

Minutes of Meeting on 7th November 2024
Meeting of Elmstead Parish Council
Community Centre, School Road, Elmstead Market, CO7 7ET

Present: Cllrs Adam Gladwin (Chairman), Amanda Brennan, James Chable, Sarah Donaldson, Michael Hare, Maxine Jeggo, Liz Richfield, Tony Sanders and Martine Ward.
Also Present: Mrs Baxter and 4 members of public (including Cllr Alan Goggins).
District Councillor Gary Scott
Absent: Cllr Gill Williams.

24/227 Chairman's welcome and notifications.

Cllr Gladwin welcomed everybody and added that the meeting will be recorded as usual.

24/228 Apologies for Absence.

Cllr Gill Williams sent her apologies. Cllr Wiggins also sent her apologies.

24/229 To consider co-option of Mr Sanders onto the council.

After Mr Sanders introduced himself it was resolved to co-opt him onto the council.
Proposed: Cllr Gladwin, Seconded: Cllr Richfield, all in favour.
Cllr Sanders was welcomed onto the council.

24/230 Declaration of Pecuniary Interests and Personal Interests.

None.

24/231 Approval and signing of the minutes from 3rd October 2024.

It was resolved to accept the minutes from 3rd October 2024 as true and accurate.
Proposed: Cllr Brennan, Seconded: Cllr Richfield, all in favour.

24/232 To receive an update about the progress of resolutions from the meeting above not covered in this agenda.

The handyman and Cllr Gladwin installed the two wooden seats on Church Road, and Colchester Road near the Oatlands bus shelter.

24/233 Public Speaking

A member of public would like to organise a Christmas community event with the council's support, with proceeds to go towards the marathon she will be doing in April for the NSPCC. The council is already organising a Christmas event and doesn't have the resources to support another. It could possibly be a new year event. The events working party will get in touch with the resident to discuss further.

A member of public asked questions about the New Community Centre. Answers were given as follows:

- 1) *Has Go Homes paid the £400k contribution yet? If not, do we really think we'll get it as it's been so long?* No, it has not yet reached the trigger point for them to pay and we need to update the legal agreement to refer to a planning application approval trigger rather than a reserved matters approval. This is being worked upon by our solicitor and is progressing.
- 2) *What the position with the land, has it been given to the council? If not, what is TDC doing to facilitate this?* This is also progressing with our solicitor.
- 3) *If we don't know the answers to questions 1 and 2 are we sure we should be earmarking costs for architects, especially if we don't know how much it will cost? Is a pause in order until we are sure we're getting the £400k?* The issue is that we don't think it will cost less than £1.5million and possibly a lot more. There will be a gap between the budget we have and the cost and we need to narrow down what that gap is likely to be so that we know what we are dealing with.

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The member of public passed on thanks from the organisers to the council for supporting the Remembrance Day service and hoped to see members there.

24/234 County Councillor report. To include where relevant an update on items in progress.

Cllr Guglielmi did not attend but Cllr Goggins passed on his good wishes and said he is doing better than anticipated. He has cut back on his duties.

Cllr Goggins has seen the correspondence regarding the crossing, Cllr Guglielmi is fighting and challenging it.

The speed limit outside the farm shop is reducing from 60mph to 40mph. This is extended 250m along the road.

24/235 District Councillor reports. Written report – to take questions on the report and provide any additional information not on the report.

Cllr Scott read through the written report. This can be viewed at

<https://www.elmsteadparishcouncil.org.uk/meeting-reports>.

Cllr Scott added that he wasn't in favour of the diversions through Elmstead and the Great Bromley Road junction for the road surfacing works.

They have seen correspondence about reducing the speed limit on Clacton Road between Lanswood and Frating Hill. They continue to receive correspondence from School Road residents about speeding. There has been an obstruction to a bus stop on the A133, so they reported it. Cllr Scott didn't know if anything had been done about it. Cllr Gladwin will check.

Cllr Scott has looked at trees at Pavilion View which have been broken. A resident asked if the allotments are going to be allotments or a community garden. Will there be a fence around the allotments under the responsibility of the council. The resident doesn't understand why the management company is taking responsibility for a section of footpath. Cllr Scott is in touch with the developer about replacing the trees. Cllr Sanders has been speaking to the management company and they have got quotes for the replacement of the trees. Cllr Scott didn't think the management company should pay, it should be the developer that has the responsibility. Cllr Scott has also asked for a bollard to be put in at the start of the footpath to stop people driving along it.

