

## Minutes of the Clavering Parish Council Meeting Held in Clavering Village Hall on Monday 13<sup>th</sup> June 2011

(Key to votes: P: Proposed S: Seconded F: For the Proposal Ag: Against Ab.: Abstained)

**Present:** Rebecca Stanford (Chair), Mike Patmore (MP), Brian Barrow (BB), Ron Couchman (RAC), , Richard Carter (RWC), Jenny Allan, Eggie Abrahams, District Cllr Edward Oliver, Cllr Gooding, 11 Parishioners, Clerk.

1. **Welcome by Chairman:** The Chairman welcomed all to the June meeting.

2. **Apologies and reasons for absence:** Des Abrahams (health)

3. **Co-Opt New Councillors** – three applicants had put themselves forward for three vacancies.

Mark Wilkinson, Stephanie Gill, Sarah Penman were voted as Councillors for Clavering Parish Council and uncontested. P; Richard Carter, S; Mike Patmore, F;7. All co-opted Councillors signed their Acceptance of Office immediately, counter signed by the Clerk. The Chair welcomed them to the Parish Council and felt they would provide valuable contribution to the village.

4. **Elect Vice Chair** –Richard Carter was proposed by Brian Barrow and seconded by Mike Patmore. Ron Couchman was proposed by Rebecca Stanford and seconded by Jenny Allen. A vote was taken and Richard Carter was elected as Vice Chair for Clavering Parish Council. F;6.

5. **Representatives of Village Committee's** – (RS) Eggie Abrahams and Stephanie Gill agreed to be on Village Hall Committee. Jubilee Field Committee Sarah Penman agreed. Clerk to inform these groups.

6. **Declarations of Interest on agenda items** (existence and nature)

- Ron Couchman – (Pers. Int. / Village Hall Trustee) Village Hall, Pers. Int. / Friend) – Proposal by Mr Murdoch.
- Richard Carter – (Pers. Int. / Chairman of Cricket Club) – The Chapel. (Pers. Int. / friend) Planning application for Mr & Mrs Gill on Bower House.
- Eggie Abrahams– Jubilee Field & Village Hall (prej. /On Committee) & Cricketers (Pers. Int./family neighbours).
- Mike Patmore – Bowls Club (pers. Int / Chair of Bowls Club).
- Stephanie Gill – Planning application Bower House, Mr & Mrs Gill ( Prej. / owner), Cricket Club (prej. Int / Cricket Club Secretary).
- Mark Wilkinson – Thurrocks – (Pers. Int. / neighbour).
- Sarah Penman – (Pers. Int. / friend) Planning application for Mr & Mrs Gill on Bower House.
- Rebecca Stanford – (Pers. Int. / friend) Planning application for Mr & Mrs Gill on Bower House.
- Jenny Allan - (Pers. Int. / friend) Planning application for Mr & Mrs Gill on Bower House.

7. **Public Participation session with respect to items on the agenda and other matters that are of mutual interest.**

Ron Couchman proposed that the agenda item regarding Lower Hill Green be discussed near the front of the agenda. All agreed.

A parishioner said that he was very disappointed that only 4 people turned up for litter picking and that he would like details of the £8000 paid to the Parish Council.

Mr Murdoch put forward his proposal for the management of Lower Hill Green and cited his concerns over the current management it. Mr Murdoch's revised proposal, on behalf of the majority of LHG residents, was circulated prior to and at the meeting and at the meeting. The proposal also asks for a curved path across the green (as 6 years ago) so that people could walk across the green and that he hoped all parties could come to an agreement for the future management of the greens that all parties are happy with.

Mrs Wyatt registered her concern over the grass cutting on Lower Hill Green. She believed that it had been agreed in previous meetings that the sight line should be kept to an agreed size, however this was not being adhered to and the sight lines were too large and an area over cut. She would like the Council to reinstate the agreed cutting regime.

Another parishioner suggested that the management scheme should be longer term than a year. Nettles and docks provide food for caterpillars and moths. It is important to have these plants in the mix.

