

RETTENDON PARISH COUNCIL

Minutes of the meeting of the Council held remotely on Tuesday 15th December 2020.

Councillors attended the meeting through digital link.

Present: Cllr Mark Fleming (Chairman)
Cllr Hazel Dale Evans
Cllr Denise Fleming
Cllr Roy Hart
Cllr James Knight
Cllr David Phillips
Cllr Ray Ride
Cllr Barbara Wright

There were three members of the public in attendance.

135-20/21 To Receive Apologies and to approve Reasons for Absence

Apologies were received from Cllr Cottee and were approved by the Council.

136-20/21 Declarations of Interest on Items on the Agenda

Cllr Hart declared a non-pecuniary interest in Items 141(f) and 142 as a trustee of the Bell Fields charities.

Cllr Ride declared a non-pecuniary interest in Items 141(f) and 142 as a trustee of the Bell Fields charities.

Cllr Wright declared a non-pecuniary interest in Item 143 due to her position as compiler of the Rettendon & Battlesbridge newsletter.

Cllr M Fleming declared a non-pecuniary interest in Items 141(f) and 142 as a trustee of the Bell Fields charities.

Cllr D Fleming declared a non-pecuniary interest in Items 141(f) and 142 as a trustee of the Bell Fields charities.

137-20/21 Public Forum – strictly 5 minutes only per speaker

The Chairman said that following the last meeting, he would like to remind those attending Council meetings that the Public Forum was for members of the public to make representations about agenda items. He said councillors had the opportunity to speak under each agenda item. He said allowing councillors to make statements was potentially disruptive and brought forward agenda items, and it was not for councillors to contribute during the public forum. He said the provision of a response from councillors on issues raised was at the discretion of the Chairman.

Signed _____
Councillor M. Fleming, Chairman

The Chairman said that councillors had been speaking over each other and the Chairman at previous meetings. He said he would remind councillors to show respect to each other and to speak through the Chair. He said those councillors present on video should raise their hands, and he would call on councillors attending on audio link only to make sure they had their chance to speak.

A resident referred to Item 145-20/21 and said this area had been inundated with anti-social parking over the past few years, including commercial vehicles and coaches. He said damage had been caused to the verges and the parking was dangerous for pedestrians. He said vehicles blocked the view of oncoming traffic and in poor weather the verges became a quagmire and would cost a lot to repair. He said a clearway was a useful measure, and that further measures were possible but would cost money.

138-20/21 To agree the minutes of the meeting held on Tuesday 24th November 2020 as a true record for signature by the Chairman at a later date

The minutes of the meeting held on Tuesday 24th November 2020 were agreed as a true record for signature by the Chairman at a later date.

139-20/21 To agree the minutes of the meeting held on Thursday 3rd December 2020 as a true record for signature by the Chairman at a later date

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140-20/21 To receive the Essex County Councillor and Ward Councillors' reports.

Chelmsford City Councillor Paul Clark had sent his apologies.

He had sent a written report stating that there was very little to report except the continuing advice to stay up to date with the fast moving changes to COVID 19 restrictions, via the websites at CCC and ECC.

141-20/21 To receive reports from the following:

a) Village Hall Committee representative

There was no report to receive.

b) Parish Survey Working Group

There was no report to receive.

c) Bus Shelter Working Group

There was no report to receive.

d) S-Type Security Working Group

There was no report to receive.

e) Sonters Down Play Area Working Group

There was no report to receive.

f) Bell Field Trustees

The Chairman of the Bell Fields Trustees gave the following report:

“The trustees appreciate the invitation from the Parish Council to provide an update on their activities and are pleased to do so in the interest of openness and transparency.

1. Since our last report to the PC, we have received a quote from an appropriately qualified contractor for the work he recommends to restore the UBF football pitch to a playable condition. We are seeking at least one other professional opinion and of course hoping that they recommend similar work. Once this is done we shall be happy to share further details with the PC. We are advised that rather more substantial work is required to effect a lasting repair to the goal mouths. We continue to engage with Barclays Bank to add signatories to the account that the 2 charities currently share. Once this is done we can consider setting up a second account so that each charity has its own account.

