

Minutes 17th March 2016
Elmstead Parish Council Meeting held at:
Community Centre, School Road, Elmstead Market, CO7 7ET

Present: Councillors N Bell (Chairman), P Beard, S Beecham, R Fairweather, M Kirby and M Ward

Also Present: District Councillors Fred Nicholls and Rosemary Heaney, Mrs Baxter (Clerk), and 2 members of the public

16/034 Apologies for Absence

Apologies were received and accepted for Cllrs Redding and Routledge.

16/035 Declaration of Pecuniary Interests and Non Pecuniary Interests

Cllr Beard declared a non pecuniary interest in item 16/042 – re planning application 16/00219/OUT.

16/036 To consider requests for dispensations.

No requests

16/037 Approval and signing of the minutes from 18th February 2016

It was resolved to accept the minutes from 18th February 2016 as true and accurate.

Proposed: Cllr Fairweather, Seconded: Cllr Kirby

16/038 To receive an update about progress of resolutions from the last meeting of the Elmstead Parish Council on 18th February 2016. (Clerk's report – appendix 1)

With reference to item 16/027 it was reported that the lorry is now parking in the parking bay outside the flats on Bromley Road.

16/039 Public Speaking

A resident reported that a drain cover on the corner of the Bromley Road/Clacton Road junction is loose and makes a terrible noise as you drive over it. The clerk responded that the defect has been reported to Essex Highways.

The resident also reported that there are problems with cars speeding down Bromley Road, it sounds like there are boy racers that go past about 11pm.

Cllr Beecham responded that speedwatch can't operate on Bromley Road as the operators are not allowed to stand there. The complaint needs to be passed on to our PCSO.

16/040 County Councillor report

Cllr Nicholls: The March Local Plan Committee Meeting was put back as they are waiting for information and there was nothing to discuss. Cllrs Nicholls and Heaney do not sit in the Local Plan Committee. The next meeting should be the end of April/May. The number of houses for the plan have been agreed, they are now discussing standards.

Cllr Heaney: Got in touch with TDC regarding the complaint about a skip on Holly Way being used for business purposes. There has been no reply yet.

Regarding the caravan on Bromley Road, there have been signs of occupation. If we see a vehicle there take the registration and forward it to TDC enforcement officer Amy Lang.

Cllr Nicholls: TDC enforcement has served a notice on Autumn House and they have until September to comply. The notice is on the owner and the occupants.

Cllr Kirby asked if there was a notice served on Cranford House, Clacton Road (tutoring business). Cllr Nicholls responded no – it was refused retrospective planning permission.

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Cllr Heaney mentioned the planning application for Tye Road, if the PC wants her to call it in we need to give our reasons.

Cllr Beard asked the District Councillors about planning appeals – are we invited to be part of the process?

Cllr Nicholls – If it's a hearing then Cllrs can attend, but if it's a written appeal then there is nothing to attend. The appeal for the 32 houses on Clacton Road was a written appeal. Tending should tell us it's gone to appeal and whether it's written or a hearing. Hearings are very expensive so most appeals are likely to be written. It costs the applicant money to appeal, there is a big fee, but they can apply for costs if the grounds for refusal were spurious.

Cllr Heaney – when you write to an appeal put everything in you've already said and anything new you wish to say.

There was a discussion about what "affordable housing" means in planning terms. We've read that planning applications are supposed to include 40% housing. Cllr Heaney said this is not practicable and there is no clear definition of what affordable housing is. Cllr Nicholls said the main driving factor for TDC is to reduce the housing waiting list. It was discussed that the Charity Field application originally offered a community centre and affordable houses but they are now saying they can't afford a community centre because they have to build 40% affordable housing. Cllr Heaney said that this is not true. There has been no proper discussion of affordable housing on that application and we should ask how many of the houses are going to be affordable and how are they going to be delivered?

16/041 District Councillor reports

N/A

16/042 Planning

Applications:

16/00219/OUT Hills Residential Ltd - Mr J Hills Land to The East of Tye Road Elmstead. Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure. To discuss and decide EPCs response.

