, including S215 enforcement via CEBC, in addition, the Town Clerk to contact McCarthy and Stone to elicit their assistance in the matter.

##### **CES/24/1213**

The Town Clerk to write to all Congleton Cheshire East Councillors asking for their support to lobby Cheshire East to take whatever measures are necessary to have the boat removed.

##### **CES/33/1213**

1. The Town Clerk to contact Cheshire East to expedite the improvement work.
2. Cllr D.Brown will provide an update at the next committee meeting on Cheshire East's work in the area.



#### **4. OUTSTANDING ACTIONS continued..**

##### **CES/34/1213**

The Committee support the "Responsible Dog Scheme" pilot being introduced at Bromley Farm and will evaluate its success in 6 months with a view to rolling out the scheme throughout the town.

#### **5. LOVE LOCAL LIFE**

It was noted that Cheshire East Borough Council have decided to provide access to the Love Local Life website to the retailers in Congleton without charge and will also cover the cost of the hosting fees.

**CES/39/1213 RESOLVED that:-**

1. Transfer of access to the love Local Life website to the traders be approved.
2. The Town Council will provide a grant of £500 for training for use of the website provided 30 Traders attend.

#### **6. BOAT ON THE RIVER DANE**

It was noted that correspondence had been received from McCarthy & Stone offering to put up advertising hoarding to hide the boat. In addition, an email from Cheshire East Enforcement Officer noting that a site visit will take place in accordance with the authority's adopted Enforcement Protocol as a priority 4.

**CES/40/1213 RESOLVED that:-**

1. The correspondence from McCarthy & Stone be noted and no further action taken.
2. The Town Council endorse the action being proposed by the Enforcement Officer under S215.

#### **7. SPEED LIMIT ORDER ON A34 NEWCASTLE ROAD AND PROPOSED SPEED LIMIT ON MANCHESTER ROAD**

Notice of a speed limit order on Newcastle Road and a proposed speed limit on Manchester Road were welcomed.

**CES/41/1213 RESOLVED that:-**

1. The correspondence on the speed limit order on Newcastle Road and proposed speed limit on Manchester Road be approved.
2. The Town Clerk to contact Cheshire East to request that the speed limit on Fol Hollow be reduced to 30 MPH.

#### **8. MINUTES OF THE FLORAL ARRANGEMENT WORKING GROUP**

**CES/42/1213 RESOLVED** that the minutes of the Floral Arrangement Working Group meeting dated 20<sup>th</sup> September 2012 and 7<sup>th</sup> March 2013 be received.

#### **9. REVIEW OF MOUNTVIEW COMMUNITY CENTRE**

The members considered the consultation process relating to the future of Mountview Community Centre, and expressed concern at what appeared to be a proposal to close the facility as notice of redundancy had been given to the employees of Mountview.

**CES/43/1213 RESOLVED that:-**

1. The Town Clerk to arrange for Cllrs. Mrs A. Martin, Mrs D. Allen and Mrs S. Holland (substitute Cllr. G Hayes) to visit Mountview.
2. The Committee agreed unanimously that they do not want Mountview to close and this notion should be passed onto Cheshire East Borough Council in the strongest possible terms.

#### **10. MERCIAN MARCH**

Correspondence from Cheshire East Borough Council concerning arrangements for the Mercian March in Congleton on 15<sup>th</sup> June 2013 were discussed.

**CES/44/1213 RESOLVED** that the correspondence be received.

#### **11. CCTV**

The members considered providing a representative to attend a meeting with Peter Hartwell concerning CCTV.

**CES/45/1213 RESOLVED** that Cllr G. Williams be elected as representative to discuss CCTV accompanied by the Town Clerk.

#### **12. RESOLUTION TO EXCLUDE THE PUBLIC AND PRESS**

There was no resolution to exclude the public and press.

#### **13. CHESHIRE POLICE**

There was not a representative of the Police present.

#### **14. OLD COUNCIL OFFICES**

Cllr. G. Williams mentioned that he was engaging with Cheshire East Borough Council to provide a Youth Hub at the Old Council Offices which Cheshire East were prepared to transfer to the Town Council.

Cllr. Williams agreed to provide much more financial details on this proposed transfer for the Committee to consider.

**15. CARNIVAL**

It was noted that the AGM of the Carnival committee would take place in the Town Hall at 7pm on Monday 25<sup>th</sup> March 2013.

**16. LITTER BINS**

Cllr A. Martin expressed some concern at the provision of litter bins in the Town. Councillors were requested to submit any concerns to Cllr G.Williams.

G Williams  
Chairman (In the Chair)



## MINUTES OF THE FLORAL ARRANGEMENT WORKING GROUP

Thursday 4<sup>th</sup> April 2013

Cllrs. R Edwards (Chairman)

N Price

D Parker

G Williams

B Hogan

J MacArthur

P Pinto

1. Apologies for absence (Members are respectfully reminded of the necessity to submit any apology for absence in advance and to give a reason for non attendance)

Apologies for absence were received from Cllr D Brown and E Clarke

2. Minutes of the Last Meeting

**FA/08/1213 Recommended** that the minutes of the meeting held on the 7th March, 2013 be confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

Members are requested to declare both "personal" and "personal and prejudicial" interests as early in the meeting as they become known.

There were no declarations of interest

4. Next Steps

**FA/09/1213 Recommended**

- a. Ensure school litter campaigns are documented and photographed. Schools are to publicise what they are doing (JM)
- b. 16 spare troughs have been sent to schools which is sufficient to meet their needs, if they want more they can have them.(CJ/JM)
- c. Consider using Daven School for the judges visit, but, the school head needs to know (JM/PP)
- d. Note the tree planting in the Park and Newcastle Road for the portfolio (BH/JM)
- e. Draw up matrix of judges criteria, to be discussed at the next meeting and a copy to be sent to PP(BH)
- f. Note the fact that Readesmorr Surgery is being replanted and a sensory garden being installed at Bath Vale. Mike Smith and Patti to liaise on what is to be planted in this area (PP)
- g. Need a coordinated approach on litter and dog fouling, involve residents, have posters in shops etc. 3 or 4 litter campaigns to be organized prior to the judges visit, need posters etc. to be produced and mounted in key areas(all)
- h. Use Probation Service to carry out tasks such as path clearing around the Town (GW)
- i. Consider using the Prince's Trust or Youth Council to find a way of improving the bridge by the Station (GW)




- j. Write an article for the Chronicle/Sentinel to request volunteers for the Floral Arrangement Group. Articles have been written for the Sentinel and Bear Necessities, but, to attract volunteers for litter campaigns dates and locations need to be agreed and communicated (JM)
- k. Rear of Fairground car park needs work, this could be undertaken by the Probation Service (CJ/GW)
- l. Ensure there are interpretation boards in the Park, need to involve Julie Byrne (GW)
- m. additional floral display units have been purchased and will be installed in the pedestrianized area. (JM/BH)
- n. Need better quality pots for the children's planting, additionally there needs to be some uniformity in the type and colour of pots purchased. Should also place vinyl's on the pots to create an image(BH/JM)
- o. Introduce planters at the welcome signs to Congleton BH/CJ/JM)
- p. Identify delivery time for an electric water bowser

5. Volunteers

- a. Determine how we assist Buglawton, discuss with E Clarke and Graham Withers, arrange a meeting at the Church House (BH)
- b. Ensure there are noticeboards erected in key areas explaining planting, who has provided it etc.

Date of next meeting

2pm Thursday 2nd May 2013

  
R Edwards  
Chairman

## MINUTES OF THE FLORAL ARRANGEMENT WORKING GROUP

Thursday 2<sup>nd</sup> May 2013

Cllrs. D Brown (Chairman)

R Edwards

N Price

G Williams

B Hogan

J MacArthur

P Houldsworth

1. Apologies for absence (Members are respectfully reminded of the necessity to submit any apology for absence in advance and to give a reason for non attendance)

Apologies for absence were received from E Clarke and P Pinto

2. Minutes of the Last Meeting

**FA/10/1213 Recommended** that the minutes of the meeting held on the 4th April, 2013 be confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

Members are requested to declare both "personal" and "personal and prejudicial" interests as early in the meeting as they become known.

There were no declarations of interest

4. Next Steps

**FA/11/1213 Recommended**

- a. Ensure school litter campaigns are documented and photographed to be included in the portfolio. Schools are to publicise what they are doing (JM)
- b. Using Daven School for the judges visit has been agreed, but, the school may have an OFSTED visit which might disrupt this plan(JM/PP)
- c. Note the tree planting in the Park and Newcastle Road for the portfolio (BH/JM)
- d. Note the fact that Readesmoor Surgery is being replanted and a sensory garden being installed at Bath Vale. Mike Smith and Patti to liaise on what is to be planted in this area. Although it was noted that this area is unlikely to be finished for the judges visit (PP)
- e. Need a coordinated approach on litter and dog fouling, involve residents, have posters in shops etc. 3 or 4 litter campaigns to be organized prior to the judges visit, need posters etc. to be produced and mounted in key areas, stencils also been used to highlight the problem(GW/All)



- f. Use Probation Service to carry out tasks such as path clearing around the Town St Peter's churchyard is being tidied up and the grass cut by the service on the 4<sup>th</sup> May(GW)
- g. Consider using the Prince's Trust or Youth Council to find a way of improving the bridge by the Station (GW)
- h. Write an article for the Chronicle/Sentinel to request volunteers for the Floral Arrangement Group. Articles have been written for the Sentinel and Bear Necessities, but, to attract volunteers for litter campaigns dates and locations need to be agreed and communicated (JM)
- i. Rear of Fairground car park needs work, this could be undertaken by the Probation Service (CJ/GW)
- j. Ensure there are interpretation boards in the Park, need to involve Julie Byrne who has been contacted and will assist (GW)
- k. Additional floral display units have been purchased and will be installed in the pedestrianized area. (JM/BH)
- l. Need better quality pots for the children's planting, additionally there needs to be some uniformity in the type and colour of pots purchased. Should also place vinyls on the pots to create an image, should include bins as well. Summer tubs will be planted up in late May or early June(BH/JM)
- m. Introduce planters at the welcome signs to Congleton BH/CJ/JM/DP)
- n. Determine whether to purchase an electric water bowser or not. Check size of water capacity and identify where it could be stored (BH/All)

#### 5. Buglawton and Bromley Farm

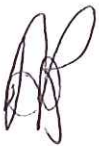
- a. Buglawton has entered as a Neighbourhood, Bromley Farm should also enter
- b. Some additional planters are required at cost of circa £400-500, Can Rotary help with funding?
- c. Consider installing some planters/troughs at Edinburgh Road and near the entrance to the woods

#### 6. Volunteers

- a. Ensure there are noticeboards erected in key areas explaining planting, who has provided it etc.
- b. Determine how to attract volunteers (All)

#### 7. Judging Route

- a. Identify special features to show the judges en route, Plaque in the Park, Park Live sculptures, roundabouts
- b. Start at Astbury Mere, include River Dane Walkway, Hilary Avenue Allotments
- c. New Life Church
- d. Barn Road
- e. Estate at the rear of New Life Church
- f. Are the bears in a reasonable state to display around the Town



Date of next meeting

3.30pm Tuesday 21st May 2013

A handwritten signature in black ink, appearing to read 'D Brown', with a stylized, cursive script.

D Brown  
Chairman

## Brian Hogan

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**From:** ACKERLEY, Deborah <Deborah.Ackerley@cheshireeast.gov.uk>  
**Sent:** 18 April 2013 11:33  
**To:** Brian Hogan  
**Subject:** RE: Boat on the River Dane

Hello Brian

In short yes.

I have conducted site visit and photographed the vessel. From that I have compiled a list of works that I consider necessary to bring the boat back to an acceptable visual condition.

I have written to the owner requesting that he carry out that list of works, as a minimum, or remove the boat and any supporting structures. I have allowed a period of two months for this.

I have little confidence that the works will be undertaken and in all likelihood we will have to resort to formal action in the form of a S215 (Untidy Site) Notice. It is my intention to prepare the report seeking authority to take such action before the 2 months expires in order to cut down on any delays.

Regards

Deborah

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**From:** Brian Hogan [<mailto:bh@congletoncouncil.co.uk>]  
**Sent:** 18 April 2013 11:11  
**To:** ACKERLEY, Deborah  
**Subject:** RE: Boat on the River Dane

Deborah,

Has there been any progress yet on the Boat

Kind regards

Brian

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**From:** ACKERLEY, Deborah [<mailto:Deborah.Ackerley@cheshireeast.gov.uk>]  
**Sent:** 19 March 2013 12:57  
**To:** Brian Hogan  
**Subject:** RE: Boat on the River Dane

Dear Brian

I will log this as a new complaint and undertake a site visit and allocate the case, in accordance with the Council's adopted Enforcement Protocol, as a Priority 4. This means that a site visit will be undertaken within 65 days of receipt of your enquiry.

Don't worry, I will be visiting the site well within the 65 days but not until after East as I am fully committed till then. As you will appreciate I need to take up to date photographs to allow me to compile a schedule of works to be undertaken.

Given the history on this site I do not intend to enter into protracted negotiations with the site owner/s.



**Brian Hogan**

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**From:** TANSEY, Patrick <Patrick.Tansey@cheshireeast.gov.uk>  
**Sent:** 08 May 2013 16:21  
**To:** Brian Hogan  
**Subject:** RE: Propagation Unit  
**Attachments:** Congleton Propagation Unit plan..pdf

*Without Prejudice*

Brian

Please see attached a plan which shows the poly tunnel we are able to let delineated red.

