



North Weald Bassett
PARISH COUNCIL

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Clerk to the Council
Susan De Luca

2nd July 2014

TO: ALL COUNCILLORS

You are hereby summoned to attend A **Meeting** of the **Parish Council** which will be held on **TUESDAY, 8th JULY**, in the **North Weald Library**, High Road, North Weald Bassett at **7.30pm** to transact the business shown in the Agenda below.

Susan De Luca
Clerk to the Council

PLEASE NOTE CHANGE OF DAY FOR THIS MEETING

Members of the public and press are invited to attend this meeting

AGENDA

1. APOLOGIES FOR ABSENCE 🖐

To **RECEIVE** any apologies for absence.

2. OTHER ABSENCES

To **NOTE** any absences for which no apology has been received.

3. CONFIRMATION OF MINUTES 🖐

📖 To **APPROVE**, as a correct record, the Minutes of the following Meetings

- Parish Council Meeting held on 2nd June 2014
 - Draft Minutes of Thornwood Common Village Hall & Playing Field Management Committee & Environmental Committee Minutes held on 11th & 25th June 2014 together with ratifying any recommendations therein as attached at **Appendix 1**.
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4. DECLARATIONS OF INTEREST

To **RECEIVE** any Declarations of Interest by Members.

A Member with a personal interest in a matter must consider whether it is a Disclosable Pecuniary, Non Pecuniary or Other Pecuniary Interest, and declare it accordingly. A Member who is unsure as to how to declare their interest should seek independent advice.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC


To **RECEIVE** questions from members of the public.

In accordance with an agreed procedure, the time allocated for public questions shall be limited to 15 minutes or such other period determined by the Chairman of the Meeting.

6. QUESTIONS TO COUNTY COUNCILLOR – ANTHONY JACKSON


County Councillor Jackson will be in attendance at the Parish Council Meeting. Members have already circulated a list of questions which have been answered by Cllr Jackson. The Clerk has asked Members by email, to provide any further questions that they have by Thursday 3rd July to Cllr Jackson, in order that Cllr Jackson can respond to Members at the meeting.

7. CLERKS COMMUNICATIONS AND CORRESPONDENCE REPORT

 To **RECEIVE** the oral report of the Clerk on matters which may be of current interest to Members and which require a formal update, and to **RECEIVE** such correspondence and communication as the Clerk may place before the Council, details of which are shown on **Appendix 2**.

NOTE: Any Member wishing to have a communication brought to the attention of the Council should give prior notification to the Clerk.

8. REPORTS & MEMBERS REPORTS

 **Further to a recent letter to Members from the Clerk**, Members are reminded that in order to ensure smooth and **prompt running of the meeting** it would be **prudent to provide the Clerk with a written copy of their report** in order that this can **be circulated** to all Members **with the Agenda**.

To **RECEIVE** any questions emanating from any reports from Members who wish to give a report and/or who are representatives on Committees, Working Groups, Outside Bodies and other meetings that Members or the Clerk have attended and which, **if available**, will be reproduced at **Appendix 3: if they have been submitted by Members for inclusion**

a) Chairman's Report

b) Vice Chairman's Report

c) District Councillors Reports

d) Councillors Reports – If Submitted Attached at **Appendix 3**

e) Highways Reports **-UNABLE TO UPDATE DUE TO NEW ECC WEBSITE – VERBAL REPORT TO BE GIVEN AT MEETING**

f) Environmental Issues – to include Allotment Issues – Cllr Mulliner to Report

g) Neighbourhood Action Panel Minutes – If these are available

9. FINANCIAL REPORTS

a) List of Cheques & Monthly Statement of Accounts

To **APPROVE** the lists of cheques which were signed up to 30th June 2014 and **NOTE** the summary of income received and the account balances at the end of the month. *(to be tabled)*


10. PARISH COUNCIL OFFICE – POLICY DECISION

Following the last Parish Council Meeting where the Clerk advised Members of various matters regarding Leader Lodge and grants available under the Governments Localities Board. The Clerk was instructed to place an item on the next Agenda asking whether or not the Parish Council wished to make a 'Policy Decision' as to whether or not it wished to look for new offices, which may include a Village Hub in the future, also it was agreed that any new office should be linked in with the Parish Councils provision of a Library Service. Members are now asked to **DECIDE** if they wish to make this Policy Decision.

