

DEBDEN PARISH COUNCIL

MINUTES OF THE MEETING OF DEBDEN PARISH COUNCIL HELD ON
WEDNESDAY 2ND DECEMBER, 2015 IN THE MEMORIAL HALL, DEBDEN

Present:

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

In attendance:

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| Mrs C. Griffin, Clerk | (CG) |
| 8 members of the public | |

15/132 Apologies for absence

Apologies were received from Cllr A. Tetlow (private commitment), Cllr S. Watson (private appointment), Dist Cllr T. Knight and Cty Cllr Simon Walsh

15/133 Declaration of interests

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

SL declared an interest in 15/139

15/134 Public participation session (15 minutes available if required)

Residents raised the following issues:

- Some villages are using “30mph slow down” stickers on their wheelie bins and this does appear to slow down the traffic. This will be raised with the Co-ordinator of Speedwatch and included on the next PC agenda.
- After the public meeting of the 26th October, I spoke to the ex Chairman of the Debden branch of the RBL about the comments he made. He said he had been invited to attend the meeting by one of the Councillors so that he could say things that the Councillor could not get away with saying at a meeting. I have contacted the EALC to ask if Councillors sign up to principles in public life and this has been confirmed. If a Councillor is inviting someone to a meeting, who is not a member of the parish, to say things that he cannot say this does not comply with these principles. The Nolan principles (selflessness, integrity, objectivity, accountability, openness, honesty) which are the basis of standards expected in public life should be complied with. Leadership is another issue. Poor behaviour is not acceptable and should be challenged. Many of the issues and animosity are caused by manipulation of information and this is detrimental and needs to be tackled. The Chairman confirmed that the PC would discuss this at the next meeting.
- I am also amazed that an Editor has allowed five letters to be published in the latest edition of the Parish Pump berating a member of the village. This is not proportionate; the editor should give a balanced view.

The Chairman of the Parish Pump, who was present at the meeting said the Parish Pump is not in the role of censoring letters and responses that were sent to Mrs. Lee's "over the top" letter were published. I am sorry if Mrs Lee is upset but we received no letters of support. The Parish Pump is neutral and impartial and we are not going to stop printing letters if an opinion is expressed.

Another resident felt the Parish Pump is just "tit for tat"; there is no balance. The Parish Pump is just used to slate each other.

- The attendance at Parish Council meetings is poor and if people realise what has happened in this case it will not encourage people to come along and get involved.

15/135 To receive a report from Dist Cllr Tina Knight and Cty Cllr Simon Walsh

Dist Cllr Knight was unable to attend.

Following circulation of the minutes of the last meeting Cllr Knight advised that the points stated under 15/119 were incorrect.

The report received from Cty Cllr Simon Walsh was read which highlighted:

- Devolution proposals
- School results
- Flood prevention programme
- Changes to ECC telephone number
- New Chief Executive
- Annual Scrutiny Report for 2014-15

The full report will be circulated to all Councillors and placed on the notice boards.

15/136 To approve and authorise the Chairman to sign the Minutes of the Meeting of the Council held on 4th November 2015

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

Proposed: EB

Seconded: AR

All agreed

15/137 To receive an update from the Parish Clerk

CG highlighted the following:

- The Rights of Way & Byway course at Widdington on 20th November, was attended by the Footpath Warden. I have not received any feedback. A copy of the slides will be printed and retained for future reference.
- As reported at the last meeting the road realignment works in Newport Road have been suspended for the time being. I have received a list of Local Highways Panel schemes already in the pipeline - resurfacing the entire network of Byway 30 and 31 at Debden Green and Byway 36 at Wimbish, the creation of a formal lay by at Smith Green, and possible scheme to realign the junction at Debden Green crossroads. They have also asked us to let them know if we have any further potential schemes for consideration next year.
- The dead tree outside Water Hall which was reported many months ago has now been cut down.

