



DRAFT MINUTES

Meeting: COUNCIL

Date: 7th September 2015

Time: 7.56 PM

Venue: NORTH WEALD LIBRARY, 138 HIGH ROAD, NORTH WEALD

PRESENT:

Councillors (10) C Hawkins (Chairman), B Eldridge, B Clegg, R Spearman, B Bartram, G Mulliner, A Tyler, D Stallan, Mrs S Jackman MBE, Mrs D Adams

Officers in Attendance (2)

Susan De Luca – Clerk to the Council

Adriana Jones – Principal Finance Officer

Members of the Public (0)

Members of the Press (1)

C15.060 APOLOGIES FOR ABSENCE (5)

NOTED that apologies for absence had been received from Councillors Mrs A Grigg, Blanks, Bedford, Buckley, and Mrs E Godwin-Brown.

C15.061 OTHER ABSENCES (0)

No other absences were recorded.

C15.062 CO-OPTION OF COUNCILLOR

Members noted that the Clerk had received an enquiry from Mrs Sheila Jackman, MBE, FCIH, who has lived within the Epping Forest District since 1969. Mrs Jackman has shown an interest in many matters related to North Weald in her position as Chairman of EALC which she held for a number of years. She was also a Parish Council appointed Trustee to the Queens Hall Charity. A short paragraph to accompany her application was attached to the agenda. Mrs Jackman is currently an Ongar Parish Councillor and it is understood that she wishes to remain an Ongar Parish Councillor for the foreseeable future. The Clerk has checked with the relevant authorities and Mrs Jackman is able to undertake two positions as long as she fulfils the necessary criteria.

The Chairman asked Mrs Jackman and the member of the press present to leave the meeting so that Councillors could discuss her application. Councillors discussed Mrs Jackman's application in full. One Councillor did express concern that Mrs Jackson may find it difficult to make decisions for this Parish Council being as she is also a Councillor for Ongar too, however this feeling was not voiced by other Councillors. The Chairman asked for a vote to be taken on whether or not to Co-Opt Mrs Jackman as Councillor for this Parish Council. The results were as follows:

8 - For

1 - Against

1 - Abstention

Cllr Jackman and the member of the press were invited back into the meeting, and Cllr Jackman MBE was elected as Councillor for North Weald Village Ward, and duly

signed her declaration of acceptance of office. The Chairman welcomed Cllr Jackman to the table.

C15.063 MINUTES

The Minutes of the following meetings were *AGREED* and duly signed as a correct record:

- the Minutes of the Parish Council Meeting held on 7th July 2015
- the Minutes of the Extraordinary Meeting held on 20th July 2015
- the Minutes of the Extraordinary Meeting held on the 3rd August 2015

Councillors *NOTED* the Minutes of the Parish Hall at Thornwood Committee meeting of 9th July 2015.

C15.064 DECLARATIONS OF INTEREST

Cllr Spearman declared a Discloseable Pecuniary interest in any item relating to the Local Plan and Neighbourhood Plan by virtue of submitting land via the call for sites.

C15.065 QUESTIONS FROM MEMBERS OF THE PUBLIC

One member of the press was present.

C15.066 CLERKS UPDATE AND COMMUNICATIONS REPORT

The Clerk apologised for the lack of the monthly report.

However the Clerk reported that she had met with Mr Eldred recently regarding the footpath across his land, and that she would be facilitating a meeting between him and Doreen Lodge regarding this issue, it was confirmed that the Parish Council would not be getting involved in any matters relating to the issues that Mr Eldred had brought up, and that the Clerk would simply point Mr Eldred 'in the right direction'.