24/236 New Community Centre and Open Space land.

i) Planning permission update and to review planning conditions.

Cllr Gladwin reported that planning permission has been granted with a number of conditions. Some are standard but for some our architect thinks we have already met them. The main one is the biodiversity net gain, but as it's so new TDC are leaving them until later in the process. We have other pre-commencement conditions we will need to put in which will take 8 to 13 weeks, so we need 3 months clear between submitting those and starting to build. Our architect has told us what they are and most of them are no problem. For example where the bicycle storage will be.

ii) Quotes for consultants' work.

We asked our architect for quotes for the next stage for building regulations and tender process. One option is to put together a tender for a regular build contract, with the architect managing the project or another option is if we want to put together a tender and get a builder under a design and build contract where the builder acts as the principal contractor. The architect has given quotes under the traditional route for a quantity surveyor (QS), a mechanical engineer (M&E) and a structural engineer. We only have one quote for each and we don't have the full breakdown for each. We have seen advice recently saying that we should possibly still be getting 3 quotes for each. We were hoping to take a look at the quotes in this meeting but as we may need to get more quotes we

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won't be able to do that until decided. The clerk explained that we need to follow our Standing Orders and Financial Regulations for the consultants but there is an exception for specialist services. We've previously had confirmation from SLCC (the Society for Local Council Clerks) that our architect comes under that exception.

SLCC has advised that we get professional advice on whether to go for a traditional or design and build contract. We need advice to make sure we are making informed decisions.

The clerk added that advice from fellow clerks was that you have to be aware of the risks of each contract to be able to make an informed contract and that we should get professional advice and that our architect or a QS could give us that advice. We need to recognise that our architect has an interest in the decision, and we should seek independent advice.

Cllr Brennan asked if we choose a design and build contract how do we maintain control over the build. Cllr Gladwin responded that we would have less control but we should have an independent professional overseeing the build.

We have seen examples of councils who have run into difficulties, including a council whose building company went bankrupt and who are looking at possibly declaring bankruptcy themselves. We don't want to make the same mistakes.

We also received advice on getting advice VAT for the new building. The clerk did speak to a VAT specialist a few years ago who said that it would be fine as new community centres are zero rated. A clerk has said that they are only zero rated in certain circumstances and paperwork needs to be completed before the build. Their council didn't and had to pay the VAT. It depends on who will have the lease on the new building. We need to ensure we do everything necessary.

We are reclaiming VAT on the professionals' work we are undertaking in advance of the build.

Everyone has recommended a project manager in some capacity, it could be a QS or someone independent.

We don't know the cost right now, and won't until after a QS reviews it and we make decisions still to be made.

Cllr Gladwin proposed that we go back to the architect and ask to meet the suggested QS and go over where we are we them to see how we can go ahead and potentially meet other QSs.

The above was resolved; Proposed: Cllr Gladwin, seconded: Cllr Ward, all in favour.

Cllr Donaldson left.

iii) Land transfer update.

Cllr Hare emphasised that we need to get the land transfer as soon as possible.

The clerk spoke to our solicitor on Monday. He is waiting to hear from Go Homes' solicitor to approve the transfer documentation. We don't know how long it will take.

The clerk has heard from Mr Hammond (Go Homes) to say that he has not heard back from TDC to sign off the open space plan. That might be holding up the transfer, the clerk will chase.

It was suggested to speak to Mr Hookway or TDC to try and get the transfer completed.

Cllr Scott offered to speak to Mr Guiver to see if TDC can chase up on the land transfer.

Cllr Hare is concerned that the land won't be released until they can pay their creditors.

iv) Next steps.

Nothing additional.

v) To consider a third savings account for the s106 funds we are holding.

A few options were reviewed and it was resolved to transfer £100k from the Barclays s106 savings account into the Redwood s106 savings account as it has a higher rate of interest.

Proposed: Cllr Brennan, Seconded: Cllr Gladwin, all in favour.

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24/237 Colchester Road crossing

An update on the latest correspondence from ECC. To consider next steps.

