

DEBDEN PARISH COUNCIL

MINUTES OF THE MEETING OF DEBDEN PARISH COUNCIL HELD ON
WEDNESDAY 2ND MARCH, 2016 IN THE MEMORIAL HALL, DEBDEN

Present:

Cllr R. Forster	(RF)	(Chairman)
Cllr E. Blackie	(EB)	
Cllr S. Luck	(SL)	
Cllr A. Roper	(AR)	

In attendance:

Dist Cllr T. Knight	(TK)
Mrs C. Griffin, Clerk	(CG)
13 members of the public	

16/170 Apologies for absence

Apologies were received from Cllr A. Tetlow (on holiday), Cllr Alicia Tetlow (business commitment) Cllr. S Watson (on holiday) and Cty Cllr Simon Walsh.

16/171 Declaration of interests

To receive disclosures of pecuniary and non-pecuniary interests in items on the agenda

EB declared an interest in planning application UTT/15/3719/OP and UTT/16/0389/HHF by virtue of the fact that the applicants are neighbours.

16/172 Public participation session (15 minutes available if required)

Residents raised the following issues:

- The Chairman of the Parish Pump reported that a request was made at their last meeting for all articles relating to the Council to be referred to the Parish Clerk. The editors are unable to comply because they abide by freedom of speech. (The PC Chairman said that if an article is written which involves the Council the PC should have a right of reply. Generally PC articles would come through the Parish Clerk).
- Parts of the Council notes in the February Parish Pump should have contained names. (It is not good practise to include these)
- The resident who raised the funding for the defibrillator said she was angry because correct procedure was not followed when a donation was made to the First Responders. It was agreed to give a donation at the last meeting but this should have been done properly. She was extremely disappointed at the total lack of courtesy. (The Councillor involved and the Chairman apologised for the fact that the donation was not made in the correct way).
- The sides of the roads between Scotts Farm and Staines Farm, Hamperden End have completely collapsed. The damage has been caused by construction lorries and residents have now been advised that Affinity Water is going to double

the size of the reservoir in Chickney Road which will cause more problems. The condition of the roads has already been reported to ECC.

- Four wheel drive vehicles are now driving across a farmer's wheat field because the holes in Sampsons Lane are extremely deep. The lane should be closed. (It is hoped that when the results of the pilot scheme for the closure of byways over the winter period are available more byways will be closed)
- The Chairman of the Village Hall Trustees asked if the letter he sent to the Chairman of the PC asking the PC to consider paying the legal expenses of the Debden Village Hall Trust had been sent to all Councillors. (The PC confirmed this had been circulated)

16/173 To receive reports from District and County Councillors

Dist Cllr Knight reported that:

- The construction of the eight lane athletic track and multi-use games area (MUGA) with flood lighting will be discussed at the UDC Planning Committee meeting on 9th March and it would be appreciated if the Council could attend or alternatively send a letter supporting this. The Chairman confirmed that a letter would be forwarded by the Clerk.
- The efforts made in connection with the school buses have been successful; we have managed to get the children into the right schools. There will now be a claim for compensation.

Report from Cty Cllr Simon Walsh

Cty Cllr Walsh submitted a written report, the full report will be circulated:

- The County Council is working through the implications of the recent reduction in government grants; ECC has been particularly badly hit.
- The County Budget has been agreed which will result in an increase of 1.99% plus 2% for social care on the ECC portion of the Council Tax.
- There will be a reduction in funding from ECC for the Local Highways Panel, however UDC has supplied additional funding for this to bring it up to the current level.

16 /174 To approve and authorise the Chairman to sign the Minutes of the Meeting of the Council on 6th January, 2016

It was resolved that the Chairman should sign the Minutes as approved.