It was discussed that the access via Tye Road is an issue, both on foot and by vehicle. There is no footpath. It's not sustainable to build so many houses in Elmstead, the developer's offer of community benefits was disappointing, the rural location is not appropriate and it is outside of the planning envelope. There were factual errors in the application regarding the local bus services.

It was resolved that the PC would object to this application and would write to TDC planning with its reasons for doing so.

Proposed – Cllr Bell, seconded - Cllr Kirby, all in favour

16/00180/LBC Mike Laws Tudor House Chapel Lane Elmstead. Reinstatement of fireplace in the dining room. Installation of wood burning stove. No comments made – for information only.

Determinations (for information only):

15/01874/OUT Blue Barn Farm Clacton Road Elmstead. Erection of seven detached dwellings and associated garaging served by new vehicular and pedestrian access.

Refusal - Outline

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Any other applications or determinations received after the agenda was issued?

No

16/043 Market Field Lease

To discuss correspondence received from NALC regarding the legal advice we requested. To decide any further actions and discuss a potential village consultation. (see item 16/050 – possibly an option to include in the annual parish meeting)

Cllr Beard – We sought legal advice from EALC (Essex Association of Local Councils). The situation is that ECC are not refusing us the right to renew, they are changing the parameters of the use. We have to be ready to act with what we want to do. We can

- Agree their terms
- Call a meeting of the parishioners
- Request a meeting with ECC and negotiate

There was a discussion around the benefits of having a meeting with the parishioners or ECC first.

It was resolved that in the first instance we would request a meeting with ECC, and then hold a village meeting.

Proposed – Cllr Beecham, seconded – Cllr Ward, all in favour.

16/044 Finance

- a) *To see if there are any questions regarding the finance report and approve the payments for March. See appendix 2.*

It was resolved to accept the finance report and approve the payments for March. Proposed - Cllr Beecham, Seconded - Cllr Kirby

Cllr Beecham was congratulated for obtaining a grant for the work done on the community centre car park.

- b) *To agree to pay HMRC payroll deductions and other required payments quarterly rather than monthly.*

It was resolved to pay HMRC quarterly.

Proposed - Cllr Fairweather, seconded - Cllr Bell.

- c) *Does EPC agree to fund their clerk's training and associated costs for the CiLCA qualification in 2016?*

It was resolved to support the clerk in training for the CiLCA qualification by paying for the course and associated costs. All in favour.

16/045 Bluegates Donation

An update from the working party.

As Cllr Routledge was absent Cllr Bell provided an update.

Cllr Bell: We have not received a quote for the village gates yet. He and Cllr Fairweather met with the Glasdon representative, Tim Lane. Mr Lane said to contact Essex Highways about the gates. Cllr Fairweather will call Essex Highways. The clerk will chase the quote.

Regarding refurbishing the village sign we have received 2 quotes:

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- £645 + VAT + £120 transport costs (Bedford)
- £450 and we can deliver/pick up (Suffolk)

Cllr Beecham's quote given previously was for £345.

It was resolved that Cllr Beecham undertake the work to refurbish the village sign.
Proposed – Cllr Beard, seconded – Cllr Fairweather, all in favour.

16/046 Code of Conduct

To resolve to agree an amendment to the TDC code of conduct which EPC follows, in line with advice from TDC monitoring officer, Lisa Hastings. See appendix 3.

It was resolved to agree the amendment to the code of conduct. All in favour.

16/047 LED lamps for PC streetlights

An update on Cllr Redding's request to research the potential impact of upgrading our streetlights to LED on the local bat population.

Cllr Redding was absent but Cllr Beecham said that Cllr Redding has written to Gary Guiver (TDC planning) for advice but has not had a response.

16/048 TDALC (Tendring District Association of Local Councils) request

TDALC has requested our support for a letter they are going to send to the two MPs for Tendring to support TDALC against the closure of some courts and police stations. Does EPC agree to support the letter and as requested does EPC have any reasons or examples they would like added to the letter?

