

MINUTES OF THE CHRISHALL PARISH COUNCIL MEETING

**Held on Tuesday, 8th January 2019 at 7.30pm in the
South Hall, New Village Hall, Crawley End, Chrishall.**

PRESENT: Cllr David Thomas (chairman), Cllr Ian Pitfield, Cllr Jane Holloway, Cllr Stephen Foote, Cllr John Kay, Cllr Sheena Lashko.

Clerk: Belinda Irons

UDC Cllr Robert Chambers

PUBLIC: 12

19.01 Apologies for absence: Cllr Tracey Slade.

The Chairman advised the meeting that Cllr Parish had resigned and that the items he was due to report on would not be covered.

19.02 Other absences: Members absent without offering apologies: none.

19.03 Declaration of Members Interests:

(disclosable pecuniary/pecuniary/non-pecuniary, personal)

Cllr Jane Holloway: School Governor: personal

Cllr John Kay: Village Hall Committee: PC representative

Cllr Pitfield: planning application Sawkins Cottage: pecuniary

19.04 Appointment of Vice-Chairman:

PROPOSAL: That Cllr Stephen Foote be appointed as Vice-Chairman with immediate effect. PROPOSED: Cllr Holloway, seconded Cllr Kay. AGREED AND RESOLVED UNANIMOUSLY

19.05 Minutes of Previous Meetings: 6th November & 20th November .

PROPOSAL: That Chrishall Parish Council herewith approve and adopt the minutes of the meeting held on 6th November 2018.

PROPOSED: seconded: AGREED AND RESOLVED UNANIMOUSLY.

Minutes of the extraordinary meeting held on the 20th November 2018: Cllr Kay advised that he supported the minutes of the meeting as they were correct, but that he had a number of issues with the Sawkins Cottage planning application response sent to Uttlesford District Council as he had not read it until today.

Cllr Holloway responded that it had been circulated to all Councillors before it was sent to Uttlesford District Council for comment, and that some Councillors had commented that it was a very good response.

Cllr Kay listed his comments which included:

A letter was sent on Parish Council headed paper that he had not read prior to it being sent and he had not agreed it.

Conservation Area: independent advice was sought but was not agreed.

Broad Green was stated as being worthy of Conservation Area status but this was not agreed.

The Parish Council included the bridge onto Jigneys Meadow from Broad Green in the objection and this was not agreed.

Many letters of objection are sent by the Parish Council which do not contain the level of detail that this objection had received.

Cllr Kay objected to sending letters which are not accurate.

Cllr Holloway responded and reiterated that all letters are circulated to all Councillors for comment prior to them being sent. An independent specialist consultant was appointed to ensure that the Parish Council was acting in a transparent manner on a Parish Councillor planning application and to provide Councillors with as much independent advice as possible, particularly as the Uttlesford District Council Conservation Officer had retired and Sawkins Cottage is a listed property.

Cllr Robert Chambers stated that there was a time period when Uttlesford District Council had a conservation officer on long term sick leave and another retire, so there was a period of time that no officer was available for guidance.

The Chairman comment that Chrishall Parish Council is not the deciding authority on planning applications. As has been said many times at Parish Council meetings, Uttlesford District Council takes the decision and may or may not take the Parish Council's comments into account.

Mr Rackham interrupted the meeting and said what was the point of holding the extraordinary meeting as there was no mention of any other reason for objection other than the site was outside the development boundary. The Parish Council decided unanimously to object to the application. He had specifically asked what would be in the letter of objection and it was stated the site was outside the development boundary and the design was not in keeping. Mr Rackham asked what was the brief for writing the letter. There were inaccuracies in the letter. Mr Rackham further stated that he had asked Cllrs Kay and Foote if they had read the letter and they stated they had not.

Cllr Kay said that he wanted Mr Rackham's statement which was read in the public adjournment at the extraordinary meeting appended to the minutes. He further commented that letters need to be more circumspect in future.

19.06 **Proposals to Members**.

Voting: Members may request a secret ballot on any item.

Cllr Foote:

PROPOSAL: that Chrishall Parish Council herewith agrees and adopts the Complaints Procedure and Form documents.

PROPOSED: Cllr Foote, seconded Cllr Kay. AGREED AND RESOLVED UNANIMOUSLY.

Cllr Foote:

PROPOSAL: that Chrishall Parish Council herewith agrees the grievance and disciplinary policies and procedures and agrees to form a Personnel Committee comprised of five Parish Councillors which will report to the full Parish Council. Cllr Pitfield questioned

the value of a personnel committee and that the Parish Council should take this role provided the Parish Council was quorate. Not carried.

