

# **DEBDEN PARISH COUNCIL**

**Minutes of the Annual Parish Assembly held at 8.00pm on  
Wednesday, 4th May, 2016 at the Memorial Hall, Debden**

<b><u>Chairman:</u></b>	<b>Cllr A. Tetlow</b>	<b>(AT)</b>
<b><u>Present:</u></b>	<b>Cllr E. Blackie</b>	<b>(EB)</b>
	<b>Cllr R. Forster</b>	<b>(RF)</b>
	<b>Cllr. S. Luck</b>	<b>(SL)</b>
	<b>Cllr S. Watson</b>	<b>(SW)</b>
	<b>Sir Alan Haselhurst, MP</b>	
	<b>Dist Cllr T. Knight</b>	
	<b>Cty Cllr S. Walsh</b>	
	<b>Mr. P. Davis, Affinity Water Co.,</b>	
	<b>Mrs. C. Griffin</b>	<b>Parish Clerk</b>
	<b>64 members of the public</b>	

## **1. Apologies**

Apologies were received from Cllr A. Roper, Cllr Alicia Tetlow and April Gardner.

## **2. Minutes of the Annual Parish Assembly held on 20<sup>th</sup> May, 2015**

The minutes were approved and signed by the Chairman as an accurate record.

## **3. Chairman's Report**

The Chairman reported that the year got to a very positive start following the elections in May and we welcomed Elisabeth Blackie, Amie Roper and Alicia Tetlow to the Council.

I would like to record a vote of thanks to Jeanette O'Brien, Stephen Jasper and Richard Simmonds, who served on the previous Council, for the contributions they made.

During the year we submitted an application to put a small rear extension on the pavilion and carry out internal refurbishments in order that the upstairs can be used for storage. During the year an additional football team, Spartak under 11's has been given permission to use the ground on Saturday mornings.

We have removed some large trees at the allotments to achieve more plots and these are currently being advertised. If you are interested please contact the Clerk or RF.

A defibrillator was obtained for the village and one of our residents, Gillian Lee, kindly volunteered to donate the prize and organise fund raising for the cabinet. This is now

installed on the wall of the village shop.

We have engaged Community Payback on a couple of occasions throughout the year and they have carried out jobs for the PC and the Church.

The Local Public Advisory were engaged a few months ago to carry out a training session for Councillors which was helpful.

Our Clerk continues to chase the various authorities. We have had problems with drains in the village and Debden Green and are still waiting for the pipe under the road on Ivy Todd Hill to be cleared - the latest news we have is the road will need to be closed which will cause considerable inconvenience. Many reports have been made in respect of potholes and we are hoping that particularly the deep holes on Rook End Lane and the area at the bottom will soon be improved. We would urge all residents to continue to report potholes to ECC as well as us.

The Chairman concluded by thanking the Army for their very generous donation to the Village Hall. This has run into difficulty and, for the greater good of the village, the two Trusts need to get together because if they do not there will soon be nothing to argue about.

#### **4. Presentation by Affinity Water on their plans for the construction of a second ancillary reservoir at Chickney Road**

**Mr. Peter Davis from Affinity Water advised that the current reservoir was built in 1971 by the Lee Valley Water Co and this supplies 18,000 properties. It is a single cell reservoir which cannot be isolated, therefore to ensure we offer continuity of supply a new reservoir needs to be built which will provide a more secure water supply for you all. It will be located in an area of agricultural land just off the byway and was chosen because it is on the same level as the existing, there is good access through the byway and is in close proximity to the existing reservoir. It will take 9/12 months to build and this will involve one road closure in order to facilitate pipework. Once complete there should be no increase in traffic.**

The following questions were raised:

**Where will the lorries turn round?**

***There will be room on site to turn.***

**Will there be a one way system for lorries?**

***The contractor will need to produce a traffic management plan***

**What route will the lorries take?**

***They will travel to the site through Henham***

**The road is not wide enough to pass?**

***We will manage it as best we can by holding vehicles on site.***

**Could passing places be considered in view of the narrow road?**

**Mr Davis said he has hired the Village Hall for Wednesday 11<sup>th</sup> May from 3.00 – 8.00pm if residents have any further questions.**