Can you please confirm you agree of the following terms:-

**Term**

A rolling 12 month licence.

**Term Commencement**

1<sup>st</sup> April 2013.

**Rent**

£1.00 (if demanded)

**Access Arrangements**

Access will be through the black pedestrian steel gates. Vehicular access shall not be permitted. Access shall be restricted to a path to and from the poly tunnel delineated red.

**Fees**

Surveyors fee	£350.00
Legal fee	£350.00

Please note that these will form a basic framework for the licence in favour of Congleton Town Council. I will need to consult my colleagues in Streetscape regarding anything other terms they need us to agree before instructing my legal team to send out a draft licence.

Regards

Patrick

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**From:** Brian Hogan [<mailto:bh@congletontowncouncil.co.uk>]  
**Sent:** 08 May 2013 15:38  
**To:** TANSEY, Patrick  
**Subject:** Propagation Unit

Patrick,

I was speaking to Cllr Andrew Thwaite this morning who said that you would be moving forward the possible transfer of the Prorogation Unit in Congleton to the Town Council. The item we are currently waiting for is a proposed legal agreement from Cheshire East, once we have sight of this document we can then move this issue to a conclusion

Can you let me know when this document will be available

Kind regards

Brian Hogan

\*\*\*\*\*

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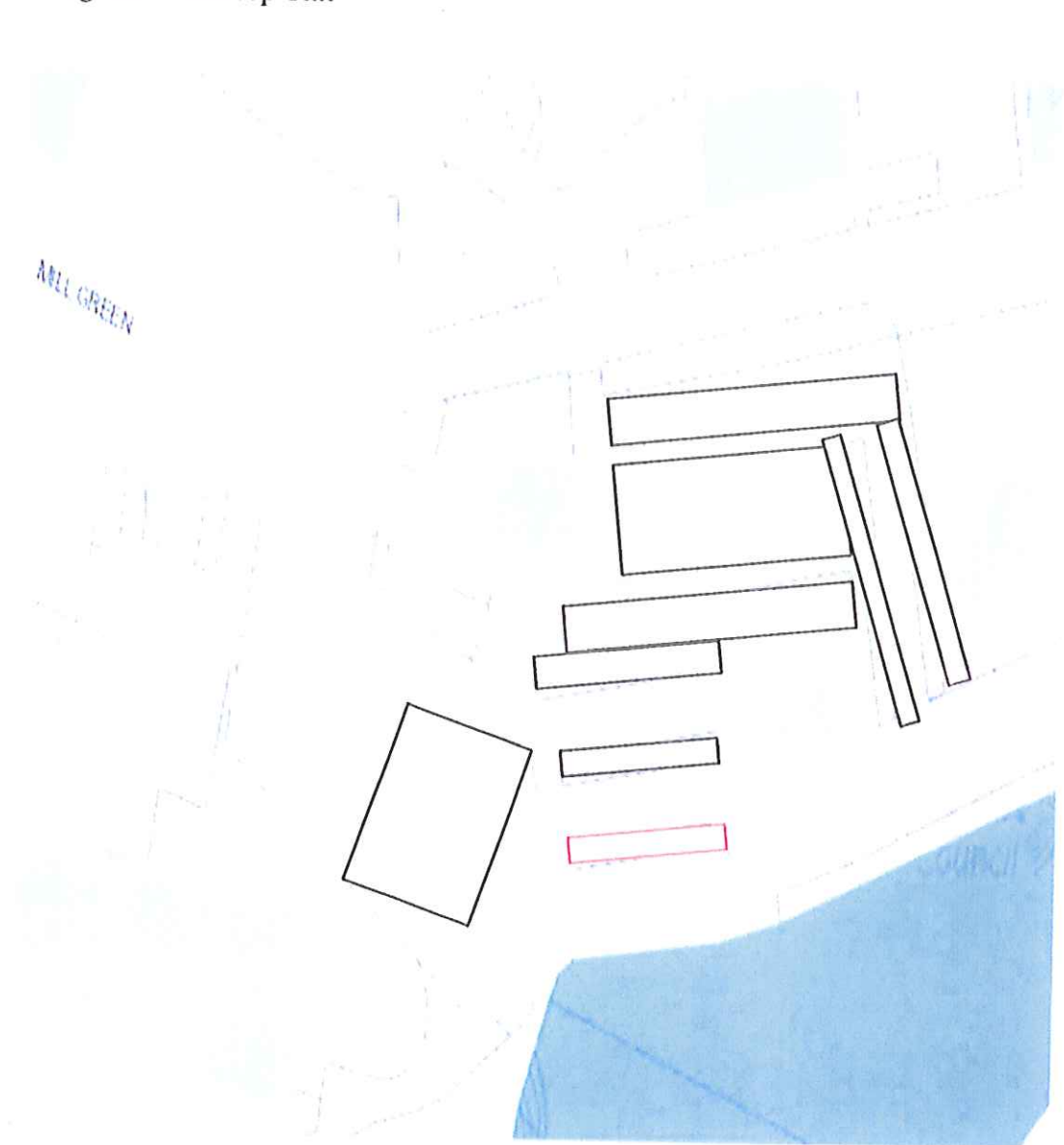
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Legal documents: The Council does not accept service of legal documents by email.

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# Congleton Park Prop Unit





## Brian Hogan

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**From:** Brian Hogan  
**Sent:** 04 April 2013 13:58  
**To:** 'David Brown (david.brown@cheshireeast.gov.uk)'; Bob Edwards (bobed@sky.com); George Hayes (gphayes@hotmail.co.uk); Sally Ann Hollnad (holland.sally@virgin.net)  
**Subject:** FW: Congleton Propagation Unit

Timing is strange sometimes, see below

Brian

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**From:** TANSEY, Patrick [<mailto:Patrick.Tansey@cheshireeast.gov.uk>]  
**Sent:** 04 April 2013 13:30  
**To:** Brian Hogan  
**Cc:** GRIFFIES, Charlie; BECKETT, Lee; JONES, Joanne (Property)  
**Subject:** Congleton Propagation Unit

Brian

I have been asked by Charlie Griffies to look into this for you as a matter of urgency. I have today inspected the site and have discussed the matter in principle with Streetscape and Bereavement Services. I am in the process of obtaining a plan which clearly identifies the poly tunnels on site. Once received I will be forwarding heads of terms to you which will set out the basis upon which Cheshire East Council is able to allow use of the areas concerned. I would like to take this opportunity to confirm that a fee of £350.00 will be charged by our legal team to draw up an agreement relating to the use of this area.

I will now request the above mentioned plan and will be in touch ASAP.

Regards

Patrick Tansey  
Senior Valuer  
Cheshire East Council  
01270 686141

\*\*\*\*\*

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Meeting to consider CCTV in Congleton

Friday 10<sup>th</sup> May 2013

Present

Peter Hartwell  
Cllr Glen Williams  
Brian Hogan

1. Finance is not a concern until the next financial year and when the survey and recommendations of needs for Congleton is produced
2. Piloting some work in Sandbach in partnership with the police and Sandbach Town Council to examine CCTV provision and needs, a map of camera coverage versus crime statistics has been produced.
3. Will review camera by camera alongside the crime statistics to determine if the CCTV is in the most appropriate position and whether or not it is even needed.
4. The cost of the operation of CCTV in Cheshire East is £k750 p.a. and the Borough want to cut £k250 from this budget. A review of staffing has resulted in some savings, but, substantial costs are paid to BT for fibre optics, which they are expecting to reduce substantially.
5. There are 280 cameras in Cheshire East, in comparison Cheshire West and Chester have only 147.
6. There are 8 cameras in Congleton
  - a. 2 in the Park
  - b. 1 at Bromley Farm
7. There are 10 operators in Macclesfield working 24 hours a day 7 days a week monitoring the cameras.
8. Could install an additional camera if there is hotspot in the town not covered
9. Timescale for the mapping work is the Autumn
10. Costing information should be provided by September 2013 for each camera, but, is expected to be about £1800 p.a. per camera.
11. If the Town Council wishes to continue to have CCTV it is expected that it will have to pick up this cost per camera, currently £14,400.

Brian Hogan



# Congleton Town Council

Historic market town

Town Clerk: **BRIAN HOGAN**



26<sup>th</sup> March 2013

Dr S Longshaw  
Eaton Bank Academy  
Jackson Road  
Congleton  
Cheshire CW12 1NT

Dear Dr Longshaw

Many thanks you for your letter, together with the letters from your students. The Mayor apologises for the delay in replying but has been preparing for her recent Civic Ball which has now taken place.

The Mayor has read all the letters and found the information very interesting. She has requested that the letters be put on the Agenda of our next Community, Environment & Services Committee for their comments and also passed to the Youth Committee for feedback.

Yours sincerely

Linda Minshull (Mrs)

Congleton  
**beartown**  
*where friends are made*

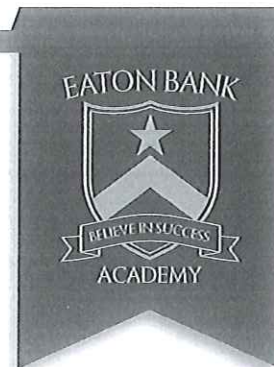
Congleton Town Council, Town Hall, High Street, Congleton, Cheshire CW12 1BN

Tel: 01260 270350 Fax: 01260 280357

Email: [info@congletontowncouncil.co.uk](mailto:info@congletontowncouncil.co.uk) [www.congleton-tc.gov.uk](http://www.congleton-tc.gov.uk)







1012013

Councillor Mrs Holland  
Congleton Town Council  
Congleton Town Hall  
High St  
CONGLETON  
Cheshire  
CW12 1BN

14<sup>th</sup> February 2013

Dear Councillor Mrs Holland

Eaton Bank Academy Year 7 students have been thinking about 'What would happen if the World got 5°C warmer?' during their Science lessons.

As part of this theme students consider ways of reducing their carbon footprint and we have discussed travelling to school by bicycle or on foot.

The students have written the enclosed to express some of their concerns. I hope you will find them worthy of your consideration.

Yours sincerely

Dr Sarah Longshaw  
Head of Chemistry

Eaton Bank Academy  
Jackson Road  
Congleton  
CW12 1NT 7X1

Dear Councillor Mrs Holland,

We have been studying fossil fuels in science in school and we have looked at ways to reduce their use. I am writing to you today because when people walk or cycle could be dangerous because I have to walk up the bank and it gets really busy sometimes with lorries and cars. Also people can't cross safely so we could have traffic lights. Also the bridge at the bottom of the bank feels like it is going to break so you could make it stronger.

Yours faithfully Chloe Mabbett from Eaton Bank

14<sup>th</sup> February 2013  
Eaton Bank Academy  
Jackson Road  
Congleton  
Cheshire  
CW12 1NT

Dear Councillor Mrs Holland,

We have been studying fossil fuels in school and we have looked at ways to reduce their use. I am writing to you because I am concerned that there isn't a safe cycling path for people who want to cycle to school. This means that people won't want to cycle to school and might go on the bus or car instead. To make more people want to cycle to school, I suggest that you make a safe path for cyclists to ride to school.

Bethany Hulme



Eaton Bank Academy  
Jackson Road  
CW12

Dear Councillor Mrs Holland,

We have been  
Studying fossil fuel in school and we  
have looked at ways to reduce their use.

I am writing to you because i am  
Concerned that not enough people are  
walking to school. I am worried this  
is because thier are lots of busy roads  
like Moss Road, Leek road and Roode Hill  
So i think we can make it safer  
by putting either pedestrian crossing or  
a lolly pop lady. So children can get to  
school and home safely.

If this gets done maybe more children  
will be allowed to walk so then parents/  
carers don't get worried or scared..

Yours Sercirly  
Elizabeth Greensmith.

Eaton Bank  
Academy,  
Jackson Lane,  
Congleton,  
CW12 1NT

Dear Councillor Mrs Holland

My name is Matthew Richards, I am a pupil at Eaton Bank Academy. In our science lessons, we have been learning about fossil fuels, and we have looked at ways to reduce their use.

I am writing to you to explain about the dangerous routes to school; e.g. the Ambulance station at the roundabout. I think that there should be either a separate path, or a cycle path made at the side of the road.

Please take my letter into immediate consideration, and I look forward to your swift reply.

Yours Sincerely,

Matthew Richards

Eaton Bank Academy  
Jackson Road  
Congleton  
Cheshire  
CW12 1NT

Dear Councillor Mrs Holland

We have been studying fossil fuels in school and we have looked at ways to reduce their use. I am writing to you I am concerned about the safety for people walking to school. When I walk to school I have to go past Beartown Fryer and it is a very dangerous road. The cars go very fast and the road is very busy all the time. Proof of this is a girl got hit by a car and broke her ~~ankle~~ ankle on Saturday the 9<sup>th</sup>. I hope you are planning to address this situation,

Yours sincerely

Alex Camp from  
Eaton Bank Academy

Eaton Bank Academy

Jackson Lane

Congleton

CW12 INT

7x1

Dear Councillor Mrs Holland,

We have been studying fossil fuels in school and we have looked at ways to reduce their use.

I am writing to you because I am concerned that we need safer walking paths. The Bank near the school is very unsafe for students and pedestrians. I request that we need a new path built and the unwanted space blocked off, as some people smoke and cause people to breathe in lethal gases which can damage the lungs.

Also people who use Cars and Buses release Co2 into the air which can pollute the area. On the cross roads I think we need a zebra crossing as someone could have an accident and be seriously injured.

