

MINUTES

of
14th GENERAL MEETING

Date of meeting: Monday 8 January 2018
Start time: 6:15pm
Venue: Baden Powell Suite, YMCA, Whetstone Lane

Members present: Philip Barton (Honorary Chair) **[PB]**; Jim Cadwallader **[JC]**; Cllr Pat Cleary **[PC]**; John Davies **[JD]**; Richard Fassam (Honorary Treasurer) **[RF]**; David Liggins **[DL]**; Jane Rivington (Honorary Secretary) **[JR]**.

Non-members present: Xinxin Cao

Apologies: Tom Allport; Mark Baker; James Kay.

No.	Item	Notes	Action	Target date
1	Welcome and apologies	PB opened the meeting at 6:17pm and confirmed that it was quorate. The number of people eligible to vote was 7 .	Item discharged	
2	Minutes of 13 th general meeting (accuracy)	It was agreed unanimously that the minutes are an accurate record of the meeting.	Item discharged	
3	Matters arising (not already on the agenda)	None notified to the chair.	Item discharged	
4	Proposed constitutional change to allow for alternative forms of voting	The 13 th general meeting was inquorate, so the management committee had been considering changes to the constitution to allow for remote voting by e-mail or other means. RF had provided a copy of a potential policy but it was based upon a Canadian example and may not be compatible with English law. It was agreed that the management committee would draw up a suitable policy and present it to the next general meeting for adoption.	Management committee	5 Mar 2018

No.	Item	Notes	Action	Target date
5	Proposal to establish a community benefit society (CBS) with associated community land trust	<p>An extraordinary general meeting was held on 20 October 2017 to grant the management committee the necessary authority to set up a CBS. Advice subsequently received from <i>Co-operatives UK</i>, which has been supporting the management committee throughout this process, was to convert the existing private limited company, set up by PB in 2015, into a CBS. The management committee decided to heed this advice.</p> <p>However, it must be understood that <u>the Forum would continue to be governed by its constitution</u> and not by the CBS. This is because the Neighbourhood Planning (General) Regulations 2012 require our constitution to be approved and enforced by <i>Wirral Council</i> as part of the conditions of our continued designation. Also, the Forum's designation lasts only five years (expiring 5 November 2020). It is therefore necessary for the CBS to be governed independently of the Forum. There is also the potential for conflicts of interest to arise between the CBS and the Forum. For example, the Forum may decide to allocate land for housing and the CBS, as a community land trust, may decide to build housing on that land. If the same people are involved in both allocating the land and building the houses, then this would be a conflict of interest that would need to be declared.</p> <p>PB went on to explain to members that concerns have been raised by <i>Locality</i> and <i>The National Community Land Trusts Network</i> with respect to the separation between neighbourhood planning and the provision of community-led</p>	Management committee	31 Mar 2018

No.	Item	Notes	Action	Target date
5	<p>Proposal to establish a community benefit society (CBS) with associated community land trust <i>[continued]</i></p>	<p>housing. Another concern relates to whether neighbourhood planning is “political activity” and falls outside the scope of what is charitable.</p> <p>However, neither of these organisations has provided the management committee with details of legal advice that conflicts with the advice already provided by <i>Co-operatives UK</i>.</p> <p>The objects of the CBS would need to be wholly charitable, based upon the definition found in s.3 of the Charities Act 2011. Furthermore, the company conversion process involves statutory checks made by the <i>Financial Conduct Authority</i> and <i>Her Majesty’s Revenue & Customs</i>. The management committee has been working closely with these regulators and <i>Co-operatives UK</i> to ensure that adequate separation between the CBS and the Forum would exist. The objects of the CBS would relate to “urban regeneration” and “the advancement of citizenship or community development”, both of which are charitable purposes, according to s.3(1)(e) and s.3(2)(c)(i) of the Charities Act 2011.</p> <p>According to Government guidance, there is no blanket ban on charities becoming involved in political activity, so long as that is not the primary reason why the charity is established. Consequently, even if neighbourhood planning were to be defined as political activity, it would not mean that the Forum and the CBS could not collaborate.</p> <p>DL encouraged the management committee to continue with the process because in his experience conflicts of interest arise all the time</p>		