2. As we understand the situation, the 1861 Inclosure Award, without any amendments, remains the governing document for both charities. We have drafted simple straightforward updates to the governing document with the sole purpose of adding current best practice in terms of governance. For example, some rules for trustee meetings and how decisions are made and recorded. To be entirely clear, the trustees seek absolutely no change to the purpose of either charity. We are aware that trustees appointed previously have sought to change the governing documents for both charities and look forward to their further cooperation in providing all the records we've requested. Once we know for sure that there have been no amendments effected, we propose to submit our amendments. However, before doing so, and to promote openness and transparency, the trustees intend to provide the pc with sight of the amendments.

3. The trustees have discussed the need for repairs to the boundary fence around the northern end of the UBF. With no current access to the charity's funds, and with the PC considering the question of who owns the land and who might therefore be responsible for maintenance of the fence, we conclude that any immediate repairs will have to be funded by the PC either as the owner of the land or as a grant to the charity.

4. We continue with our responsibility to ensure that the records of the 2 charities are accurate and complete and look forward to the further cooperation of the previously appointed trustees in providing additional documents. (A list of apparent gaps in the charities records has been compiled and shared.)

5. Finally, we must share our concerns around the records of the 2 fields held by HM Land Registry and the Official Government Custodian. The previously appointed trustees are on record as seeking approval from RPC to transfer the title (in line with advice they received), but at some point decided to execute the transfer without approval from RPC. Both HM LR and the CC rely on self-certification of the applicant and hence updated their records on the basis of what they assumed to be valid applications. Further, the transfer was to an entity that appears to be without any legal foundation. We do have concerns about the completeness and accuracy of record keeping by the previously appointed trustees and the general lack of evidence of effective governance. Of course, significant further disclosure by the previously appointed trustees may serve to address these concerns and we very much look forward to being able to report accordingly to the PC in the near future.”

142-42/21 To agree a statement from the Parish Council regarding the Bell Fields dispute (as circulated previously).

A statement from the Parish Council regarding the Bell Fields dispute was circulated as circulated prior to the meeting and is attached as Appendix 1 to these minutes.

143-42/21 Finance

To agree to authorise invoices for payment, receive copy Bank statements and details of expenditure to date.

Invoices were authorised for payment as listed below:

PKF LittleJohn	External Audit Fee	£360.00
EALC	Training	£72.00
S-Type Security & Solutions Ltd	Security Patrols	£420.00
Rettendon & Battlesbridge Newsletter	Newsletter article	£25.00
M Fleming	Expenses – Zoom	£263.95
K Kane	December salary	£730.36
K Kane	Mileage	£31.50

Cllr Wright had declared an interest in the payment to Rettendon & Battlesbridge Newsletter and abstained from voting on that payment.

144-20/21 To agree the response to planning applications notified to the Parish Council as statutory consultee (Appendix A)

Signed _____
Councillor M. Fleming, Chairman

None received.

- 145-20/21 To consider and possibly agree a response to THE ESSEX COUNTY COUNCIL (CHELMSFORD CITY) (PROHIBITION OF WAITING, LOADING AND STOPPING) AND (ON-STREET PARKING PLACES) (CIVIL ENFORCEMENT AREA) (AMENDMENT No.22) ORDER 202***

It was agreed that the Council fully supported this proposal.

- 146-20/21 To consider and possibly agree to adopt the following:**

- a) **Financial Reserves Policy**
- b) **Remote Meetings Policy**

This Item was deferred.

- 147-20/21 To receive a report on the Parish Council's defibrillators**

The following report was received from Cllr Wright:

The defibrillators have been regularly checked to ensure the batteries are operational and that all pads and batteries are in date.

The maintainer asked me to check to ensure there was power at Battlesbridge and at the Bell, Rettendon Common, as the lights did not seem to be coming on and he was not sure the heaters were working.

I checked with the hall supervisor at Battlesbridge, and the Bell landlord at Rettendon Common, to check that the power was still on at their sites and they assured me there was power.

Checking each unit, I used some switch cleaner to ensure the switches at both boxes were operating properly. I have also checked the one at the Village Hall, which was working correctly. The ones at Battlesbridge and the Bell are more exposed to the weather than either the village hall or the one at Hayes Park.