The council received a response from Mr T Blackburne-Maze and it wasn't good news. There were some statements in the letter which weren't accurate. The letter stated that the design costs were being paid by the LHP, but they are being paid for by a Lanswood donation.

The letter goes on to state that some of the section 106 funding is allocated to passenger transport improvements which are currently being developed, but the s106 agreement specifies that the bus stop contribution of £40k must be spent on "improvements to the bus stops on the east and west side of Colchester Road, Elmstead". The clerk has drafted a response to address these points and ask what passenger transport improvements they will be spending the money on.

The letter goes on to say that there isn't enough money to construct the crossing and ECC does not have the money to fund the gap. We will need to seek to fund the shortfall via future s106 contributions to be negotiated with developers.

Cllr Scott commented that it was unbelievable and unacceptable.

It was suggested that we go to the press or have a protest march. The time delays have increased the costs. No one seems to be accountable. It was also suggested we write to our MP.

The clerk will also add to the response letter that the s106 agreement requires that interest on the s106 funding should also be spent on the bus stops and crossing.

Cllr Goggin is vice chairman of the LHP, the chairman is Cllr Mark Platt. As the LHP is involved Cllr Goggin asked for a copy of the letter, and will help us to get an answer.

Cllr Goggin left the meeting.

24/238 Tendring/Colchester Borders Garden Community

i) Any updates?

We submitted our response to the Inspector's modification notes. He should then put out another report in the next couple of months.

There is going to be a commencement ceremony for the new road in a week. They are having issues because of people not wanting to be associated with it. The chairman and clerk have been invited. It was Cllr Wiggins who suggested PC representatives should be invited.

There has been a discussion amongst community groups with the concerns being that the link road is not a complete road. There will be a meeting tomorrow of concerned community groups and Sir Bernard Jenkin MP.

ii) 3rd round of exhibition dates by Latimer for the Garden Community. The online survey will be available from 18th November.

The Elmstead event is at Market Field School on 19th November from 5.30 – 7.30pm. We have also been invited to a placemaking event.

24/239 Planning

To consider whether the intention for the Neighbourhood Plan policies was for them to apply to self-build proposals.

A self-build planning application has been made and TDC are asking what our intentions for the NP were. It was discussed that it was never the intention to exclude or treat self-build any differently.

It was resolved that the intention of the NP is to apply to self-builds. Proposed: Cllr Gladwin, Seconded: Cllr Brennan, all in favour.

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24/240 Tree works

An update on quotes requested. To decide on a contractor if quotes received.

Three quotes were requested, but only two received. The quotes were very close.

It was resolved to proceed with the cheaper quote from CJ Wynn for £2,800. This will be split across a year to be split into quarters of £700 each. They can manage the works around bird nesting season.

Proposed: Cllr Sanders, Seconded: Cllr Gladwin, all in favour.

24/241 Allotments

Any updates?

We viewed the allotments in Alresford which has 18 plots on an area smaller than ours.

We think it would be a good idea to have some smaller allotments.

We met with Mr Newell who he isn't doing the turfing so we can lay it out as we wish.

He clerk went through the deed of variation and the transfer documents and sent questions to their solicitor. He is going to change some things, including legal access to the allotments across the surrounding land.

I spoke to the solicitor about what costs we would be liable for. We'll need to pay towards the water pipe bringing water to the allotments. It will also include a proportion of the costs for maintenance of the access road and car park. He suggested that we consider the allotment holders using the Elmcroft carpark only. The transfer document gives the allotment holders the right to use the car park. The management company has the right to change the conditions of that use, which might involve a parking permit scheme. Cllr Sanders reported that the management company (Boydens) is reluctant to do it. It might be needed though.

It was discussed that Elmcroft is a possibility.

Their solicitor tried to contact our solicitor again and says he considers her de-instructed as she has not responded. Cllr Sanders offered to look through the documents as well, to pick up on anything that may have been missed so far.

It was suggested for the working party to meet and think about a recommendation for layout.

24/242 Reed Hall Sentinels

- i) *RHS has requested permission to put safety fencing around their new goal posts.*

Cllr Chable reported that RHS have bought new goals and have cable tied them to the school fence, so they can't be used by anyone else. The problem is the school can't cut the grass. RHS will need to cut the grass back when they move the goals.

