

MINUTES OF THE CHRISHALL PARISH COUNCIL MEETING

**Held on Tuesday, 5th March 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, Cllr Guy Rackham, Cllr Tracey Slade.

Clerk: Belinda Irons

ECC Cllr John Moran

UDC Simon Pugh: Assistant Director & Monitoring Officer

PUBLIC: 5

19.33 Apologies for absence: None

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

19.35 Uttlesford District Council: Solicitor to the Council: Mr Simon Pugh
Code of Conduct:
Mr Pugh explained the pertinent points of the Uttlesford Code of Conduct to Councillors.

19.36 Declaration of Members Interests:

Cllr Jane Holloway: School Governor: personal

Cllr John Kay: Village Hall Committee: PC representative:
Declarable interest

Cllr Guy Rackham: Village Hall Committee Chairman:
Declarable interest

Planning : Cedar House: declarable
pecuniary interest

Cllr Ian Pitfield BEAMS report: declarable pecuniary
interest

19.37 PC vacancy: no applications have been received. The Clerk provided election nomination packs to Councillors at the end of the meeting

19.38 Minutes of Previous Meetings: 8th January & 5th February 2019.
Minutes of the 8th January were disputed by Cllr Pitfield. His proposed changes relating to the discussion surrounding the Sawkins Cottage

planning application had not been implemented. This was further commented on by Cllr Rackham. The minutes were not agreed.

Minutes of the meeting held on the 5th February were agreed.

PROPOSAL: That the minutes of the Chrishall Parish Council meeting held on the 5th February were agreed as a true and correct record of the meeting. PROPOSED: Cllr Holloway, seconded Cllr Lashko. AGREED AND RESOLVED UNANIMOUSLY.

19.39 Public Discussion: limited to 15 minutes

Proposed extension to Chrishall Village Hall: a Freedom of Information application was submitted to the Parish Council at the meeting.

Neil Gregory and Richard Pavitt introduced themselves as independent District Council candidates in the forthcoming Local Government elections.

Cllr John Moran reported on items relating to Essex County Council with a specific focus on libraries and highways.

19.40 **Proposals to Members** .

Cllr Foote:

PROPOSAL: That Chrishall Parish Council herewith agrees and adopts the latest version of the Uttlesford District Council Model Councillors Code of Conduct policy without amendment (based on advice received) with immediate effect. PROPOSED: Cllr Foote, seconded Cllr Lashko. AGREED AND RESOLVED UNANIMOUSLY.

PROPOSAL: that Chrishall Parish Council herewith agrees and adopts the revised Standing Orders document. PROPOSED: Cllr Foote, seconded Cllr Kay. AGREED AND RESOLVED UNANIMOUSLY

PROPOSAL: that Chrishall Parish Council herewith agrees and adopts the revised Financial Regulations document. PROPOSED: Cllr Foote, seconded Cllr Rackham. AGREED AND RESOLVED UNANIMOUSLY

PROPOSAL: That the Clerk, in the role as Responsible Financial Officer, produces a 'short-form' summary of Income & Expenditure for the previous month. PROPOSED: Cllr Foote, seconded Cllr Kay. AGREED BY MAJORITY WITH ONE AGAINST

PROPOSAL: That Chrishall Parish Council herewith adopts the Data Privacy Notice previously circulated without amendment

PROPOSAL: that Chrishall Parish Council herewith adopts the Guidelines governing the rights to record, film and broadcast meetings previously circulated without amendment and that anyone advising their intentions to exercise those rights be asked by the Chairman to sign a copy of the Guidelines to confirm that they have read and understood them. PROPOSED: Cllr Foote, seconded Cllr Rackham. AGREED AND RESOLVED UNANIMOUSLY

Cllr Lashko:

PROPOSAL: That Chrishall Parish Council herewith agrees to continue to fund the provision of a monthly green waste collection at alternate sites of outside the Red Cow and Pinkeneys provided by Uttlesford District Council PROPOSED: Cllr Lashko, seconded Cllr Holloway. AGREED AND RESOLVED UNANIMOUSLY

