

DEBDEN PARISH COUNCIL

MINUTES OF THE MEETING OF DEBDEN PARISH COUNCIL HELD ON WEDNESDAY, 7TH DECEMBER, 2016, AT 8.00PM IN THE MEMORIAL HALL, DEBDEN

Present:

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

In attendance:

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

16/114 Apologies for absence

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

16/115 Declarations of Interests

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

No interests were declared.

16/116 Public participation session (15 minutes available if required)

Members of the public made statements and raised the following issues:

- At the open meeting the cost given for piling on the existing site was £10,000. This was incorrect.
The Chairman advised that at the open meeting the additional cost estimate given for piling foundations, if necessary, on existing site was £10,000 and he would request confirmation of the price in writing.
- It was also stated at the open meeting that the Village Shop is a “stand alone” building which is incorrect.
The Chairman said he would obtain a copy of the 2004 plan from English Heritage which confirms this.
- Has the RG Trust engaged a new architect and if so who will cover the costs.
The Chairman confirmed that this will not be paid for by the public purse.
- Have the RG Trust incurred another set of legal fees. Last year the RG Trust paid £4,000 in legal fees.
This issue will be dealt with later in the meeting.
- Which legal power did you use when you paid the solicitors fees. If it was not authorised properly it was illegal.

The PC is responsible for running the Trust and it is perfectly legal for the PC to make funds available to the RG Trust. The accounts are kept completely separately and audited.

- Did you take legal advice to exclude the public from a meeting
- It was made clear as far back as 2003 that a land swap was not possible and this was pointed out to the Village Hall Trustees.
- I was horrified that children who were not from Debden were being used politically in a recent newspaper article. This has caused some parents great concern.
- It is understood that one VH Trustee said on leaving the RG Open meeting “if the village hall cannot be built on their proposed location it will not be built at all”
- The Army gave the money for building a new hall; it can be built on the existing site.
- The responsibility for retaining the MOD donation rests with the NVHG who are urged to write a positive progress report in January or preferably before.

16/117 To receive reports from District and County Councillors

Cty Cllr Walsh had forwarded a report covering Primary School places, Essex Energy Switch, Power supplies and 2017-18 Budget. This will be circulated to all members.

No report from Dist Cllr Knight as she was attending the meeting as a member of the public.

16/118 To approve and authorise the Chairman to sign the Minutes of the Meeting of the Council held on 2nd November, 2016

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

Proposed: AR

Seconded: EB

All agreed

16/101 Chairman's Report

The Chairman did not wish to report on any other matters.

16/102 To receive an update from the Parish Clerk

The Clerk reported that:

- To date, no problems reported in connection with the new Reservoir, but Henham PC are having problems with lorries speeding through the village to the site.
- There has been a problem with the School clock. A letter will be sent pointing out that it is self-correcting and does not need to be re-set after a power cut.
- Following conversations with a resident of Debden Green I contacted the ECC Cabinet member for Highways and made a formal request for Byway 37 and 75 to be closed during the winter. I have received an acknowledgement.
- ECC have been working on the lane, Byway 30, from Fellowes Farmhouse towards Wimbish. Unfortunately the funding allocated was insufficient to refurbish the byway in its entirety but substantial works have been undertaken to improve the surface especially in the vicinity of the Disabled Riding School. ECC are intending to include the remainder of the byway on the list

of potential schemes for the Local Highways Panel to consider in the new financial year.