Yours Sincerely

Jamie Goff





Eaton Bank Academy  
Jackson Road  
Congleton  
CW12 1NT  
7X1

13<sup>th</sup> February 2013

Dear Councillor Mrs Holland,

We have been studying fossil fuels in school and we have looked at ways to reduce their use.

I am writing to you because I am worried that too many people are driving and taking the bus to school and I want to encourage people to cycle and walk to school.

I think that we need some zebra crossings at the top of Reed Hill because it's very dangerous for pedestrians as there is traffic coming from so many different directions.

It would also be a good idea to introduce some cycle lanes so that parents can be confident that their children were safe on the way to school.

It takes millions of years to produce fossil fuels like coal, gas and oil and we are using them up rapidly. I believe that reducing the traffic on the school run would make a significant difference to the amount of oil we use.

Please consider my suggestions for improving road safety so that we can make a difference to our planet.

Yours Sincerely  
Fleur Wilkinson.

Eaton Bank Academy  
Jackson Road  
Congleton  
CW12 1NT  
7x1  
11.02.13

Dear Councillor Mrs Holland,

In class, we have been studying fossil fuels and we have looked at ways to reduce their use. I am writing to ~~ask~~ you about how children at Eaton Bank Academy can reduce the amount of fossil fuels they use.

Firstly, I live too far away to walk, so I get a bus, but I could cycle. The reason I don't is because of the unsafe roads, I have to travel on. For example, when we arrive at school, before we go up the drive, we have to turn left at Jackson Road. At the cross roads normally lots of cars come and there isn't much chance for walkers/cyclers to get through. We could have a lolly pop man or some kind of way of controlling the traffic.

We can encourage more people like me to cycle to school, to use less fossil fuel and save our planet. Especially in the summer when the weather is nice and hot.

I hope you decide to consider my suggestion and try and promote the use of less fossil fuel.

Yours Sincerely

Sophie Needham

Eaton Bank Academy  
Tadworth road  
Congleton  
CW12 1NT

Dear Councillor Mrs Holland

We have been studying fossil fuels in school and we have looked at ways to reduce their use. I am writing to you about possible solutions and road safety. I live in Eaton so it is not that far to walk however I do not walk because it is a main road and people usually exceed the speed limit. Also the path is very narrow and there is no curb. As well there is no safe crossing so people are forced to cross the main road. As you may or not know there has been quite a few car crashes recently. I hope you will consider some points in my letter.

Chloe

7x1



Eaton Bank Academy

Jackson Road

Congleton

13 February 2013

Dear councillor Mrs Holland,

We have been studying fossil fuels in school and we have looked at ways to reduce their use. I am writing to you because we are concerned that it is not safe walking to school and we would like to change this. Does the council have any plans to make Eaton bank safer?

I would like people to walk more because there will be less traffic on the roads that creating dangerous fumes. We breath these terrible fumes into our lungs which can be damaging.

I think it would be a good idea to help us to use less fossil fuels and encouraging people of Congleton to use their bikes or to walk.

Yours sincerely

A handwritten signature in black ink that reads "Alex Dawson". The signature is written in a cursive style with a large, looped initial 'A'.

Alex Dawson



## Mercian March

Friday 14<sup>th</sup> June 2013

### 1. Invitation List

- a. 175 soldiers plus colour party and senior officers
- b. CEBC Mayor and consort
- c. CTC Mayor and consort
- d. Other Town Mayor/Chairman to be invited by CEBC
- e. Town Councillors and Burgesses
- f. Station Commander, Fire, Ambulance , Police
- g. Mike Duran Plus Dane, David Watson Chamber of Commerce
- h. Chairman British legion
- i. LOL Chairman Peter Aston
- j. Fiona Bruce MP
- k. Marie Johnson
- l. Stephen Sebire, David Daniel, Margaret Williamson
- m. Representative of Rotary Clubs

### 2. VIP Reception

- a. To be held in the Bridestones Suite funded by the Town Council commencing at 1pm
- b. Catering for about 80, tea, coffee, canapés
- c. VIP guests and councillors

### 3. Parade

- a. The parade will take place at 2pm
- b. CEBC and CTC Mayors will take the salute and present medals if there are any to present
- c. Need staging outside to take the salute and some rows of chairs for guests
- d. Ensure they are plenty of flags for the children and put up bunting

### 4. Reception

- a. Expecting over 250 guests in the Main Hall, limit numbers invited to list above
- b. CEBC will determine what type of buffet to provide and will pay £6 per head
- c. Do we provide some bottles of Beartown beer and open the bar?

### 5. Presentation to Regiment

Present the Regiment with a limited edition print of the Mercian March painting held in the Town Hall

## Brian Hogan

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**From:** BAXENDALE, Gordon (Councillor) <Gordon.Baxendale@cheshireeast.gov.uk>  
**Sent:** 03 May 2013 13:01  
**To:** Brian Hogan; 'Bob Edwards'  
**Subject:** FW: Homecoming Parades Update

Great news , took a little getting there but Congleton has a win win situation, lets give them a homecoming to remember

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** SMITH, Martin (Chief Executives Office)  
**Sent:** Friday, May 03, 2013 12:56 PM GMT Standard Time  
**To:** BAXENDALE, Gordon (Councillor); BROWN, David (Councillor); JONES, Michael (Councillor) (Leader of Cheshire East Council); FINDLOW, Paul (Councillor); FLUDE, Dorothy (Councillor); GILBERT, Les (Councillor)  
**Cc:** RYLEY, Kim; REED, Brian  
**Subject:** Homecoming Parades Update

I am writing to provide you with an update following the news yesterday from the Mercian Regiment that they were going to have to significantly downsize the scale of the three Homecoming Parades next month. After a number of discussions this morning I am pleased to be able to say that I have good news; but we have had to make a number of changes to the programme.

At 5.00pm yesterday it looked as if we would just have just 120 troops parading (with a small band) rather than the 450+ we had been planning for. After some discussions with the Regiment this morning, it now looks like we will have nearer 200; still far less than we were expecting but better than we feared. Our original plans were to hold a reception for a third of the troops after each Parade; but one consequence of the change is that different troops will be parading each day; so those that parade in Macclesfield on the Thursday will not be coming to Congleton and Crewe on the Friday. The original plans had been for the same 450 troops to undertake all three parades.

We now plan to hold a larger reception in Macclesfield on the Thursday afternoon for all those parading, plus Members, VIPs etc. This will stretch the capacity at the Town Hall but can be achieved. On the Friday we are swapping over the order of the parades, with the one in Crewe now being held in the morning. There will be no post parade reception in Crewe, but rather the troops will move on to Congleton where the parade will take place at 2.00pm; this is earlier than was planned for Crewe. The parade will be followed by a reception, in Congleton, for all those parading that day (plus VIPs); this will be jointly hosted by the Town Council and Cheshire East. Moving the Congleton parade and reception to the afternoon is prompted by a number of factors:

- Holding two receptions on the Friday for reduced numbers did not appear sensible;
- If only one reception was being held it appeared logical to hold it at the end of the day;



- The original planned turnaround time between Congleton and Crewe was tight;
- The accommodation in Congleton is better suited to the larger numbers than is the accommodation in Crewe;
- Congleton Town Council are keen to co-host a reception and keen to invite all those parading to that reception.

The arrangements for VIP / Members invitations before each parade remain unchanged. They will be invited for drinks with the Mayor in advance of the parade. All Members / Freeman / Honorary Aldermen will be invited to one of the two post parade receptions.

Cheshire East publicity on the parades will be going out late next week or early the week after and will make no reference to the changes, so this will be a good news story – Cheshire East welcome back the Mercian's from Afghanistan.

The Regiment assure me that even with the reduced numbers the parades will look and sound impressive.

Best wishes.

Martin

\*\*\*\*\*  
 Confidentiality: This email and its contents and any attachments are intended only for the above named. As the email may contain confidential or legally privileged information, if you are not the above named person or responsible for delivery to the above named, or suspect that you are not an intended recipient please delete or destroy the email and any attachments immediately.

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Legal documents: The Council does not accept service of legal documents by email.

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## Brian Hogan

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**From:** RHQMERCIAN-Chester-Asst RegtSec (Pickering, Eddie Maj) <RHQMERCIAN-Chester-AsstRegtSec@mod.uk>  
**Sent:** 30 April 2013 14:45  
**To:** gordon.baxendale@cheshireeast.gov.uk; david.brown@cheshireeast.gov.uk; Brian Hogan; Jackie McArthur; roland.domleo@cheshireeast.gov.uk  
**Cc:** SMITH, Martin (Chief Executives Office); dorothy.flude@cheshireeast.gov.uk; frederic.depont  
**Subject:** CENTENARY OF THE BATTLE OF MONS

Ladies and Gentlemen,

### CENTENARY OF THE BATTLE OF MONS

As part of 15<sup>th</sup> Brigade, 5<sup>th</sup> Division on 24<sup>th</sup> August 1914, the 1<sup>st</sup> Battalion of the 22<sup>nd</sup> (Cheshire) Regiment stood outside the Belgian village of Audregnies with orders to take up a defensive position together with the 1<sup>st</sup> Battalion of the Norfolk Regiment, The German IV Corps was making rapid progress towards the French frontier and the role of these two Regiments, together with L Battery RA, the 9<sup>th</sup> Lancers and the 4<sup>th</sup> Dragoon Guards was to provide cover for the withdrawal of the British 5<sup>th</sup> Division. Their action delayed the advance by four hours and in the end it took 4 German Regiments, each of 3 Battalions to surround the Battalion, which was by now, standing alone. A senior German officer is reputed to have said "*I have captured a Division, but have nothing but Cheshires*".

Throughout the battle, the Battalion had laboured under great disadvantages; more than half the men were reservists, who had had no period of training to get them fit or to accustom them to the officers and NCOs who commanded them. Forced marches to the Front had proved exhausting, yet on meeting an army of high reputation, they showed great skill and immense courage. The situation demanded the utmost in morale and fortitude. In addition, the Battalion suffered severe losses, and perhaps worst of all, they had been abandoned by the rest of the Allied army and left to fight to the death against an enemy sweeping down on their positions from all directions.

The Commander of 15<sup>th</sup> Infantry Brigade, Brigadier-General Count Gleichen said "*The Battalion behaved magnificently in the face of terrible odds and immense difficulty, one could not expect more of them. They did their duty, and did it thunderingly well, as I should have expected from such a gallant battalion, and I am only grieved that they had such terrible losses.*"

A total of 40 men from the battalion remained unwounded. Of the 25 officers and 952 other ranks of the 1<sup>st</sup> Battalion who had been present at the start of the battle, only 7 officers and 200 other ranks remained alive.

On 24<sup>th</sup> August 2014, the Cheshire Regiment Association will be travelling to Audregnies to remember those valiant men of a Century ago. I have been speaking with the Bourgmestre and an Echevin (Frederic Depont cc addressee) of the local authority which includes the village of Audregnies – Quievrain, in order to work out how we are going to fit our commemorations around theirs on Sunday 24<sup>th</sup> August next year.

Both the Bourgmestre and Monsieur Depont (and I dare say, the whole Council) are keen to form a relationship between Quievrain, and especially Audregnies, and a community of similar size in Cheshire, ("Jumelage" (Twinning) was the word used, but I don't know whether that would be feasible in the current climate) I immediately thought of Congleton for obvious reasons...

Dorothy, I have included you in this email, not because you are Mayor-Elect (Congratulations) but because of your interest in the Western Front, as I know that you will not be in office in August 2014.

Do you think that Congleton would be interested in making a link with Quievrain (and more especially Audregnies where they look upon the Cheshire Regiment with as much interest as you do)?

I would be more than happy to make any introductions.



Regards,

Eddie Pickering

T E PICKERING

Maj (Retd), C2 (MSF)

Assistant Regimental Secretary

and

Curator Cheshire Military Museum ([www.cheshiremilitarymuseum.co.uk](http://www.cheshiremilitarymuseum.co.uk))

94537 2001

01244 327617

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## Brian Hogan

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**From:** Glen Williams <glen1971@hotmail.co.uk>  
**Sent:** 21 May 2013 11:04  
**To:** Chris Jones; Brian Hogan; Jackie MacArthur  
**Subject:** Hillary Avenue Allotment Association

Hello Everyone,

Just to let you know, if you have not already been advised, at its recent AGM, Hillary Avenue Allotment Association elected a new secretary replacing Lorraine Powell.

Contact details for the new secretary are:-

Val Booth

Tel 01260 290030

E-mail [valb42@hotmail.co.uk](mailto:valb42@hotmail.co.uk)

Regards,

Glen

# Cheshire Constabulary

## Police Community Support Officer Partner Service Level Agreement

**"Working together to deliver Safer and Stronger Neighbourhoods where  
people are safe, feel safe and act to help each other"**



**Cheshire**  
**Constabulary**

BE SAFE, FEEL SAFE

**SERVICE LEVEL AGREEMENT FOR THE PROVISION OF A POLICE  
COMMUNITY SUPPORT OFFICER WITHIN CONGLETON\***

**(\*area PCSO is allocated to)**

**THIS AGREEMENT** is made the    day of    May 2013 between the Cheshire Constabulary **(1)** of Cheshire Constabulary Headquarters, Clemonds Hey, Oakmere Road, Winsford, Cheshire CW7 2UA (hereinafter called “the Constabulary”) of the one part and Congleton Town Council **(2) (hereinafter called the Partner)** of the other part.