C15.067 REPORTS AND MEMBERS REPORTS

- a) Chairman's Report** – The Chairman reported that there had been a couple of allotment issues which had now been resolved. He also reported that members of the Parish Hall at Thornwood Committee held a Ploughmans event in the village hall on Sunday 6th September, the purpose of which was to raise funds for the village hall. 50 people attended, very good for a first event, and £240 was raised. The Chairman stated that there are a number of events now being run by the Committee for the benefit of the hall, at which members of the local community attend and participate, and suggested that the dates of events are displayed in the village hall. The Chairman reported that the essential electricity work at the village hall had also been completed, and that the new fire exit doors had also been fitted.
- b) Vice-Chairman's Report** – The Clerk stated that the Vice Chairman had requested she gave a verbal report on his behalf as follows: Within the minutes of the last meeting it stated that 'Keep North Weald Tidy' posters had been erected in the local shops, however this had not taken place. Councillors were asked to volunteer to complete these posters. With reference to the green outside the shops, this has gone forward to ECC and we are awaiting a more formal response

from Highways. In addition, the Parish Council will be applying under the EFDC town centre fund for additional funding for this project.

- c) **District Councillors Report** – Councillor Stallan advised he had Nothing to Report.
- d) **Highways** – Councillors **NOTED** the updated Highways List as attached to the agenda. Cllr Eldridge stated that with reference to the speed issues along Mill Street (13.4.2015), there had been no change at all, with motorbikes actually racing along the Street. Horses have also been wandering out into the road and this is posing a danger. With reference to the said horses, Cllr Eldridge had been trying to establish with both ECC and EFDC who is responsible for dealing with these horses, but has not been successful in his attempts. The Clerk stated that the new format similar to that of the NAPs meeting may be a good way forward to try and address this issue. The meetings take place once every two months. Cllr Hawkins stated that he had posters for the meetings that he would be bringing into the Parish Council office to be erected. Cllr Eldridge suggested that flashing speed restriction signs may be a good idea in this location, to which the Clerk stated these would need to dealt with via the LHP.

Cllr Stallan asked if there was any further update regarding the damaged **Give Way sign along North Weald High Road (EC-052149-14)**. The Clerk stated that this, along with a number of other long standing issues, had been reported to ECC Cllr Jackson some time ago, who in-turn had contacted Members Enquiries, however it was understood that no response had been received by Cllr Jackson from Highways or Members Enquiries in relation to that particular item that had been reported to the Clerk. Cllr Stallan requested that the Parish Council contacts Cllr Jackson and ask what he is going to do about this item. The Clerk felt that there was little that Cllr Jackson could do, and it may be more appropriate to write to the Leader of ECC asking why Cllr Jackson and the Parish Council have not received a response from Highways to this enquiry. This was **AGREED** by the Chairman.

- e) **Councillors Reports** –

Cllr Clegg stated he had two items to report:

1. The footpath outside the newly built houses in Upland Road by the Rugby Club has still not been made good. The Clerk stated that she had spoken to Cllr Whitehouse regarding this, and that Cllr Whitehouse had contacted ECC to try and address this issue, and that she would chase him for an update.
2. The street lights from the Carpenters Arms north past the Texaco garage were not working, and have not been for over a week. Cllr Spearman stated that the lights near Wintery Wood have not been working for months. It was **AGREED** that the Office Staff would report these outages.

- f) **Environmental Issues** – Cllr Hawkins stated that the Daffodil bulbs were now in and ready for planting.

C15.068 FINANCIAL REPORTS

a) List of Cheques & Monthly Statement of Accounts

The Clerk tabled a copy of the monthly accounts list, and Councillors **APPROVED** the payments made and income received and noted the bank balances for the period 1st July through to 31st August 2015.

b) FCSA Deposit protection

Councillors **NOTED** that on 1 January 2016 the deposit protection limit would be changing from £85,000 to £75,000. This means that if the Parish Councils bank fails, the Financial Services Compensation Scheme (FSCS) protects the Councils eligible deposits up to the deposit protection limit (currently £85,000 for most depositors). However, from 1 January 2016, this figure drops to £75,000 by the FSCS. The Clerk is liaising with Unity Bank regarding what this means for this Council. Cllr Mulliner asked if the Parish Council could place £75,000 into its Barclays account so that maximises the protection of funds. The Clerk stated that this was an option, but Members should remember we had just gone from Barclays to Unity because of the appalling service. Perhaps we should look at investing some monies into a Building Society, the Chairman had requested investment opportunities were investigated. The Clerk would update members on opportunities at a future meeting.