### Report from Cty Cllr Simon Walsh

After pegging Council Tax with no increases for five years, the Council has reluctantly increased its element of Council Tax by 1.99%. In addition a 2% Social Care Precept has been added in order to meet the increasing demands of an ageing population across the County. This means a Band D property will now pay £1,130.13 per year, a weekly increase of just under 84p per week. This despite a number of high level meetings with Government ministers, but unfortunately there was little movement on their part to improve the financial settlement for Essex County Council.

Savings made by the Council over the past six years are some £521 million, with a further £76 million planned for this financial year. However, moving forward, a funding gap remains for future years as confirmed by the Budget Statement recently, where cuts to public services will continue to be made.

However, front-line services will continue to be protected: For example, Adult Social Care increases by £89,000 to £493.3 million. Children and Families grows by £10 million to £125.8 million. Communities and Healthy Living is now £69.5 million up from £8.7 million reflecting elements of the NHS public health budget now administered by ECC. Infrastructure and Highways Delivery is up by £2 million to £59.4 million and its capital allocation rises by over £7 million to £137 million.

Clearly savings across a number of areas will need to be made, for example the Local Highways Panels have had their budget halved, with an option for the Local district to make up half of the deficit, and the County will then match that. Only two Districts have done this, one is Uttlesford and that means we should be able to deliver a good number of schemes. However, our budget of £460,000 has schemes on its books exceeding £700,000!

I have today visited Rook End Lane and will continue to chase this to get this improved. Your Clerk is very fastidious in pursuing the various highway issues.

Highways maintenance remains a challenge. Extra funding has been allocated to improve the condition of roads and footways and an extensive programme of works is about to commence. Other defects need to be reported so that they can be dealt with. The increase in the Highways Capital Budget is designed to get the roads back into good order with an enhanced programme of resurfacing works planned throughout the year.

The new waste plant in Basildon is up and running and is still in test phase. Less and less household waste is going to landfill which will make a considerable saving for the Council. Interestingly projected recovered recycled materials is much higher than expected, perhaps reflecting a degree of apathy for domestic rubbish sorting in parts of the County, but not I hasten to add, in Uttlesford!

A six-week consultation on the pre-submission waste plan was launched recently, with proposed key sites in Uttlesford located in Canfield, Newport and Elsenham; it can be viewed online at <http://consult.essexcc.gov.uk> and at all libraries, and County and District council offices.

A consultation on Children's centres is now out and runs until April 10<sup>th</sup>. Key proposals affecting Uttlesford are that the children's centre in Saffron Walden will close, the Dunmow children's centre becomes a family hub open 15 hrs a week, and the children's centre at Stansted Mountfitchet becomes a family hub delivery site open 40 hrs a week with a further 10 hours of telephone service provision. The intention of the service is to extend provision for a child and their family from pre-birth through to age 19.

Details are available on <http://surveys.essexinsight.org.uk/childrenscentresconsultation2016>

I continue to chair the Place Services Scrutiny Committee. This deals mostly with highways and economic growth matters, but also environment, county parks and waste. It is a wide but interesting brief and keeps me very busy. Key pieces of work include the passenger transport consultation, third party responsibilities on flooding, and the government's Welfare to Work programme. I also chair the Scrutiny Board which has oversight of all of the

scrutiny committees. I serve on the County's planning committee and the Lea Valley Regional Board.