**WHEREAS:-**

The Partner and the Constabulary wish to utilise the services of 4 (Four) Police Community Support Officers (hereinafter called “the PCSO”) to enhance the service capacity of the local neighbourhood team and fulfil the role of a PCSO as more particularly described in Appendix B within the Congleton area.

**AND WHEREAS**

The Constabulary and the Partner have, subject to the exigencies of the Police service which must be provided to the general public of Cheshire, Halton and Warrington, agreed to provide 4 (Four) PCSO'S whose powers are more particularly described in Appendix A and whose job description is described in Appendix B.



## **NOW IT IS HEREBY AGREED AS FOLLOWS:-**

### **1. Aim of this Agreement**

The aim of this Agreement is to develop Partnership working towards reducing Crime & Disorder and increase the level of public confidence leading to a greater level of reassurance through the provision of a PCSO in the area under this Agreement.

The role of the PCSO is to provide a visible uniformed presence in order to contribute to the reduction of crime and disorder and the promotion of public reassurance and quality of life in Congleton, with particular focus on Congleton town and its open spaces and their surrounding communities.

### **2. Developing Neighbourhood Services**

Neighbourhood policing is a way of working which allows the police, its partners and the public to work closely together to solve problems of crime and disorder, and improve feelings of security. The key elements being,

- The consistent presence of dedicated neighbourhood teams capable of working with the community to establish and maintain control – to be visible, accessible, skilled, knowledgeable and familiar to the community;
- Intelligence-led identification of community concerns leading to prompt, effective, targeted action against those concerns;
- Joint action and problem solving with the community and other local partners in order to improve the local environment and quality of life within the community.

Neighbourhood Policing is not simply about policing outcomes, it also aims to align local policing activity to a neighbourhood management and community agenda and toward a style and culture where neighbourhood specialists can directly impact upon confidence and satisfaction levels through effective problem solving, greater partnership working and through closer interaction and co-operation with local people.

### **3. Role of PCSO'S**

The introduction of an increased number of PCSO'S within the Cheshire Constabulary area is central to reducing levels of Crime and Disorder, delivering more resources to enable improved local visibility.

The core objectives of PCSO'S include the provision of a visible and approachable presence in neighbourhoods, engaging with communities (residential, retail and business), offering reassurance to the public, and working with partners and communities to deliver lasting solutions to Crime and Disorder problems. To achieve this, they will be deployed as a key component of neighbourhood teams in intelligence led activity. They complement the work of police officers by focusing predominantly on lower level crime, disorder and anti-social behaviour (ASB) and community issues affecting the quality of life of residents, visitors and businesses. The role of PCSO'S is more particularly described in Appendix B.

#### **4. Role of Partners**

Active engagement is required between Partner Agencies and the Constabulary through attendance at local tasking arrangements more specifically referred to in Appendix B. The Partner will contribute funding as identified later in this Agreement working together to ensure PCSO'S are tasked with issues that are important to the local community.

Partners will be expected to recognise that there are wider resources available for local neighbourhood management.

#### **5. Management of PCSO'S**

As a member of the Cheshire Constabulary, the officer remains under the operational control of the Chief Constable .The Constabulary will be responsible for the management of PCSO'S for all 'Personnel' matters e.g. absence, sickness, training and in doing so will take into account representations from the Partner. The management of the individual PCSO'S will lie with the Neighbourhood Policing Managers. Unforeseen absences from duty, such as sickness, will be notified to the nominated point of contact within the Partner Organisation as soon as is practicable.

An integral part of the management arrangements will be the provision of performance management information through the Performance Framework (see Appendix D for a copy).

The Constabulary will endeavour to fill any vacancy as soon as possible and will look to use existing PCSO'S to fill these vacancies. If, however, we are unable to fill the vacancy, after a period of three months the Constabulary will consider paying a refund to the Partner.

#### **6. Tasking and Deployment of PCSO'S.**

The tasking and deployment of PCSO'S is more particularly described in Appendix B. The PCSO Deployment Procedure is available on the force website.

#### **7. Identified Point of Contact (POC)**

Whenever the Partner wishes to make direct contact with the Constabulary in relation to the use/deployment of a PCSO, there will an identified person who will be the Point of Contact within the Neighbourhood Policing Area. This person will normally be the local Neighbourhood Policing Team Sergeant.

In a similar way, the Partner will identify a lead point of contact, in addition to any other individual(s) deemed appropriate, for the Police to contact.

#### **8. Complaints System and Accountability**

If an issue is raised by the Partner in relation to the operation of the Scheme which cannot be resolved by the local Point Of Contact, then the matter will be referred to the local Neighbourhood Policing Unit Inspector.



## **9. Management of Finance**

The Partner will contribute the agreed sum per annum, making payment by 30<sup>th</sup> April each year via cheque or BACS. The Constabulary will contribute the balance of the salary and on costs including but not limited to, supervision, training, equipment and resource management. The Agreed sum will be £11,800 per PCSO per annum. The Partner will be notified of the Agreed sum in subsequent years by November the preceding year.

The Constabulary's Bank details for payments are: - The Co Operative Bank,  
Sort Code: - 08-92-74 Account Number: - 61080247

Cheques are to be made payable to The Police & Crime Commissioner for Cheshire.

Payment must be made within 30 days of receipt of invoice. Failure to adhere to this will be considered a breach of this Agreement and the Constabulary reserve the right to withdraw the current service provided.

## **10. Exit strategy**

The agreement between the Constabulary and the Partner may be terminated by either party giving 12 months notice

The commencement date for the purposes of this Agreement will be the 1<sup>st</sup> April 2013

**11. Disrepute**

In the event that the activities or behaviour of the Partner bring or have the potential to bring the Constabulary into disrepute by the Partner's association with the Constabulary, the Constabulary reserve the right to terminate this Agreement forthwith without further notice.

**12. Force Majeure**

Neither party shall be liable in respect of any breach of this agreement due to any cause beyond its reasonable control including Act of God, inclement weather, flood, lightning or fire, the act or omission of Government, highway authorities or other competent authority, war, military operations or riot.

**13. TUPE Warranty**

The Partner warrants that they will indemnify the Constabulary in full against any claims for compensation and/or damages and/or costs under The Transfer of Undertakings (Protection of Employment) Regulations 2006 that may arise as a result of the appointment of PCSO'S under this agreement.

**SIGNED** on behalf of the Constabulary

.....

**SIGNED** on behalf of the Partner

.....

.....

.....

.....

## Appendix A

### PCSO Powers

#### *Standard Powers*

PCSO'S will work within the following standard powers:

- **Power to issue fixed penalty notices for cycling on a footpath:** Power of a constable in uniform to give a person a fixed penalty notice under Section 54 of the Road Traffic Offenders Act 1988 (fixed penalty notices) in respect of an offence under Section 72 of the Highway Act 1835 (riding on a footway) committed by cycling.
- **Power to issue fixed penalty notices for littering:** Power of an authorised officer of a litter authority to give a notice under Section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter).
- **Power to issue fixed penalty notices in respect of offences under dog control orders:** power of an authorised officer of a primary or secondary authority, within the meaning of Section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).
- **Power to require name and address:** Power to require the name and address of a person whom a PCSO has reason to believe has committed a relevant offence or a relevant licensing offence (Relevant offences are defined under subparagraph 2(6) of Schedule 4 of the Police Reform Act 2002 and include relevant fixed penalty offences under paragraph 1 of Schedule 4, an offence under Section 32(2) of the Anti-Social Behaviour Act 2003 (failure to follow an instruction to disperse) and an offence which appears to have caused injury, alarm or distress to another person or loss of or damage to another person's property. Relevant licensing offence is defined as a specified offence under the Licensing Act 2003) Paragraph 1A enables chief constables to designate the power to require name and address without also designating the power of detention.
- **Power to require name and address for anti-social behaviour:** Power of a constable in uniform under Section 50 of the Police Reform Act 2002 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner to give his name and address. Subparagraph 3(2) of Schedule 4 provides the PCSO with the power to detain (under subparagraphs 2(3) to (5) of Schedule 4). However, by virtue of paragraph 2(8) of Schedule 4 the power to detain *has no effect unless a PCSO has been designated with the power of detention under paragraph 2 of Schedule 4.*
- **Power to require name and address for road traffic offences:** Enables PCSO'S to be designated with the power to require the name and address of a driver or pedestrian who fails to follow the directions of a community support officer or police officer under Sections 35 or 37 of the Road Traffic Act 1988.



- **Power to require persons drinking in designated places to surrender alcohol:** Power to require a person whom a PCSO reasonably believes is, or has been, consuming alcohol in a designated public place or intends to do so, to not consume that alcohol and to surrender any alcohol or container for alcohol. Power to dispose of alcohol surrendered.
- **Power to require persons aged under 18 to surrender alcohol:** Power to require a person who he reasonably suspects is aged under 18 or is or has been supplying alcohol to a person aged under 18 to surrender any alcohol in his possession and to give their name and address. Power to require such a person to surrender sealed containers of alcohol if the PCSO has reason to believe that the person is or has been consuming or intends to consume alcohol. Power to dispose of alcohol surrendered.
- **Power to seize tobacco from a person aged under 16** and to dispose of that tobacco.
- **Power to enter and search any premises for the purposes of saving life and limb or preventing serious damage to property.**
- **Power to seize vehicles used to cause alarm:** Power to stop and seize a vehicle which a PCSO has reason to believe is being used in a manner which contravenes Sections 3 or 34 of the Road Traffic Act 1988 (careless and inconsiderate driving and prohibition of off-road driving) and is causing alarm, distress or annoyance under Section 59 of the Police Reform Act 2002.
- **Power to remove abandoned vehicles** under regulations made under Section 99 of the Road Traffic Regulation Act 1984. A PCSO designated under this paragraph has the power to order the removal of a vehicle under Regulation 3 of the Removal and Disposal of Vehicles Regulations 1986. This relates to vehicles that have broken down or been permitted to remain at rest on a road:
  - in a position, condition or situation causing obstruction or danger to persons using the road, or
  - in contravention of a prohibition contained in Schedule 1 of the regulations.
- **Power to stop cycles:** Powers of a constable in uniform to stop a cycle under Section 163(2) of the Road Traffic Act 1988 when a PCSO has reason to believe that a person has committed the offence of riding on a footpath.
- **Power to control traffic for purposes other than escorting a load of exceptional dimensions:** Powers to direct traffic (for purposes other than escorting loads of exceptional dimensions) based on the powers constables have under Sections 35 and 37 of the Road Traffic Act 1988. It also gives PCSO'S the power to direct traffic for the purposes of conducting a traffic survey. PCSO'S designated under this paragraph must also be designated with powers under paragraph 3A of Schedule 4 to the Police Reform Act.



- **Power to carry out road checks:** Power to carry out a road check which has been authorised by a superintendent (or a police officer of higher rank) and power to stop vehicles for the purposes of carrying out a road check
- **Power to place signs:** enables PCSO'S to be designated with the power of a constable under Section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.
- **Power to enforce cordoned areas:** under Section 36 of the Terrorism Act 2000
- **Power to stop and search in authorised areas:** Powers under the Terrorism Act 2000 in authorised areas to stop and search vehicles and pedestrians when in the company and under the supervision of a constable.
- **Power to photograph persons away from a police station:** enables PCSO'S to be designated with the power to photograph a person who has been arrested, detained or given a fixed penalty notice away from the police station.

## ***Cheshire Discretionary Powers***

PSCO will also work within the discretionary powers that have been designated by the Chief Constable of Cheshire.

- **Power to issue penalty notices in respect of offences of disorder:** Power of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder).

<b>Offences for which PCSO'S may issue penalty notices for disorder under Chapter 1 Part 1 of the Criminal Justice and Police Act 2001 as designated by Chief Constable of Cheshire.</b>	<b>Phoenix Doc Req'd</b>
Sale of alcohol to a person under 18	Yes
Purchase of alcohol for a person under 18	Yes
Delivery of alcohol to a person under 18 or allowing such delivery	Yes
Breach of fireworks curfew	Yes
Possession of a category 4 firework	Yes
Possession by a person under 18 of an adult firework	Yes
Throwing fireworks	No
Consumption of alcohol by a person under 18 or allowing such consumption	Yes
Buying or attempting to buy alcohol by an under 18	Yes
Sells or attempts to sell alcohol to a person who is drunk	Yes
Trespassing on a railway	No
Throwing stones at a train	No
Drinking in a designated public area	No

Please note that where the offence is shown as requiring a Phoenix Document creating this means that Forensic samples may also be required from the offender i.e. DNA. The Penalty Notice for Disorder must be submitted to supervision before the end of the tour of duty. This will enable the Penalty Notice for Disorder to be submitted within the 24 hour submission target. See FPN Procedure for full details about FPNs.

- **Power to issue fixed penalty notices for truancy:** Power of a constable to give a penalty notice under Section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil).
- **Power to issue fixed penalty notices for dog fouling:** Power of an authorised officer of a local authority to give a notice under Section 4 of the Dogs (Fouling of Land) Act 1996 (fixed penalty notices in respect of dog fouling).



This power (and the 1996 Act) has now been repealed in relation to England and Wales by section 107 and Schedule 5 Part 5 of the Clean Neighbourhoods and Environment Act 2005. However the power continues to have effect in respect of any land which remains designated land under the 1996 Act.