- I have received further complaints about the drains and have asked the UDC sweeper to visit Debden Green as requested.
- You have received notice of a temporary road closure at Debden Green
- I contacted Wimbish PC as suggested regarding a response to the Local Plan Issues and Options but have not received a reply. RF attended the public meeting at UDC and reported that over the next 20 years, 12,000 houses need to be built – 2,00 have already been built between 2011 – 2015, an additional 5,000 have been granted permission. For a single settlement 5,000 are needed but UDC feel that if they go down this route they would be putting “all their eggs in one basket”. Following discussion it was proposed that a response should be sent stating that Debden PC would be minded towards a single settlement providing the necessary infrastructure is put in place, particularly schools.
Proposed: SL Seconded: RF (3 members in favour, 2 abstained)
- An application has been submitted for the 8 Lane Athletic Track at Carver Barracks.
- Trailscape were contacted following the very unfortunate incident which occurred during the event in the village on 31st October, They explained that they offer a limited number of places to Canicross runners (official name for runners with a dog in harness) and this particular runner met all the criteria. They spoke to all landowners before the event. They said they had received a number of reports which were untrue and they had advised that the Police should be involved from the start, but it is understood the Police are not taking action because the runners dog was on a lead, the other dog was not on a lead. Following discussion it was agreed that at least two months notice of the event should be given in future so this can be advertised in Parish Pump and hopefully this will prevent another incident occurring.
- Calls have been received regarding the December Parish Pump.

15/138 To receive an update on a Training Course for Councillors

CG has contacted the Local Council Public Advisory Service in Suffolk and a course for New Councillors' could be arranged with them on Wednesday, 3rd February, cost £100 plus mileage. CG will advise that an 8.00pm start date would be the earliest that some members could make and report back with further details.

15/139 To receive a report on the New Village Hall

SL read a report as Chairman of the NVHG which highlighted that:

- Some members of the R.G. Trust were not happy with the report made on behalf of the R.G.Trust at the public meeting.
- The circulation of the R.G. Trust report with the Parish Pump had not been approved by all members.
- The minutes of the R.G. Trust meeting held on 1st September.
- The approval of the legal advice.
- Fact sheet prepared by the V.H. Trust.

A copy of the full report given by SL has been circulated and attached to the minutes.

15/140 To discuss planning applications received

Revised drawings have been received for UTT/15/2908/HHF Silver Gleam, Thaxted Road.

No comments submitted.

15/141 To discuss the financial arrangements for the Recreation Ground Trust

The Chairman advised that the Recreation Ground has a completely separate bank account. Income from the hire of the ground is paid into this account and a budget is set based on the costs required to run and maintain the facilities. The costs are well in excess of the income. The PC will continue to supply funding to the Trust but there will be a major overhaul of the arrangements for the R.G. Trust

SL suggested disbanding the Recreation Ground Trust and returning responsibility to the PC. EB pointed out that the Recreation Ground is a charitable trust the Parish Council is a public authority and in 2002 the PC were advised that they had no alternative but to register the recreation ground as a charity and this has to be dealt with separately. The Trustees have a duty to protect the interests of the Charity.

The running of the charity will be discussed at the next R.G. Trust meeting.

SL said he did not recall approval being given for consulting the solicitors.

CG pointed out that it was agreed to consult solicitors at the June R.G. Trust meeting, the quotation from Mills & Reeve was circulated and it was approved at the R.G. Trust meeting on 1st September. RF read the minutes of that meeting at the PC meeting on the 2nd September and they were approved.

EB pointed out that the R.G. Trust had to seek the solicitors advice in order to find out the legalities involved in the exchange of land; the Trustees were instructed to do so by the Charity Commission.

15/142 To review the 2015/16 Budget and discuss the Budget and Precept for 2016/17

The Chairman went through the Budget for the PC and The Recreation Ground and amendments were made. The adjustments will now be made on the Budget form and circulated in advance of the January meeting. The Budget will need to be agreed and the Precept set at the next meeting in order to meet the deadline.

15/143 To approve a donation to the Royal British Legion for the Poppy Wreaths

It was proposed that a donation of £60 should be paid to the Royal British Legion.