Mike Rowley – The original proposal has been changed to a new proposal. Is this the final proposal? He agreed with Mr Murdoch that the current sight line was overgenerous. He confirmed that cow parsley is a wild flower and part of our natural habitat. Mr Rowley does not agree that another path should be cut across the green and that it is possible to walk with ease without paths. Most of the quotes from bug life in the proposal are not relevant to this environment. We should treasure LHG as it is as a very old village green. Has been surveying the greens for the red malachite beetle and all insect numbers are down due to adverse weather. On the 29<sup>th</sup> October the Working Party will convene on Dick Ball Meadow.

Mrs Melody Carter read out a statement for the PC *“At the Annual Parish Meeting I stated I had been advised that monies collected by councils under the Crowe Act should not be spent without caution, as [a] number of test cases were pending. In such cases if judgement were in favour of the claimants, the CPC might well find itself having to repay any of this money it had spent. Cllr Couchman saw me a few days later and asked me to substantiate my statement. I have spoken again to my barrister friend, who is indeed a QC, and the advice regarding extreme caution remains unaltered. There are no lists of cases pending, both for legal and logistical reasons and also because the Courts encourage protagonists to settle before putting their cases before a judge and thus cases are often settled or withdrawn. Equally, it is not possible to state that there will be no trial cases, because again there are no records to confirm or deny this. In addition, I have spoken to two other friends, both senior partners of different, respected solicitor firms, with a least 55 years experience between them. Their advice was most definite; the CPC should either consult a leading barrister in this field for his learned opinion on the matter, or better still, should instruct solicitors to put its plans for spending the money before a court in order to obtain a judicial ruling. In this way the responsibility, if there should ever be a counter claim on the money would lie with the court. A judicial review would be likely to take 4-6 months. Both solicitors emphasised that the CPC would be very unwise to proceed on its own authority and both reminded me that individual councillors who voted to spend the money without seeking judicial advice, might very well be personally liable. I hope this substantiates my statement for Councillor Couchman, as I have called in favours from personal friends who are well trained and experienced in the law.”*

Edward Oliver – Wanted to confirm that the Clerk had sent information relating to the Data Protection Act by the Information Commissioner. Clerk confirmed she had and that new councillors would be sent the same information.

**8. Minutes of the last meeting held on 9<sup>th</sup> May 2011.** Richard Carter contested item 21, Page 750, the last sentence as he believed the wrong area to be cut had been placed in the draft minutes. Rebecca Stanford was uncomfortable that Ron Couchman and Richard Carter did not cut the grass together and grass cutting was actioned when minutes were still in draft and not signed off. Brian Barrow confirmed that item 11.3 the investigations should read Richard Carter not Ron Couchman. The minutes were then signed as an accurate record by the Chairman.

**9. Clerks Report:** Distributed prior to meeting for review.

- Rebecca Stanford – item 22 meeting to be arranged in July regarding Playing Fields and Youth Club.
- Ron Couchman - item no 16. Mike Patmore has emailed Essex County Council last week and is awaiting email confirmation. Berden cross road is dangerous.
- Ron Couchman – item 10. Quarterly finance report to be placed on village web site. Jenny Allan to check first. (Clerk to forward to Ben Hartley, Administrator).

Correspondence;

- i. Home Start – request for a financial contribution. Last year RAC confirmed that we donated £50. P;RAC S;RWC, F; 10
- ii. Dog Barking – Clerk confirmed letter received and liaison with the Animal Warden at Uttlesford District Council. The complainants were looking for assistance from the Councillors. Councillors confirmed that this was the role of the Animal Warden only.
- iii. UDC – Letter requesting help in relation to Open Space, Sports Facilities and Playing Pitch Strategy. Richard Cater will assist the Council with their request.

Ron Couchman suggested that Chair and Vice Chair attend a training course and that new councillors attended training too. Jenny Allen suggested that this item goes on the agenda for July (Clerk)

## 10. Risk Assessment Record Update.

- Nothing to report

11. **Finance** (Ron Couchman is RFO for Clavering Parish Council). The Financial Report was forwarded prior to the meeting. Of note; No councillors over the age of 75 are insured unless a doctor's note is in evidence. Councillors over 85 will not be insured. Ray Lomas's name to be removed from the insurance cover. Ron Couchman to seek clarification on cover.