- The Marathon Challenge was held on 26th November, no problems reported.
- The deadline for Precept applications is 27th January 2017. I have heard from two different sources that it is likely that capping will be introduced at some stage although it may not apply to all councils.
- The Police & Crime Commissioners meeting scheduled for 8th December has been cancelled. This will now be held on 2nd February in the Town Hall from 6.30 – 8.30pm.
- A resident has kindly cut back an overgrown hedge which was obscuring the sign as you approach Fox crossroads.
- The blocked pipe on Ivy Todd Hill is still being chased. The person at ECC is raising it with their engineer at every meeting. The ECC Highways Maintenance Engineer has a weekly Surgery at County Hall on Tuesdays, but appointments need to be booked in advance. Cty Cllr Walsh will be contacted for further details.
- The Standing Orders and other documents should be reviewed and date for Annual Assembly needs to be arranged. The documents will be re-circulated and it is hoped these can be reviewed at the February meeting.
- I have received two requests for information relating to the solicitors advice and will raise these under the RG Trust meeting.
- George Peasgood received a special presentation from UDC last week for his achievement in representing Team GB in Rio. Capt. Anthony Dale also received a UDC Community Achievement Award. Letters will be sent from the PC congratulating them on their achievements.

16/121 To discuss the report received regarding changes to the route of the No. 6 Bus service, circulated 13th November.

The report received from a resident of Wimbish proposes that the No.6 bus route should be changed to Thaxted-Wimbish-Carver Barracks-Fox crossroads-Saffron Walden. Whilst no changes will be made to the timetable until 2020 it was agreed that a letter should be sent strongly opposing any changes to the current route.

SL suggested forming a small group of local residents to discuss the bus routes.

16/122 To consider arranging a further Defibrillator training course.

The Clerk reported on a recent incident when the defibrillator was removed from the cabinet but not used. The resident, who organised the fund raising, advised that at the first training course which she attended people agreed that there was little point in being trained if people in the village did not know who could assist in a crisis, but they were not willing to have their names published in the local magazine. The First Responders have requested contact names and this was included in the last Parish Pump. If people come forward their contact details will be put on the notice board, village shop and on the defibrillator cabinet.

The Clerk will contact the First Responders and arrange another training course for late February/March to enable this to be advertised in the next Parish Pump.

16/123 To approve the renewal of the RCCE (Rural Community Council of Essex) membership

It was proposed that as the PC do not use RCCE the membership should not be renewed

Proposed: EB

Seconded: AR

RF and AT agreed

SL opposed

16/124 To receive a report of the RG Trust Open Meeting on 23rd November and approve additional expenditure incurred on legal advice as a result of the Special Meeting held on 18th November (approved by the RG Trust at Special Meeting on 24th November)

EB reported on the Open Meeting which was held because there were some misunderstandings in relation to the purpose of the RG Trust. Two presentations were given, one on the origins and workings of the Trust, the other on a viable proposal for rebuilding the village hall on the existing site. As a follow up to the Open meeting it was decided to produce a booklet which will include the presentations and which will be distributed to every household in the village. This is almost ready to go to the printers.

The additional expenditure was incurred as a result of a Special meeting arranged by one of the Trustees on 18th November. Although the meeting was not organised in line with our normal procedure, three Trustees attended along with the Chairman of the NVHG and a local solicitor who does not represent the RG Trust or the VH Trust.

On 19th November I received an agenda for another Special meeting on the 24th November. There was only one item on the agenda namely, "To reconsider the decision made by the RG Trust in December 2015 that the land swap, requested by the VH Trust to facilitate building the new village hall on land opposite the current hall, is illegal given that the basis on which that decision was made (i.e. the legal advice provided by Mills & Reeve) and the interpretation of that advice was seriously flawed".

In addition, upon receipt of the minutes of the meeting of 18th November and the notes that had been provided by the local solicitor, it became clear that the three Trustees who attended the meeting on the 18th November, Stewart Luck, Alicia Tetlow and Stephanie Watson, had given the wrong information to the local solicitor because they had forgotten that the RG Trustees had referred back to the Charity Commission when the original advice from Mills & Reeve had been received. The local solicitor had based his assessment on this premise "*To put this another way, the RGT may enter into the land exchange provided that it has first obtained the approval of the Charities Commission. I would therefore ask the trustees whether they have sought the permission of the Charities Commission. If they have not, I would also ask them whether they have considered seeking the permission of the Charities Commission*". The Commission agreed with our solicitor that Trustees, following their advice, should make their decision "to the best interest of the RG Trust", and the reply was circulated to all Trustees.