11. WEALD COMMON – POLICY DECISION TO GO FORWARD TO PARISH COUNCIL

Following the Agreement to install a new Play Area on Weald Common - Members **AGREED** that this Committee would make a recommendation to Parish Council that they make a Policy Decision for £10,000 to be spent on play equipment at Weald Common, to be recouped over a 25 year period via the Precept, which is the expected lifetime of the play equipment.

12. COMMUNITY ASSET REGISTRATION

 Councillors have furnished the Parish Office with a number of suggestions for assets to be included in the Assets of Community Value list, and the staff have also added the remainder.

These have been assessed against the criteria for inclusion in the list. Councillors are asked to **CONSIDER** if they wish to put forward those assets meeting the criteria, and to review those marked in purple to ascertain reasons why they would meet the criteria.

Cllr Bartram has also provided Members with a Report on Community Assets which is included at **Appendix 4**.

Assets of Community Value

The Community 'Right to Bid' places a new duty of local authorities to maintain a list of land in its areas that is land of Community value as nominated by the Local Community. If land or buildings on this list come up for sale, the local community will be given six months to prepare a bid to try to buy the land or asset. Epping Forest District Council are the body responsible for holding / maintaining such a list.

Only the local community can nominate an asset for inclusion on the list, of which the Parish Council is considered to be a body authorised to make such a nomination.

A building or piece of land is an asset of community value if it is at least partly within the Councils area, its main use has recently been to 'further to social wellbeing or social interest of the local community' and could do so in the future, and is defined regardless of the nature and number of owners. Some examples are:

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- nurseries and schools
- children's centres
- health centres
- surgeries
- care homes
- parks and open green spaces
- libraries
- leisure centres
- museums and heritage sites
- community centres
- public toilets

Note: Residential properties are excluded in most cases.

The Parish Office has requested Councillors provide suggestions for assets of community value. These have been assessed against the criteria, and the results are below:

Yes - meets the criteria	No - Failed the criteria	Unclear - more info needed
Weald Common	Bus Shelters	Crabs Farm (Mill Street)
North Weald Village Hall and Green adjacent	Benches	Footpaths
Queens Hall Community Centre	Sewards Hall Farm	Ancient Drovers Road
Memorial Playing Fields		Land in front of houses York Rd
North Weald Airfield		Meadows in Hastingwood
Ad Astra House		Harlow Common
North Weald Library		Old Allotment, Bluemans End
Hastingwood Village Hall		Old Allotments, rear of Nuclear printing works
Thornwood Village Hall		Former allotment site at rear of Queens Road
St Clares Hospice		Flood Meadow North Weald
Thornwood Common Playing Field		Flood Meadow Thornwood by Teazel Mead
Miller and Carter Public House		
The Carpenters Arms		
Rainbow and Dove		
Horn & Horseshoes		
Blakes Golf Course		
Rayley Lane Golf Course		
NW Golf Course adj to Roughtalleys		
Epping and Ongar Railway & Adjacent Railway Buildings &		

Railway Land		
Roughtalleys Wood		
Happy Grow Nursery		
The Redoubt		
Bluemans End Open Green Space		
St Andrews School		
Kings Head Public House		
Thorowgood House		
All 3 parish allotment sites		
Open Space at Pike Way		
TW Nature Reserve		
Latton Priory (Ancient Monument)		
Abbeyfield Care Home North Weald		
Weald Hall Lane Care Home		
Former BT Site		
Methodist Church & Methodist Church Hall		
North Weald Cemetery		

The benefit of having a building or land nominated is that if the owner informs EFDC they intend to dispose of the asset, the local community will have a 6 week interim moratorium period to express an interest that they wish to be treated as a potential bidder for the land. This is then followed by a 6 month full moratorium period which gives the local community time to prepare a bid if they wish to do so. There are certain exemptions to the moratorium process.

However Members should remember that the work involved in taking the nomination forward to Epping Forest District Council is quite lengthy and time consuming as a nomination must include:

- A description of the nominated land including its proposed boundaries
- A statement of all the information which the nominator has with regard to:
 - the names of the current occupants of the land, and
 - the name and current or last known addresses of all those holding a freehold or leasehold estate in the land
- The nominator's reason for thinking that the responsible authority should conclude that the land is of community value
- Evidence that the nominator is eligible to make a community nomination.