Proposed: AliciaT

Seconded: EB

All agreed

15/144 To approve Accounts for payment

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|---------------------|---------|--|
| C. Griffin | £399.91 | Net salary + expenses (November) |
| C. Griffin | £6.28 | Refreshments for Comm. Payback |
| M. Griffin | £43.00 | Materials for fitting Defibrillator |
| Ace of Spades | £78.00 | Grasscutting (November) |
| Debden Village Hall | £30.00 | Deposit for 9 th December |
| E. Blackie | £25.03 | Cartridges and paper for R.G. Trust report |

The Chairman thanked EB for printing the R.G. Trust report for the Parish Pump and Mick Griffin for fitting and connecting the defibrillator free of charge.

15/145 To discuss any Urgent matters of interest to the Parish

145.1 SL advised that a further Defibrillator training session has been organised for Monday 7th December. At present six people will be attending.

145.2 The Chairman confirmed that the Tennis Court Committee is waiting for the insurance company to come back and specify the conditions for renewal. The Committee will then have to meet those conditions

145.3 CG will report the water leak on Fox Hill to Affinity Water.

145.4 It was reported that cars parking on pavements are causing problems. A request will be included in the Parish Pump asking people not to obstruct the pavements and to leave sufficient space for a buggy or wheelchair to pass.

145.5 There are occasions when cars park on both sides of the High Street. A note will be put in Parish Pump asking residents to park on one side.

145.6 CG reported that following the distribution of the Parish Pump she had received calls from two residents requesting clarification on the proposed start date for the new village hall (the VH Trustees had said next year, but the R.G. Trust have said they would not agree to a land exchange until all the funds have been raised). CG advised them that the R.G. Trustees had said at the meeting on 22nd October that they would definitely not agree to swap the land until all the funds have been raised. (meeting closed)

A resident raised a question about the accuracy of the figures in the Parish Pump and asked who is responsible for this.

The Chairman advised that the Editors are responsible, not the Parish Council. (meeting open)

15/146 Items for the next agenda

To discuss principles in public life and confirm the roles of Parish Councillors.

To agree the Budget and set the Precept for 2016/17.

15/147 Date of next meeting

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

The meeting closed at 10.35pm.

Signed..... (Chairman)

Dated: 06.01.16.

NVHG report to the Parish Council meeting on 2nd Dec 2015.

At the last meeting of the parish council you will have heard the chairman of the Village Hall Trust and I say that we were not happy with the report made by Elizabeth Blackie to the Parish Council about the Public Meeting Update on the New Hall.

In fact we were not happy with the reports made at the Public Meeting by the RGT and the history group because they were based on hearsay rather than factual data.

You may also have seen a number of letters of complaint regarding Gillian Lee's letter that was published in the village magazine. It would seem to me that Gillian has been listening to gossip and unfortunately has acted on that rather than quantifiable information put forward in the proper manner to the appropriate authority. In conversations we all listen to people saying they have reservations about subjects such as the positioning of the new hall but there are good reasons for the design concept being what it is and by a show of hands at the public meeting the majority of the village clearly are supportive of the proposals. It's a pity that Andrew Tetlow as Chairman of the Parish Council & RGT did not attend the public meeting to hear views of residents.

At a meeting of the Parish Council it was agreed that the Recreation Ground Trust and the NVHG could circulate inserts with the Parish Pump to state their positions. This has been done but I have to comment on misrepresentations made in the insert purported to be from and approved by the RGT trustees. The RGT trustees to my knowledge did not have sight of the insert before it was published and so it is untrue to say or imply it is the views of the majority of the RGT. I know that no vote has been taken on that matter.

It would be unreasonable to go into all the failings of the RGT or insert but it's appropriate I make comments on a couple of issues to make my point.

The title *...Recreation Ground Trust statement on the proposed sale of Recreation Ground Land to the Memorial Hall Trust for the building of a new village hall*. Please take note that there is no "sale" ever having been part of the process, we are referring to an exchange of land...a like for like swop.