In consultation with RF and AR, I decided to contact our solicitor, Mills & Reeve, because the agenda item for the next Special meeting on the 24th November stated that their information was seriously flawed. This information had been given by a

reputable charity law solicitor and five trustees had made a decision based on this in December 2015. EB emphasised that the Trustees have a legal duty to make their decision in the best interests of the Trust and the majority had decided that the land exchange was not in the best interests of the RG Trust and therefore could not happen; the advice was not flawed. Moreover, after the latest consultation with Mills & Reeve, they confirmed that their advice has not changed, and that, on the basis of the information provided and, with no new information to the contrary, the proposed land exchange would still not be in the best interest of the RG Trust.

As a result of the misled intervention by the local solicitor, who had been given incorrect information by three trustees, the RG Trust have incurred additional unnecessary legal expenses.

SL refuted the comments made by EB.

The Clerk advised that she has received another letter from Mills & Reeve because they have received a further communication from the local solicitor.

It was proposed that the expenses resulting from this Special meeting on the 18th November should be paid, but Mills & Reeve should be informed that they should not respond to any communications from the local solicitor as the RG Trust do not want to incur any further costs.

Proposed: RF

Seconded AR

EB and AT agreed

SL opposed.

16/125 To decide whether the expenses for Cllr Luck's Surgery should be reimbursed

The Clerk reported that she was advised to include this on the agenda for the Council to decide whether or not these expenses should be paid. The question to be asked is whether this was a Council event or was it something that Cllr Luck undertook on his own outside the Council. Members of the PC advised that they had no knowledge of the event until the notice was delivered.

EB proposed that the expenses for this Surgery should not be paid.

Proposed: EB

Seconded: RF

AT & AR agreed

16/126 To discuss the 2017/18 Budget

A draft budget has been drawn up by RF and AT and will be circulated by the Clerk.

This needs to be agreed and the Precept set at the January meeting.

It was agreed that the Clerk should arrange a meeting with a representative from Came & Co., insurance company specialising in PC insurance, prior to the renewal of the pavilion insurance in March.

16/127 To discuss planning applications received

The following applications have been received, no comments submitted:

UTT/16/2856/FUL Henham Farm Barn, Hamperden End

Retention of demountable building for use as office and storage for car repair workshop

UTT/16/3058/OP The Old Barn, Slough Farm

Outline application for the erection of one dwelling

UTT/16/3093/OP Land adjacent to Wash Cottages (Revised)

Outline application for one new 4 bedroom dwelling

UTT/16/3301/HHF The Chestnuts, High Street

Conversion of garage with first floor extension to create additional residential accommodation

UTT/16/3367/FUL Land at Henham Road

Minor alterations to planning approval UTT/15/1103/DFO for erection of 2 detached dwellings

16/128 To receive a report on the Transparency Code funding and agree that the balance of the funding should be used to purchase equipment for the Parish Council

The Clerk advised that once the Transparency Code requirements have been completed, there will be a balance of approximately 50% of the funding (£988.50 was claimed earlier in the year). This could be used to purchase a scanner, printer, or contribute towards a laptop.

The PC agreed, in principle, to paying the balance towards a laptop for the PC. The Clerk will obtain prices and report back at the next meeting.

16/129 To approve accounts for payment

It was proposed that the following payments should be approved for payment:

Proposed: RF	Seconded: AR	All agreed
C. Griffin	£399.47	Net salary + expenses (November)
Wicksteed	£104.71	Materials for playground repairs
Ace of Spades	£156.00	Grass cutting (September)
Ace of Spades	£78.00	Grass cutting (October)
C. Griffin	£17.00	Hire of Village Hall (23 rd November)

16/130 To discuss any Urgent matters of interest to the Parish

No matters were raised.

16/131 Items for the next agenda

Review the CCTV equipment.

Approve the Budget and set the Precept for 2017/18

16/132 Date of next meeting

The next meeting will be on Wednesday, 4th January, at 8.00pm in the Village Hall.

The meeting closed at 09.50pm.

Signed.....(Chairman)

Dated: 04.01.17.