Ron Couchman clarified position on 'gifting' and VAT recovery.

### 11.1 Annual Audit Report

To submit the Annual Audit Report P; Rebecca Stanford, S; Jenny Allen, F; 10. Rebecca Stanford and Jenny Allan confirmed they had reviewed all figures in the report and were satisfied the figures reconciled. Ron Couchman read out all questions relating to the Annual Governance Statement and all councillors confirmed their responses. Rebecca Stanford would like to place Easement money on the next agenda and seek legal advice. Ron Couchman has investigated alternative banks in order to seek more favourable interest rates on the Easement Money. Jenny Allan suggested that two accounts were held; One for Easement and one for all other. P; Ron Couchman, "That Ron Couchman will visit the Financial Director of Saffron Walden Building Society assuming the interest rate is significantly more than current the money in the easement acct is transferred to a one year bond and close down the current deposit account." S: Richard Carter, F: 10.

11.2 **Monthly Budget Sheets.** Receipts and Payments/Bank reconciliation – all reconcile.

11.3 **Invoices Received.** Opening Book Balance: £4963.12  
Paid In £8000.00  
Uncashed Cheques & expenses; £3799.92

To Whom	Date	Invoice	Net	Vat	Total
Clerk Salary (inc. 1.5 hrs overtime)	May	007			387.81
• Expenses inc BT and Stationery (Clerk)	May	007	105.13	23.38	128.51
Citizens Advice Bureau	June 2011				50.00
Mark Gilbertson	12.5.11	10056	185.00		185.00
Essex Playing Fields Association	12.5.11	April 11	25.00		25.00
Acumen Wages Services	27.5.11	8753	37.50	7.50	45.00
Clavering Village Hall	25.5.11	D54			18.75

Closing Book Balance

£9163.20

P: RS to pay all invoices S; Brian Barrow, F:10

## Planning from UDC

### Received – (note declarations of interest point 3).

UTT/0826/11/TCA	Fell 1 Cherry Tree (TPO)	Dancey's, Middle Street, Clavering	No objection
UTT/0822/11/FUL	Single storey side extension	Russets, Honey Lane, Starlings Green	No objection
UTT/0892/11/FUL	Demolition of conservatory and erection of single storey front extension	Bower House, High Street, Clavering	5 members left. No objection.
UTT/0233/11/FUL	Change of use of land for tennis court with adj. Track and hard standing. New to this application is the Ecology Report.	Thurrocks Manor, Valance Road, Clavering	No objection
UTT/0846/11/FUL	Erection of Photovoltaic solar panels on grain store	Thurrocks Farm, Butts Green.	No objection
UTT/0836/11/FUL	Change of use from highway to private land	Blackbird Cottage, Wicken Rd	No comment
UTT/1004/11/LB	Removal of existing render and replace with lime mortar.	Yew Tree Farm House, Ford End	No

Replacement windows and internal alterations and repairs.		objection
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**Determined.**

<b>APPLICATION No.</b>	<b>DEVELOPMENT</b>	<b>LOCATION</b>	<b>Dec.</b>
UTT/0355/11/REN	Renewal of planning approval UTT/0191/08/ful for the erection of rear extension.	Allington House, Arkesden Rd	CA
UTT/0418/11/FUL	Removal of condition C90 of approved planning app. UTT/1515/90 "The first fl. Residential accommodation shall be occupied only by persons employed in connection with the operation of the shop..."	M&M Supermarket	UA
UTT/0410/11/LB	Removal of existing glass roof to conservatory and replacing with natural slate	Bridge Cottage The Druce Clavering	CA

**Key; UA = Unconditional Approval, CA = Conditional Approval, RF - Refused**

**Investigations.**

- New Cases: No notifications
- Under Investigation: No notifications
- Case File with Legal: No notification this month
- Investigations Closed: 1 this month

<b>Planning</b>	<b>Address</b>	<b>Date Closed</b>	<b>Conclusion</b>
<b>ENF/282/10/B</b>	Saphal, Wicken Road.	<b>May 2011</b>	Alleged breach of planning control fencing over 2m betw. boundaries. Fencing has been in place beyond the timescale when enforcement action may be taken.