- **Power to issue fixed penalty notices for graffiti and fly-posting:** Power of an authorised officer of a local authority to give a notice under Section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting).
- **Power to remain:** Power to detain a person whom a PCSO has reason to believe has committed a relevant offence who fails to comply with a requirement under paragraph 1A(3) to give name and address or who gives an answer which the PCSO reasonably suspects to be false or inaccurate for up to 30 minutes for the arrival of a police officer (or to accompany that person to a police station if he or she elects to do so on request). Under paragraph 2(2) (as amended by Schedule 8 to the Serious Organised Crime and Police Act 2005) a PCSO may only be designated with the power to detain if they have also been designated with the power to require name and address under paragraph 1A of the Police Reform Act 2002.
- **Power to enforce byelaws:** The Serious Organised Crime and Police Act 2005 provides that offences committed under relevant byelaws are relevant offences under paragraph 2(6) of Schedule 4 of the Police Reform Act 2002. A relevant byelaw is a byelaw from a list of byelaws that has been agreed between a chief constable and a relevant byelaw-making body. As well as being able to require name and address for breach of a byelaw, PCSO'S can also enforce a byelaw by removing a person from a place if a constable would also have the power to enforce a byelaw in that way.
- **Power to deal with begging:** The Serious Organised Crime and Police Act 2005 makes offences under Sections 3 and 4 of the Vagrancy Act 1824 into relevant offences. It also gives PCSO'S a power to detain a person who they have required to stop committing an offence under Sections 3 and 4 of the Vagrancy Act and who has failed to comply with the requirement.
- **Power to disperse groups and remove persons under 16 to their place of residence:** Powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by Section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).
- **Power to remove children in contravention of bans imposed by curfew notices to their place of residence:** Power to remove a child to their place of residence if the PCSO has reason to believe that the child is in contravention of a ban imposed by a curfew notice under Section 15(3) of the Crime and Disorder Act 1998.
- **Power to remove truants to designated premises etc:** Enables a PCSO to be designated with the power of a constable under Section 16(3) of

(3ZA) of the Crime and Disorder Act 1998 to remove a truant or excluded pupil found in a specified area (as specified in a direction under Section 16(2) of the 1998 Act) to designated premises or (in the case of a truant) to the school from which the truant is absent.

- **Power to search for alcohol and tobacco:** Where a person has failed to comply with a requirement under paragraph 5 or 6 or has failed to allow a PCSO to seize tobacco under paragraph 7 of Schedule 4 to the Police Reform Act 2002 and a PCSO reasonably believes that the person is in possession of alcohol or tobacco then a PCSO may search them for it and dispose of anything found. It is an offence to fail to consent to be searched and PCSO'S can require name and address for this offence. As specified in paragraph 3(10) of Schedule 8 to the Serious Organised Crime and Police Act 2005 a PCSO may only detain a person for failure to give an adequate name and address if he or she has been designated with powers under paragraph 2 of Schedule 4 to the Police Reform Act 2002.
- **Limited power to enter licensed premises:** Enables PCSO'S to be designated with a power to enter licensed premises under section 180 of the Licensing Act 2003 for the purposes of investigating relevant licensing offences. They may not enter clubs and must enter all premises with a constable unless the premises are licensed for the sale of alcohol off the premises.
- **Power to stop vehicles for testing:** Powers of a constable in uniform to stop vehicles for the purposes of testing under Section 67 of the Road Traffic Act 1988.
- **Power to direct traffic for the purposes of escorting abnormal loads.**



## **Appendix B**

### **Service Level Agreement**

**Between Cheshire Constabulary and Middlewich Town Council**

**For the provision of 4 (Four) PCSO'S**

This document should be read in conjunction with the following:

- [Borough] Community Safety Strategy
- *[any relevant protocol documents: e.g. Schools Liaison Protocol]*

#### **Aim**

The primary role of the PCSO is to provide a visible uniformed presence in order to contribute to the reduction of crime and disorder and the promotion of public reassurance and quality of life in Congleton with particular focus on the town of Congleton and its open spaces and their surrounding communities.

#### **Duties**

The PCSO will meet this aim by:

- Visible intelligence-led public patrol in uniform;
- Attending, when directed, at incidents of, and using their designated enforcement powers (see Appendix A) against, crime and disorder, in particular:
  - Anti-social behaviour;
  - criminal damage;
  - behaviour that otherwise reduces the quality of life of the community and the local environment

- co-operating with other relevant agencies to find solutions to local community safety concerns;
- providing crime reduction and community safety advice to groups and individuals;
- collating and disseminating relevant community safety intelligence according to agreed Information Sharing Protocols;
- [*specific duties relating to the particular post – hopefully these should be as few as possible*]
- undertaking other duties to meet the Aim that may from time to time be directed by the local Neighbourhood Policing Team Sergeant, in consultation with the nominated Partner Contact.

The PCSO will work the NPU variable shift pattern.

The duties above will normally be undertaken in relation to the Congleton. The PCSO will only be diverted to other areas/duties in exceptional circumstances, at the discretion of the Chief Constable or his delegated authority. An explanation will be given to the Partner Contact when such diversion has occurred.

### **Tasking and Management**

As a member of the Cheshire Constabulary, the officer remains under the operational control of the Chief Constable, through the local Neighbourhood Policing Team Sergeant, who will ensure that the PCSO engages on duties consistent with the Aim and Duties, having regard to:

- the current intelligence assessment relating to crime and disorder, public reassurance and quality of life in Congleton and the surrounding communities; and
- operations targeted at those issues by [*the local partnership Tasking and Co-ordination group*].

Within that framework, day to day tasking of the officer will be by the local Neighbourhood Policing Team Sergeant, who in liaison with the [*nominated partner liaison – e.g. the Deputy Head Teacher or Parks Officer*] will ensure that the duties undertaken by the PCSO do not fall outside those laid down in this agreement.

The purpose of this agreement is to foster a joint partnership approach to reducing crime and disorder and promoting public reassurance and quality of life. All parties will therefore seek actively to work together to direct the PCSO to activities that contribute best to those aims.

## **Appendix C**

### **MANAGING ATTENDANCE PROCEDURE**

#### **BASIC PROCEDURE**

The following document contains extracts from the 'Managing Attendance Procedure' from the Cheshire Constabulary's Human Resources Department. It contains brief details of the systems that are currently in place to allow the Constabulary to manage staff attendance and reduce the level of abstraction.

### **REPORTING SICKNESS**

#### **1. On the First Day of Sickness Absence**

- If an individual is unable to work because of ill-health or injury they should personally inform their supervisor, line manager or nominated point of contact as soon as practicable, and in any case within 30 minutes of the start of the shift.
- Staff reporting sick must ensure, as far as possible, that they remain available for contact on the first day of absence, particularly where they were unable to notify their supervisor, line manager or nominated point of contact directly, i.e. in person.

#### **2. On the Fourth Day of Sickness Absence**

- The individual must contact the supervisor or line manager to notify them that their absence is continuing.



### **3. Eight Days or more Sickness Absence**

- On the eighth day of sickness absence, the individual must personally contact their supervisor or line manager to notify them that their absence is continuing, and that they will be obtaining evidence of their sickness from a medical practitioner.
- **A medical certificate is required for the 8th and subsequent days of sickness absence.**

### **4. Longer Term Sickness**

4. For the purposes of clarity, long term sickness within this procedure is treated as absence of more than 21 days.

### **5. Meetings/Home Visits**

- Managers must arrange a meeting at work or at some other suitable location or offer a home visit after 21 days absence. The purpose of the meeting is to provide support, ensure welfare needs are addressed and to plan any further actions as appropriate.

### **6. Referral by Management**

- The Constabulary may refer staff to the Occupational Health Unit at any appropriate time. Current policy determines "trigger points" at which individuals should normally be referred to the Occupational Health Unit.

## **7. Return to Work Interviews**

- A return to work interview will be required following each period of sickness absence on the first day back at work, or as soon as practical.

## **8. Sanctions**

- Staff will render themselves ineligible for certain processes if their level of attendance is not to a satisfactory level, thereby offering opportunities to those whose is.

## **9. Formal Action**

- Concern arises when an individual's sickness absence record becomes more frequent or prolonged so that the performance of the division or department is affected.
- Managers and staff should be aware from the outset that the Constabulary cannot allow individuals to continue with levels of attendance which are unacceptable. After due procedure, staff will normally be dismissed if they fail to demonstrate immediate, dramatic and lasting improvements in their attendance record.

## Appendix D

<b>PCSO Performance Framework</b>		
	<b>Date</b> (e.g. Month and Year)	
ACCESS	<b>Name</b>	
	<b>Area/NPU/Ward</b>	
	<b>Community Engagement undertaken</b>	
	<b>Priority/Problems stating which engagement these come from e.g. surgeries/public enquiries/CAMs/councillors etc</b>	
INFLUENCE	<b>Supporting evidence &amp; validation</b> (incident/ crime statistics, phone calls, intelligence, etc)	
	<b>Task authorised by</b>	
	<b>Objectives/Aims</b> (to address the priority. What is to be achieved? Can have more than one objective per priority. Objectives should usually be SMART)	
	<b>Consultation</b> (who has been involved in?)	

INTERVENTIONS	<b>Action Plan</b> (what are you planning to do to solve the priority/ problem?)	
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ACCESS	<b>Abstractions</b> (leave/ sickness/tng, etc.)	
	<b>Noteable contact with:</b>	
	1. Partners	
	2. KINs	
	3. Members of the Community	
INTERVENTIONS	<b>Outputs</b> (e.g. hours of foot patrol, meetings attended, problem-solving initiatives recorded, alcohol seized, FPNs completed)	
	<b>Outcomes</b> (e.g. levels of crime and ASB, fear of crime, confidence in the police)	



	<b>Other activities carried out on beat area</b>	
<b>ANSWERS</b>	<b>Feedback</b> (how have you made the community aware of what you have done?)	
	<b>Evaluation</b>	

*April 2011*

## **EASEMENTS OVER COMMON LAND AND VILLAGE GREENS**

### **Introduction**

1. This topic is complex. The difficulties stem from the fact that the courts have been required to grapple with legislation which was drafted before use of the car became the norm and have been required to reconcile conflicting common law principles and statutory principles with the needs of the modern (car-using) public. The only way to make sense of the position is to understand a little of the history.

### **The Statutory Provisions**

2. A number of statutory provisions make it an offence to drive motor vehicles over commons and village greens. These provisions are as follows:
  - Section 12 of the Inclosure Act 1857 (described in more detail in LTN 56 - the Provision of Play and Sports Equipment on Village Greens);
  - s 29 of the Commons Act 1876 (described in more detail in LTN 56 – the Provision of Play and Sports Equipment on Village Greens);
  - s 193(4) of the Law of Property Act 1925 (described in more detail in LTN 53 – Protection of Common Land); and
  - s 34(1) of the Road Traffic Act 1988 (described in more detail in LTN 18 – Powers to provide parking spaces and in LTN 53 – Protection of Common Land).

### **Common Law Principles**

3. Alongside statutory law is judge-made law – also known as the common law. Among the body of law decided by the judges is the principle of the acquisition of a right of way through long use. In law, this is known as an ‘easement by prescription.’ Full details of easements and, in particular, easements by prescription are set out in LTN 47 (Easements). Shortly stated however, a person may acquire an easement by prescription if the following conditions are met:

- the rights claimed must have been exercised for 20 years or more;
  - no force must be used in order to enjoy the claimed right, nor must the use of the land have taken place under protest from the owner;
  - use of the land must not have been secret – as the owner would not have an opportunity to protest;
  - the owner of the land must not have given permission.
4. In the case of easements over village greens and commons in respect of motor vehicles there has been a clash between (i) the statutory provisions set out above (which prohibit the driving of motor vehicles on village greens and commons) and (ii) the common law which states that a right to do something may be acquired if it is done for 20 years or more. Further confusion was created when a further rule of the common law was added to the mix. In earlier cases, the courts had decided that an easement by prescription could not be acquired where the use in question had been unlawful. The courts, in a number of cases set out below, attempted to create some order out of the confusion.

## Caselaw

### (i) *Hanning v Top Deck Travel Group Ltd* (1993)

5. In *Hanning*, double-decker buses belonging to a company had been using a track across a common for well over 20 years. No authority to do this had been given by any owner of the common. The judge noted that this use was an offence under section 193(4) of the 1925 Act. The Court of Appeal stated that 'an easement cannot be acquired by conduct which, at the time the conduct takes place, is prohibited by a public statute'. Accordingly, the court held that it was not possible to acquire an easement by prescription over common land.
6. After *Hanning* Parliament enacted section 68 of the Countryside and Rights of Way Act 2000 which introduced the Vehicular Access Across Common and Other Land (England) Regulations 2002.(SI.1711). The effect of the regulations was to permit owners of commons and village greens to grant easements for a fee which could, in some circumstances, be quite substantial. The purpose of the provisions in the 2000 Act and the subsequent regulations was to counter the effects of the decision in *Hanning*.



**(ii) Massey v Boulden (2002)**

7. In *Massey* the owners of a house had used a track across a village green to access their house by car for more than 20 years. Relying on the case of *Hanning*, and noting that it was open to the owners of the house to purchase an easement pursuant to the 2002 regulations, the court stated that the provisions of the 1988 Act and the common law rule (that an easement cannot be acquired by conduct which, at the time the conduct takes place, is prohibited by a public statute) meant that the owners of the house could not have acquired an easement across the village green by prescription.