Cllr Foote:

PROPOSAL: that Chrishall Parish Council herewith agrees and adopts the revised Standing Orders document. The issues surrounding recording Parish Council meetings will be assessed and the revised Standing Orders will reflect professional advice. Not carried.

Cllr Parish:

PROPOSAL: that Chrishall Parish Council herewith agrees and adopts the revised Financial Regulations document. Postponed subject to reallocation to another Councillor.

Cllr Parish

PROPOSAL: That Chrishall Parish Council herewith agrees to install loft insulation to the recommended levels, install cavity wall insulation and installs new rear doors and surrounds to a maximum sum of £2,600 (two thousand, six hundred pounds)

Postponed subject to reallocation to another Councillor.

Cllr Parish:

PROPOSAL: That Chrishall Parish Council herewith agrees to replace the entrance gate to Jigneys Meadow from the High Street in the sum of £350. Postponed subject to reallocation to another Councillor.

Cllr Thomas:

PROPOSAL: That Chrishall Parish Council herewith agrees the budget and sets the precept at £31,426 plus £45,000 recommended by Essex County Council as defence against a potential judicial review currently being pursued by a parishioner.

This item was deferred to an extraordinary meeting which was subsequently agreed for the 16th January at 7.30pm in Chapel Hall.

19.07 Public Discussion: limited to 15 minutes

Pavilion: the issue of heating needs to be added to the proposal. The improvements to the pavilion were deferred due to the roof failure at the Robert Reed Hall and now need to be addressed.

Resignation of Cllr Parish: the items that Cllr Parish was due to report on need to be reassigned to ensure they are resolved.

Sawkins Cottage: the householder expressed her deep concern at the lack of accountability shown by the Parish Council in its 11 page letter with independent report. No such report has been commissioned before. There was no record of Broad Green being considered as a conservation area prior to this planning application being submitted. The Chairman had denied having any knowledge of it. It was considered a ploy to thwart the planning application. The Parish Council had spent £1,000 on this report without seeking three quotes. There was a lack of governance and accountability.

The Chairman stated that the Parish Council had spent £250 not £1,000 but had not yet been invoiced.

Mr Rackham reiterated the points from his interruption made at point 19.05, with a further comment asking who wrote the letter and who approved it.

He further commented that Robert Reed Hall had been 'improved' solely for the use of the school and no effort to recoup the monies had been made. The lease payments would not pay the cost of the 'improvements'.

The credentials of BEAMS Ltd was questioned.

Minutes of the meetings: it was usual practice to upload draft minutes to the website prior to the next meeting. A suggestion that a deadline be put on response times to correspondence was made.

Notice of the next meeting is required.

19.08 GDPR: Data breach 10.12.18:

Breach reported to the Information Commissioners Office 11.12.18

Action: Risk assessment

Action: Prevention measures:

1. Councillors will have separate email addresses for Parish Council business or a separate website with Councillor emails only accessible through the website.
2. Councillors will ensure that all emails are restricted to Parish Councillors only.
3. Parish Councillors need to consider whether email is an appropriate form of correspondence given the high level of Parish Council communications distributed outside the membership of the Parish Council
4. All Councillors to attend GDPR training immediately

5. All Councillors to attend Data Protection Act 2018 training: Section 170: It is a criminal offence:

Unlawful obtaining etc of personal data

(1) It is an offence for a person knowingly or recklessly—

(a) to obtain or disclose personal data without the consent of the controller (Chrishall Parish Council),

(b) to procure the disclosure of personal data to another person without the consent of the controller (Chrishall Parish Council), or

(c) after obtaining personal data, to retain it without the consent of the person who was the controller in relation to the personal data when it was obtained.

Cllr Pitfield commented that he believed this was aimed at large corporations and a 'real world' sense of balance was needed.

Cllr Foote recommended the use of specific email addresses for Parish Council business. He questioned the use of attending GDPR training and did not wish to spend Parish Council funds on it.

Cllr Holloway commented that a website with email use was expensive as it had been considered previously.

Cllr Thomas commented that the Parish Council would be considering the use of a contractor to record Parish Council minutes which also had an option of hosting emails.

19.09 Chrishall Village Hall Committee: Cllr Kay

Proposed fencing to the front and side of the car park:

Report and quotes.

Some Councillors reported they did not recall receiving the documentation or had not read it. This will be resent by Cllr Kay.

ACTION: JK

19.10 Freedom of Information applications: discussion/ update

The Clerk reported that a response had been sent in relation to the first Freedom of Information submission. Further advice had been sought from EALC regarding the level of information to be provided in relation to the second application and this had now been received. A response to the second Freedom of Information submission would be sent as soon as practicable.