The following matters were raised:

**I saw some men filling in one of the potholes and asked why they did not do a proper job. He said the County Council would not allow them to do so. This does seem to be a waste of money.**

*A number of complaints have been received on that front and I will endeavour to get the deep potholes fixed quickly. He urged members of the public to report these as well as the Parish Council.*

**A lot of money is spent on the Byways. At the moment we have to pay for road planings to be delivered, would it be possible to deliver to us?**

*This will be investigated.*

**There is no information on the ECC website on road resurfacing programmes.**

*Information will be obtained and the Clerk will be advised*

**The drains are never cleared out properly, who should I contact?**

*You need to use ECC Customer Enquiries or the website; you cannot get through directly.*

**A drain at CB102PP is blocked.**

**When roads are resurfaced who signs off the work because the Newport Road was not sealed properly and the tarmac had gone off that is why it is in its present state.**

*Ringway Jacobs is the contractor and they should check the work and sign it off.*

**Six years ago I reported Sampson's Lane. The groups that organise walks have declared it unsafe but four wheel drives are now going into a farmers wheat field.**

*We should be having winter closures but if they are going into a farmers field they are trespassing.*

**The byways should be closed now!**

**SL said that last year we were awaiting a report on the Byways, has this been received?**

*The reports have not yet been prepared*

**SL asked if the PC could meet with ECC.**

*You can attend the Local Highways Panel meetings.*

**It is a waste of time your people going around and spraying the potholes as nothing gets done.**

*The road repair programme is very comprehensive this year.*

**Why is ECC lagging behind on byway closures as byways are closed in Hertfordshire. Could ECC find out how they are able to close byways.**

*We can, but there are many complex legal issues.*

**Eighteen months ago, six four wheel drive vehicles with Dutch registration plates came here for the weekend because the "off-roading" is so good in this area.**

**SL reported that a few months ago a representative from the Police attended their meeting. Can you comment on local policing, also are speeding cars, reported by our Speedwatch team, notified or is any action taken**

*Regarding Speedwatch, if the speeding occurs regularly a letter would be sent.*

*Regarding police issues, you will have a new Police and Crime Commissioner after the Election tomorrow and matters should be taken up with him.*

#### **Report from Distr. Cllr Tina Knight**

UDC having pegged the Council Tax for a number of years decided to reduce the tax by 3% last year. Having had their budget reduced by Government they have taken the decision to raise the tax by 1% which means in reality that the Council tax is still lower than it was a few

years ago. Regrettably further cuts will still be needed and certain services will need to cut. The closing of the Police Station was not UDC's decision and certainly not a popular one but UDC have allocated an Office in the reception area of the Council Building for the Police which the Public are finding a very good compromise.

One of the largest causes of concern in the area is the Potholes, unfortunately, this does not come under the jurisdiction of UDC but rather Highways & Byways in ECC. A great deal of my time is taken chasing up complaints made by members of the Public. I find the current system of how they are dealt with rather farcical. A measurement guide has been set by one of the Councillors so when a pothole is visited, it is measured to make sure it meets the required depth then a series of coloured paint is used to indicate those that must be dealt with within 28 days, i.e. the Orange Paint. As we all know only too well the hole is normally surrounded by a number of smaller holes, they do not meet the criteria, obviously the stitch in time age old wisdom does not apply here so they are left to get bigger!! It obviously costs a great deal to send a couple of men out with tarmac, traffic lights etc., so it must make sense to deal with all the holes irrespective of the measurement guide so I continue with my one woman campaign to try to knock some common sense into the powers that be. I must admit that Cllr Walsh has also been frustrated with this approach and has tried to assist wherever he can.

Waste collection is always a problem although Uttlesford has an excellent record in this respect. The Government is trying to reduce land fill. When I see the crumbling coastline in Essex and consider the fact that Tokyo Airport is built entirely on land reclamation from their rubbish I wonder why we do not use the technology available and repair our coastline with the rubbish instead of even more draconian measures re household waste. I have asked for serious consideration to be taken of the charges by UDC for removing large items of household furniture etc for people who are unable to get these items to the waste centre. In my opinion failure to make things easier for people to dispose of unwanted goods leads to fly tipping which is far more expensive for the Council to deal with. Increased figures of fly-tipping in the area rather prove my point.

I have been heavily involved in the problems of local transport and managed to save the route 17 for local residents. I am now hoping to promote the new DaRT scheme which will allow people more opportunity to travel in the region.