**(iii) Bakewell Management Ltd v Brandwood (2004)**

8. In *Bakewell*, each of the appellants in this House of Lords case owned a house bordering on a 144 acre common, Newtown Common, near Newbury. Vehicular access to each of the houses from the nearest public road had, since each house was built, been obtained via one or other of a number of tracks over the common. The owner of the common (Bakewell Management Ltd) had given no permission authorising this use of the tracks and commenced proceedings to establish that the appellants had no vehicular rights over the tracks. Bakewell relied on the *Hanning* decision.
9. It is important to note that it would have been open to all of the owners of the houses to apply to the owner for an easement pursuant to the 2000 Act and the regulations there under but the owners did not wish to do so as they did not wish to pay the fees requested by the company. Instead, they argued that the case of *Hanning* had been wrongly decided and that it was possible to acquire an easement by prescription over common land notwithstanding that doing so would be in breach of the legislation set out above.
10. The House of Lords agreed with the home owners and held that it was possible to acquire easements over commons and village greens notwithstanding the legislation set out above.

**Ramifications of the decision in *Bakewell***

11. Section 68 of the Countryside and Rights of Way Act 2000 Act and the subsequent 2002 regulations were introduced to counter the effect of the decision in *Hanning*. When the House of Lords overruled *Hanning*, section 68 and the regulations became redundant and were repealed by s.51 of the Commons Act 2006 which took effect in England on 1 October 2006 and Wales on 6 September 2007.

## **Payments made under section 68 and the regulations**

12. The effect of the decision in *Bakewell* is that owners of land can acquire rights of way over village greens and commons if they can demonstrate that they have complied with the requirements set out in paragraph 3 above. Inevitably many individuals who applied for easements under the regulations and who paid a fee for them have requested refunds.
13. NALC's view is that the 2000 Act and the regulations imposed a duty on local councils to grant easements (for a fee) unless they could decline to do so on very narrow grounds set out in the regulations. Had councils failed to grant easements when required to do so they would have been liable to a legal action. In those circumstances, NALC is of the view that councils had no choice other than to grant easements and are not required to refund money which was paid in accordance with the Act and with the regulations.

## **Are there any restrictions on the abilities of councils to grant easements?**

14. The legislation set out above has clarified that it is possible for owners of property abutting commons and village greens to acquire easements by prescription over them. If such owners are able to meet the requirements set out in paragraph 3 above councils should agree to document easements acquired (usually by a Deed of Easement). Councils will be able to pass on the charges in respect of legal fees incurred but will not be able to charge for the easement itself.
15. A different, but related issue is whether councils can grant easements for a fee where applicants have not already acquired easements by prescription. Councils have the power to grant such easements (pursuant to section 127 of the Local Government Act 1972) but will need to take into account a number of considerations which differ – depending whether they relate to commons or to village greens.

### **(i) Commons**

16. In *Bakewell*, the House of Lords said the following:

'The owner of a common cannot lawfully do anything on the common that would constitute an unreasonable interference with the rights of the commoners... to do so would be a nuisance ... Nor could the owner of a common lawfully authorise things to be



done by others on the common that, if done, would constitute a nuisance. The ... owner of a common can [not] authorise to be done whatever he pleases. Authority given to too many people to camp on the common and light too many fires could damage the sufficiency of grass on the common for the commoners' grazing rights. If that were so, the authority would not, in my opinion, be a lawful one. Similarly, authority to too many people to drive too many cars or other vehicles over the tracks on the common might not be lawful. It would depend on the facts. But, subject to that qualification, subsection (4) [of section 193 of the 1925 Act] allows the owner of a common to which section 193 applies to authorise the doing of an act that if done without that authority would be an offence under the subsection.'

17. In essence, councils are allowed to grant easements over common land but they must balance that right with their obligations:-

- Pursuant to powers under s. 193(4) of the Law of Property Act 1925 and s. 34 (1) Road Traffic Act 1988 ; and
- to commoners.

## (ii) Village Greens

18. Similarly, councils contemplating the grant of easements over village greens will need to be aware of their responsibilities pursuant to s. 12 of the Inclosure Act 1857 and s. 29 of the Commons Act 1876 (as set out in paragraph 2 and as described in further detail in LTN 56 (the Provision of Play and Sports Equipment on Village Greens). In July 2006 Defra stated as follows:

'Section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876 are both concerned with injury to the green. In our view, whether or not driving across a green in a particular way contravenes those provisions **would be a matter of fact and degree, to be decided on the circumstances of individual cases.**'

19. Councils may conclude from the above that whilst it is possible that an easement may be granted over a village green, whether or not an easement should be granted in any given case will depend on the extent to which such use would injure the green. In NALC's view it is likely that the government and the courts would not consider that minor or superficial damage to a green would prevent the grant of an easement. At the other end of the scale, however, the courts would expect councils to comply with the 19<sup>th</sup> century Acts and refuse to grant easements where it would be necessary to do so to prevent more serious damage being caused.



## The Grant

20. When granting easements councils should obtain legal advice. The grant of an easement will be a disposal within the meaning of section 127 of the Local Government Act 1972 and councils (and their lawyers) will need to comply with the following requirements which are set out in further detail in LTN 45 (Disposal and appropriation of land by local councils and parish trustees):

- to obtain the best consideration (unless the transaction falls within the terms of the General Consent issued by the Secretary of State/ National Assembly in Wales);
- to obtain the consent of the Charity Commissioners (where the land is subject to charitable trusts);
- to ensure that the proposed grant would not be in breach of any other trust or restrictive covenant; and
- to advertise the proposed disposal where the land in question is 'open space'.

## Charges

21. Local councils must obtain the 'best consideration' (i.e. the best price) for the grant of an easement but have the power to receive less where the terms of the disposal fall within the General Consent issued by the Secretary of State. In 2003 the ODPM published a document - 'circular 06/03: Disposal of Land for Less Than Best Consideration' - which gives guidance on the General Consent. The circular clarifies that it is for local authorities to consider whether a given disposal meets of the General Consent. The circular also states:

'In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue.'

Similarly the National Assembly for Wales who issued a General Disposal Consent ( Wales) 2003 and circular which is applicable to community councils advises that '*it is for a [community council] to decide whether a proposed disposal requires the consent of the National Assembly, seeking its own legal or other professional advice as appropriate and to bear responsibility for its decisions.*'

## Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
45	Disposal and appropriation of land by local councils and parish trustees.	Sets out the general obligations imposed on councils when seeking to dispose of land.
47	Easements	Sets out the general nature of easements.
53	Protection of Common Land	Sets out the power and obligations of local councils to protect common land.
56	The Provision of Play and Sports Equipment on Village Greens	Sets out the matters local councils need to consider when dealing with village greens.
77	Public Rights of Way	Sets out the rights and responsibilities for a Footpath, Bridleway, Byway Open to All Traffic (BOAT), or Restricted Byway.

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This booklet is written to pass on the knowledge and experience gained in getting a successful Village Green registration for Coombe Wood in Essex.

It is down to the two Ps, PREPARATION and PRESENTATION. Years of diligent preparation can be undone by a poor presentation; equally the best presentation cannot mask poor preparation.



## Background

Coombe Wood is approximately 30 acres of ancient woodland in Thundersley, South East Essex to which the local residents had enjoyed unrestricted and unhindered access for as long as anyone could remember. In the woods is the remains of a large pond and in 2002 a planning application was made to restore this and fence it off to be a private fishing pond. Although occupying only a small part of the woods it alerted the local residents to the possibility that the access previously enjoyed could be stopped and the use of the woods would be lost.

A local organisation, Friends of Coombe Wood was formed with the aim of seeing how access and use could be preserved. It was soon realised that no one knew who owned the woods, nor had anyone given it any thought; they were just there and had been used. Investigation showed that Coombe Wood was part of an estate that had been sold off as plot land in 1910, long before compulsory land registration, and there was no one person owning it.

The only way we could see of ensuring freedom of access into the future rested with obtaining registration as a Village Green under the Commons Act of 1965. An application was duly made in 2003 and after a three day public enquiry Village Green status was granted over the southern part (60%) of Coombe Wood in 2007. The inspector concluded that there was insufficient evidence of use over the remainder. A major factor for this was that the local council (Castle Point Borough Council) had requested a low key approach, due to the nature of the land ownership, which was abided by. This somewhat restricted the publicity given to the application and resulted in a less comprehensive gathering of evidence than would ordinarily have been made. The local council confirmed this approach at the hearing and that it had been adhered to.

Subsequent to this a vast amount of evidence of usage over the remaining 40% emerged and it was felt that had this been before the inspector a different conclusion would have been reached.

Accordingly a second application was made in 2008, by a different applicant, for a different 20 year period under the new Commons Act 2006. This was successful and in February 2013 Essex County Council accepted the application thus granting the whole of Coombe Wood Village Green status.

This could not have been achieved without the support and assistance of the local council (Castle Point Borough Council), Castle Point Association of Volunteer Services (CAVS), the Open Spaces Society and the Environmental Law Foundation.

## Form an organisation

Do not underestimate the amount of work involved in preparing a Village Green application. The first thing to do is to form an organisation to support an application. Two advantages are gained. First, it makes sense to have many people helping but an organisation can direct and co-ordinate the work. It is amazing how much diverse expertise exists within a community. Second, you gain a degree of authority because people are interfacing with a formal organisation rather than an individual and that makes a big difference.

The organisation needs to be a formal one so you need

- A constitution that lays down the aims and rules of the organisation. Don't go overboard; restrict yourselves to achievable aims like, 'to preserve the right of the local residents to use the land'.
- A meaningful name, we used Friends of Coombe Wood, as the land is known as Coombe Wood.
- Elected officials, we suggest at least a Chairman, Vice Chairman, Secretary and Treasurer. A couple of committee members are also useful.
- To keep formal minutes of meetings, signed and agreed.
- Members, we charge a fee of £5 per household (better than individuals) but also request donations. Many members give an extra £5 and some as much as £25. We have between 60 and 80 households being members.
- A dedicated bank account, most banks offer Community Bank accounts, no interest but no charges either.
- To hold an Annual General Meeting where the Chairman's and Treasurer's reports are tabled and officers elected.
- Headed paper with a nice logo and a contact address, normally that of the secretary.
- To issue news letters to members, we also send newsletters to councillors and other parties who are not members of our organisation but either use or have an interest in the woods as it gives us more visibility in the community. You could leave copies in the local council offices, local pub etc.

Now you have your organisation set up you can join societies that offer help in the area of getting Village Greens registered, like the Open Spaces Society. Since you are a third sector, not for profit, charitable, volunteer organisation you can join your local Association of Volunteer Services. In our case it was Castle Point Association of Volunteer Services (CAVS). These give invaluable help and advice. They won't do it all for you but, for instance, CAVS advised us on formulating a constitution and assisted us with printing. Put 'affiliated to .....' in the footer of your headed paper.

Sounds a lot of work? It is but so necessary. When you approach organisations for assistance they may well ask who you are and require a copy of the constitution and summary of accounts.

Above all you gain RESPECT and people listen to you.

Remember friends help you, enemies don't, so make friends not enemies.

## **What have you got to do?**

Now you have the organisation in place it is time to consider what you have to prove beyond all reasonable doubt. First, read the exam paper, secondly, read it again. No one passes an exam answering the wrong question or ignoring a question.

You have to show that 'a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years'. Each element can be considered in its own right.



Having the community behind you is essential; they can get quite passionate about these things!

Read as many inspectors' reports as possible, especially those that failed, and determine why they did so. What are you going to do to make sure your application does not fail in the same way?

## Spreading awareness

Spreading awareness of your campaign is important if you are to get sufficient evidence of use and hopefully recruit members to your organisation. Local newspapers, particularly free ones, are often looking for such stories so give them a call. Do not forget the social networking sites like Twitter and Facebook as a way of 'spreading the word'.

However avoid such terms as 'battle' and 'fight' which can inflame objectors, rather use 'campaign' and 'legal process'.

## The locality (or neighbourhood within a locality)

The Commons Act 2006 only confers rights to use the land to the residents of a neighbourhood not to the population as a whole and the establishment of such is often questioned. If you cannot prove a viable neighbourhood the application could be seriously jeopardised.

A neighbourhood implies boundaries. Find lots people who are prepared to come forward and declare usage of the land and who don't want their use taken away; recruit them as members to your organisation if possible. Get a map of the area and put a cross where they live. Hopefully you will get the greatest density closest to the land becoming sparser the further away they live.

Now to draw some boundaries that captures the majority of users. It is no use extending the boundary two miles just to get one user; equally you don't want to exclude 25% of them. Things that make good boundaries are ones that form an impediment to people crossing them to use the land thus, to some extent, isolating the community. Where there is a break between houses is best. It can be difficult to draw boundaries through an unbroken swathe of houses. Examples are

- Parish or ward boundaries
- Main roads, particularly if they are a bus route. A dual carriageway is even better.
- Railway line
- River or stream
- A steep hill
- Open land like a golf course
- Industrial site
- Playing fields to which the public have no access
- School or collage
- Offices
- Factory
- Group of shops

The boundaries should not be straight lines on the map, a mistake we made at first. The Inspector said it is reasonable for a boundary to 'squiggle' about picking up clusters of homes.



For Coombe Wood, to the North, the roads were dead ends, ending in open land which eventually led to a dual carriageway. To the South, the roads were again dead ends, ending in open land leading eventually to a golf course. To the east is a sixth form college and to the West is a steep hill at the bottom of which is the parish boundary which is also a main road with a bus route. Coombe Wood lay neatly in the centre of the neighbourhood. We were lucky in having such easily definable boundaries.