C15.069 GENERAL POWER OF COMPETENCE

Members **NOTED** that the Parish Council has met the criteria for the General Power of Competence in that the Clerk has passed the relevant section of CiLCA and holds the electoral mandate, therefore the Parish Council is able to use the Power when it so wishes. This Power is held for 4 years. Cllr Eldridge asked what this means, to which the Clerk gave the example that the Parish Council could run a post office. Councillors **RESOLVED** that they wished to use the General Power of Competence when appropriate.

C15.070 SHELTER ON WEALD COMMON

Members **NOTED** that the shelter donated by the now defunct Bassett Community Action Group for the youth has now been installed on Weald Common, together with a seat. The Clerk asked Members if they would like to have an official 'hand over' of the shelter. Cllr Tyler expressed his concern that it was less than a year ago that used condoms were found on Weald Common, and that this shelter and its positioning seemed to enable certain unwelcome behaviour in a secluded place. The Clerk stated that Peter Collins, previously a Councillor for this Parish Council, agreed to complete the installation through to completion, and has now officially handed it over to the Parish Council. Cllr Mulliner asked if any funds were left in the Bassett Community Action Group funds to be put aside for any maintenance or damage costs. The Clerk stated that it was her recollection that when agreeing this project, the Council were informed and accepted that they would be responsible for maintaining this asset. The Chairman stated that this was not his understanding, and that he recalled being informed by Cllr Collins at the time that this project would not involve the Council at all, and that was what he voted upon. Cllr Stallan stated he agreed with the Clerk, in that the Bassett Community Action Group would fund this

project, leaving any surplus funds to the North Weald Mums, and pass the responsibility of the shelter over to the Parish Council. The Clerk reiterated that the Parish Council had accepted it as an asset, therefore this would fall under the umbrella of the Parish Council as far as maintenance goes. The Clerk was asked to check the minutes of the previous meetings and report back to Members at the next meeting. It was **AGREED** that the Clerk would investigate what was agreed and report back.

C15.071 PARISH HALL AT THORNWOOD- USE OF HALL FOR MACMILLANS ANNUAL COFFEE MORNING EVENT

Councillors noted that as takes place each year, an event has been organised to raise funds for charity by the UK wide Macmillan's Coffee Morning. The Chairman stated that historically this booking has been given free of charge to the organisers, with over £1,000 being raised each time for St Clare's Hospice in Hastingwood. However in light of concerns that the hall is not 'financially safe', Members were now asked to consider if they wish to ask for a fee to be paid for this event. Cllr Clegg asked what happens for Thornwood Village Day, to which the Chairman stated that this is also given free of charge as it too raises funds for St Clare's Hospice, and benefits the whole community. Cllr Stallan asked for clarification regarding Village Day in that do the Parish Council donate directly to St Clare's Hospice, or is it that the hall and field given free, to which the Clerk confirmed it was the latter. Cllr Stallan **PROPOSED** that the hall continued to be let free of charge to the group organising the Macmillan event. This was **SECONDED** by Cllr Mulliner.

C15.072 GREEN BELT REVIEW

Members **NOTED** that notification had been received from EFDC regarding Stage 1 of the Green Belt Review, a copy of which was attached to the agenda. The Clerk had drawn Members attention to the fact that EFDC had suggested that the second stage would be completed jointly with Harlow District Council, having regard to the requirement for Local Planning Authorities to work together in accordance with the Duty to Co-operate. It did not state within the letter whether or not EFDC would be working with any other neighbouring Districts, and that this Council may wish to question this.