Cllr Slade:

PROPOSAL: That Chrishall Parish Council herewith agrees the formation of a committee of the Parish Council to manage the Brand Pavilion which will comprise one Parish Councillor with the assistance of at least one member from each user group and additional interested volunteers. PROPOSED: Cllr Slade, seconded Cllr Holloway. AGREED AND RESOLVED UNANIMOUSLY. It was agreed at the meeting that Cllr Slade will be the Parish Council nominated representative.

Cllr Lashko:

PROPOSAL: That Chrishall Parish Council agrees that both incoming and outgoing correspondence received or sent by the clerk or the chairman on behalf of the council is listed on future agendas in a schedule showing the date, the subject and the author. PROPOSED: Cllr Lashko, seconded Cllr Kay. AGREED AND RESOLVED UNANIMOUSLY

Cllr Kay:

PROPOSAL: That in accordance with standing order 9d the council appoints a subcommittee (3 members with a quorum of 2) responsible for planning PROPOSED: Cllr Kay, seconded Cllr Rackham. Three voted in favour. Four voted against. MOTION NOT CARRIED.

Cllr Rackham:

PROPOSAL 1. *That the clerk be urged to take a balanced view when carrying out instructions from the Chairman that relate to suggestions made by councillors and that the results of such investigations are presented at the next full council meeting for consideration.*

PROPOSAL: 2. *That the clerk confirms that Beams Ltd have been informed of the decision to withhold payment of their invoice for £250 and that details of their response, if any, are provided.*

Both proposals are refused. The explanation is shown below:

1: Cllr Rackham was asked to provide explanation and has not, to date, done so.

2: This proposal is in direct opposition to professional advice received: see below.

Cllr Pitfield left the meeting at 8.37pm

19.40 BEAMs Invoice:

Following the resolution at the last Council meeting not to pay an invoice to Beams for the amount of £250 plus VAT advice was taken due to the serious nature of not paying an invoice, for work undertaken, that was commissioned by the Council.

The Council at its last meeting made a decision on an item that was not on the agenda.

Council to Note: *A Council cannot lawfully decide on any matter that is not specified. (LGA 1972 sch 12 para 10(2)(b)). This legal requirement has been tested in the courts and there is case law (Longfield Parish Council v Wright (1918) 88 LJ Ch119) supporting the legality of items being discussed and making decisions which do not appear on the agenda.*

Councillors were concerned that the initial commissioning of the report was Ultra Vires.

To Note: Standing Orders version 2017 states:

Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- *the council for all items over £5,000;*
- *a duly delegated committee of the council for items over £500; or*
- *the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.*

- *Three estimates will be sought for works under £5,000.*
- *Three quotes will be sought for works above £5,000*

(Para 19 Accounts & Accounting Statement p 20)

The Chairman, Clerk and Planning Portfolio holder Councillor agreed the expenditure lawfully and within Financial Regulations.

The proposal not to pay the invoice from Beams, was not on the agenda, was therefore unsafe and the Council should now reconsider this matter.

The Councils Standing Orders (7) state that

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 4 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

As the decision not to pay the Beams invoice is unsafe Cllr Thomas proposes that the Standing Order 7 is suspended to enable the Council to re-discuss the payment of the Beams invoice.

Standing Order 27a : All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

PROPOSAL: That Standing Order 7 is herewith suspended to enable consideration of the payment of the BEAMs invoice. PROPOSED: Cllr Thomas, seconded Cllr Holloway. Five voted in favour. Two voted against. MOTION CARRIED BY A MAJORITY.

All Councillors were reminded of the Code of Conduct and any Councillor who has a Disclosable Pecuniary Interest in the report, or the content may not take part and must leave the room during any item that is discussed. Councillors with a close relationship must also consider their interest and whether they are able to take part in the meeting. (Advice can be sort from the Monitoring Officer at the UDC).