I had some success, again with the support of Cllr Walsh in sorting out the debacle over transportation for School children. It was a minefield of problems and involved my working with a fellow Councillor on a report of over 100 pages that ended up being read out in Parliament. Fortunately, ECC admitted there were some errors and have resolved most of the problems – finally!!

As you will have seen, hopefully, in the Parish Magazine I, with the support and help of Cllr Walsh have managed some success stories. The byway 30, 31 Debden and 36 Wimbish will receive a £40,000 contribution towards refurbishment and £3,000 towards a feasibility study for possible realignment for Debden Green crossroads to make it safer.

In addition to my normal duties as a District Councillor I am also Chairman of the Standards Board and am heavily involved in producing a suggested New Procedures' manual for the Code of Conduct rulings. Concentrating on the need for proper training for those in positions of trust and authority. Not an easy task which brings me on to the Elephant in the room - the New Village Hall. I have received many emails and calls relating to the land exchange and particularly the letters published in Parish Pump. It is such a shame that the situation concerning the land exchange has reached such levels. If only the people who write some of these would realise what harm it is doing to our village perhaps they would think twice before

putting pen to paper. I have received many complaints; it is not only people in Debden that read the magazine!!

I do not intend to get involved in the emotions and problems that have sadly divided this village, but having had so many questions raised by members of the public I will just try and state the situation as I see it.

When I was Chairman of the Parish Council a letter was sent by the Council to Cllr Watson, following her request, as Chairman of the Debden Village Memorial Hall Memorial, for alterations to the current Hall asking her to sort out the legal situation. I have a copy of the letter here dated 2<sup>nd</sup> May 2008 which I can confirm that during my tenure a reply was not received. I have attended several meetings in recent months and from what I know from the legal advice I received, as Chairman of the Parish Council, and what I have heard and seen from letters received by the Council from legal sources, they have acted quite properly and if the Village Hall Trustees had carried out what it was asked to do in 2008 and also consulted with the Council before they made the application to the Army we would not be in this sorry situation.

The fact remains that if the RG Trustees or the Parish Council had been made aware that the application was being made to the Army for funds from the Community Covenant, the legal situation could and should have been looked into before the application was submitted. When this was raised at a previous meeting, Cllr Watson, the Village Hall Chairman, stated it was discourteous of them, I think that was rather an understatement. Had the Parish Council been consulted prior to the application being sent they could have advised that some of the statements made were not only rather ambitious but would not have been possible. For example, stating the building work would commence 3 months after the application was sent in. I have attended AGM's of the VH committee and on both occasions they have voted not to proceed with any construction work at all until the full funding of this project is obtained. Statements in the pump about them being held back by the RGT are disingenuous to say the least. A comment has been made about the actions of some of the Parish Councillors could mean the loss of the MOD grant, I feel again this is very misleading. I doubt very much they would be interested in the cloche Merle ramifications of village tittle tattle, they would, however, be very concerned, in my personal opinion, if they were to find that any action being taken by the NVH was not legal. The RGT and PC have acted in the best interests of the Charities they represent. and that is their legal remit. One can only hope that the passion and enthusiasm of the current NVH committee can be channelled and directed towards the prospect of a stunning NVH on the current site and I am sure, if that were the case, they would find a great deal of support and, hopefully, at last some unity in the village.

SW responded to points made in the report regarding the village hall.

Regarding the letter sent to her in 2008, at that time the Parish Council expressed their willingness verbally. At that time the village hall was not in a position to formally go ahead with a land swap because it would have cost money. Reference the application to the MOD, the PC joined in the application.

Col. Will McDonald asked for a vote of thanks to be recorded to Cllr Knight for all her efforts relating to the School transport. This took over a year to deal with and involved a considerable amount of time and effort.

## **5. Address by Sir Alan Haselhurst M.P.**

The Chairman thanked Sir Alan for coming to Debden this evening. Sir Alan was first elected as an MP in 1970 and since 1977 has been MP for Saffron Walden and was re elected in May 2015 with an increased majority.