Members are now asked to review the list and:

1. Agree the items on the list
2. Add or remove any items as necessary
3. Provide additional information in order that those items that are agreed can go forward to the District Council.

13. THORNWOOD VILLAGE HALL: HEALTH & SAFETY RESPONSIBILITIES

For the past two meetings, Members of the Parish Council has been made aware of the need for a Responsible Person to manage the Health and Safety requirements of Thornwood Village Hall. At the May 2014 Annual Meeting of the Parish Council, Councillors discussed, primarily, the Legislation surrounding Legionella control, and it was agreed that Parish Council takes on the responsibility for organising the relevant H&S checks, and that they can decide the best method of getting this done (please see Minute **C14.014(h)** below).

C14.014(h) Thornwood Village Hall - Health and Safety Legislation

The Clerk stated that it was as per the comments detailed in attached minutes which were attached to the agenda (from 1/5/14 meeting), stating that the Thornwood Common Village Hall and Playing Field Management Committee wanted one or two Councillors to take on the role of management the H&S legislation for the hall, which is extremely complex, and Committee Members do not fully understand it.

Cllr Stallan stated that the extract in the agenda refers to financial implications, and asked for clarification as to what this was. The F&A Officer stated that this refers to the financial implications of failing to adhere to the H&S legislation, for example Legionella - if you fail to adhere to the H&S guidance regarding preventing a Legionella outbreak, the financial implications (not to mention risk to life) would be terrible. At present monthly checks are completed on the hall to assess any Legionella risk, as per the interpretation of the guidance suggests, which costs over £100 each month. However, the Legionella legislation is vast and complex, and an inordinate amount of time is spent by the office staff on reading all the associated documents. Cllr Stallan asked if these cost came out of the Thornwood Village hall accounts, to which the Clerk confirmed the cost of checks do, but staff time doesn't. Cllr Spearman suggested that perhaps the contractor who fitted the new water system at the Village Hall would be able to complete these checks. Cllr Bedford confirmed that anybody completing these checks needs to be 'Water Safe' which involved a two day course. The F&A Officer stated that both herself and the Admin Officer had read all the paperwork, and still felt that the monthly checks needed to continue. If a Councillor wanted to take on the responsibility for the checks, and to read the paperwork, they would then be able to ascertain if these checks needed to be done, however until this time then the monthly checks would continue.

Cllr Blanks stated that he was surprised that the Rottweiler's on the Thornwood Committee have abdicated any responsibility with this issue. Cllr Clegg stated that he objected very strongly to Cllr Blanks' comments about the Committee, as Committee members do so much for the hall, many of them are older and they do not have the skill or knowledge to complete H&S checks such as Legionella, and he feels the Committee made the correct decision by stating they don't have the ability to deal with this issue, and to pass it to Parish Council for consideration. The Chairman stated that he too objected to Cllr Blanks' comment.

Cllr Stallan stated that he accepted the Committee were not prepared to sign off H&S Issues, as he didn't understand this particular and he would not sign it off. Cllr Stallan agreed that the Parish Council should take on the responsibility and organisation for getting this done.

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Cllr Spearman stated that he would be prepared to take on the responsibility of the monthly checks if the Parish Council backed him.

*Cllr Stellan **PROPOSED** that the Parish Council take on the responsibility for organising the relevant H&S Checks, and that they decide the best method of getting these done. The Clerk asked Members to note that there was no one in the office who had the relevant experience to undertake Health and Safety Checks.*

A vote was taken as follows:

<i>For</i>	<i>12</i>	
<i>Against</i>	<i>0</i>	
<i>Abstentions</i>		<i>1 (Cllr Blanks asked for his abstention to be recorded)</i>

The Parish Council accepted Cllr Spearman's offer, and confirmed he would be reimbursed for attending the course.

However, this responsibility doesn't just refer to issues concerning Legionella. The Parish Council have a 'duty of care' under **common law** towards individuals and organisations to avoid carelessly causing personal injury or damage to property. In addition, there is also a Statutory Duty under the Health and Safety at Work act 1974 to take 'reasonably practicable' step to ensure the H&S of employees and other who use the hall, i.e. Volunteers, public, contractors, etc. In addition to these general responsibilities, recent legislation has introduced specific H&S requirements. This legislation is listed below under **APPENDIX B**.