This issue had been discussed in depth at the EFDC Cabinet meeting of 3rd September, and as Cllr Stallan was present, the Clerk invited him to give an update on what took place.

Cllr Stallan gave a summary of the meeting, which included the various concerns of other Parish Councils expressed at the meeting. One of these concerns was that Stage 2 of the review would be completed with Harlow, and that the other neighbouring authorities seem not to be involved. Cllr Stallan stated that his recollection was that Cllr Mohindra had asked whether or not the other authorities had been asked to complete a joint review, to which he was informed EFDC would get back to him. Cllr Stallan stated that it was after listening to the debate that an additional recommendation was put forward and subsequently agreed that EFDC would complete Stage 2 independently.

Cllr Jackman stated that the question 'why just Harlow' had also been raised at Ongar Council - what about Brentwood or Uttlesford etc. She continued stating that the failure in the duty to cooperate was the main reason why Local Plans were failing all over the Country, and that as a basic requirement surely these authorities should have been asked. Cllr Stallan stated that for clarification EFDC were working with other neighbouring Local Authorities as part of the Local Plan process, however this specific Duty to Co-operate query was related to the Green Belt Review. Cllr Stallan stated that the Duty to Co-operate is not a duty to agree, and noted that Harlow has very little green belt.

Cllr Stallan stated that his recollection was that Cllr Bassett had agreed to relook at the points system, but he would need to check this.

The Clerk stated that during the meeting of 3rd September, Cllr Bassett and Officers agreed to meet with certain councils to discuss individual responses to the review and other related areas, and felt that this Parish Council should also request a meeting. Cllr Tyler formally requested the Parish Council write and request such a meeting. This was **AGREED**.

Cllr Clegg stated there were a couple of issues he wanted to bring up. Firstly, at the first stage when the Parish Council were challenging EFDC, the information coming from EFDC was zero, as was the advice from Cllrs Stallan and Grigg. Cllr Clegg recalled Cllr Stallan stating that as a District Councillor he didn't have the remit to divulge what EFDCs stance was. Cllr Clegg stated that in his view, the two District Councillors on this Parish Council must give the Parish Council more help, and referenced a letter dated 17th July from EFDC in which is stated that *'a fundamental flaw in the Parish Councils complaint is that it takes absolutely no account of the fact that the members of the Council's Cabinet and the members of the Parish Council will be very familiar with the facts and circumstances relevant to the Council's decision, not least because the Council's Cabinet includes Councillors representing wards within North Weald Bassett Parish'*.

Cllr Stallan brought up a point of order, stating that he felt Cllr Clegg was referring to the next item on the agenda, and that the current agenda item that the Council were discussing had not been concluded. Cllr Clegg continued, stating that his point is relevant and is regarding the whole situation of this Parish Council being sold short by District Councillors of information which would be of benefit to residents and this Council, in order that the Council can operate in an open and fair manner, further stating that he is uncomfortable with certain parties having information which could be of help to make the Parish Council run smother. Cllr Stallan again, brought up the point of order, stating that this was not a specific agenda item to be discussed, and seemed possibly to be relevant to the following agenda item. Cllr Clegg said this was not the case.

C15.073 NEIGHBOURHOOD AREA DESIGNATION

The Clerk stated that following the decision taken at the Extraordinary meeting of 3rd August 2015, Councillors need to decide how they wished to move forward. The Clerk confirmed that as per the documentation attached to the 3rd August

agenda, EFDC had excluded an area of Hastingwood from the Area Designation, and as such any Neighbourhood Plan would not include the residents within the excluded area. In addition, the Clerk needed to inform EFDC of the Parish Councils decision in terms of the Judicial Review, as well as informing residents what's happening. The Clerk stated that Cllr Clegg had made reference to a letter under the previous agenda item, and that a number of Councillors had approached her regarding their concerns.