ACTION: CLERK

Mr Rackham interrupted the meeting again and stated that both applications had been submitted by him following a request made for information. He had sought advice from Uttlesford District Council who stated that the response was insufficient and he had thus submitted the Freedom of Information application. The Parish Council needed to get moving on its response.

19.11 Planning: Cllr Holloway

UTT/18/2938/FUL Sawkins Cottage, Broad Green

Erection of a 3 bedroom detached dwelling on land adjacent to Sawkins Cottage, accessed via a new entrance crossover; compound for ground-mounted solar panel array in field to rear of Sawkins Cottage to serve both properties.
Permission refused

UTT/18/2906/FUL Land East of Long View Mill Causeway
Proposed new dwelling including access from Mill Causeway, off-street car parking, external amenity space and associated development
Permission refused

UTT/18/2753/FUL Cedar House, Broad Green
PROPOSAL: Vary of condition C.6.12 of UTT/1829/04/FUL ('Reconstruction of existing barn and garaging to provide single storey annex and garaging') to change the wording to 'The building hereby permitted shall be considered as an integral part of the site known as Cedar House and this single planning unit shall not be subdivided, separated or altered so as to create two or more dwelling units.
Decision awaited

Appeal: Barleymans, Crawley End: UTT/18/0286/LB
Demolition of garage and erection of single storey extension with link extension to main dwelling APP/C1570/W/18/3203281
Appeal dismissed.

Cllr Pitfield questioned the Parish Council response to his planning application (Sawkins Cottage) and agreed that it was correct for a Councillor to leave the room when their planning application was being discussed. However, he felt that he had been discriminated against, that poor governance had taken place and it was unusual for a specialist report to be commissioned with correct governance being followed.

The Chairman commented that Cllr Pitfield had specifically tried to get this application onto the 6th November agenda outside the three day time limit for submission onto the agenda. The planning application was received from Uttlesford District Council on Monday, 5th November with the meeting taking place on the 6th November. An extraordinary meeting had taken place and there was thus no discrimination taking place.

Cllr Holloway responded that this has been extremely difficult as the applicants have been friends of many people for many years. Uttlesford District Council did not have a working conservation officer in place when the application came before the Parish Council or it would have asked for a professional view from that quarter. The Parish Council needed independent advice and needed to work without fear or favour.

Cllr Pitfield further commented that the specialist report had many errors. Who agreed the 11 page letter? The oversight process was suspect.

Cllr Holloway again stated the letter had been circulated and comments recommending the letter had been received.

Cllr Pitfield stated that the Parish Council had criticised solar panels and an electric car.

Cllr Holloway responded that this had been noted in a Mill Causeway application. (Note to the minutes: The Windmill Farm application had stated that electric cars charging points would make the site sustainable in terms of the NPPF and this was not supported by the Planning Inspectorate which dismissed the appeal).

Cllr Pitfield ask why the conservation area had just appeared. Oversight was lacking.

The Chairman commented that all points had been noted. He reiterated that the Parish Council is not the decision making authority.

Cllr Holloway commented that it has been very difficult to work without fear or favour.

Cllr Pitfield responded that governance needs to be addressed.

19.12 Members Portfolio Reports:

Cllr Thomas Chairman's update
Stop Stansted Expansion: update: ongoing

Cllr Holloway: Chrishall Primary School: update
The new term has begun. Landscaping is taking place to enable visitors to circumvent the area used by pre-school.
A parishioner interrupted the meeting to ask about SATs results.

Cllr Pitfield: Highways update
20mph speed limit near school: Cllr Pitfield advised that the Parish Council had agreed that a speed limit was needed around the school. The Parish Council had sought a permanent speed limit which would require additional street furniture. However, Essex County Council had advised that a temporary speed limit would be the only option available and this would require flashing lights at the times the speed limit was in place. Councillors expressed their preference for a fixed sign but agreed that a speed limit was required. The Clerk will complete the required form and return it. Cllr Chambers offered to take the request to the Highways Panel.
ACTION: CLERK

Church Road: drain blocked: scheduled for major works Reported: 2500491: on ECC website as 2501345: not requiring immediate action. To be completed by end November 2017. Chased Cllr Moran 7.2.18 & 22.2.18

Highway resurfacing: Drains remain blocked: will result in damage to new surface: email sent to Cllr Moran 13.9.18

Abrams Lane: hedge overgrown: ECC report no. 2591807.