Proposed: SL

Seconded: AR

All agreed

15/175 To receive an update from the Parish Clerk

CG highlighted the following:

- There have been many reports to ECC. I have received the report on the blocked culvert on Ivy Todd Hill but still awaiting a date as to when it will be cleared. I have been dealing with a major problem at the end of Rook End Lane and Hamperden End. Fly tipping has been reported in Debden Green
- I met with the ECC Arboriculturist; she has asked us to identify the trees in Mill Road which we feel should be removed.
- I have been to EALC at Dunmow twice recently regarding the new Audit regime and Transparency Code. I have applied for some funding for this and should receive a reply this month.
- Trailscape advised that they would be paying the vet bill for the resident's dog that was attacked last October but the owner is still waiting to hear from them.

- I have received complaints about bad language during football matches. (A notice will be put in the pavilion and Clerk will speak to the Club)
 - The Chairman (AT) is looking into the possibility of getting one of the MEP's for our region to attend our Annual Assembly.
 - This month is the end of the financial year and I need to spend time on this and the audit. I have spoken to Andrew previously about my concern because some issues have not been dealt with this year owing to a significant amount of time being spent on the Recreation Ground Trust. It seems there is still some confusion in the village concerning the charitable trust. I have therefore listed the sequence of events since 2001 when the PC were first requested to look into the possibility of a land exchange.
- The 1922 Recreation Ground conveyance created a charitable trust and the Council hold the recreation ground in trust in perpetuity for public recreation under the Open Space Act 1906. In 2001 the PC was advised they had a legal duty to register the land with the Charity Commission. The PC's solicitor confirmed this was correct.
 - In 2001 a senior solicitor at the National Association of Local Councils advised that whether the land has charitable status or not, he would not advise any arrangement for a permanent building to be erected by the village hall on land owned by the PC. This situation can create legal problems and he could see no advantage in it. The PC's solicitor also agreed with this.
 - In 2008 the V.H. Trustees were advised to seek, at their expense, the opinion of a suitably qualified professional regarding an earlier proposal. No reply can be traced.
 - In 2014 the matter of a land exchange was taken up with the Charity Commission and they advised both Trustee bodies to consult their own solicitors. A further request to obtain legal advice was requested at the recreation ground AGM in 2015.
 - In June 2015 the PC consulted their solicitors but as they are not specialists in charity law the R.G. Trust consulted Mills & Reeve as they have a large charity law department and significant experience in charity law.
 - The advice was obtained and five Trustees accepted that advice in October 2015
 - On 9th December 2015, having studied all the legal advice, the R.G Trusts decided that the land exchange would not be in the best interests of the Charity. The Trustees have a legal duty to protect the objects of the charity
 - The V.H. Trustees have been advised that there is no need to re-visit the decision. The resignation of two Trustees from their positions with the V.H. does not constitute “new information”

Regarding the generous grant made by the Army under the Community Covenant scheme, having read through the covenant application it appears that it applies to the building of a village hall and there is no mention or stipulation that this is for a specific site or location, therefore it is understood that the grant cannot be ring fenced as has been stated.

16/176 To receive a report on the Parish Pump meeting and agree that all articles from Councillors or articles relating to the Parish Council be submitted by the Parish Clerk

EB reported that:

- The Parish Pump is still losing money because a lot of colour has been used. This will be reduced in future.
- A request was made that a specific number of pages are reserved for the Council, particularly as the PCC has four pages every month. Alternatively the PC could arrange a separate insert. The Committee could not agree this. (It was felt that draft notes could be sent in order to meet the deadline and the Chairman, who was present, will speak to the Editors regarding reserving three pages for the PC).
- Submissions from Parish Councillors were discussed
- Colin Harris is now looking after distribution. (Thanks were expressed to Caroline Burchall for distributing the magazine for many years)
- The AGM is on 27th April.

16/177 To agree correct procedure for Surgeries held by Parish Councillors

EB said the PC need to agree when a Surgery should be held and this should be approved at a Council meeting. The Surgery held by Cllr Luck on 24th February had not been discussed by the Council and the advertisement in the Parish Pump inferred that this was being held on behalf of the Council. Cllr Luck acted without the consent of the Council and this was a breach of the Code of Conduct.