Sir Alan began by reporting on conversations with constituents in the area in May last year. Many of these conversations concerned housing development in the area. Regretfully, we face extreme difficulty in dealing with the pressure of housing development because Uttlesford is a prosperous area and people want to live here. The people who lose out are the young because of the much higher cost of property in the area. The housing supply has got to be met.

Regarding the railway line into London, we are not blessed with a very good line and this needs four tracking to ease the problem. We are due to report in June and appoint a new franchisee but it is important that we bring about some real improvement.

My views are well known on the airport expansion. In my view this should be in the Thames estuary. It seems that major expansion will be at either Heathrow or Gatwick but Stansted will come back to haunt us at some stage.

Seven weeks today you will all have the opportunity to express your opinions by voting in the European Referendum and he went on to explain why he came to his views. He concluded by saying that we are great country; do not let us be seduced into thinking that we can do it all on our own. We should be able to guide in the direction we want to go and let us have confidence in our ability to get more out of the alliance.

A number of comments and questions were then raised relating to the European Union.

The Chairman thanked Sir Alan Haselhurst for coming along to the meeting and he then left.

## **7. Reports from other village groups**

### **Recreation Ground Trust**

SW objected to the report being given as this had not been approved by all Trustees. EB explained that the Chairman had asked her to produce a report and it is important because there have been so many misunderstandings. The situation needs to be put straight. EB proceeded with the report.

During this year the Recreation Ground Trustees have taken the final necessary steps to separate the business and affairs of the Trust from those of the Parish Council. This was done following recommendations of charity law solicitors and the Charity Commission. The Recreation Ground Trust was registered in 2002 with the Charity Commission after lawyers, scrutinising the conveyance document of 1922 in which Lady Strathcona had sold to the Debden Parish Council the Recreation Ground land for £120, decided that in the conveyance there was a clause that created a trust.

The 1922 transaction was in fact subject to the PC undertaking to “Hold and administer the said piece of land in trust as a garden and open space within the meaning of the Open Space Act 1906”.

**The Recreation Ground Trust was created on 28<sup>th</sup> November 2002 and the 7 Parish Councillors all became *de facto* Trustees for sake of continuity and accountability as advised by the solicitors.**

**The object of the newly registered charitable trust, as in the 1922 conveyance, was “to provide for the public a garden or an open space pursuant to the provisions of the Open Spaces Act 1906”.**

**The Recreation Ground Trust meetings are now held separately from those of the Parish Council, and as is the case for any charitable trust, future meetings, with the exception of the AGM, will not be open to the public, unless previous notification and reasonable reason for attending has been given in writing in advance of the meeting.**

Any matters relating to the Recreation Ground, Pavilion, Car Park, Tennis Courts and Playground will be discussed at the Recreation Ground Meetings.

Separate minutes will be kept and the invoices for the Recreation Ground will be shown separately on the payment schedule. The Trust already had a separate account.

#### **Pavilion**

Planning permission has been sought to refurbish and extend the existing building to provide an upstairs meeting room and ground level storage for sports and maintenance equipment. Estimated cost is £60,000 which will be fund raised.

Spartak 78 YSC who run youth football teams in Saffron Walden have been granted a contract for their under 11's to play football on the recreation on Saturday morning from the 1st of August to the 31st of May.

#### **Car Park**

Work has been ongoing to fill the potholes that regularly appear and more work will be required in future until a more permanent solution can be found.

The situation is made worse by the increased use of larger vehicles and in particular the weekly visit of the 11 ton refuse lorry which has to reverse to the village hall doorway

#### **Tennis Courts**

Following a safety inspection by ROSPA of the courts the Tennis Court Committee have agreed to have all the external fencing and netting replaced with new.

This should take place at the end of May and take about one week to complete, some disruption will be necessary in the use of the car park and children's play.

User groups will be informed of the details and dates as soon as they are known by the Tennis Court Committee.

#### **Playground**

Regular ongoing maintenance together with annual inspections by ROSPA are carried out to maintain safety.

Worn items on the aerial runway have been replaced and an area cleared by the roadside fence to prevent brambles growing through.

Thanks go to Sue and Martin Bird who have for some years now mowed the grass on a regular basis.