To fulfil all the relevant criteria issued by RCCE and ACRE the Parish Council would now need to take the necessary steps to ensure all their required responsibilities are fulfilled. To do this, this Council must **AGREE** who will be the **Responsible Person**. This is the employer or any other responsible and **COMPETENT** person who will have control of any part of the premises. The person with the ultimate final responsibility will also have to have responsibility for fire safety as well, as detailed in the Regulatory Reform (Fire Safety) Order 2005.

Under the RCCE and ACRE regime this individual would therefore be responsible for:

- Drawing up all the appropriate records, advice and notices for the hall, and oversee the implementation of the H&S Policy
- Assessing which Acts the hall needs to comply with, and ensuring the relevant risk assessments are completed
- Carrying out a risk assessment at least every two years.
- Prepare a H&S file, and keep up to date
- Provide a copy of the H&S information to every Committee member, encouraging them to go back to their groups and pass on information.
- Ensuring compliance with all relevant H&S legislation

They would need to have a thorough knowledge of the items on:

APPENDIX B

- Health and Safety at Work Act 1974
- The Children Act 1989
- The Water Supply (Water Fittings) Regulations 1999
- Management of H&S at Work Regs 1999
- Workplace (Health, Safety and Welfare) Regs 1991/1992
- Provision and Use of Work Equipment Regs 1988
- Manual Handling Operations Regs 1992
- Personal Protective Equipment at Work Regulations 1992
- The Control of Substances Hazardous to Health Regulations (CoSHH)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regs 1995 (RIDDOR)
- Electricity at Work Regs 1989
- The Regulatory Reform (Fire Safety) Order 2005
- The Licensing Act 2003
- The Occupiers Liability Act 1984
- The Control of Asbestos at Work Regs 2006
- Health and Safety (Display Screen Equipment) Regs 1992
- The Food Hygiene (England) Regulations

Members are advised that **NO** Members of the Parish Council Staff have been trained in the above and are therefore not in a position to undertake this RCCE and ACRE responsibility.

☞ However the HSE Executive have issued a Health & Safety Checklist for Village and Community Halls, as detailed on **Appendix 5**, it is understood that both North Weald Village Hall and The Queens Hall Community Centre use this template as a basis for their Health and Safety Checks for their Halls. Members are now asked to **CONSIDER** whether or not they wish to utilise this template for Thornwood Village hall and to appoint a Member of the Council as the Responsible Person (one Member of the Council has recently completed a Health & Safety Course on behalf of the Council).

14. WREATH LAYING AT ST ANDREWS CHURCH IN COMMEMORATION OF WORLD WAR I

Members are still awaiting confirmation as to whether a Vicar will be available for this event which will be held jointly with the Royal British Legion, the event will take place on Monday 4th August at the Cross of Sacrifice in St Andrew' Churchyard North Weald at 11 am, to Commemorate the start of WW1.

15. RELOCATION OF BUS SHELTER FROM HIGH ROAD NEAR TALBOT ON TO WEALD COMMON ☞

Following a meeting of the Environmental Committee, Cllr Collins had suggested that the bus shelter which was going to be removed from the High Road, be relocated to Weald Common as a Shelter that could be used by young people. This matter had been discussed at considerable length by the Environmental Committee (as detailed in Environmental Minutes:

11th June) . Members **AGREED** that the Environmental Committee could not support this however they felt that this matter could be put to full Council for a final decision. Members are now asked to **DECIDE** how they wish to move forward in this matter.

16. ESSEX COUNTY COUNCIL WINTER SALT BAG PARTNERSHIP 

Members are asked to **CONSIDER** whether or not they wish to take part in the scheme this winter. For the last three years Members have declined to take part due to the Health and Safety responsibilities that are placed on this Council.

17. EFDC LICENSING DECISIONS

Members are asked to **NOTE** that Epping Forest District Council are changing the way that they make decisions in relation to Licensing. In future this item will be listed on the Planning Agenda.

18. EXCLUSION OF THE PUBLIC AND THE PRESS 

In the event that the Agenda contains Exempt (pink) pages, or an item needs to be discussed confidentially, to **CONSIDER** the following motion to be proposed by the Chairman:

“That the public and the press be excluded from the meeting, the Council believing that publicity would be prejudicial to the public interest by reason of the confidential nature of the business about to be discussed.”

There are currently **NO** confidential items to be considered