It was proposed that if any member wants to hold a Surgery, and you are referring to yourself as a Councillor, this has to be approved by the Council beforehand.

Proposed; EB

Seconded: RF

AR agreed.

SL said this was raised at the training meeting; he had done nothing wrong and the advertisement included in the Parish Pump did not violate anything in the Code of Conduct.

EB said the trainers had made it clear that you cannot act or be seen to act for the Council outside of its meetings and if the Council have not agreed to this you could only act in a private capacity.

TK advised that surgeries are held by MP's and District Councillors. Parish Councillors can hold meetings but if you put "Cllr" in the advert it is perceived that you are acting on behalf of the PC.

16/178 To receive feedback from the Surgery held by Cllr Luck on 24th February

The Chairman advised that the feedback must be confined to the Best Kept Village.

Cllr Luck reported that he went through the process and asked for residents to assist with cleaning up the village and keeping it tidy. He explained what the judges look for during their visits – the initial visit is in April/May. Volunteers offered to help with clearing litter, improving benches etc., The School will be getting involved in the "clean for the Queen" on Friday. We are engaging with different groups and clubs and need to compile a village activity list. The Army were represented at the

meeting and litter picking at the Barracks will be included. At a later date all the representatives will meet.

RF advised that two flower tubs need replacing. (TK offered to make a donation to these)

16/179 To receive an update on the Allotments

The Clerk reported that the invoices have been prepared and will be sent in the next few weeks. There are two vacant plots near the top and four further down. Widdington, Wimbish and Thaxted PC's have been contacted and two of these have been sent an advertisement. The vacant plots will now be advertised in Saffron Walden.

16/180 To receive a report on the Footpaths and discuss improvements to the dangerous footpath round the churchyard to the bridge in Debden Hall Park

The Clerk requested a report from the Footpath Warden but this has not been received. The Chairman advised that the path round the churchyard wall is a gully and most people walk through the churchyard to avoid it. The farmer will be asked to improve the path or alternatively the Army.

The path along Spinney Lane to Rook End Lane has had a massive clearance. The Clerk will contact the Rights of Way Officer and ask him to thank the group involved. The farmer will be asked to make good the bridge near Rook End Lane.

16/181 To receive prices for Wheelie Bin stickers and decide whether to place an order for "30mph slow down" stickers.

The Clerk advised that the price for 100 stickers was £70, and £43.50 for 50. The Council did not wish to place an order.

16/182 To consider a response to the Rural Planning Review and ECC's proposals to charge for pre-application advice and developer contributions.

The Clerk was requested to send a response to ECC stating that charges should not be made for pre-application advice and developer contributions.

16/183 To approve and sign a letter to the Saffron Building Society regarding the transfer of funds raised for the Defibrillator and clarify the use of the remaining Defibrillator funds.

It was agreed that the balance of £310 should be transferred to the Saffron Building Society and a letter was signed by the Chairman.

16/184 To discuss planning applications received
Planning applications

The following applications have been received, no comments submitted:

UTT/15/3719/OP land adjacent to Foxwood House

Outline application for the erection of one dwelling.

UTT/15/3737/FUL The Pavilion, Recreation Ground

Proposed rear extension

UTT/16/0011/HHF Brightways, Debden Green

Erection of detached double garage

UTT/16/0395/HHF Silver Gleam, Thaxted Road

Proposed single storey rear and side extension (amended scheme to previously approved UTT/15/2908/HHF)

UTT/16/0174/FUL Debden Village Hall

Proposed demolition of existing village hall and shop and erection of new village hall and shop.

UTT/16/0389/HHF Millers Farm, Smiths Green

Erection of single storey extension to existing outbuilding.

UTT/16/0447/HHF 39 Highfields

Proposed single storey rear extension

The following application has been approved:

UTT/15/3764/FUL Hillside, Ivy Todd Hill

Proposed new dwelling with cartlodge style garage

The Clerk advised that the address has been changed on application UTT/16/0174/FUL but Certificate B was still incorrect (this states that the landowners, the R.G. Trust, were notified on 20th January but the notification form was received on 26th February 2016.