No.	Item	Notes	Action	Target date
5	Proposal to establish a community benefit society (CBS) with associated community land trust <i>[continued]</i>	<p>in all areas of business and the most important thing is to have adequate procedures in place to manage them when they arise.</p> <p>DL went on to suggest that a "conflicts of interest" item could be added to the standard agenda to remind members of the need to declare any perceived or actual conflicts of interest.</p> <p>All other members present agreed with DL. PB confirmed that the management committee would therefore continue the company conversion process unless <i>Locality</i> or <i>The National Community Land Trusts Network</i> are able to point to a legal reason not to follow the advice received from <i>Co-operatives UK</i>.</p>		
6	Vacancy for Honorary Secretary	PB informed members that JR has agreed to act as honorary secretary. PB thanked JR for her work thus far.	Item discharged	
7	Membership update	<p>PB stated that there had been a nett increase in membership of one since the last meeting.</p> <p>The total number of members is 51.</p> <p>32 hold an enhanced membership and 19 hold a standard membership.</p>	Item discharged	
8	Financial update	<p>RF provided the following financial summary:</p> <p><u>Balance as of 8 January 2018:</u> £2,745.27</p> <p>There is cheque for £30.00 outstanding for room hire.</p> <p>Donations to the Forum may be made by electronic bank transfer to:</p>	Item discharged	

No.	Item	Notes	Action	Target date
8	Financial update <i>[continued]</i>	Name of Bank: <i>Yorkshire Bank</i> Account number: 44233053 Sort Code: 05-02-45		
9	History & Heritage Workgroup update (workgroup 1)	<p><i>6.1 Tranmere Tunnels Volunteers Limited</i> (TTVL) JC and DL updated members. The TTVL "ownership project" has invested about 85 days of work in trying to resolve the issue of ownership of the tunnels. There have been conflicting claims of ownership. The following history of ownership has been established:</p> <p>c.1945 – ownership transferred from the <i>Ministry of Works</i> to <i>Birkenhead Borough Council</i>,</p> <p>c.1956 – ownership transferred back to the Government for use as a nuclear bunker. At this time all homeowners above the tunnels were compensated (between £50.00 and £200.00) for the loss of their substrata rights, and</p> <p>March 1980 – ownership transferred to <i>Metropolitan Borough of Wirral</i>.</p> <p>TTVL has proof, in the form of a legal conveyance, that the Council does own the tunnels and therefore does have the authority to issue the necessary licenses to TTVL.</p> <p>However, it appears that registration of the tunnels with <i>Her Majesty's Land Registry</i> (HMLR) was not properly completed in 1980 and a lawyer from the <i>Justice Department</i> has provided TTVL with assistance in persuading HMLR to issue qualified title to <i>Wirral Council</i>.</p>	JC, DL	Ongoing

No.	Item	Notes	Action	Target date
10	Planning Applications Workgroup update (workgroup 2)	<p>PB informed members that workgroup 2 had considered four new applications:</p> <p><i>7.1 APP/17/01101</i> <i>Change of use from dance studio and flat to single dwelling.</i> 87 Holt Hill, Tranmere. CH41 9DH</p> <p>The Forum OBJECTED to the proposal due to inadequate plans giving rise to doubt about the proposed occupancy.</p> <p>Planning permission was GRANTED.</p> <p><i>7.2 APP/17/01142</i> <i>Replacement of all windows and external doors with white u-PVC. Replace existing vertical tiling with Hardie plank horizontal weatherboard. Fascia soffits boards replaced with white u-PVC. Rainwater goods/guttering replaced with black u-PVC.</i> Vincent Naughton Court, Rodney Street, Tranmere.</p> <p>The Forum OBJECTED to the proposal because of the effect of the proposal, in part, upon views into and out of the Clifton Park Conservation Area.</p> <p>The application was WITHDRAWN.</p> <p><i>7.3 APP/17/01233</i> <i>Conversion to 8 flats (retrospective)</i> 38 Elm Grove, Tranmere. CH42 0LA</p> <p>PB apologised because he forgot to write a letter of objection for this case. Nevertheless, there was little doubt that the application would be refused.</p> <p>Planning permission was REFUSED.</p>	Workgroup members	Ongoing