Cllr Heaney: They are closing the family and county courts in Colchester. People will have to go to Chelmsford, some with no money to afford the transport costs.

It was resolved to support the TDALC letter.

Proposed – Cllr Bell, seconded – Cllr Beard, all in favour.

16/049 Elmcroft Car Park

We have received complaints that one of the drain covers is loose and is going to cause injury or damage to a vehicle driving over it. To discuss the various levels of work that could be done, and quote(s) received for the groundworks.

Cllr Beecham: The gullies are made of china clay, the drain cover has been breaking up the surface of the drain. We can dig it out, replace the gullies and resurface or make a metal section that fits the area over the gully.

Cllr Fairweather: We could put a larger grille (12 inch) over the top, cut the top of the pot out and tarmac around. It would cost about £50.

It was resolved that the PC would undertake the £50 repair. All in favour.

16/050 Annual Parish Meeting and Annual Meeting (AGM)

- a) *To discuss options and dates for the annual parish meeting. It must be between 1 March and 1 June. It must not start before 6pm. It is a meeting of local electors and can include business to be transacted to be voted on by the electors present. It can also include presentations and displays etc., for public interest and/or participation.*
- b) *Is it agreed that the annual meeting shall directly precede the May council meeting?*

It was resolved that the annual parish meeting will be at 7pm on the same night as the annual parish council meeting – 19th May. There will be a chairman's report, a financial review and some information regarding the village plan. We don't have time this year but will look into something bigger to get more people attending next year. We could possibly combine it with the annual grant giving.

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16/051 Communications

Items of interest for inclusion in our May Upmarket report.

Information regarding the Annual Parish Meeting and Annual Meeting (AGM). A request for volunteers for speedwatch.

16/052 Items for next agenda or for information only

None

**There being no further public business councillors were thanked for their attendance.
The meeting closed at 9.28pm.**

**Date of next Parish Meeting: Thursday 21st April 2016.
To be held in the Community Centre, School Road, Elmstead**

**Minuted by Mrs. A Baxter
17th March 2016
Contact: elmsteadparish@gmail.com
01206 827139**

Signature

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Appendix 1

Actions from the Minutes of 18th February updated 14th March 2016
Elmstead Parish Council

16/024 Planning

Applications:

16/00055/FUL Mr Bill Marshall The Cottage Broad Lanes Elmstead Proposed 4 No. dwellings (following demolition of existing three bedroom detached dwelling and detached garage).

To discuss and decide a response to send to TDC for this application.

It was decided to support this application as the council wishes to support the building of eco-friendly houses, there will be little loss of habitat and no loss of farmland, it is only 3 new houses as one is being demolished and there is a good bus service. It was recognised that the location is not ideal, but overall the council were in favour.

A draft response was shared, along with responses from local residents to the planning application. It was agreed that our response would still be in support but to add a reference to possible drainage problems and potential flooding that the some of the local residents were concerned about. The response was sent to Matthew Lang on 29th February 2016.

16/025 Market Field Lease

To discuss any further updates or correspondence, particularly regarding any legal advice we are waiting for. To decide any further actions and discuss a potential village consultation.

We have received no correspondence or legal advice regarding this yet. The contacts we were given within TDC were unable to help. No further action for now.

We received an e-mail from Mark Parbury of ECC asking for the results of the letter we sent to the Parish asking for feedback. Mr Parbury did not respond to the questions in our e-mail dated 8th January 2016. An e-mail was sent to Mark Parbury to say that the responses we received were overwhelmingly against the proposal with only one in favour. Also that a meeting/consultation was being considered. E-mail sent 7th March 2016.

We received a letter from NALC solicitor Martin Fine to say that our Lease document and Deed of Surrender and Variation of Part are incomplete as a memorandum regarding the Deed should have been added to the Lease and the Deed should have been dated to show that happened. I e-mailed Victoria Berridge, the solicitor in Essex legal services who completed the Deed to ask if she can advise. No response so far.

We received a response from the Martin Fine regarding legal advice on 12th March 2016.