It helps to establish the viability of a neighbourhood if you can show it contains

- Shops
- Restaurant or café
- Chemist
- Churches
- Church hall
- Post office
- Doctors
- Dentists
- Schools
- Nursing home
- Health clinic
- Vet

The neighbourhood we defined for Coombe Wood included most of these.

Make sure you include proof of the above in your submission and presentation.

Our defined neighbourhood was accepted.

## Evidence of use

You have to prove use of all of the land by the community over the 20 year period. No one expects every single person to have used every single square inch of the land for the entire 20 year period. So, some people might have used one bit, others another bit, some people might have used it for the first 5 years, others of the last 6 years etc, but for the whole of the 20 year period someone used all of it. It helps if your evidence shows use well before the specified 20 year period.

If an organisation like the Scouts or Guides or local school or Mothers and Toddlers group has used the land; get them on your side. They have a continually changing membership and in the 20 year period hundreds of members must have used the land. Coombe Wood has a local church hall on its boundary and all the community groups operating out of the hall like Scouts, Guides and Sunday School used the land. They estimated that 75% of their membership lived within the defined neighbourhood. Scout and Guide Leaders, even the district commissioner, came and gave supporting evidence at the enquiry of use of the land by their members.

We used 3 methods of proving usage

- Questionnaire

Ours was based on an example from the Open Spaces Society but these carry the least weight as they cannot be subjected to cross examination at a public enquiry and, like petitions, can be viewed with a degree of scepticism. Attach a map of the neighbourhood and get people to put a cross where they live and certify that they agree with the boundaries of the neighbourhood. Make sure questions like these are included

- Did you know who owned the land at the time
- Did anyone ever challenge you
- Any fences or signs
- Did anyone give you permission to use the land or did you ever ask for it
- Years of use
- Which bit did you mainly use
- Used for....
- Who else did you see using the land, how many and how often
- Anyone with you
- Age and gender

What you want is a wide range of ages and a wide spectrum of use across the whole land and *not all the same words*. Make sure you impress on the Inspector that you know they carry less weight but they must count for something and should not be dismissed especially as they show such diverse use by the community.

On both occasions we had over 200 completed questionnaires from users which we analysed and produced analyses by age, type of use, area of use etc. This made sure the inspector had this information before without him having to work it out for himself, which cannot be relied upon. We did scrutinise them and rejected those (about 5) which were ambiguous or confusing.

If a questionnaire mentions use by more than one person, say husband and wife, or parents and children it must be signed by all or it will only count as one user.

- **Statements**

Written statements by users of their use and experiences count more than a questionnaire, especially if they are accompanied by photographs showing use of the land. Try and get statements from a range of people, all age groups with widely differing experiences. We had nearly 40 including one from an 8 year old, complete with spelling mistakes. Whilst we did not put words in their mouths, that must never happen, we did scrutinise their statements for inaccuracies and suitability and got the people to correct them where necessary but left anything that reflected their personality or feelings. Leave out ones that don't really help your cause.

If these can be endorsed by a Commissioner of Oaths it is even better.

- **Witnesses**



Greatest weight goes to witnesses who are prepared to read out their statement at an enquiry and be cross-examined on it. Whilst we did not coach them we did explain the procedure to them and made sure they were happy and confident enough to do it and could speak clearly not mumble. We had 26 witnesses at the second enquiry, from a teenager who was doing his A levels but came along to give evidence (we made sure the Inspector was made aware of that) to a guide leader in uniform. From a scout troop leader to a 'little old lady' who simply walked her dog in the woods.

The more witnesses the better even if the Inspector baulks at the quantity. Hopefully the questionnaires and written statements will convey the same picture as the witnesses which should be pointed out to the inspector.

## Significant use

You have to show use by a significant number of the local community. We added up the homes in our defined neighbourhood and it came to 1500. Given we had some 200 plus questionnaires and the use by the community groups we were looking at over 10% and that is significant.

Equally there may be some areas of the land that cannot be used in terms of footprint but this can be part of the beauty of using the land. For instance in Coombe Wood there is a pond (well you cannot walk on a pond) but it looks nice. There are small clumps of impenetrable brambles but again that is part of the nature of woodland. The House of Lords ruled that even if only 25% of the land was available for lawful pursuits and pastimes that should not be detrimental to registration, indeed the nature of the land may be a major factor in its use.

## Lawful pursuits and pastimes

The law will confer on local residents use for those lawful pursuits and pastimes they declared at the time of application. Most sports like bike riding count, so does walking the dog or bird watching or simply children playing. Equally a peaceful wander through the woods counts, but difficult if there are no trees on your application area. Therefor what is possible depends on the topography and vegetation of the area. Coombe Wood is a wood, with streams and brooks running through, it so kite flying is not realistic, but playing hide and seek is. On open land just a walk in the fresh air for relaxation or a sit down to read a book counts.

Make sure you cover all the activities that have taken place remembering that how the land is used may well vary with the seasons like sunbathing in the summer and snowball fights in the winter, so make sure this is covered. Community events like bonfire night are a good example even though they may only be once a year. There is no requirement that an activity must take place throughout the year to count.

You cannot do any work on the land without the consent of the owner; only use it for those lawful pursuits and pastimes that you have engaged in in the past so chopping down trees is not a lawful pursuit.

What does **not** count is using the land as a short cut to get from A to B, which is not using the land. With Coombe Wood, or any other wooded area, there is a tendency for people to make tracks which



they stick to. This could give rise to 'public right of way' claims however use of tracks can be for lawful pursuits and pastimes not just footpath use, it depends on the terrain. It helps if users have left the tracks; children and dog walkers are good at doing this so make sure they have said this. We pointed out that in Coombe Wood tracks tend to fall into disuse and new ones made depending on the season and what vegetation was growing. Fallen trees and branches would make a track unusable and new ones would be made. We had photographic evidence of such disused tracks and recent ones. We also pointed this out to the inspector on his accompanied visit.

## **As of right and 20 year period**

Use has to be 'as of right' and not 'by right'. In other words you did not have permission to use the land, you were trespassing. Use was without force, secrecy or permission. There were no notices up, no fences, and no one ever challenged you. Equally you did not creep about hoping to remain unseen. If, for instance, a land owner told the headmaster of a school that the children could use the land but that was never passed down to the teachers or pupils or parents and the land owner did nothing else that does not make it 'by right', permission has to be communicated down to the users.

Local Councils and other bodies like the Church do make open spaces available to the public but there is often a notice to that effect. Also such spaces may be listed on the council web site (as is the case with Castle Point Borough Council) and the list is available at the council offices. You use these areas 'by right' and they are out of scope of Village Green registration.

The use during the 20 year period has to be unbroken, an application failed recently and one of the reasons was that there was a 3 months period when access was unavailable due to some construction work taking place and the area was fenced off.

## **Land ownership**

It is your responsibility to identify the land owners and mark on map who owns what. The Land Registry will help, for a fee, which is why you need members for your organisation paying a small membership fee.

Village Green registration does not alter the ownership of the land and even if the owner says he will not oppose registration, as did some plot owners in Coombe Wood, you still need to meet the criteria. You cannot apply for Village Green registration on the strength that no one opposes it.

## **Preparation**

Now your organisation has spent hundreds of hours preparing all this evidence make sure that everything is in order, all the Is dotted and ts crossed. You know who is going to support you and who is going to oppose you. You have a good idea of how any opponents are planning their attack and how you will counter them. You have ample proof that every criterion can be proven beyond doubt – hopefully.

We kept organisations such as the Open Spaces Society abreast of our progress to make sure we were on the right track.

In goes the application accompanied by all the evidence, that is where your friends come in, CAVS did thousands of copies for us at a very competitive rate.

## **Organising the evidence**

This is an IT bit. It was most helpful in our second application when we were lucky to have legal representation. You will invariably collect documents and evidence in many different formats. We scanned them all in to the computer, converted them all into pdf format and joined them together into one large pdf file. There are a number of pdf tools available that will convert almost anything into pdf format, allow you to delete or insert pages, and number the pages sequentially. The advantage was that it was easy to hold all the data electronically and restructure it or add bits and then at the press of a button renumber all the pages sequentially. We could send the whole application and evidence to anyone electronically as one file. It was printed from that one file (with every page sequentially numbered) rather than the alternative which was to try and photocopy the loose sheets. It was used in the presentation at the public enquiry.

## **Funding**

Getting funding for legal fees is almost impossible but there are organisations and charities that will help you. We did a complete 'request for funding package' with the background to our case, the history of Coombe Wood, letters of support from our MP, maps, pictures and all the evidence, with analysis, to support our case. We even did a summary of how we would present our case.

On the strength of this we obtained, through Castle Point Association of Volunteer Services (CAVS), a legal review of our application, complete with all the evidence etc, using the Bar Pro Bono scheme. This was done to determine if we stood any chance of success. Following some revision and additional work where the legal team thought we were weakest they thought we had a good chance and would support us so we went ahead with the application which was made by a local resident. She has always said that Friends of Coombe Wood was her support team.

This emphasises the importance of having that formal organisation behind you and affiliating yourself with these other organisations. Then through the Environmental Law Foundation we obtained the services of a barrister who took on our case at a rate we could afford. For this we had to produce evidence of our income and expenditure over the years. We costed the hours of voluntary work we had put in.

## **Representation**

If you can get legal representation, do so, but it can be expensive, see section on funding. We represented ourselves at the first Coombe Wood inquiry but obtained the services of a barrister at a price we could afford for the second. I thought we did a good job but the barrister was brilliant and ably assisted by a team from the Environmental Law Foundation.

## **Presentation**



Next comes the other P, presentation. Not much to say here but some things which stood out in the second Coombe Wood public enquiry.

- Witness organisation

Some 26 people were prepared to stand up and read out their statement and then be cross-examined both by objectors and our barrister. We had to give a chronological list to the inspector of our witnesses. A member of Friends of Coombe Wood had already arranged the day and time for each person, then made sure they were present, we even picked a few up and took them home, so we had an unbroken stream of witnesses. We had a copy of their statement ready in case they had forgotten theirs.

- Venue

Visit the place where the enquiry will be held in advance and familiarise yourself with it. What parking is there, is there a café near for use during the lunch break, do your witnesses know how to get there, see what there is available to help you in your presentation. If there is something get permission to use it. Don't find out all this on the day!

- Overhead projection

The council chamber where our enquiry was held is equipped with 2 overhead projectors and drop down screens with separate computer screens for where the inspector and other officials sat. We got permission to use it from the council and tried it out the week before so we knew how it all worked. This sort of set up is becoming more available now in venues where enquiries are held. If not, do you have access to an overhead projector that you can bring and use?

Our evidence was on a laptop, as one pdf file so we could easily jump to any page, plugged into the screens. As each witness readout their statement it was up on the overhead screens. The public gallery was full of our supporters and rather than listen to someone reading from a sheet of paper (boring), objectors, our legal team and the public gallery all could read it on the overhead screens.

Witnesses were given a laser pointer and when asked where they lived a map of the locality was projected and the laser used to point to their house on the map.

When asked how they entered and exited the area and which part they used a map of the application area was projected and the laser pointer again used.

If you have not got this facility give consideration as to how you are going to get these points across and come prepared. Perhaps a big paper map, hand drawn but reasonably accurate and snooker cue for witnesses to use as a pointer.

The moral is 'use the available technology'

If you are doing it yourself then make sure you bring out all the evidence you so painstakingly collected. When you cross-examine witnesses make sure they do not stray from the point, we had pre-prepared what questions to ask each witness based on their statement. Perhaps they had not been explicit on what area they had used.



Each evening we held a 'council of war' on the day's event. Had the inspector asked for anything, if so get it and make it available for the next day? Did something need to be clarified? Was there something we missed that we could bring up next day? Had a weakness been exposed that needed to be remedied next day? Did something not run as smoothly as it should, if so, improve it next day? Did an objector raise something that we needed to counter?

Our barrister's summing up ran to 8 pages and took half an hour, essentially he went through everything on the lines of 'you have heard how Mr X used the land from x to y for a,b and c' and how..... You need to reiterate to the inspector all the evidence he has heard in support of your application.

The inspector will do an accompanied visit after the enquiry at which time you can point out anything you mentioned in evidence at the hearing but you cannot introduce new things. Make a list of what you want to point out during the visit and make sure it is brought out at the enquiry. For example you might want to point out the tree the scouts used to climb up and install a bird box.



*The Office of Paul Nuttall M.E.P.*

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*Lancaster*

*LA1 5JA*

*Tel: 01524 387 690*

*Fax: 01524 382 593*

*email: nbrown0527@gmail.com*

**HS2 Project**

Dear Councillor,

18.4.2013.

Like you, I believe that the HS2 Project will be a disaster for Cheshire. UKIP is the only mainstream political party that is opposed to HS2. We believe it is wrong for the reasons listed below:

1. It is too costly. I believe the 33 billion pound it is costing to build HS2 should be spent improving our own transport infrastructure here in the North West.

2. It will not benefit the local economy. The economy of the North West will suffer as many companies close northern offices (usually based in Manchester) and relocate to London. The French and Spanish experience proves that high speed rail only ever benefits the capital cities.

3. It will destroy our beautiful countryside. The HS2 line will cut through Cheshire's countryside with trains hitting speeds of 200mph on verges which can be as high as 25ft. This will undoubtedly cause damage to farms, wildlife and destroy areas of natural beauty.

4. It is bad for house prices. If you live anywhere near where the line will run, your house price will inevitably fall. House prices near stations used by HS2 will rise as we become little more than a suburb of London.