#### **Other matters**

##### **The location of the proposed new village hall.**

In 2001 a proposal was put forward by a group of village residents to build a replacement village hall on an alternative site on the Recreation Ground owned by the Parish Council. The PC consulted lawyers on the legal status of the Recreation Ground and to find out whether the sale of land for the above purpose could go ahead.

**The legal department for the National Association of Local Councils was consulted and they replied:**

9 April 2001

*“Whether the recreation ground has charitable status or not, I do not advise any arrangement for a permanent building to be erected by the village hall committee on land owned by the council (as trustee or not). This situation can create legal problems and I can see no advantage in it.”*

**Then the Charity Commission:**

16 November 2001

*The trustees should also consider whether it is in the interests of the recreational land charity to allow a village hall to be partially built on its land and whether this is in accordance with its trust. The trustees should seek professional advice on this matter”.*

**And Stonehams solicitors:**

3 May 2002

*“On reading the 1922 Conveyance to the Parish Council, I come to the conclusion that you have no choice particularly if you want to make any alterations to the use of the land e.g. by the suggested building of a community hall on the land. That is because the Conveyance to the Council specifically requires the Council to hold the land for public use pursuant to the provisions of the Open Spaces Act 1906 and that Act in turn involves obtaining the consent of the Charity Commission to any alteration to the trusts and conditions affecting the land”.*

However, the project was abandoned and no further advice was sought from legal experts. Recently a proposal was put forward by the Village Hall Trust to the Recreation Ground Trust for a land exchange on a site opposite the existing village hall partly located on the car park and partly on a strip of Recreation Ground from the edge of the Playground to the edge of the Sports Pavilion and including a corner of the Playground.

In September 2015, the Recreation Ground Trustees sought the advice of a solicitor expert in charity law, as advised by the Charity Commission, to find out the legal implications and constraints of such an exchange. The advice they received was not to proceed with the land exchange because to do so “was against the best interest of the Recreation Ground Trust” and therefore against the law. The legal advice was accepted by five Trustees.

The Recreation Ground Trustees sought further advice from the Charity Commission who confirmed that Trustees should only act for the best interest of their charity. At a meeting in December 2015 the Trustees voted against the land exchange by a majority of votes.

**Both the Village Hall Trustees and the NVHG were informed of the decision and invited to put forward alternative proposals.**

**The Recreation Ground Trustees have been advised that their decision cannot be reviewed. This means that, even if a solicitor agreed to undertake the completion of the proposed land exchange that has been declared illegal, both parties would be breaking the law.**

**However, there would be no obstacles or legal implications if the new village hall was rebuilt on its present site. This suggestion has been made to the Village Hall Trustees without a positive response.**

The following questions and comments were made:

**The PC has applied for an extension to the pavilion, therefore you are allowed to build on the recreation ground.**

*The pavilion belongs to the PC and it relates to recreation. It may be possible to build next to the pavilion.*

**You have said that you have to act in the best interests of the Trust but the PC is elected to act in the best interests of the village. If you are acting in our best interests I suggest you have some kind of arbitration between the two sides.**

*EB said the newly elected members of the PC were not aware of the Trust beforehand. The situation regarding the land had not been looked into and that is why we contacted a charity law solicitor - would you spend three years making plans for a house without knowing whether the land was available. The Trustees have accepted the solicitors advice and decided that the piece of land requested is not available.*

*It also has to be accept that a referendum would have no bearing on the decision made by the Trustees.*

**Would a temporary building be allowed on the recreation ground if the new hall was built on the existing site.**

*This would be possible and some enquiries have already been made.*

**The PC should be aware that fathers' are using the aerial runway to show their children how to use it. I would suggest that a notice should be displayed.**

*This will be included on the next PC agenda.*

**Your report states that the decision made by the Recreation Ground Trust cannot be reviewed unless there is new information. The Trustees of the Village Hall have obtained advice from charity law solicitors. Stone King in Cambridge. and a Charity Commission lawyer for over 20 years and the 1906 Act is irrelevant.**

#### **Village Hall Trust and New Village Hall Group Report**

Richard Cawte, Chairman of the Village Hall Trust, gave the following statement on behalf of the Village Hall Trust and the New Village Hall Group, and it is summarised in the leaflet you have on your seat.