Bury Lane/B1039 junction: overgrown vegetation: EEC report no. 2591808

Conservation Area

A parishioner interrupted the meeting and advised that a footpath sign in Crawley End was unstable and he wanted the Parish Council to follow it up.

Cllr Kay Village website: meeting update
Cllr Kay met with members of local groups and it was decided that all newsletters will be removed. All business links will be removed. The bus service will be added once information has been achieved.

Cllr Foot Legal, contract & administration
Jigneys boundary: gates on meadow/ ownership: Cllr Foote will speak with nearby householders regarding the ownership of the gate onto Jigneys Meadow from the High Street access road.

Cllr Lashko Play area: inspection update
The safety matting is still very slippery. There is rotten wood on the ship. The seats on the swings are cracked.
Play area: Annual safety assessment: recommendations
Methodist burial ground

19.13 Finance

Finance Summary: Cllrs Parish & Slade

Year End Balances:

Balance Brought Forward:	£47,331.92
Plus income Oct	£0.00
Less expenditure Oct	£686.08
TOTAL:	£46,645.84

Balance Brought Forward:	£46,645.84
Plus income Nov	£0.00

Less expenditure Nov	£5,322.39
TOTAL:	£41,323.45

Bank signatories update: The Clerk has provided Councillors with the required paperwork to update signatories.

Mr Rackham again interrupted the meeting and advised the Parish Council to use electronic banking to stop all the nonsense around changing signatories.

Bank reconciliation: this was supplied to Councillors by email.

19.14 Clerk's updates:

AED cabinet: thermostat replaced

Village sign renovation: Cllr Chambers will seek the details of the person who designed the sign.

19.15 Correspondence:

Mr G Rackham	Quotes regarding proposed replacement of village hall car park wall with knee rail and picket fencing
Mr G Rackham	request for Councillor application form
EALC	Professional guidance on budget & precept/ judicial review, costs and the precept/ PC responsibilities/ Clerk's duties/ documents for website/ updated Standing Orders/ grievance/ complaints
	Bespoke Parish Councillor training
ECC	Legal cost of defending against a judicial review
Mr D Ailes	consultants employed by the Parish Council
Came & Co	Potential claim against the Parish Council: registered with insurer
Sign of the Times	estimate for village sign renovation
UDC	Local Housing meeting: 23.1.19: Cllr Thomas to attend
	Vacancy for Co-option: The PC does not need to co-opt for the vacancy as it is now within the 6 months prior to an election
	Local Council Liaison & Election Meeting: 27.2.19
BEAMS Ltd	Listed building report
Orion Energy Solutions Ltd:	quote for pavilion insulation
ECC	application for flashing speed signs

19.16 Exclusion of the Press and Public:

RESOLUTION: 'That Chrishall Parish Council herewith invokes Standing Order 10.a.xi that due to the confidential/sensitive nature of the business about to be transacted, the dissemination of which is considered to be prejudicial to the public interest, it is recommended that press and public be excluded from the meeting until the business is concluded, and they are herewith instructed to withdraw from the

meeting' PROPOSED: Cllr Thomas, seconded Cllr Kay. AGREED AND RESOLVED UNANIMOUSLY.

19.16 Parish Council Vacancy:

Cllr Chambers advised the meeting that Uttlesford District Council had a vacancy it would not fill due to the proximity to the elections.

The Parish Council had received two applications for co-option.

The Parish Council could only fill the vacancy left by Derek Ailes as the new vacancy had to be submitted to Uttlesford District Council and its decision on proximity to the election would be required before the Parish Council could take any action.

PROPOSAL: *that Chrishall Parish Council herewith agrees to co-opt a Councillor to fill the role vacated by Derek Ailes in September 2018.* PROPOSED: Cllr Kay, seconded Cllr Pitfield. AGREED BY MAJORITY.

PROPOSAL: *That Guy Rackham is appointed as a Parish Councillor.* PROPOSED: Cllr Kay, seconded Cllr Pitfield. AGREED BY MAJORITY with one abstention.

19.18 Date of next Parish Council Meeting: Tuesday

Local Government Election: 2nd May
Declaration of Members Interests to UDC by 4th June

2019:

16th January, 5th February, 5th March, 2nd April, 14th May (APM & APCM), 4th June, 2nd July, 3rd September, 1st October, 5th November.

The new Council takes office 4 days following the elections, which would be Monday 6th May, but as that is a Bank Holiday it will be Tuesday 7th May.

So, the earliest the summons can be issued is Tuesday 7th May, allowing for required 3 clear working days' notice, the earliest date that the Annual Full Council can take place is Monday 13th May