The heaters at the boxes needed checking when the temperature was under 5 degrees. I have since checked and they are working perfectly.

Unless some incident happens none of the pads and batteries will need to be replaced until at least February next year.

The Chairman asked if any of the defibrillators had been used since the last report was given.

Cllr Wright confirmed none had been used.

The Chairman asked how expenditure on the defibrillators looked against the budget.

Cllr Wright said expenditure was under budget.

Cllr D Fleming asked if the Council was paying for maintenance.

Signed _____
Councillor M. Fleming, Chairman

Cllr Wright said that the person who looked after the defibrillators had been offered payment for maintenance but he had declined.

Cllr D Fleming suggested that instead a donation to the Air Ambulance could be added to the next agenda.

148-20/21 To agree to support the submissions put forward by Woodham Infrastructure Group to CCC Policy Board regarding the Masterplan – Land North of South Woodham Ferrers SGS 10 – Ref No: 20/00002/MAS (as previously circulated)

It was **agreed** to support the submissions put forward by Woodham Infrastructure Group to CCC Policy Board regarding the Masterplan – Land North of South Woodham Ferrers SGS 10 – Ref No: 20/00002/MAS (as previously circulated)

149-20/21 Reports from Councillors on Council activities since the last meeting.

Cllr Wright said she and Cllr Cottee had attended the EALC Health & Well-Being Conference which had included information on environment and climate change. She said she hoped to bring information to the next meeting to form a Working Group to work on a Health & Well-Being Plan for the Council.

Cllr Dale Evans said she noted a third proposed solar farm in the vicinity of the parish.

She said she had read a Statement of Community Involvement with regard to Neighbourhood Plans and she said she would bring this to a future meeting.

Cllr D Fleming said the LHP would not look at reducing the speed limit on the Woodham Road and said they had suggested a gateway.

She said after Christmas she would be speaking to local residents to take this matter further.

She said she had sent a reminder to ECC Councillor Kevin Bentley about the footpath on the Woodham Road and that she would consider trying to add this to the LHP agenda.

Cllr Hart said the bus shelters in Battlesbridge had been cleaned.

He said two very high tides had been experienced in Battlesbridge but that there was a useful network of cooperation.

150-20/21 Date of the next Parish Council Meeting: To be confirmed.

It was agreed that the next meeting would be held online on Tuesday 19th January 2021 at 7.30pm.

Signed _____
Councillor M. Fleming, Chairman

Appendix 1

Following a statement read out by a councillor at a meeting of Rettendon Parish Council on Thursday 3 December 2020, the Parish Council has agreed the following response:

- 1. As far as the Parish Council is concerned, this dispute arose because individuals appointed by the PC in May 2013 as trustees for charities 271479 & 271480 (Allotment for the Labouring Poor, and Allotment for Exercise and Recreation) declared themselves as self-appointing, refused to stand down at the end of their 4-year appointment, and refused to acknowledge the appointment of trustees by the PC in July 2017.**

- 2. The councillor alleges the PC has asserted that they were not a trustee. This is not the case: the PC sought to confirm that the trustees it appointed in 2013 were not able to self-appoint. This in turn led to the question of whether the PC itself is the sole trustee (as a body) or it has the authority to appoint trustees for a finite term. Item 88 in the final judgment states “The conclusion I have reached in this judgment simply means that the solution preferred by Mr Hart and the other defendants – namely that the management of Bell Fields and the Charities has been permanently taken away from the Council by their appointment as trustees – is wrong in law.”**

- 3. The councillor asserted that the PC was having to “massage the budget” for the next financial year and having to abandon “important local projects.” The PC, with the guidance of its Responsible Financial Officer, continues to adhere to the highest standards of public administration, as evidenced by the annual report of its auditor. The PC has discussed and agreed its budget in full view of the public. The councillor is invited to identify the “important local projects” that have been abandoned.**

- 4. The councillor referred to “councillors who pursued this action.” The PC wishes to clarify that the action was pursued by Rettendon Parish Council itself, following a series of resolutions by the council, and not by individual councillors.**

Signed _____
Councillor M. Fleming, Chairman