The PFO stated that the options available to this Council were:

- not to proceed with a Neighbourhood Plan at this time, and wait until the District Councils Local Plan has been completed.
- proceed with a Neighbourhood Plan knowing that the Parish residents in the excluded area could not be involved.

The PFO stated that whilst these residents could not be involved directly per-se, they would be classified as 'Stakeholders' and as such would have the option to be involved in the process. Cllr Mulliner asked what happened if the Parish Council did not move forward with a Neighbourhood Plan at this time, to which the PFO stated that a Neighbourhood Plan cannot stop development, but it is a tool for the local community to have a greater say over how much development there is and where it goes - i.e. giving an element of control and input. The PFO stated that the residents would be aware that the Parish Council had done what it could to ensure the residents in the excluded area were included, however with EFDC stating they would reclaim their legal costs in the event the Parish Council lost its judicial review challenge, the decision was taken that the risk and cost to parishioners was just too great. As such, the Parish Council could feel comfortable that it had done what it could, and now had to move forward.

Cllr Jackman asked if a cost analysis for the completion of a Neighbourhood Plan had been completed. The PFO stated that the budget for 2015/2016 included funds set aside for a Neighbourhood Plan, with the knowledge that further funds would be needed, but that it was hard to complete an accurate costs analysis as it was still quite an unknown.

Cllr Mulliner **PROPOSED** the Parish Council continued with a Neighbourhood Plan as per the Neighbourhood Area Designated by Epping Forest District Council, and that a press release be issued accordingly giving an update. Cllr Tyler **SECONDED** this, stating that we should also utilise the contacts we already have to increase awareness and involvement of this important project.

It was **AGREED** that a separate meeting would be held for Councillors to decide how to move forward.

C15.074 PLAY AREA INSPECTIONS

Attached to the agenda were full details of the HSE guidance and legislation surrounding Health and Safety and Play Area inspections, together with details of how the Parish Council fulfils this function at this point in time together with associated costs.

Cllr Mulliner stated that he had requested this item was placed onto the agenda, stating that the Parish Council used to have a company called ARD completing the inspections, however it was agreed some time ago to have our local grounds maintenance contractor trained so that he could complete these checks, however its seems to be costing a substantial amount more. Previously, our village hall caretaker completed these checks, to which Cllr Mulliner asked why there was a need to change from this arrangement.

The PFO (and designated Responsible / Competent Person in terms of Health and Safety) stated that when she joined the Parish Council, the only checks that were completed were annual, i.e. once per year. It was recognised that this was not sufficient, and as such quarterly checks were introduced. Over time, it was subsequently recognised that more frequent checks should be completed in order to fulfil the Parish Councils obligations, and the Village Hall caretaker was asked if he could complete these, to which he agreed. Again, over time it was recognised that the caretaker hadn't received the relevant training to be able to undertake these checks competently, and it was agreed to pay for training of our grounds maintenance contractor to complete these checks on a weekly basis. In summary, what was in place before was not deemed sufficient, however what is reasonable and suitable is in fact rather subjective.

Cllr Stallan stated that with reference to the document attached, it seems there is contradictory guidance in terms of what checks should be completed, with the HSE saying one thing, and legislation saying another. The PFO explained that this was effectively correct, and that it was up to the owners / managers of each individual play area to decide on the checks and frequency of them. This would be based on the type and age of the equipment, age and frequency of those using it, along with other relevant factors. Ultimately, this Parish Council needed to be comfortable that it could attend a court of law and defend why it had decided to put its agreed maintenance regime in place - it would then be up to a judge to decide if he/she felt this was adequate and reasonable.

Cllr Spearman asked if the individual completing weekly checks needed to be qualified. The PFO stated that as the Responsible Person, her advice to this Council was that whomever completes the weekly checks needs to have an understanding of H&S, what checks should take place, and what they needed to look for, and that she would not recommend somebody without such an understanding completes these checks.