16/027 Clerk's report and correspondence

No Clerk's report. The clerk reported correspondence from Mr Diggins regarding his request for the PC to support his campaign for double yellow lines on Old School Lane near the junction with Bromley Road. Cllr Nicholls informed us that the safety partnership are considering double yellow lines at their meeting next month. It will move the parking of the lorries away from the junction.

Cllr Beard reported that he would be in favour. The clerk to share more information.

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The clerk forwarded correspondence showing that District Councillor Nicholls and Police Inspector Julia Finch are in support of the yellow lines and have sent their support to Shane Taylor, the Technical Team Leader for the North Essex Parking Partnership. Councillors were asked if they were in favour or against by e-mail 9th March 2016. The meeting to discuss the application is 17th March.

16/028 Bluegates Donation

A presentation of costs and options for the donation to be spent on.

Cllr Routledge: Option 1 – seating - has found a bench made out of black recycled plastic slats with cast iron ends for £545 inc delivery.

Option 2 – bus shelters – are expensive and we could possibly get a grant towards the cost. It's still unknown as to whether the bus stop by Oatlands will be moved.

Cllr Nicholls said that ECC could supply and fit a base for a bus shelter for no charge, he was involved in a new bus shelter for Great Bromley.

Option 3 – gateway signage – it would cost up to approximately £1,300 per gate depending on the specification. It was discussed whether there would be a sign on either side of the road.

Option 4 – a new village sign (to replace the Elmstead sign on the South Green) - would cost about £2,500. Cllr Beecham has provided a quote to refurbish the old sign for £345.

Option 5 – a defibrillator – you can get a grant £400 for up to 50% of the cost and they cost about £1,000.

Cllr Beard proposed that EPC invest in a mixture of 4 new entrance gate signs and purchase/refurbish the Elmstead sign. There would be one entrance gate sign for each entrance to the village on the left hand side.

It was amended that the Elmstead sign would be refurbished. The Bluegates donation working party are to look into the gate signs and make a recommendation to the council.

Proposed; Cllr Routledge, Seconded; Cllr Bell, all in favour

Mrs Triscott asked if the PC could source local tradesmen to make the gates. Cllr Routledge responded that they are looking for durable material, not wood.

It has been arranged for Cllrs Bell and Fairweather to meet with Tim Lane of Glasdon on 14th March to discuss the provision and cost of the gates. A working party meeting was held 7th March.

16/029 Standing Orders

To discuss (if necessary) and approve new standing orders for Elmstead Parish Council. These have been drafted by the clerk and follow NALCs model for standing orders.

It was decided for standing order 13e that the decision as to whether to grant a dispensation shall be made by the council. (In the case of a councillor having a pecuniary or non pecuniary interest in a matter to be discussed.)

It was also decided that for standing order 17c to state that the responsible financial officer shall supply to the finance committee as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise the relevant financial accounts. (Rather than provide to each councillor)

It was resolved to approve the new standing orders for Elmstead Parish Council.

Proposed: Cllr Routledge, seconded Cllr Ward.

After correspondence with the TDC monitoring officer Lisa Hastings about interests and dispensations it has come to lights that we need to make an amendment to our code of conduct (the one we adopted from TDC). I am still in correspondence regarding non pecuniary interests.

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16/030 LED lamps for PC streetlights

An update on the cost versus the potential savings, and a discussion of opinions on other factors to consider in deciding whether to change our streetlights to LED.

Cllr Redding has reservations about LED lights, the one outside the cricket club is different to all the others on Church Road. Cllr Fairweather is concerned about the lack of lighting on Church Road which could be dangerous. Cllr Redding replied that this issue was down to the gaps between lights, not the brightness of the lights. Cllr Beard agreed it would be strange having some lights as LED and some not. Cllr Routledge was in favour of doing all we can do to be more environmentally friendly.

The quote we have received from our maintenance contractor for replacing the 14 35W SOX lights we have with 14W LED lights is £85/light = £1,190. Cllr Fairweather has sourced another quote for approximately £1,500, which is more than our contractor's quote.