After more than 16 years, thanks to the efforts of the New Village Hall Group, the Village Hall Trust and, at least in the early days, the support of the Parish Council, we are on the verge of having a new village hall.

Over half the money has been raised with plans to raise the rest.

We have final planning permission for a new hall on the proposed site, we also have the support of the vast majority of the village.

But we have a problem.

Certain members of the Recreation Ground Trust are opposed to the current project and have persuaded some other members of the Trust to vote against a land swap to enable the project to go ahead.

That vote was by a majority, not least because two members were excluded on the grounds of conflict of interest - one now successfully contested, the other resolved.

Recreation Ground Trustees who oppose our scheme claim a land swap would be illegal and not in the interests of the Recreation Ground Trust.

Note: there was no mention of the interests of the beneficiaries of the Trust, that is to say, most people in the village who want a new hall built.

The site for the new hall adjoins the meadow, giving direct access to the open space. The new site is currently part of the car park. The present hall and shop will remain whilst the new one is built, enabling continued use by all users, and protecting the income of the hall and shop. The present hall and shop will be demolished when the new hall and shop opens. The land occupied by this building will be turned into car parking.

So, one piece of car park for another.

Now what about claims by certain RGT members that a land swap would be illegal? We've sought the professional advice from the Rural Community Council of Essex, an independent body, which is a partner of the Charity Commission and a specialist in charity law affecting village halls. Copies of a letter confirming their opinion are available this evening.

We have also been advised by Stone King Solicitors, rated among the top 200 law practices in the UK and specialists in trusts and charity law.

Their combined advice is unequivocal:

1. There is nothing in law to stop a land exchange going ahead
2. There is an obligation on the part of the Recreation Ground Trust to take into account the views and the interests of the residents of Debden.

Some of you were at a public meeting on February 24 when Cllr Elisabeth Blackie, who, like all Parish Councillors, is also a Recreation Ground Trustee, made clear she opposed the current scheme and favoured building a new hall on this site.

That's despite the conclusion from a survey that she and Cllr Roger Forster organised and in which over half the village took part, that showed that three-quarters of those who wanted a new and larger hall did not want it on this site.

Cllr Elisabeth Blackie was asked a direct question at that meeting: would she support a hall on the new site if it could be shown to be legal?

She said she would.

I quote from the letter from the Rural Community Council of Essex:

"A land swap would be legal and consistent with the terms of the Recreation Ground Trust deed, and if the Recreation Ground Charity Trustees can satisfy themselves that the like-for-like principle has been complied with such that the lease or sale of additional land can be justified."

The Charity Commission recommends that a land swap should, as far as possible, be on a like-for-like basis in size, value and usefulness.

The site for the new hall is slightly larger than the site of the present hall and shop – but only by 17%. The Village Hall Trust has offered to buy or lease that extra land. We would also be prepared to buy the entire site for the new hall and sell to the Recreation Ground Trust the site the present hall occupies. That way there would be no land swap but a straight forward commercial transaction.

So, that takes care of size and value.

As to usefulness, would you agree that a brand new, larger hall opening out on to the meadow is of more use to Debden residents and the general public than a piece of car park! A handful of our critics argue that the new hall might block the view of the meadow for passers-by, and reduce car spaces. The present view is usually blocked any way by the current hall and parked cars and beyond that, all you see are the tops of trees. When you open the doors of the new hall ... now that's a view!

A reasonable question to ask would be, if the new hall is not to be built on the site chosen by residents, the Village Hall Trust and its architect, after rejecting all other sites, where should be it be? Despite requests, not a single alternative plan has been put forward by our detractors.

The alternative favoured by certain members of the RGT appears to be a new hall on this site. Or some kind of refurbishment of this building!!