(TK advised that there was no need to submit the planning application as this was a non-material change. The Chairman of the Village Hall Trust said that they were informed by UDC that a new application was required)

16/185 To discuss a letter received from the Chairman of the Village Hall Trust regarding a request to consider paying the legal expenses of the Village Hall

The Chairman(RF) reported that he had discussed this with AT and his view was that the VH Trust should pay the RG Trust for the costs they have incurred as they had requested the land exchange. Over many years the PC has corresponded with the Charity Commission and other advisers, plus Nockolds, the V.H. solicitors. Reference was made to the letter from NALC in 2001 which states that the Council hold the recreation ground in trust in perpetuity for public recreation under the Open Spaces Act 1906. The wording in the R.G. conveyance created a charitable trust and the Council had a legal duty to register the land,

The Chairman of the Village Hall Trust said that seven people will be made redundant if they build on the current site. They had asked the R.G. Trust three times to hold a meeting with a view to reviewing the decision.

The Chairman said the fees for the legal advice have been paid for by the R.G. Trust and this has been made public. The PC has been informed that the V.H. Trust have obtained legal advice but this has not been made available to the R.G. Trust or the public. The V.H. Chairman confirmed that legal advice has been received from RCCE in the last few days and this would be made available.

SL advised that the Local Public Advisory Service provide legal advice and if the PC Chairman made a request they would look at it and see who is right.

After a heated discussion it was proposed that the PC should not pay legal fees for the Village Hall Trust, nor meet with the V.H. Trustees to review the decision or

contact the Local Public Advisory Service as they have obtained advice from charity law solicitors, followed correct procedure and made the decision based on the best interests of the charity.

Proposed: EB

Seconded: AR

RF agreed

16/186 To approve accounts for payment

Public Advisory Service	£110.00	Training evening
A. James (Jewellers) Ltd	£90.00	Servicing School Clock
Parish Pump	£250.00	Annual contribution 2016/17
C. Griffin	£396.45	Net salary + expenses (January)
C. Griffin	£394.47	Net salary + expenses (February)
C. Griffin	£14.00	Good Councillors Guides
EALC	£15.00	Transparency Briefing
S. Luck	£15.00	Church Room hire fee (Defibrillator training)
S. Luck	£50.00	Donation to First Responders
Debden PCC	£30.00	Church Room hire fee (Defibrillator training)
Saffron B. Soc.	£310.00	Defibrillator funds.
Mills & Reeve	£540.00	Legal Advice on land exchange
Tees Law	£360.00	Legal Advice
CAS Ltd	£326.02	Pavilion Insurance
Fenland Leisure	£126.00	Parts for Aerial Runway
Debden PCC	£45.00	Church Room hire fee (3)

16/187 To consider the new audit regime and decide whether to opt out of the Sector Led Body audit procurement

The Clerk reported that the Smaller Authorities Audit Appointments (SAAA) are putting external audit arrangements in place and these will vary according to the size of the Council. Providing income or expenditure does not exceed £25,000 we should not have to undergo an external audit. However, all the same paperwork and annual return has to be completed. The PC can opt out but it is not recommended. The PC confirmed that they did not wish to opt out.

16/188 To discuss any Urgent matters of interest to the parish

The Clerk advised that following a conversation with EALC, the Council could agree that the Village Hall should not be included on the agenda in future particularly as it is nothing to do with the PC. SL said he would like a member of EALC to come along to a Council meeting.

16/189 Items for next agenda

SL said he would like all the residents who want a village hall built on this site to come along to the next PC meeting with a business plan and costs. The Chairman and EB said this is nothing to do with the PC it is up to the Village Hall Trust to come up with an alternative plan.

SL made an inappropriate remark about EB which AR said violated the Code of Conduct.

16/190 Date of next meeting

The next meeting will be held on Wednesday, 6th April, 8.00pm in the Village Hall.

The meeting closed at 10.15pm.

Signed.....(Chairman)

06.04.16