On the first page there is mention of new councillors/trustees having to find out quickly about the rules and regulations to deal with the subject of the New Hall.

Looking back in the records we discover that planning permission had already been granted for a New Hall on land adjacent to the present hall. We believe the then Parish Council had researched matters and from their point of view were happy to approve a land swap.

Since then it has become a known fact that the Parish Council and RGT should operate completely separately from each other and have different operational rules and regulations and meetings.

I now refer to the minutes of the RGT meeting on 1st Sept which I as a trustee of RGT and a Parish Council member now flag up as having some contentious issues.

It's important to note that I as NVHG chairman and Steph Watson as VHT chairman withdrew from the meeting and had no further part in the business of the RGT that day.

EB raised the issue of the work carried out for the Trust by Chris Griffin (the Parish Clerk). Her name is registered with the Charity Commission as the contact for the Charity but her role has not been defined. The solicitor will be asked for advice on this matter.

15/08 To discuss the advice and fees received from Solicitor and agree a way forward (Mr. S. Luck, Chairman of the NVHG, and Mrs S. Watson, Chairman of the Trustees of the Village Hall, were asked to leave the meeting in view of a conflict of interest) The advice from Tees and Mills and Reeve Solicitors was circulated in advance of the meeting.

Initially, it was decided to get back in touch with Mills and Reeve and request answers to the following:

1. The Charity Commission has specified that the exchange must be "like for like". What does this actually mean; same size, same value?
2. The location of the proposed new hall would substantially restrict the view of the current recreation ground and also access to it. Is this contrary to the 1906 Open Spaces Act?
3. If a land exchange took place, there would be less space for car parking owing to the size of the new hall and the layout. Would you advise this?
4. Is there anything in the Trust Deed that prevents the Trustees from voting for a land exchange?
5. What matters should be dealt with by the Recreation Ground Trust or alternatively the Parish Council?
6. What is the role of the Trustees and what are their responsibilities and liabilities?
7. Would you advise us on the running of the Trust and particularly the role of the Secretary?

8. If the Trustees agree to a land swap can they influence the size of the building, height etc., as this could have an impact on the open space?

9. We already have a car park and pavilion on the recreation ground. If the Village Hall is added would this add up to more than the 1/20th which is stipulated?

The Trustees agreed that the cost of the consultation with Mills and Reeves, Solicitors, on various legal aspects of the proposed land swap would be paid by the Parish Council and the minutes approved at the Parish Council meeting on 2nd September.

I am of the opinion that the RGT trustees at this meeting making these decisions clearly do not understand their roles and responsibilities. The really important issue for me is that The Trustees agreed that the cost of the consultation with Mills and Reeves, Solicitors, on various legal aspects of the proposed land swap would be paid by the Parish Council. No mention has been made of this matter at any PC meeting since.

The RGT have no power to make decisions for the PC and with a bill for legal advice of approximately £2400 they are now personally liable for those costs. This matter should be notified and discussed properly as an agenda item of a PC meeting.

Since this meeting I have pointed out I am not conflicted and should take an equal part as a trustee at RGT meetings but this has not happened.

I have asked to see all documents sent or received on the subject of the land swap but have been prevented from seeing most of these.

As a PC member and trustee of RGT I have a duty to point these matters out to them & to the appropriate authorities.

As chairman of the NVHG and now representing the VHT at this meeting we are saddened that as far back as May we all got involved in negotiations which will result in a new village hall for the village but are now at the same stage regarding the swap of land as we were in May. This is not acceptable.

Many hours have been wasted on this matter and I will repeat what was said by the past chairman of Debden Branch of the RBL at the public meeting. This delay is being caused by just a few members of our community not the majority.

The village is not giving up so in a further attempt to clarify the situation a "Fact Sheet" has been prepared by the Debden VHT for all the RGT trustees to study prior to their next meeting on 9th December.

We hope that common sense will prevail.

Stewart Luck

Dec 2nd 2015

Chairman of Debden New Village Hall Group