- Let's look at the reality of a new or bodged-up version of this hall on this site:  
Loss of the hall and shop for up to two years.
- The likely loss of both Debden Pre-school and the dance classes because the organisers have said that if forced to leave, they wouldn't come back
- The likely loss of jobs among paid pre-school staff
- The loss of revenue to the hall and shop during reconstruction
- More delay, pushing up the building costs still further.
- A year's delay due to the wrangle over the land swap has already pushed up building costs by £15,000. On top of which the Recreation Ground Trust has incurred legal fees that will come out of your council tax
- A larger hall on this site would require more land. But the recreation ground trustees say it's illegal to build on the car park. So, using their logic, Debden can never have a larger hall.
- And there are precedents.  
Who gave permission for the shop to be added to the hall? And why has the parish council just allowed an extension of the pavilion – on recreation ground land!

The total of approximately £340,000 has been raised to date £ 236,000 from the Ministry of Defence – That money has been, quite legitimately, designated to this project and is kept in a separate bank account. If the delay drags on it is inevitable that major funders will say they've had enough and ask for their money back.

Potentially so will those of you who have supported the Buy-a-Brick scheme.

The result? A new hall project would start with no planning permission, little village support – and nothing in the bank.

So, what's the answer?

Firstly, we believe the parish council should intervene and bring the Recreation Ground Trust into a sensible discussion with the Village Hall Trust to resolve this matter.

After all, the Parish Council's first duty is to look after the best interests of the residents of Debden. Significantly, objections to a land swap have only arisen since this Parish Council was elected and this group of trustees formed.

If the Parish Council fails, despite the fact that the village has made clear it does not want another referendum, yes, let's have a final referendum to say whether or not Debden wants the current project to go ahead.

However, we believe it would be totally reasonable to insist that if that referendum goes ahead and the majority support the current scheme, that the Recreation Ground Trust waives its objections and works with the Village Hall Trust to build the hall we all want as quickly as possible.

If members of the Recreation Trust are concerned that, personally, there are risks in supporting the preferred scheme, for a one-off modest cost all risks could all be covered by an indemnity insurance policy.

Our solicitors, Stone King, made the point that while the Recreation Ground Trust could not be forced into any particular decision, in law there is nothing to stop the land swap going ahead if the Trustees are minded to do so.

Which brings us to the central issue.

Given that a land swap or sale of land is legal and considering the wide discretion that trustees of the Recreation Ground Trust have, if there was a will to bring this matter to a successful conclusion, and if any personal preferences for an alternative scheme were put to one side, this project could – and should – go ahead.

As they say, “if there’s a will, there’s a way”.

Let’s not mince words. If this scheme does not go ahead, Debden will probably never have a new hall.

**My question for you now, is: should the Recreation Ground Trust listen to our legal evidence and the views of the village and reverse its vote against a land swap?**

**If you think that is the case please indicate now by a show of hands.**

**A show of hands if you don’t think the RGT should reverse it’s vote?**

**A resident objected to this as the leaflet which was available at the meeting had not been delivered to everybody in the village. He also said he feels the reports and letters in the Parish Pump are extremely distasteful and the personal attacks against Cllr Blackie are appalling.**

EB said there are several mistakes in the Village Hall report.

**Richard Cawte said he had requested a meeting with the Trustees three times and this has been refused.**

*EB said the Trustees have not agreed to meet because the Village Hall Trustees have refused to look at another location.*

**Richard Cawte said that all the companies they had contacted had said that the proposed site was the best. He added that the legal advice they had taken had been paid for by people in the village; it had not come out of Village Hall funds.**

**If we just said we would get on and do it, where would any prosecution come from?**

*EB said a solicitor would not touch it.*

**The Chairman of the Searle Trust pointed out that several grants have been made to the Village Hall Trust and one of the requests from the Village Hall was for funding to deal with the legal issues and we made money available for that. The legal situation has been a problem for a long time and that is why the money was given for that purpose. He added that other funding designated by the Trust is not for any particular scheme; it is for a village hall in any location.**

The Chairman concluded by thanking everyone for attending the meeting which was closed at 10.50pm.