RHS want to put Heras fencing around the goals. The fencing has big feet, if anyone injures themselves on those, or trying to climb it, who is liable? The council doesn't want to be involved in the maintenance or policing of it to make sure it's safe.

It was resolved to not give permission for the Heras fencing. Proposed: Cllr Brennan, Seconded: Cllr Ward, all in favour.

If RHS are having issues with the goals let us know.

- ii) *Essex County Council has contacted the council to say that if RHS are using the field we will need to get an agreement sorted.*

Lambert Smith Hampton has been in contact with the school asking if RHS are still using the field and whether the container is still on there. Cllr Chable has responded and said that RHS want to put Heras fencing on there too.

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It was reminded that ECC wants to make a tripartite agreement for RHS's use of the field. ECC will charge for this. The clerk is going to ask if the contract can be for a number of years, so that the cost can be spread across those years, with an annual renewal for a small fee.

- iii) Any update on the application for grass pitch improvement funding, called the Grass Pitch Maintenance Fund.*

Essex County Football Association seem positive about the improvement of the field. They sent us paperwork to sign, but it's not clear if it should be the PC that signs it as it refers to the owner or leaseholder of the land, so it might be the School that has to sign that. The clerk has sent them the joint user agreement to review.

24/243 Traffic Order School Road

To Revoke 'No Loading Mon-Fri 8:30am-9:30am and 2:30pm-3:30pm' and 'No Waiting Mon-Fri 8.30am - 9.30am and 2.30pm - 3.30pm' Restrictions in Elmstead. Road Description School Road East Side From a point in line with the northern kerb line of Pine Way, south to the southern kerb line of Pine Way, approximately 17 metres. Anyone who wishes to object needs to do so by 8th November 2024.

It looks like it's just the bellmouth of the junction that will be affected, so is not something to worry about.

24/244 Events.

- i) The social hub.*

Cllr Richfield reported that some new people have joined and they are trying to think of new ways to get more people engaged.

Cllr Guglielmi has notified us of a food support fund where organisations can apply for up to £2,500 to support families and individuals who are struggling with the cost of living. It was resolved to make an application to the fund for the social hub, which is supporting people with food parcels.

- ii) A report on Halloween.*

Cllr Jeggo reported that there was good feedback. Cllr Brennan added that the children really enjoyed themselves. It is also really helping with community engagement. The market seemed to go well, most of the people who came are coming back for Christmas.

- iii) Christmas tree festival.*

We are doing this again this year, but it will be on the floor this year. There will be new baubles for new councillors. Cllr Richfield will help Cllr Brennan.

- iv) Christmas.*

The event is on 1st December and there will be a market, santa, elf, a crafts table, hot chocolate and mince pies. There will be another events working party meeting before then.

The clerk will ask the member of public who wanted to do a Christmas event and see what type of support she would like.

On the 24th November they will be decorating the green with lights for Christmas. We are advertising on social media for volunteers to help. If the weather is bad it can be moved to the Monday.

The Christmas tree is being delivered on the 21st November. We are using a different supplier this year which has saved some money.

24/245 Finance.

- i) To look through the finance report and approve payments. See appendix 1.*

The finance report was approved. Proposed: Cllr Ward, Seconded: Cllr Hare, all in favour.

- ii) An update on banking (accounts and deposits).*

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Council reviewed the balances in the accounts.

iii) *To consider a donation request from the Essex and Herts Air Ambulance.*

It was resolved to donate £150. There is unused budget for grants. Proposed: Cllr Gladwin, Seconded: Cllr Ward, all in favour.

24/246 Parish Council Newsletter

To discuss initial ideas on a newsletter; frequency, format, content, how to deliver (hard copies, on-line or hybrid), advertising etc.

Due to the length of the meeting so far this item was deferred.

Proposed: Cllr Gladwin, Seconded: Cllr Brennan, all in favour.

24/247 Vandalism

Cllr Ward reported on increased graffiti and vandalism including the glass being broken in the bus shelter. It's now thought by Cllr Gladwin and our handyman that it was an accident, a stone from a car. Cllr Ward reported that she spoke to some youths.

24/248 Items for the next agenda or for information only.

The crossing.

24/249 Next meeting.

5th December 2024

The meeting closed at 9.25pm.

There being no further public business councillors were thanked for their attendance.

Minutes written by Mrs. A Baxter