Cllr Jackman stated that she was uncomfortable with the fact that only weekly checks were being completed, as her understanding was that it was normal practice for daily checks to be completed, citing the example of glass being left on a slide. The PFO stated that it would be up to a judge to decide what is reasonable, but that her advice to this Council was that at a minimum weekly checks should be completed.

The Chairman suggested an alternative, in that the PFO had recently undertaken a H&S course, and as such would be deemed knowledgeable enough to undertake the

weekly checks, and suggested the PFO completed 3 / 4 weekly checks a month, and the grounds maintenance contractor completes the last one of the month. Members supported and agreed this scenario. The quarterly and annual checks will still take place. This would give an annual saving of around £3,600 (estimated). The PFO had completed a trial run the previous Sunday, and a basic check takes between 2 - 2.5 hours, subject to their being no damage or works that need be dealt with. Cllr Stallan asked for clarification as to whether this was an additional 2 hours per week on top of what the PFO already does, to which the Chairman confirmed this was the case.

After discussion, Councillors **AGREED** that the PFO should be employed for a further two hours per week, and that she should the complete weekly play area inspections, with the grounds maintenance contractor completing the final one each month.

C15.075 GRAFFITI REMOVAL FROM PARISH OWNED ASSETS

Members **AGREED** that a specific policy should be created setting out as and when graffiti should be removed from the Parish Council assets. Cllr Stallan suggested the EFDC policy could be used as a basis.

C15.076 TREE RISK ASSESSMENT

Councillors noted that as part of this Councils Health and Safety obligations, it should complete a schedule of risk assessments for all the trees on Parish Council owned land. The frequency of these risk assessments should be based on a number of factors, including the frequency with which members of the public use the area, as well as the impact of a H&S failure. Attached to the agenda was a comprehensive Draft Risk Assessment schedule for trees in the Parish. The PFO stated that somebody with a knowledge of trees should undertake the risk assessments.

Cllr Stallan queried what the EFDC lease stated regarding the Bluemans End land, in terms of who would be responsible for completing the H&S checks under the lease. The PFO stated that it would be the Parish Council whom hold the lease and as such the responsibility. Cllr Stallan requested this was formally checked so that the Parish Council does not do something that is the responsibility of the District Council.

Cllr Mulliner suggested perhaps the Preservation Society should be approached, or EFDC Countrycare. It was agreed that both of these organisations were viable options and should be approached. Cllr Clegg stated that he would also ask the contractor who completed the Pike Way tree works to quote.

C15.077 ESSEX ASSOCIATION OF LOCAL COUNCILS

Councillors **NOTED** that Annual General Meeting & Conference and Awards Ceremony will be held on 24 September commencing at 12 noon. Councillors were encouraged to attend. Cllr Jackman reported that the Essex Police & Crime Commissioner Nick Alston, together with the Essex Chief Constable Stephen Kavanagh will be in attendance. The County Update had also been received, in

which North Weald Bassett Parish Council is featured – copies available from the Clerk.

C15.078 EXCLUSION OF THE PUBLIC AND THE PRESS

There being two confidential items to consider, it was **RESOLVED** 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.

C15.079 EPPING SPIRITUALISTS CHURCH BOOKINGS

Councillors **NOTED** that following the departure of Mrs Toms, two cheques had been returned for bookings for the Parish Hall in Thornwood. The Clerk explained that the organisation had been taken over by another party, however there were some financial issues relating to the previous organisers which needed to be resolved. After discussion, Councillors **AGREED** that the Clerk would contact the Police as a first point of contact to obtain advice regarding the next steps as to how to reclaim this money.

Following discussion, it was **AGREED** that all future bookings for the Epping Spiritualist Church should be at the full fee.

C15.080 JONENS

Councillors **NOTED** that Jonens of Thornwood had offered to donate £1,250 to the Parish Hall at Thornwood, for the benefit of parking . This was duly accepted by the Parish Council, with a view that any future donations would be considered on an annual basis.

Meeting closed: 10.10 pm

Signed
Date