**12 Access and Greens.**

- Cricketers P; RS vote to continue to discuss out of committee S; Richard Carter, all in favour. Rebecca Stanford read out a final letter relating to 'Land Adjacent to the Cricketers Public House' forwarded to her by the Council's solicitors on the closure of the sale.
- Ron Couchman's motion; *"The Parish confirms the sale of land compromising of the rear access road to the Cricketers Public House and land between it and the building, to Market House Hotels Limited for £8,000. Having commissioned a report by the District Valuer in 2007 the Council considers this to be the best consideration that can reasonably be obtained. An annex to be attached to the minutes explaining the circumstance of the sale."*

Richard Carter and Rebecca Stanford confirmed that in the last minutes in Committee the money was to be placed into an account 'Parish Land Maintenance Fund' and were happy in principle with the statement wording distributed by Ron Couchman.

(Eggie Abrahams excused himself and left the meeting 9.50pm).

P: That a statement be placed as an annex to these minutes as an explanation to the sale of parish land to Mr & Mrs Oliver. P: Ron Couchman, S: Rebecca Stanford, F:9.

Mr Howland was invited to make comment. He enquired if the initial £650 paid by the Council was included in the £8000 paid in recently? The Vice Chair gave a brief background explanation to the situation at the Cricketers Public House to the public. Mr Howland checked and had it confirmed that the balance of money for placing in the fund only excluded the legal costs. He asked if all the monies

spent, including contractors etc., could be subtracted and the fund would then accurately contain money left after sale and all expense removed. Rebecca Stanford and council agreed it was a valid point. Ron Couchman to check all items spent to provide a revised total. The expenditures from our current account will then be repaid from the income from the sale of land.

b) Greens

- i. Stickling Green Update; Clerk confirmed letter from Land Registry had been sent to Weld & Bevan for their interest and no response received in return.
- ii. Proposal for Management Regime – Lower Hill Green (Keith Murdoch on behalf of ‘Most Residents of Lower Hill Green’) a revised proposal by Mr Murdoch was received today. All Councillors were given the opportunity to state their current views. Rebecca Stanford asked Mike Patmore to confirm the current cutting regime for Lower Hill Green. To summarise the Chair made it clear that feelings run deep both in the council and the public on this subject and that when the decision is to be made it would not please everyone.

- Lower Hill Green – letters & emails received. The Chair thanked all those who had taken the time to write to the Councillors with their views on the proposal. Namely; 11 in total. Louise Oliver, Jenny Wyatt, Jackie Cooper, Chris and Alwyn Bessant, David Laing, Veronica Gilbat, Mr Balaam (on behalf of the Balaam family), Jeremy & Kathie Jewitt, Duncan Sivel (Biodiversity Officer).

- Motion by RAC

*“For the remainder 2011 the vegetation on that part of Lower Hill Green between the driveways to Hill Green Cottage and Willow House, be cut regularly to the height of about 2/3 inches with the object of eradicating the Injurious Weeds of Broad leafed Dock and Ragwort also Cow Parsley, Stinging Nettles. Areas not invested with these weeds cut with the ‘annual hay making cut in early June.’”*

Best Kept Village – Ron Couchman completed this paperwork for the last 2 years and when he suggested that the greens were an eyesore and outside the parish council control the score was rated 10/10.

MP reconfirmed that as we voted on a regime under six months ago it cannot be changed.

P:RAC, S:EA, F:8, Ag:0, A:2.

P: Mark Wilkinson, that Mr Rowley cuts Lower Hill Green from the pond to Mr Murdoch’s avoiding the orchids within the next two weeks. Cuttings to be moved to the allotments. Mr Murdoch offered his assistance. F; 9.

- c) Grass Cutting update. MP confirmed all cutting was going well.
- d) Access Licence - The Chapel; RS confirmed that she and MP had met the Surveyor on Friday.