No.	Item	Notes	Action	Target date
10	Planning Applications Workgroup update (workgroup 2) [continued]	<p>7.4 LBC/17/01472 <i>Internal alterations to form new entrance hall and lobby, relocation of bar facility, and provision of folding partition wall to allow for the sub-division of the existing main dining room.</i> Masonic Temple, 27 Clifton Road, Tranmere. CH41 2SF.</p> <p>The Forum OBJECTED to the proposal because the application would also involve external works to the main entrance and a new stairway from ground level to the basement at the front of the building. Inadequate details had been provided to assess whether they would be appropriate or not.</p> <p>DECISION AWAITED.</p> <p><u>Decisions made since the last meeting are:</u></p> <p>7.5 APP/17/00897 <i>Erection of 34 houses with associated landscaping and parking.</i> Church Road, Warrington Street, Thompson Street, Liversidge Road.</p> <p>The Forum OBJECTED to the proposal because of the proposed uncompensated loss of: 1) the car park at the end of Chesnut Grove and 2) a fire assembly point for the <i>Tranmere Methodist Church</i> sports hall in Liversidge Road, which would make the sports hall unsafe to use. The Church was <u>not</u> contacted to discuss this issue, despite the Forum receiving a promise in writing from a senior Council officer, David Ball [DB], to do so before determining the application.</p> <p>Planning permission was GRANTED.</p>		

No.	Item	Notes	Action	Target date
10	Planning Applications Workgroup update (workgroup 2) <i>[continued]</i>	<p><i>7.6 APP/17/00986</i> <i>Conversion of dwelling into four self-contained apartments.</i> 50a The Woodlands. CH41 2SJ</p> <p>The Forum OBJECTED to the proposal.</p> <p>Planning permission was REFUSED.</p> <p><u>Older outstanding decisions are:</u></p> <p><i>7.7 APP/16/01476</i> <i>Conversion of a former Presbyterian church and attached church hall (D1) into 11 no. residential apartments (C3) and gymnasium.</i> Hillside Christian Fellowship Church, 61 Willmer Road, Tranmere. CH42 OJB</p> <p>The Forum OBJECTED to the proposal.</p> <p>A decision was due by 9 March 2017. The application remains UNDETERMINED.</p> <p>PC stated that he had not been copied in to all of the workgroup's responses. PB apologised and undertook to do so consistently in the future.</p>	<p>PB</p>	<p>Ongoing</p>
11	Community Issues Workgroup update (workgroup 3)	<p>The management committee continues to direct the activity of workgroup 3 but the intention is to re-establish the workgroup once the proposed CBS has been set up.</p> <p><i>8.1 Community-led Housing Early Stages Support Fund</i> RF and JR will attend a conference in Leeds on 25 January 2018 along with representatives of other groups that have set up a CBS to deliver community-led housing.</p>	<p>Management Committee</p> <p>RF; JR</p>	<p>31 Mar 2018</p> <p>25 Jan 2018</p>