All Councillors are also reminded that failure to pay an invoice for work undertaken by a company contracted to the parish council will lead to litigation.

PROPOSAL: *The decision to commission a report from Beams Ltd, was made lawfully (see above) and the Council is requesting to approve payment.* PROPOSED: Cllr Slade, seconded Cllr Holloway. Four voted in favour. Two voted against. One abstention. MOTION CARRIED BY MAJORITY. The account will be paid.

19.41 Chrishall Village Hall Committee: Cllr Kay:

Following discussion, it was agreed that Cllr Rackham will continue to investigate a potential extension.

19.42 Planning: Cllr Holloway

UTT/19/0344/DFO 62 High Street

The detailed design of a single dwelling house associated landscape including access. Details of access, appearance, landscaping and scale following outline approval UTT/18/1822/OP:
Objection: Councillors to provide the Clerk with reasons.

UTT/18/3388/HHF 15 Crawley End

Front porch extension
Decision awaited

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

19.43 Members Portfolio Reports:

Cllr Thomas

Chairman's update:
Police have advised the level of cover available at Saffron Walden.
Noticeboards: in need of repair. Three estimates to be sought.
Audiominutes: the company will be asked to attend a meeting.

GDPR: EALC advice was that the Clerk can do the necessary work at no cost to the Parish Council.

Cllr Holloway: Chrishall Primary School: no urgent matters have been raised.

Cllr Pitfield: Highways update
20mph speed limit near school: awaiting ECC information.

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

Cllr Kay Village website: the website continues to be updated

Cllr Foot Legal, contract & administration: no further report.

Cllr Slade Youth Club update: will recommence at Easter.
Football goals: grant funding needs to be utilised or it will be lost
Pavilion: user group meeting update:
Cllr Slade read a paper which was developed by the user groups detailing the requirements of the Committee.
Pavilion : cleaning: will form part of the user group Committee duties.

Cllr Lashko Play area: inspection update: a minor repair will be carried out. Awaiting a meeting with the play area contractor.
Play area: Annual safety assessment:
A new supplier requires photographs of the play equipment
Methodist burial ground: no report provided.

Cllr Rackham:
Village Hall Committee extension to existing building to accommodate a parish office and a meeting room for up to 8 people: feasibility report,

including likely sources of grant funding to be presented to CPC at the April 2019 meeting: update: see 19.41 above.

The sale of Robert Reed Hall: Cllr Thomas read the letter from the Diocese to the meeting. The Diocese is awaiting correspondence from the school.

19.44 Finance

Finance Summary: Cllr Slade

Year End Balances:

Balance Brought Forward:	£41,323.45
Plus income Dec	£3,678.34
Less expenditure Dec	£3,689.58
TOTAL:	£41,323.28

Bank reconciliation: next meeting

Internal audit: next meeting

Unity Bank: signing documents to open account: next meeting

19.45 Clerk's updates:

Village sign renovation: contact details awaited

Parish Council insurance renewal: requirements of the insurer:
valuation survey of buildings: three quotes to be sought.

Gigaclear: main contractor has stopped all works

19.46 Correspondence:

Diocese of Chelmsford: initial letter regarding potential sale of
Robert Reed Hall

UDC Green waste weekend collection: potential
continuance of service

Dementia Friendly Uttlesford advice

David Bracey: annual play inspection service

Mr D Ailes Watching You poster

Mrs K Holland 13.7.19 school fund raising event: request for use
of Jigneys Meadow and Brand Pavilion

EACL Advice: BEAMS; LCPAS

Broadmead Leisure meeting to take place early March

LCPAS awaiting documentation

British Red Cross request for funding assistance

19.47 Date of next Parish Council Meeting: Tuesday

Local Government Election: 2nd May

Declaration of Members Interests to UDC by 4th June

2019:

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

Meeting closed at 9.31pm