13. **PROW.** (Public Rights of Way). Nothing to report.

14. **Village Organisations.**

a. 75<sup>th</sup> Anniversary of the Village Hall 2012 (MP). Defer to next meeting.

b. Haynes Barlee – Richard Carter. Harry Cook has applied for the grant and the trustees will discuss.

15. **Allotments (MP)** – With the money raised from their open day, the Allotment tenants would like to purchase a notice board.

16. **Request for funds Bowls Club and Village Hall (RAC)** – Mike Patmore left the room. Rebecca Stanford commented that the village hall holds £31765.99 in their funds. Ron Couchman did not speak on this matter. Bowls Club – It was felt that there are many organisations in Clavering and not all of them can be helped. Cllr Gooding suggested that Virador or Biffa may be able to assist with funding for these organisations. That the Parish Council refuses the request for funds at this date. P; Rebecca Stanford, S: Brian Barrow, F: 7, Ag: 1 (Mike Patmore not present). Clerk to inform the Village Hall and Bowls Club of their denied request.

17. **Update of Youth Club (RS)** – Rebecca Confirmed that she will attend a meeting on the 22<sup>nd</sup> July.

18. **Diamond Jubilee Initiative (RWC)** – Defer to next meeting

19. **Telephone Booth Insurance Details.** (Ron Couchman). The Telephone Booth is insured.

20. **Pond Clearing (RAC)** – Clerk has placed this item on the agenda for September.

21. **Proposals by John Smith, Speedwatch Group and Ron Couchman;**

- a. *“Will the Council set up a Highways Committee?” John Smith*

- b. *“That the council set up a Speed Limit Committee. The terms of reference being to pursue the introduction of a 30mph speed limit on all appropriate roads in Clavering with the authority to communicate with all relevant parties and to correspond with them via the Clerk. The Committee to determine the dates of its meetings. The members to be three councillors and one non Councillor Member to hold office until the next annual meeting. RAC*

P: Ron Couchman, S:Rebecca Stanford, F:9. Rebecca Stanford and Sarah Penman would like to volunteer

**22. Cllr Gooding – update Speed limit.** Things are moving forward at a slow pace. A survey is currently underway in the area and Wicken Bonhunt and Clavering to be dealt with as a single entity. It is unlikely that there is funding in this financial year. Cllr Gooding is happy to work with the Speed Limit Committee if available. Cllr Gooding made the council aware that there are 1600 children in Essex need help from the county and care and Foster Carers are required desperately. Cllr Gooding will write an article for the newsletter as volunteers are required to help.

**23. Report for Highways on any damaged signs, roads and railings** (Clerk); Pothole by the Pond on the corner on Mill Lane.

**24. Matters to be raised by members for the next agenda.** Deferred items above.

**25.** Change date of July meeting & village hall dates (RS) Both Chair and Clerk that are unable to attend this date. Suggest that the meeting takes place on the 25<sup>th</sup> July. Clerk to check if the Village Hall is available. There will be no meeting in August as last year.

**26. Date of next Meeting 25<sup>th</sup> July 2011 at 7.30pm**

Chairman  
Clavering Parish Council

The meeting closed at 10.25pm

## **Annex to Minutes**

### **STATEMENT RELATING TO THE LAND ON THE NORTH SIDE OF THE CRICKETERS PUBLIC HOUSE.**

In 1974 the Council obtained use of land on the north side of the Cricketers Public House by adverse possession. At that time an access road to the rear of the public house was established on the understanding that the land was owned by the parish council and that the road was to be maintained by the proprietors.

In 2006 the Council registered this land with the Land Registry under Possessory Titles No's EX762225 and EX 763149.

After protracted negotiations the sale of those parts of these titles to the south of the north kerb and of the rear access road was agreed, for the sum of £8000. Having commissioned a valuation report by the District Valuer in 2007, the Council considered that this was the best result that could reasonably be obtained, bearing in mind the cost of a new valuation report and the need to conclude the sale quickly in case the other party withdrew its offer. Of this sum £5040.15 would be regarded as a Capital receipt with £2959.85 as revenue expenditure.

Clavering Parish Council