HS2 is an Establishment 'vanity project' that will benefit nowhere but London. It needs to be stopped. Therefore, I am asking you to please join us on our quest to stop HS2.

Yours faithfully,

A handwritten signature in black ink that reads 'Paul Nuttall'. The signature is written in a cursive, flowing style.

(Paul Nuttall MEP for the North West of England)

## Report to Community Environment and Services Committee

Thursday 6<sup>th</sup> June 2013

### Refurbishment of the War Memorial

The War Memorial was officially dedicated on the 11<sup>th</sup> November 1923 by Brigadier General Bomley Davenport in memory of the men who laid down their lives in the First World War.

Finance for the Memorial Cross was raised by public subscription by the residents of Congleton and then became the responsibility of the then Corporation of Congleton which has since passed into the hands of the Town Council.

Other than tending the gardens surrounding the War Memorial, little has changed since 1923. However, a small group has been established which includes Margaret Williamson, John Lilley and the Town Clerk, whose aim is to have the Memorial and surrounding area refurbished in time for the centenary of the start of the First World War in November 2014.

The intention is to raise some funds locally to undertake this work, but, the majority of the funding is expected to come from the Lottery Heritage Fund.

In order to make a successful claim land ownership needs to be clearly established so that there are no issues about work being undertaken in the area, however, it transpires that the land on which the War Memorial stands is unregistered and this needs to be addressed.

It is a reasonably simple process to register the land although we need to prove to Land Registry that we have been responsible for maintaining the area before the application can succeed.

But, there are other issues to take into account, the wall surrounding the site running along the edge of Colehill Bank is in a serious state of disrepair and responsibility for the wall and its maintenance needs to be established before the Town Council considers registering the land so that we don't end up with this liability. Indeed with the assistance of David McGifford of Cheshire East Council, it has been clarified that the Borough is responsible for the wall.

The intention though of the team who are leading the refurbishment programme is:-

1. To obtain the necessary finance to undertake a feasibility study, this is a necessary prerequisite of a full application to the Lottery Heritage Fund
2. To request funding for both refurbishing the War Memorial and surrounding area, but, to also include the repair to the retaining wall surrounding the site and the Community Garden within the application



Recommendation

That the Town Council registers the land on which the War Memorial stands and surrounding area.

Brian Hogan

30.05.13

## Brian Hogan

---

**From:** MCGIFFORD, David <David.McGifford@cheshireeast.gov.uk>  
**Sent:** 30 April 2013 12:43  
**To:** Brian Hogan  
**Subject:** RE: cenotaph

Ok, I am pretty sure the wall is our responsibility based on the fact we are proposing to repair the gap (short term repair by the sounds of it )

Regards

David

---

**From:** Brian Hogan [<mailto:bh@congletoncouncil.co.uk>]  
**Sent:** 30 April 2013 12:29  
**To:** MCGIFFORD, David  
**Subject:** RE: cenotaph

David,

Still waiting for our solicitor to confirm the process for registering the land, but, before I can go ahead it will need to be approved by a council committee which doesn't meet until 6<sup>th</sup> June

Brian

---

**From:** MCGIFFORD, David [<mailto:David.McGifford@cheshireeast.gov.uk>]  
**Sent:** 30 April 2013 12:00  
**To:** Brian Hogan  
**Subject:** cenotaph

Hi Brian,  
Do we have a date for the next meeting?  
How are you doing on ownership ?

David

*David McGifford*

Senior Regeneration Officer  
Economic Development - Sustainable Towns

**Direct Line:** 01270 685915  
**Mobile :** 07968 603811

\*\*\*\*\*  
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## Brian Hogan

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**From:** MCGIFFORD, David <David.McGifford@cheshireeast.gov.uk>  
**Sent:** 24 April 2013 13:41  
**To:** Margaret Williamson; Brian Hogan  
**Subject:** FW: Wall Project - CEC ownership

Hi Margaret, Brian  
Please see the e-mail trail below – getting closer one hopes  
David

---

**From:** CURTIS, Nigel  
**Sent:** 24 April 2013 13:38  
**To:** MCGIFFORD, David  
**Cc:** GRIFFITHS, Paul  
**Subject:** RE: Wall Project

Yes – that would be my view.

Nigel.

---

**From:** MCGIFFORD, David  
**Sent:** 24 April 2013 13:37  
**To:** CURTIS, Nigel  
**Cc:** GRIFFITHS, Paul  
**Subject:** RE: Wall Project

Thanks both, will forward onto Peter, I assume without evidence of a historic agreement it would revert to us?  
Regards  
David

---

**From:** CURTIS, Nigel  
**Sent:** 24 April 2013 13:33  
**To:** MCGIFFORD, David  
**Cc:** GRIFFITHS, Paul  
**Subject:** RE: Wall Project

David,

I can't confirm that I'm afraid as I don't actually know.

Normally the rule of thumb is that if the highway needs retention then the retaining structure is the responsibility of the highway authority. Similarly if land adjacent to a highway needs a retaining structure then the adjacent land owner is responsible for the retaining structure.

In this case the highway of Colehill Bank is retained therefore by rule of thumb the retaining wall is the responsibility of the Authority and by that rule my opinion would be that the wall above the structure will also be our responsibility for the adopted length of the retained highway too.

What I am not aware of is any historic agreement which may change or share that responsibility.

I would think that asking our estates section (Peter Hall's team) and possibly even the building inspectors may prove valuable in yielding further information.



Regards,

**Nigel Curtis I.Eng M.C.I.H.T.**  
Principal Development Officer  
Cheshire East Council  
01270-371144

---

**From:** MCGIFFORD, David  
**Sent:** 24 April 2013 13:09  
**To:** CURTIS, Nigel  
**Subject:** RE: Wall Project

Hi Nigel  
So for clarification the wall along the adopted area as mentioned below is our responsibility.  
Regards  
David

---

**From:** CURTIS, Nigel  
**Sent:** 24 April 2013 13:04  
**To:** MCGIFFORD, David  
**Subject:** FW: Wall Project

David,

Please see below for Colehill Bank wall info.

Regards,

**Nigel Curtis I.Eng M.C.I.H.T.**  
Principal Development Officer  
Cheshire East Council  
01270-371144

---

**From:** GRIFFITHS, Paul  
**Sent:** 24 April 2013 12:29  
**To:** CURTIS, Nigel  
**Subject:** RE: Wall Project

Well done ! - Could you speak / e-mail this onto David McGifford please - thanks  
**Paul Griffiths**  
Principal Transportation Officer  
Strategic Highways and Transportation

Tel No 01270 686353  
Fax No 01270 537352

Email [paul.griffiths@cheshireeast.gov.uk](mailto:paul.griffiths@cheshireeast.gov.uk)  
Web address [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

---

**From:** CURTIS, Nigel  
**Sent:** 24 April 2013 11:56

**To:** GRIFFITHS, Paul  
**Subject:** RE: Wall Project

Good Morning Paul,

Yes I remember it being part adopted from the Lawton Street end.

I have looked at the old Congleton BC register of streets and it says 50 yards from Lawton Street. In metres that's 45.72 metres and Andrew Kelly and I have interrogated his mapping system and the visual distance interpreted on site is about 43 metres from the back of footpath of Lawton Road (which is the modern interpretation of side road length) and about 45 metres from the edge of carriageway of Lawton Street (which is the old interpretation of side road length).

So – my view is that Colehill Bank is adopted for the first 43 metres (approx) from the back of footpath line of Lawton Street. A specific point could certainly be interpreted on a site visit.

This does not cover the full length of frontage of Colehill Bank with the War Memorial site but does cover most of it.

Regards,

Nige.

**Nigel Curtis I.Eng M.C.I.H.T.**  
Principal Development Officer  
Cheshire East Council  
01270-371144

---

**From:** GRIFFITHS, Paul  
**Sent:** 24 April 2013 10:17  
**To:** CURTIS, Nigel  
**Subject:** FW: Wall Project

Any view Mr Congleton??

**Paul Griffiths**  
Principal Transportation Officer  
Strategic Highways and Transportation

Tel No 01270 686353  
Fax No 01270 537352

Email [paul.griffiths@cheshireeast.gov.uk](mailto:paul.griffiths@cheshireeast.gov.uk)  
Web address [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

---

**From:** MCGIFFORD, David  
**Sent:** 24 April 2013 09:58  
**To:** GRIFFITHS, Paul  
**Subject:** FW: Wall Project

Hi Paul

Need some help on this one – Colehill Lane Congleton, part adopted highway part not. There is a wall that butts up to the highway which is in a state of disrepair with trees growing out of it etc. I understand that we have taken down a

strip of this wall on the adopted element of the highway due to its condition – beyond the wall is a drop / bank leading down to the Cenotaph.  
Congleton are trying to establish ownership / responsibility for this wall – an ex CBC Highways engineer working on the project (John Lilley) believes historically it fell under Highways.  
The wall is part of a potential wider regeneration project of the Cenotaph / memorial and community garden which maybe subject to an HLF bid.  
Everyone involved needs to understand ownership and current responsibilities, Chris Jackson has outlined our asset base and highlighted in blue the above mentioned wall.  
Can you provide some guidance in terms of ownership and also what, if anything, is proposed with the gap in the wall.  
Thanks  
David

---

**From:** JACKSON, Chris (Regeneration & Economic Development)  
**Sent:** 24 April 2013 09:49  
**To:** MCGIFFORD, David  
**Subject:** Wall Project

**Christopher Jackson**  
**Economic Regeneration Officer (Major Projects)**  
**Cheshire East Council**  
**Westfields, Sandbach, Cheshire CW11 1HZ**  
**Tel: 01270 685919**

**Click on the link below to see properties For Sale and To Let**  
**<http://www.cheshireeast.gov.uk/property>**

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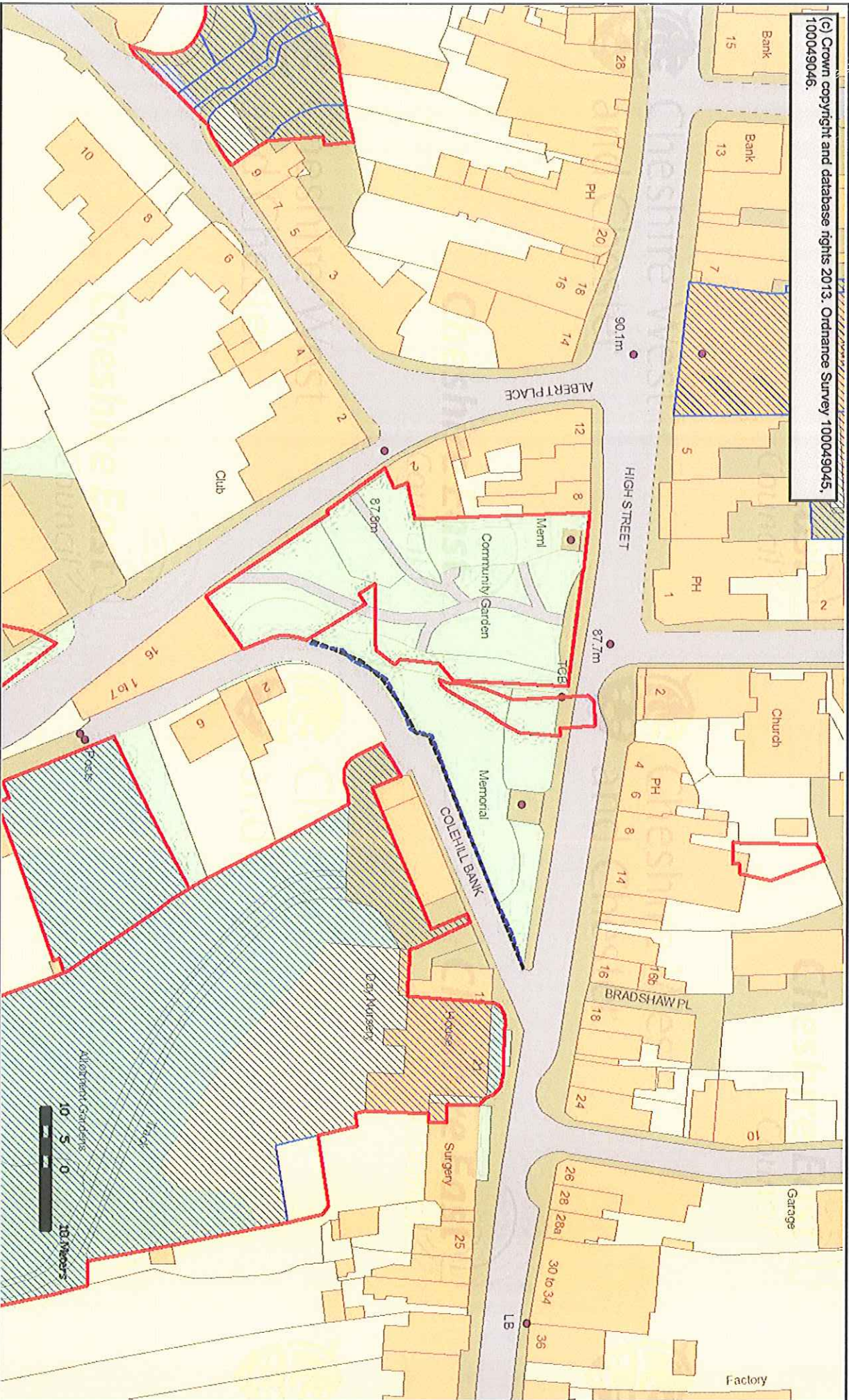
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