No.	Item	Notes	Action	Target date
11	Community Issues Workgroup update (workgroup 3) <i>[continued]</i>	<p><i>8.2 Retake The Lauries</i></p> <p>PB reported that no response had been received from the Council to the Forum's stage 2 complaint. The complaint was escalated to stage 3 but again no response had been received. PB therefore wrote to the <i>Local Government Ombudsman</i> (LGO) because the Council's internal complaints procedure had been exhausted without the complaint being investigated in full. However, the LGO refused to investigate, giving the Council another 3 weeks from 15 November 2017 within which to investigate.</p> <p>This period has now expired, and members encouraged PB to contact the LGO again and ask it to commence its own investigation.</p>	PB	15 Jan 2018
12	Hamilton Square Conservation Area	<p>PB informed members that, at a meeting held on 9 November 2017 at Birkenhead Town Hall, Councillor Phil Davies [PD] (who is a Forum member) announced that about £50,000.00 has been found to produce a management plan for Hamilton Square Conservation Area. This is made up of £20,000.00 from the <i>Birkenhead Business Improvement District</i> (BBID), to be matched by the Council. The remaining £10,000.00 would come from other sources, including <i>Conservation Areas Wirral</i> (CAW).</p> <p>PD also announced that the <i>Hamilton Square Conservation Area Advisory Committee</i> (HSCAAC) (chaired by PB) would "oversee" the production of the management plan. However, this may have been something of an overstatement because in fact it will be overseen by a working group, on which the</p>	PB; JC; RF	Ongoing

No.	Item	Notes	Action	Target date
12	Hamilton Square Conservation Area <i>[continued]</i>	Council, BBID, CAW and HSCAAC would sit. According to DB , the first meeting of this working group will be convened before the end of January 2018 to discuss and agree a brief for the tendering process.	PB	Ongoing
13	Any other business	<p>13.1 Selective Landlord Licensing PB had been provided with details of dates for consultation events relating to the extension of the Council's private landlord licensing scheme to three additional areas, defined as: Birkenhead West, Birkenhead Central and Hamilton Square. The Birkenhead Central area includes a major part of the Clifton Park Conservation Area, which is within the Forum's designated area. Details of the events for Birkenhead are:</p> <p>16 January 2018, 4pm-7pm – Charing Cross Methodist Church (Birkenhead West)</p> <p>17 January 2018, 4pm-7pm – Birkenhead Town Hall (Hamilton Square)</p> <p>25 January 2018, 4pm-7pm – YMCA, Whetstone Lane (Birkenhead Central)</p> <p>Members are encouraged to attend and to contribute their views.</p> <p>13.2 Re-use of redundant railways JC explained his passion for bringing steam trains back to Wirral and to restore redundant railway lines to economic use. PB stated that he has been promoting the re-use of the Rock Ferry south to Bidston Dock freight line for about 20 years, with his BURP (Birkenhead Urban</p>	All members	15 Jan 2018

No.	Item	Notes	Action	Target date
13	Any other business <i>[continued]</i>	<p>Railway Park) idea. If the Mollington Link site were to be redeveloped, the re-use of this line, initially perhaps as a pedestrian and bicycle link could be incorporated into the scheme with the possibility of a light rail (tram) scheme in the future.</p> <p>PB cautioned, however, that this would be many years away because, by way of example, transport planning for the Manchester <i>Metrolink</i> started as long ago as 1969.</p> <p><i>13.3 Ion Developments</i> JC and JD referred to Press reports that <i>Ion Developments</i> has bought the former Birkenhead Town station site. PB opined that, with the demolition of the last gasholder at the <i>Transco</i> site in Hind Street, this land would potentially be available for development. This would, in turn hugely increase the value of the Birkenhead Town station site. There had been two abortive outline planning permissions for the Mollington Link site (behind the <i>Transco</i> site) but perhaps there would soon be an opportunity for a comprehensive development scheme to come forward for the entire area from Green Lane all the way across to the Queensway tunnel plaza.</p>		
14	Date of next meeting	<p>The 15th General Meeting of the <i>Birkenhead & Tranmere Neighbourhood Planning Forum</i> will take place on Monday 5 March 2018, in the Baden Powell Suite, YMCA, following conclusion of the business of the 3rd Annual General Meeting, which starts at 6:15pm.</p> <p>Proceedings were closed at 7:40pm</p>	All members	5 Mar 2018

END