Cllr Beard proposed postponing the decision until we see what happens with ECC using TDC as guinea pigs for LED light replacements. It was discussed that we do not know when or if at all this will happen. No resolution.

It was proposed that EPC replace their 14 35W SOX lamps for LED lamps to reduce costs and for the environmental benefit of reduced energy consumption.

Proposed Cllr Bell, Seconded Cllr Routledge. The motion was carried with 6 in favour and 2 against.

Cllr Redding has requested that the PC consider the impact on the local bat population before taking any action. I have received sources of information from The Bat Conservation Society, a response from our lighting maintenance contractor, several items from Cllr Redding and been referred to some research by TDC planning officer Matthew Lang. Cllr Redding was also going to contact TDC planning and the local bat society.

16/032 Items for next agenda or for information only

Cllr Beard would like to see something on the agenda with the signing of the minutes item to give an update on the action points from the previous meeting.

Cllr Beard would like the village plan on the next agenda.

Cllr Routledge attended a transport representative meeting and had an update on the local bus review. The no. 77 bus will definitely carry on as it is but we don't know if it will still be run by Panther Travel.

A resident pointed out that a lot of people miss having the early bus and called ECC to let them know but they said it was not to do with them.

Cllr Redding would like a discussion about modernising some aspects of the meeting, such as having a screen to view the meeting materials. Cllr Redding to research.

Cllr Beecham informed the PC that the dip in the car park would be getting filled in tomorrow.

Cllr Ward told the PC about the Men's Sheds project where men gather and repair items for free, and teach each other skills.

Clerk is trying a new format for an update on action points!

The village plan info can be covered under March items for information only.

Cllr Redding to research into options for screening the meeting material. No need for an agenda item for March.

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Appendix 2

Elmstead Parish Council Finance Report

Closing Balances to 29th February 2016 are:

Current Account to Bank Statement Ref 780	£20,164.03
Total uncashed cheques	£2,481.80
Total of cheques below (March payments - request for approval)	£1,006.08
Balance in current account after cheques	£16,676.15
Deposit Account to Bank Statement Ref 145	£27,700.85
Estimated Overall Closing Balance - Current and Deposit	£44,377.00

Income Details for February 2016:

None	
Total income for February 2016	£0.00

Approval is requested for the following payments:

Elmstead Community Centre – Hall Hire February x 3	£48.00
Lambert Smith Hampton Market Field Rent 25/3/16-18/9/16	£450.00
Mrs A Baxter – expenses of food and drink for December PC meeting	£78.09
Pro-Mac Surfacing – repair of community centre car park	£420.00
Mr A Dingwall – dustbin for trolley	£9.99
Total Cheques	£1,006.08

Report prepared by A Baxter – Clerk & RFO
16th March 2016

- 1) We were awarded a CIF grant for £350 to cover the cost of the community centre repair which will be paid once the invoice has been paid. The remaining £70 is VAT to reclaim.
- 2) 707 have informed us that due to increased costs they are increasing their charges for collecting waste by £1 per pick up from 1st April 2016. That's an increase of 5.7% and will cost an extra £26/year. The expense is split 50/50 with the community centre so an extra £13 for the PC.

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Appendix 3

TENDRING DISTRICT COUNCIL
MEMBERS' CODE OF CONDUCT

9. Effect of Disclosable Pecuniary Interests on participation

(a) If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:

(i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.

(ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from **the Authority**.ⁱ

(b) If you have a Disclosable Pecuniary Interest in any business of the Authority you must not:

(i) exercise executive functions in relation to that business; and

(ii) seek improperly to influence a decision about that business

(c) If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

10. Effect of Other Pecuniary or Non-Pecuniary Interests on participation

10.1 If you have a pecuniary interest (other than a disclosable pecuniary interest) or a non-pecuniary interest in any business of your Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

(a) Disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)

(b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making your representations or in any other case when the business is under consideration, unless you have obtained a dispensation **from your authority**.ⁱⁱ

ⁱ Previously said "the Authority's Monitoring Officer"

ⁱⁱ Previously said "your Authority's Monitoring Officer"

Signature

Date